

BARBUR HIGH MAN; AUDITOR ELECTED ON FIRST CHOICES

Official Count Shows Him Only Candidate to Have That Honor; Albee Lead Over Rushlight 6668 Votes.

To City Auditor A. L. Barbur belongs the honor of having received the largest number of votes cast for any candidate for any office at the recent commission government election. This is some distinction when it is considered that nearly 100 citizens were entered in the lists for commissioner, for auditor or for mayor.

Mr. Barbur was the only man elected on first choice votes. Although Mr. Barbur had three competitors, he received more votes for first choice than all his rivals received on all choices. He had more than eight times as many first choice votes as the first choice votes accorded to John Y. Richardson, his nearest opponent. The total number of first choice votes cast for Mr. Barbur for auditor was 34,352; the total number cast for all candidates being 43,646.

H. R. Albee was elected mayor over A. G. Rushlight by 6668 votes plurality. The total number of first choice votes for all mayoralty candidates was 45,521. As Mr. Albee received 21,653 first choice votes, he came within 1108 of being elected without counting second choice votes. By adding his second choice to his first choice the total was 23,738, or more than the necessary majority. Mr. Rushlight's first and second choice votes added together made a total of 19,960, the lead in favor of Mr. Albee being, as stated before, 6668 votes.

Following is the official count of the votes for mayor, city auditor and for the commissioners whose votes have been counted to date:

Mayor	First Choice	Second Choice	Third Choice	Total
Rushlight	19,960	2,000	1,722	23,682
Albee	21,653	1,705	1,408	24,766
McKenna	3,493	12,445	4,239	20,177
Kellaher	2,619	3,554	4,123	10,296
Smith	1,768	3,381	7,902	13,051

Auditor.
Barbur 34,352
Moser 2,950
Richardson 2,301
Helmo 2,356
Commissioner.
Clyde 11,436
Hollingsworth 1,615

Indications are that the annual reunion of the Oregon Pioneer association, which will be held here Thursday, will be one of the largest attended gatherings of the organization of recent years.

Already approximately 250 pioneers have called at the headquarters of the Oregon Pioneer association, Second and Taylor streets, and obtained their badges from Secretary George L. Himes. With each train additional "empire builders" are arriving in Portland and when the reunion formally convenes it is believed several hundred will answer the roll call.

As Secretary Himes is desirous of securing a large photograph of those in attendance upon the reunion this year, arrangements have been made to have a group picture taken in the plaza east of the county courthouse at 1:30 o'clock Thursday afternoon.

For this reason he requests that all be present at that time. From the Plaza the pioneers will march in a body to the Masonic Temple at Yamhill and West Park streets, where the meeting will be called to order by President Joseph Buchtel. Mayor Rushlight today said he could not be present to make the address of welcome, as he had been planned, but he will be represented by A. L. Barbur, city auditor.

Following a short program, the pioneers will go to the Armory, where a banquet will be served by the Woman's Auxiliary. Only pioneers will have seats at the tables.

The evening session will be held in the Masonic Temple. There business will be transacted, officers to serve the ensuing year will be elected and adjournment will follow. The banquet camp fire meeting over which Colonel Robert A. Miller will preside.

Many of the pioneers are accompanied by sons and daughters all of whom are eligible to attend the reunion, the banquet excepted.

HOT LAKE RESORT TAKEN BY RAILROAD
The Hot Lake Springs company with J. P. O'Brien, vice president and general manager of the O. W. R. & N. company, as president, today took over the management of the Hot Lake Sanatorium at Hot Lake, Or. Walter M. Pierce and associates having disposed of their interest in the new company, a subsidiary of the O. W. R. & N.

Mr. O'Brien announced this morning that Dr. E. W. Tappan will succeed Mr. Pierce as general manager and that the famous health resort will undergo substantial improvements as quickly as the work can be got under way. The Hot Lake Springs company is incorporated with a capital stock of \$20,000. The purchase price has not been announced.

The ground area included in the deal is 250 acres and as the sanatorium is on the main line of the O. W. R. & N. it will undoubtedly get much stronger exploitation than in the past. Dr. Tappan took the reins of management today, established the sanatorium, but some time ago disposed of his interest to Mr. Pierce.

It is said that Mr. Pierce will retire to his farm in the vicinity of Hot Lake.

