RECALL LAW IS SELF ACTIVE

Prominent Attorneys Give Views in Opposition to the Stand Taken by Mayor Simon — Safeguards Public Interests.

Attorneys of Portland take issue with Mayor Simon regarding the expediency and effectiveness of the recall. They contend that it is not ineffective, and back their opinion with the decisions of the supreme court. They declare it is not a farce, and tell why they hold to that opinion.

Mayor Simon, stirred doubtless by the contemplated action of the Central Labor council in moving for his own recall from office, has made the statement that the law as enacted by the vote of the people at the last general election, is non-active because the legislature has never put the finishing touches to it. According to the mayor, it will be necessary for the legislature to fix the percentage of voters necessary to legalize the recall petition before the constitutional amendment can be put into action.

This, the mayor holds, is necessary, because the recall amendment stipulates that "There shall be required 25 per cent, but no more, of the number of electors who voted in his district at the preceding election for justice of the supreme court to file their petition demanding his recall by the people." The mayor then points to the later clause of the amendment which says: "Such additional legislation as may aid the operation of this section shall be provided by the legislative assembly."

Says Law Is Not Active.

The mayor argues that this reading of the amendment makes it apparent that legislative action is intended to fix the percentage of signers for all recall petitions, wherefore the law is not yet active, because no legislative action has been taken. He also says that the law is a farce, because there were laws by which the conduct of officials could be regulated through impeachment.

"It is a sudden question," said C. E. S. Wood, well known as one of the most capable attorneys of the city and state, "and I can give only an off hand opinion of the subject.

"In my belief, though," continued Mr. Wood, "the amendment is self active. All of the intiative amendments stand in the position of being, and are intended to be construed as laws, as well as parts of the constitution of the state. The clause providing that the legislature can aid the operation of the amendment means that as the state grows and the 25 per cent named grows burdensome, the assembly may modify this percentage. Unless the legislature should take this action the 25 per cent named shall stand as the percentage effective under the terms of the amendment. The amendment requires no legislative action to make it effective, it is effective now.

Says Law Is Good.

"As to the merits of the law, I disagree with Mayor Simon. The recall amendment stands in the same relation to the public officials of the state as the referendum does to the legislators. It is a whip to keep them in check and force them to fulfill the duties and observe the bounds of their positions. It is a safeguard to insure their good conduct.

"The state may not need the recall for many years, but if the time ever comes when it is needed, it is here and ready to be applied. In my opinion it would be better that many attempts be made to apply it, and these attempts be met with failure than that the state be in a position of not having its remedy when it is really needed. I am very much in favor of the amendment, and consider that its enactment was wise, and its provisions are not only feasible but expedient.

"To exercise the recall there must be two conditions existant; there must be 25 per cent of the voters demanding it, showing that there is public sentiment back of it. There must be the facts back of the movement to sustain it. When these two conditions are found then the recall is needed. Then it is both expedient and justifiable, and I am in favor of it."

Passed on by Courts.

"The recall is self active, in my opinion," said John F. Logan. "This question was settled by the supreme court when the original initiative and referendum amendment was before it for consideration on the same question of percentage. According to that decision, if the legislature at any time sees fit to fix a definite percentage for the petitions, it may do so. If it does not see fit to do so, then the 25 per cent named in the amendment itself holds as the percentage required. That is all there is to that part of it.

"As for the other argument, it is not for any one to say that a law is bad policy. It is on the books, and it is there to be obeyed.

"It is an insult to the intelligence of the people of the state for any one to say that they will not use a power placed in their hands in a reasonable manner. Let the law be given a trial first. If it is abused, then repeal it.

"The question of policy is for an argument to the legislature or to the people, and not to the court. The people put the law on the statute books, showing that they wanted it there.

Up to the People.

"The people make the laws, and they have a right to change them. If they did not like the means they had for controlling their public officials and substituted the recall amendment for the old laws, they had the right to do it. And it has been my observation that when the people change a law, then the change is for the better."

"If the laws which provide for removal of an official for cause, for impeachment, for removal for violation of oath of office are good, then the recall can do no harm," said Thomas G. Greene. "It is simply a cumulative measure, one that provides the people with an added safeguard against incompetent and dishonest officials."