Heat Kills 20 in Cleveland in 3 Days
Cleveland, Ohio, June 17.—Seven babies and one adult died here today from heat, making a total of 14 infants and six adults who have died of this cause since Sunday.

There is no relief visible from the torrid wave, which is one of the worst on record for years.

BIEHL HUMPS BOBBS; MAY BE IN CANADA

That Allen J. Biehl, the only defendant in the case of the government against the Columbia Orchards company, has fled into Canada and is safe from extradition by the United States, was the reluctant admission today of Everett A. Johnson, acting United States attorney. It leaked out through local attorneys yesterday that Biehl had jumped his bond, and Johnson this morning said that he had known of Biehl's departure for the past ten days or two weeks.

Biehl stood trial in federal court last December, charged, as a member of the Columbia Orchards company, with having used the mails to defraud. The case was vigorously prosecuted by United States Attorney John McCourt and Biehl, on conviction, was sentenced to two years in the federal penitentiary at McNeil's Island.

Biehl was under \$10,000 bond. His former father-in-law, W. L. T. Skinner of Seattle, who so steadfastly stood by Biehl during his trial, is one, and Jacob Diering, of Seattle, is the other. Biehl's wife, who is a daughter of W. L. T. Skinner, recently was divorced from the convicted man.

Biehl's offense is not extraditable under the treaty between the United States and Canada. Hodgins, another of the conspirators in the Columbia Orchards company, although indicated in the federal court here is still in Canada and this government has been unable to secure his extradition.

Biehl was given altogether four months in which to appeal his case, through his attorneys to the circuit court of appeals. That time is almost up now. On the day that that period terminates, if Biehl is not produced by his bondsmen, the government will forfeit the bond.

STATE'S UPBUILDING IS BANQUET TOPIC
More than 250 reservations had been made by noon today for the \$1 dinner to be given at 6:30 o'clock this evening at the Portland Commercial club, at which the present business development of Portland and its prospective state and city development to follow the opening of the Panama canal, will be discussed.

Mayor-elect Albee and the new commissioners will be among those present. G. A. Johnson, chairman of the club's executive committee, will preside. The dinner is open to any one interested, whether members of the club or not.

AGUINALDO IN JAPAN ON SECRET MISSION
Kobe, Japan, June 17.—Emil Aguinaldo, son of the former Filipino revolutionary leader, arrived here today, en route to Tokyo. He is said to be on a mission connected with the Philippine independence movement. Young Aguinaldo conferred with a number of prominent Japanese here.

100 DAYS FOR YOUTH WHO HELD UP AUTO
To serve 100 days on the rockpile and pay a fine of \$100 was the sentence given Oscar Nelson this morning in the municipal court for holding up Roswell Dorsch and his auto party Friday evening on the Slavin road. The charge was reduced from highway robbery to carrying concealed weapons, thereby saving the young highwayman from the state penitentiary.

INJUNCTION AGAINST SHERIFF IS DENIED
Circuit Judge Morrow yesterday refused a temporary injunction to W. S. Swaggart and W. Ryan, of the Linton Bowling club, to restrain Sheriff Wood from raiding their place. The club occupies the place formerly run as the Hut, a roadhouse. Swaggart and Ryan were proprietors of the Hut, and since it was closed organized the club. In Swaggart, Ryan and the three employees under arrest, be given a speedy trial. They are charged with conducting a nuisance. In stating his opinion, Judge Morrow said that from a casual examination of the law, he could discover no right of the sheriff to make arrests in cases where men were charged with conducting a nuisance, without warrants. He said that the declaration that a place was a nuisance lay with the courts entirely. The hearing of Swaggart, Ryan and their men came up before District Judge Dayton this afternoon.

TO DEFEND FREE CANAL TOLLS CAMPAIGN AIM
The Portland Chamber of Commerce has appropriated \$200 towards a fund of \$10,000 furnished by the chambers of commerce of the Pacific coast to defray the expense of a campaign intended to disseminate information on the subject of free tolls to American shipping throughout the Panama canal and the prohibition of railroad owned vessels from enjoying these privileges. The larger portion of the money will be expended in publishing a booklet entitled "The Right of the United States to Control the Panama Canal."

A pamphlet will also be issued answering the question, "Has the United States the right to exclude from the use of the canal any class of foreign vessels or railroad owned ships?"

INDIAN WAR VETERANS TO MEET IN W. O. W. HALL
Instead of meeting in the Masonic Temple tomorrow as originally planned, the Indian War Veterans will meet in W. O. W. hall, Eleventh and Alder streets. They met there last year.

The business session will begin at 10 o'clock a. m. and luncheon will be served at noon by the sons and daughters of veterans. The luncheon will be attended by veterans, wives or widows. Funds for the affair were contributed by Portland business men.

The afternoon session will begin at 1:30 o'clock. It is expected that about 100 veterans and their womenfolk will attend the sessions, and all parts of the Pacific northwest will be represented. A large number of them have arrived in the city already.

FIGHT ON MYERS ESTATE WILL BE TRIED ON MERITS

Demurrer to Complaint of Mrs. G. F. Stevens, Who Seeks Over Quarter Million Dollars, Overruled by Court.

Now that the demurrer to her complaint against her brother, George T. Myers, has been overruled by Circuit Judge Morrow, the legal fight which Mrs. George Frances Stevens has undertaken to secure more than a quarter million dollars, one-half interest in the estate of her father, will go to the courts on its merits.

Saturday afternoon Judge Morrow decided that Mrs. Stevens' allegations, if they can be proved, state facts sufficient to entitle her to recover one-half the \$500,000 estate which her father, George Tobias Myers, left to her brother, George Jr., \$20,000 excepted. The latter amount was bequeathed her and following her father's death, was tendered her by Myers and she refused it.

Claim Part of Estate.
Mrs. Stevens seeks to recover half the estate, on the grounds that while both her father and mother were living they agreed that to have it set aside was to leave all his or her property to the other, and that the survivor was in turn to will the property in equal shares to their two children, Mrs. Stevens and George Myers.

In 1896, and pursuant with the alleged agreement, Mr. and Mrs. Myers executed a will each to the other, with the provision that each child should ultimately come into possession of half the estate. These wills are exactly alike except to the name.

Mrs. Myers died in January of 1902, and her husband probated the will and took over all her property. Four months later he made a new will, by which he bequeathed all the property to his son except \$20,000.

Demurrer Is Filed.
Following Mrs. Myers' death his last will was brought up for probate and Mrs. Stevens sought to have it set aside on the grounds that her father was unjustly prejudiced against her because he had harbored the idea that Mrs. Myers' death had been hastened by unskillful medical treatment, and Mrs. Stevens did not agree with him.

She won her point in the probate and circuit courts, but lost in the supreme court by a divided vote.

Then the present suit was brought for the purpose of enforcing the contract to make a will under which the wills of 1896 were made. This contract, while it was not in itself in writing, yet was evidenced by the execution of the two wills of 1896.

The defendant demurred to the complaint on the ground that the contract to make the will, not having been in writing, was within the statute of frauds, and could not be enforced.

Must Be in Writing.
The statute of frauds requires that a contract for the conveyance of real estate shall be in writing, otherwise it cannot be enforced. However, a part performance of an oral contract—much more the complete performance of it by one party and the acceptance of that performance by the other—takes the case out of the statute of frauds. It is asserted, and makes it enforceable. The law will not permit one party to accept compliance with the contract on the part of the other and then permit the one who thus accepts such performance to repudiate the contract.

This is the position taken by the plaintiff, who declares that Mr. Myers, by probating his wife's will of 1896, lost to his son any right to appeal to the statute of frauds, as a defense.

And the circuit court in overruling the demurrer virtually decided the same thing when it ruled the contract was enforceable, and in effect declared that the plaintiff was able to prove the facts alleged that she would be entitled to one half the property her father owned at the time of his death.

The law firm of Emmons & Webster are representing Mrs. Stevens, and Mr. Webster says has plenty of documentary evidence to uphold the allegations of the plaintiff. Messrs. Mallory & Simon and Gearin and M. L. Pipes are representing her brother.

Results at Cottage Grove.
(Special to The Journal)
Cottage Grove, Or., June 17.—At the school election Monday, A. L. Woodward was elected director and J. K. Barrett clerk.

Yc Oregon Grill CABARET
Musical Entertainment Supreme

Signor Pietro Marino and his Celebrated Orchestra

Signor Marino has received signal recognition as a violinist of superior talent and ability. Mme. Tetrazzini demanded that he accompany her in concert in Portland, and Romani heralded him as the only one qualified to become his successor.