Slow Digestion

A Frequent Form of Stomach Trouble Readily Cured by Stuart's Dyspepsia Tablets.

This complaint constitutes one of the most common forms of dyspepsia. It is the bane of those who ignore natural laws, and forget that the healthy action of the stomach is dependent on the condition of both body and mind. Those whose pursuits oblige them to pass much of their time within doors; men of letters, and of business, whose minds are seldom perfectly relaxed; administrators, speculators, financiers, and the various professional men fall ready victims to it. Slow digestion occurs in persons of all temperaments and habits, but oftenest in those of irritable, or nervous disposition, and anxious aspect of countenance, who are popularly characterized as "dyspeptic looking." Eating too rapidly is a common, exciting cause of the disorder, as is also imperfect mastication of food from loss of teeth.

There is also a deficiency of the gastric juices, and an insufficiency of the motor and muscular, or churning movements of the stomach walls, and the food remains entirely too long in this organ, instead of being passed down into the small intestine at the proper time.

Even a dinner not exceeding the ordinary limits is followed at varying intervals, but usually within an hour, by a feeling of weight and oppression in the stomach. For several hours afterward the person experiences decided discomfort, and should even a light supper be taken, horrible nightmare and troubled dreams are certain to result.

"I should be quite well, if it were not necessary to eat," is a common statement made by sufferers from this form of stomach complaint. Many of them actually dread the approach of meal time, knowing what disagreeable symptoms they are sure to experience after eating; and would doubtless discontinue the ingestion of food into their stomachs altogether if it were possible to live without eating.

There is really no necessity whatever for depriving one's self of the pleasures of the table, or to starve the rest of the system, because the stomach is derelict in its duty, and does not digest the food as quickly or as thoroughly as it should.

Stuart's Dyspepsia Tablets compel the stomach to perform its functions properly and assist it very materially in the discharge of its duties, a single grain of the principal digestive ingredient of these tablets being sufficient to digest 3000 grains of food. They not only digest the food, however, but also tone up and strengthen the peptic glands, and the motor functions, so that the food will not remain in the stomach longer than necessary. Every case of slow digestion and all other forms of dyspepsia are readily curable by the use of these tablets, which make up the gastric deficiency, and supply the disordered stomach with exactly the same digestive juices that are found in a healthy, vigorous stomach.

Purchase a package of these wonderful digestors from your druggist today for 50 cents and cure yourself of your dyspepsia. Send us your name and address, and we will forward you a sample package free. Address, F. A. Stuart Company, 150 Stuart Building, Marshall, Mich.

DEATH PLAYS TO HUGHES' HAND

Vacancy May Be So Filled as to Make Him Dictator in New York.

New York, Nov. 1.—Governor Charles E. Hughes is in a position today to secure and hold the Republican organization in this state so that it will be solidly behind him in the next national campaign. For the first time since he became a prominent figure in the politics of the state he will be able to take over the leadership of the party organization, if he appoints a practical politician, loyal to him, to succeed State Comptroller Gaus, who died yesterday while on a hunting trip in Canada.

The comptroller commands about the same patronage as the governor, and therefore if Hughes puts in a man capable of "organizing" the entire state patronage will be in the hands of the new Hughes machine.

Such a move would also give the governor control of the legislature and make it possible for him to force the passage of his direct primary measure next January.

Ever since he assumed the office the machine leaders of the Republican party have been against Hughes on most of his proposals, and every point he has gained has been won after a hard struggle.

The governor's friends say he will be a candidate for the presidential nomination in 1912. To make a strong showing in the convention he will have to have the state organization behind him. The political wiseacres are pointing to the present situation as offering the opportunity that he has needed.

Hughes as a political boss would be a new figure in the political world. The naming of the new comptroller therefore is awaited with intense interest in political circles and his personality and record will be the subjects of immediate scrutiny.

ELEVEN BUILDING PERMITS ISSUED

Eleven building permits were issued by the building inspector, the total valuation of the property being $15,450. Following are the permits:

John Davis, erect two story frame dwelling, Ladd avenue, between Hawthorne and Palm; builder L. Sparks; $3200.

H. J. Fisher, erect one story frame dwelling, East Twenty-first street, between Sumner and Alberta; builder, A. G. Herald; $2600.

C. Battagalia, repair one story frame dwelling, East Market street, between Eleventh and Twelfth; builder, same; $50.

P. Danziger, repair one story frame dwelling, East Thirty-first street, between Alberta and Brainard; builder, same; $50.

J. Simon, repair three story brick store, 45 and 47 Third street, between Couch and Davis; builder, J. C. Bayer; $400.

H. S. Uphan, erect two story frame dwelling, Zanita street, between Eleventh and Twelfth; builder, J. C. Lock; $2000.

Dewey and Webster, erect one story frame shop, Russell street, between Vancouver and Gantenbein; builder, Jesse Cravens; $200.

A. Battagalia, erect one story frame barn, East Market street, between Eleventh and Twelfth; builder, same; $250.

A. L. West, erect one story frame store, Prescott street, between Fifteenth and Sixteenth; builder, same; $200.

Charles Pinckney, erect two story frame dwelling, East Twenty-fifth street, between Thompson and Brazee; builder, same; $5000.

T. E. McCollum, erect one story frame dwelling, Mildred street, between East Ninth and East Tenth; builder, same; $1800.

American pine will be used for the framework of a new dirigible balloon in Germany upon the theory that it is stronger than aluminum, used in the Zeppelin airships.

NEW AFFIDAVIT SUPPORTS COOK

Latest Sworn Statement Tends to Discredit Barrill.

(Publishers' Press Leased Wire.)

Helena, Mont., Nov. 1.—The latest development in the affidavit controversy as to whether Dr. F. A. Cook ever climbed up Mount McKinley, which has been a side issue in the Cook-Peary controversy, came tonight, when Dr. Cook made public an affidavit signed by F. L. Bagby, a Missoula newspaper man, who visited Barrill several times. Bagby swears that Barrill deplored the fact that any controversy had arisen and censored other members of the party for making statements when he (Barrill) was the only man who accompanied Cook in his last dash up Mount McKinley.

Favorable to Dr. Cook.

Bagby swears that while Barrill made no statement he left the impression that Dr. Cook had climbed Mount McKinley.

"You may say that McKinley can be climbed. I know it," is a statement he accredits to Barrill.

Another witness testifies to having sent a telegram to the Peary Arctic club protesting against the Cook party.

Cook's manager insists that the meeting at Hamjilton was packed by Barrill. Several business men last night indorsed Dr. Cook and his work. Cook announced that he will stop here on his way to New York to prepare his records for the Copenhagen ministry. This will take 30 days, he says.

MUCH BUSINESS AT POSTOFFICE

Heavy Mails Furnish Illustration of Portland's Rapid Growth.

One of the greatest evidences of Portland's rapidly increasing population is shown in the enormous supply of mail handled by the local postoffice and which has crowded the pigeonholes of the federal building since early in the summer.

In addition to the tons of mail handled daily by the carriers on their routes, four general delivery windows, kept open until midnight, have proved sadly inadequate during the last few months. Applicants for mail have been forced to stand wearily in line for half an hour at a time in order to get to the window where they call for their letters.

Yesterday four new general delivery windows were put, and are in operation today. Eight new general delivery clerks have been appointed and are passing out the mail from behind the new windows this afternoon.

So crowded is the postoffice building that the mailing division has not had room to properly carry on its work recently. Consequently, for purposes of securing more elbow room, as well as to expedite the outgoing mail, the mailing division was moved to Station E, 124-126 North Fifth street, yesterday. By this action the superintendent of the mailing division, his assistant and 40 men are transferred to the new location. It is thought that by this move much of the outgoing mail will be sent merrily on its way on an earlier train than formerly. All of the cart collections will be routed directly to the new station, where it will be sorted, and the city mail sent up to the main building.

The new general delivery clerks appointed today are as follows: Frank L. Weaver, Rudolph B. Holt, George S. Post, Allen C. Miller, Clarence W. Ross, Oscar Furuset and Alfonso Hobart.

Carrier Frank W. Tobias has been made acting assistant superintendent of carriers and his former position has been filled by Leendert Duivensteyn.