EVELYN GILBERT And the "American Beauties"
In Song and Chorus
During Lunch, Dinner and After the Theatre

IN THE FOUNTAIN GRILL PROF. PELZ And His Orchestra of Soloists
For a Limited Engagement

OREGON HOTEL
WRIGHT-DICKINSON HOTEL CO. PROPS.
CHAS. WRIGHT, PRESIDENT
M. C. DICKINSON, MANAGING DIRECTOR

JOB HUNTER MUST BE ABLE, UNDER COMMISSIONER RULE

Mayor and Commissioners Elect Persecuted by Requests for Positions; Merit Plan to Be Followed Closely.

The pursuit of mayor and commissioners by importunate job hunters has become persecution, declared Commissioner Will H. Daly, speaking at the luncheon of the Rotary club in the Commercial club this afternoon. He likened the situation to a certain middle west cottontail rabbit, chased by dogs on the estate of her father, will go to the courts on its merits.

All kinds of applications are offered, all kinds of reasons for meriting the jobs are put forward. Old fashioned, political pull is not neglected, continued Mr. Daly, who added that what the commission desires is the encouragement given the race horse that helps him over one hurdle at a time but does not encourage him so much that he tries to take two at once.

"Will He Work?"
Commissioner C. A. Bigelow, following Commissioner Daly's thought, said he was going to violate a little confidence, adding: "In our serious consideration of applicants for positions we have not considered whether a man was Republican or Democrat, whether he had pull or money or lacked both, but have in each instance inquired, 'Is this applicant qualified?' Has he integrity, honor and backbone? Will he do the work he will be given to do exceptionally well? And if he could not measure up to such a standard we have not further considered him."

Mrs. Bigelow's assertion was met by a storm of applause from the 250 business men present. He concluded by saying that the determination of the commission is to give to Portland a thoroughgoing business administration.

Mayor Albee, first speaker introduced to the club by President C. V. Cooper, discussed the "changing lines in politics," saying:

Knockers Are Scared.
"I am an optimist. Therefore it heartens me to behold all over the nation determined betterments along all lines. We have every reason in Portland to feel optimistic. We ought to turn the weight of our just indignation against those who have been spreading scandalous reports of the so-called fostering condition of some of our best established firms."

A resolution introduced by John T. Dougal asking for the continuance of the Rose Festival on a basis of broader organization, had been unanimously passed. Mayor Albee said that the citizens of Portland should never let the perpetuation of the Rose Festival become a matter of question. He recommended that for 1914 a campaign to raise \$100,000 be commenced now, and that those who subscribe pay their subscriptions during the year.

Commissioner Robert G. Dieck declared that one of the first duties of the administration will be the codifying of all ordinances. He said that under present conditions it is difficult to know just what the powers of the city are, for while one ordinance may grant a certain power another ordinance may nullify it.

The mayor and commissioners-elect were not the only successful candidates on the program. O. M. Plummer, who was elected school director yesterday, told the clubmen that now the time has come to have citizens take as active an interest in school matters as they do in municipal matters. "The child is the most important consideration in any city," said he.

A great number of the Rotarians obtained tickets for the first annual Rotary picnic at Champeon next Saturday. Members of the club offered prizes for children who will enter athletic contests. The picnicers leave Portland for Champeon on the Graham from Taylor street dock at 8:45 o'clock next Saturday morning.

E. W. CRICHTON FUNERAL IS CONDUCTED TODAY
The funeral of E. W. Crichton, who died Sunday at his home, 230 East Seventeenth street, north, was held this afternoon from the First Unitarian church, with Rev. W. G. Eliot officiating. Interment was at Riverside cemetery. Charles B. Christod was the casket bearer, and arrived this afternoon from Florence to attend the funeral.

MRS. PANKHURST WILL NOT SURVIVE ANOTHER ORDEAL

Health of Suffragette Leader Completely Broken; Has Served Only 16 Days of Her Three Year Sentence.

(United Press Leased Wire)
London, June 17.—Miss Emmeline Pankhurst, the militant suffragette leader, whose ticket of leave was revoked last Saturday, the day of the funeral of Miss Emily Davison, has been again released from Holloway jail. From the moment she was returned to jail Mrs. Pankhurst refused to eat anything, and maintained her hunger strike until she became so weak that she could not stand. It was decided that it would be dangerous to confine her longer.