With the new appointments made and the new men at their posts it is hoped that the large number of general delivery applicants will be handled in less time and that outgoing mail will be expedited.

New Corporations.

(Salem Bureau of The Journal.)

Salem, Or., Nov. 1.—Articles of incorporation were filed in the office of the secretary of state today as follows:

Camas Coal company; principal place of business, Roseburg; capital stock, $10,000; incorporators, J. W. Perkins, Ethel M. Perkins and O. P. Coshow.

Morgan & Robb; principal place of business, Portland; capital stock, $5000; incorporators, Charles E. Morgan, W. L. Robb and George Tozwell.

Springfield Realty company; principal place of business, Springfield; capital stock, $1000; incorporators, John Keatly, M. M. Peery and A. J. Perkins.

ONLY ONE "BEST"

Portland People Give Credit Where Credit is Due

People of Portland who suffer with sick kidneys and bad backs want a kidney remedy that can be depended upon. The best is Doan's Kidney Pills, a medicine for the kidneys only, made from pure roots and herbs, and the only one that is backed by cures in Portland. Here's Portland testimony.

H. R. McCarver, living at 286 Holladay st., Portland, Oregon, says: "Some years ago Doan's Kidney Pills proved of great benefit to me and I publicly recommended them. Since that time I have advised many of my fellow workmen to give them a trial and the results of their use have been satisfactory in every instance. I believe kidney trouble in my case was brought on by a cold contracted. I had backaches and other marked symptoms of disordered kidneys, which caused me much suffering. I had always been somewhat skeptical regarding proprietary medicines, but somehow the claims made for Doan's Kidney Pills impressed me in favor of this remedy and I began its use. Relief soon followed and I have had no serious return of kidney complaint since."

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

Remember the name—Doan's—and take no other.

TAG DAY WILL NET BIG SUM

Slow Work Counting Such Large Number of Dimes Secured.

The final results of Tag Day have not yet been ascertained for a long time is required for counting such a large sum of money when most of it is in dimes. Saturday night the counting had reached the $5500 mark and a number of stations have since reported varying sums. The total will easily pass the $6000 mark. The Dix sorority, which under the chaperonage of Mrs. Dan Kellaher took charge of the corner at Third and Washington, turned in the largest sum received from any one station. Almost $450 was the result of their work.

Mrs. D. C. Burns, the president of the Baby Home, expresses herself as well satisfied with the results of Tag Day even though the receipts fell far short of her hopes. She said that last year's income would easily have been doubled had it not been for the rain which sent the workers scurrying for shelter shortly after noon. "We could not ask these people who had so kindly given their services, to stand in the rain and continue their work," she said, "and consequently the sum was curtailed. Very little work was done during the afternoon. The public responded generously, however, and we met with good will on every side. A number of requests have come yesterday and today to have another Tag Day at once because the Saturday one did not quite realize expectations. But that would hardly be fair to the public for it would be asking those who have already given to give again."

A fire escape recently patented by a New York man consists of a fireproof tower, containing a separate spiral tube leading from each floor to the street to lessen the confusion should a single tube be used for all floors.

The Japanese government has appointed an aeronautical commission which will visit the principal European countries to report the progress of aerial navigation, especially in Germany.

CHURCH NEEDS PRACTICAL MEN

Rev. James D. Corby Appeals to Men Who Are Busy in Life.

"Christian Living, a Man's Job," was the interesting theme of the sermon before the congregation of the First Universalist church yesterday morning. Rev. James D. Corby, the pastor, was in charge of the service. Using Genesis, 3:ix, as his text, 'God called unto the man, and said unto him, where art thou?' Mr. Corby said in part:

"Mingling with men, I observe that some misunderstand the church, and care nothing for religion. It is one thing to have a loud mouthed man proclaim his contempt for religion. Many such berate everything that is pure and wholesome. But when you find men who are thoughtful, honest and love what is right, yet who express a feeling of distrust if not of open dislike to the church; it is worth while to dig down and find the cause, and if possible the cure.

Sympathy for Busy Men.

"Having many years of business training before entering on this greater business of making character after Christ's pattern; I sympathize with busy men and look at things from a different angle than those who have not been in the school of experience.

"Imagine the case of a strong intelligent man, trained to think, and not afraid to think, going to most churches and listening to the service. The clergy begins to pray; his voice is unnatural, it indicates his mental attitude. He tells God how great he is, he fawns upon him, flatters him—then he belittles himself and fellow worshipers. Then he begs and implores the all father to help the world, as though he were asleep or far off. The strong self reliant youth listening to such a petition may say, 'I don't believe in God or in prayer. Really, he means that he does not believe in the poor helpless deity to which this clergyman has been praying, he does not believe in calling yourself a worm with the notion that it will make God seem greater.

"But there is an interpretation of Christianity which is at once liberal, reasonable, strong and virile. In the Universalist church worship, prayer and religion mean a healthy, manly manifestation of the deepest life of man. You will recall how when Kepler after 14 years' hard work discovered the law according to which planets revolve about the sun. When the truth came to him, he cried 'Oh, God, I think thy thoughts after thee.' That was worship. Christ was manly. He appealed to men. He does not appeal to some men because he has been pictured as negative and a weakling. He is the most heroic figure in history. He was crucified as a heretic, yet he never trimmed nor compromised, and you nor I need feel ashamed to give him our allegiance and call him master.

"If the current phase of religion is not taking hold of men of affairs, not molding politics, business and society, we may well inquire whether it is the good tidings of Christ. When men of thought decline to use the church as an ark of escape from the just penalty of their sins or revolt at the injustice of Christ being a ransom paid to an angry God it is an inspiration to show men that the great law of retribution punishes not Jesus but you, that you may learn that obedience to God is required and that the all father will be satisfied with nothing less.

"Show men that the church is a group of men and women who believe in Christ's idea of the kingdom and who band themselves together to build up a community where justice, honesty and purity shall prevail. When we unite for the study and practice of the life Jesus lived. Working together we shall make the world feel this force of love and truth.

Men Need the Church.

"Such a church is worthy the loyal support and allegiance of every man. Men need the Universalist church and its good tidings of Christ because of the experiences that come to them out in the world of men. They come in contact with the selfishness, the greed and indifference with which men trample on one another. It is the Alaskan scene of dog eat dog, and the query is shall you yield to the call of the wild and revert to the brutality from which you have climbed? Your chance and strength of holding steady amid temptation is greater where the church is setting you the standard of Christian living.

It is common sense to recognize the healthy influence going forth from a live church; neither your home nor your business are safe without the influence diffused by the church. Let the liberal church be closed through the neglect of men to use and support it with their means and presence; lose the moral influence and inspiration it gives, and the loss would have far reaching material and spiritual effects. Boost for your church, show by word and example that it is a helpful, hopeful place for men, that it is doing a great deal for the world, and that you want to help it win. The church needs your practical ability to do the larger things to which it is called. Let the men take hold of the church work and show that they mean business, and success is assured.

SAY BATHROOM IS DEATH TRAP

Police Investigate Conditions at Swartz Hotel, on East Side.

A veritable deathtrap is what the special officers investigating the death of Mrs. Jeanette Osborne call the bathroom in the Swartz hotel, where the woman lost her life, and where J. L. Smith was overcome by gas. They state that three other persons have been overcome in the same room from poisonous gas fumes, and recommend that the bathroom be closed or repaired.

Police Detectives Mallett and Craddock took up the case upon request of the coroner's jury, and state in their report that it is their opinion the woman came to her death by inhaling the gas fumes. Through A. W. Keene, 539 Commercial court, they learned that two years ago, Mr. and Mrs. John Bronson were overcome in the same way, and were revived at the last moment. They also report that a young woman went into the bathroom, and was overcome by gas.

The coroner's jury was unable to determine the cause of the woman's death.

Mistook the Bottles.

Miss Elsie J. Lewis, who, mistaking a bottle of carbolic acid for a bottle of cherry brandy, took a small dose of the acid yesterday morning, is up and around at her home in Russelville this morning none the worse for her experience. Miss Lewis had been feeling slightly indisposed all morning and intending to take a drink of the brandy, got a bottle of carbolic acid instead. She had taken probably a half ounce of the stuff before she realized what it was.

McALLEN & McDONNELL

Annual Sale Thanksgiving Table Linens

Our Table Linens are in a class by themselves, being the product of the celebrated Belfast makers, William Riddle & Sons. These famous linens have taken the gold medal and first prize at every exposition since the Crystal Palace at London. Look to your needs.

Linen Sets

Hemstitched Linen Sets, 1 dozen napkins to match **$3.75**
Hemstitched and drawnwork Sets, in mercerized damask; one dozen napkins, at, the, set **$4.50**
Hemstitched pure linen Sets, 2 by 2½ yards, one dozen napkins; on special sale at, the set **$8.75**
Pure Irish Linen Sets, 2 by 2½ yards, one dozen napkins to match; on sale at, set **$12.45**

Lunch Cloths

36 by 36-inch Linen Lunch Cloths, with drawnwork border; on special sale at, each **$1.19**
45 by 45-inch Linen Lunch Cloths, $1.75 value, special **$1.47**
18x18-inch pure linen Center-pieces; fancy embroidered; ea. **75c**

Table Linens

SPECIAL **50¢ YARD**—60-inch Mercerized Table Damask—handsome rich floral patterns. Special, a yard .....**50¢**
SPECIAL **65¢ YARD**—68-inch Extra Heavy Mercerized Table Damask—a splendid wearing grade. Special...**65¢**
SPECIAL **75¢ YARD**—Pure Linen Table Damask—full 2 yards wide and extra good $1.00 grade. Special, yard....**75¢**
SPECIAL **98¢ YARD**—72-inch Pure Irish Linen Damask—beautiful finish and extra heavy. Special .....**98¢**
SPECIAL **$1.29 YARD**—Extra Heavy Pure Irish Linen Damask—2 yards wide. Napkins to match **$3.50** dozen..**$1.29**
SPECIAL **$1.95 YARD**—72-inch Extra Heavy Irish Linen—$2.50 quality. Extra special at, the yard **$1.95**

Table Napkins

SPECIAL **$1.25 DOZEN**—Size 20x20 inches—good grade Linen Napkins in several patterns. Special, dozen..**$1.25**
SPECIAL **$1.47 DOZEN**—Reg. $1.75 quality Linen Napkins—size 20x20 inches. Special at, a dozen **$1.47**
SPECIAL **$1.95 DOZEN**—Extra large dinner size (24x24) Linen Napkins—best $2.50 value. Special, a dozen....**$1.95**
SPECIAL **$3.50 DOZEN**—24x24-inch Pure Irish Linen Napkins—extra fine $4.50 quality. Special, a dozen...**$3.50**
SPECIAL **$4.95 DOZEN**—Extra large (27x27-inch) Pure Linen Napkins—best $6.50 grade. Special, dozen **$4.95**

60-Inch Table Damask
25c
Extra heavy—made to stand hard service. Comes in dice and floral patterns—pure white.

"Hudson-Fulton"
Military Capes
$17.50
Designed by a noted artist for the Hudson-Fulton celebration. Strictly military in cut, with full-length revers and military collars. Made from finest grade broadcloth in navy and black. Collar trimmed with gold braid and revers in red or green with gold buttons. The hit of the season. These fine capes are worth $25 apiece. Your choice, while they last, at, each **$17.50**

New Capes
Women's and Misses' Capes in leading colors, trimmed with braids and buttons—made from all-wool broadcloth and exceptional $15.00 values. This special lot on sale at, each
$9.50

Silk Skirts
Extra heavy Rustle Taffeta Silk Petticoats in extra sizes—made with deep full knee flounce, stitched and shirred and extra under-ruffle. Standard $8.50 values. On special sale at
$5.98

Heavy Flannelettes
12½c
Heavy Side-Barred Flannelettes, for kimonos, sacques, etc.; good range of patterns; heavy outing flannels; best 10c grade. Special, yd. **81-3¢**

Fine Linen Towels
25c
Extra large 21x42-inch Knotted Fringe Linen Damask Towels, with red and blue fancy borders and plain white; 50c values.

Portland Agents for Thomson's Glove-Fitting Corsets.

McAllen & McDonnell
Corner Third and Morrison — Best Goods at Lowest Prices

Portland Agents for Paris Patterns, TEN CENTS None Higher.