Mrs. Pankhurst has as yet served only 16 days of the three years' imprisonment to which she was sentenced at the Old Bailey on April 3 for complicity in the dynamiting of Chancellor Lloyd-George's country villa. She has been released three times under the terms of what the suffragettes call the "cat and mouse" bill, recently put through parliament by Home Secretary McKenna.

Jane Addams Withholds Sympathy.
Budapest, Hungary, June 17.—Resolutions expressing sympathy with the fate of Miss Emily Davison, the English suffragette killed when she grasped the bridle of King George's horse Anmer as it ran in the Derby, were passed here today by the suffrage congress despite the opposition of Jane Addams and the American delegates.

Miss Addams contended that Miss Davison's act was detrimental to the suffrage cause.

Accuses Government of Trickery.
(United Press Leased Wire)
London, June 17.—The trial of seven suffragettes arrested in the recent police raid on their headquarters here was resumed today. Mrs. Annie Kenney, acting as her own counsel, dramatically accused the government of treachery and trickery in the prosecution. She shouted:

"If I have to die to get votes for women I will die, whatever your verdict. But it would be unjust to convict us and allow the Ulster unionists to go scot free."

Seven Suffragettes to Go to Prison.
(United Press Leased Wire)
London, June 17.—Miss Annie Kenney, five other militant suffragettes, and Edward Clayton, known as the "male suffragette," were found guilty here today and sentenced to varying prison terms for inciting to violence.

"Where YOU Get the Best"
New Mid-June Arrivals
In Stein-Bloch

are marked much less than usual, in order to make June a banner month at Robinson's. Norfoks among them—they're mighty popular this Summer. See our windows.

Robinson & Co.
Yeon Bldg., Corner Fifth and Alder

Wednesday "Bargain Day"
WILL BE THE FIRST DAY OF OUR June Cleanup Sale

All Spring goods will be included in this cleanup of women's and misses' Tailored Suits, Charmeuse and Messaline Dresses, Spring and Summer Coats, children's Dresses in shepherd checks, Norfolk style; also Chambray and Gingham Dresses—all go in at cut prices, commencing Wednesday morning.

SPECIAL FOR WEDNESDAY BARGAIN DAY
45 One-Piece Serge Dresses in three lots
\$4.95 \$7.95 \$9.95

2 dozen House Dresses, regular 75c and 98c dresses—one to a customer—at \$5.00
4 dozen House Dresses, regular 98c and \$1.25 dresses—one to customer, 75c
8 dozen White Waists, regular price \$1.25, \$1.39 and \$1.49. For Wednesday only 98c

We Mean to Be Known by the Value
388 and 390 EAST MORRISON STREET
Near Grand Avenue

THE STEVENS COAT & SUIT SHOP

Durable Roofing
is typically Western—made here on the Coast of materials which last.

The sturdy honesty and sound construction which enter the making of Durable Roofing combine to make this the BEST material for ANY KIND of roof.

Ask us for samples and descriptive literature
MORE ECONOMICAL THAN SHINGLES
"AS LASTING AS THE PYRAMIDS"

Oregon Hardware Co.
Worcester Bldg., Third St., Cor. Oak

NEW STYLE FOURTH WITH MUSIC AND NO FIREWORKS IS ORDER

Mayor Rushlight today directed City Park Superintendent Mische to prepare a program for a patriotic observance of the Fourth of July, minus the death making celebration. This has characterized the commemoration of the birthday of the nation in years past.

Superintendent Mische contemplates the holding of athletic games and exercises in the various playgrounds. He will ask the ways and means committee of the city council tomorrow to recommend the appropriation of \$500 for the occasion, and if the council takes favorable action the money will be spent to provide band concerts at the principal parks.

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Oregon Hardware Co.
Worcester Bldg., Third St., Cor. Oak

TORICS

SEE THAT CURVE

ADDS
to your field of vision.

SUBTRACTS
annoyance of old-style flat lenses.

DIVIDES
power equally over all lens surfaces.

MULTIPLIES
your eye comfort by relief from eye strain.

We design and manufacture Toric lenses in our factory on premises. Toric lenses are not stock lenses, but are manufactured only after careful consideration of the particular needs in your individual case.

THOMPSON OPTICAL INSTITUTE
209-10-11 Corbett Bldg., Fifth and Morrison, Second Floor.

AMUSEMENTS
HEILIG THEATRE
1115 and Morrison
Phone Main 1; A-1122
TONIGHT TOMORROW NIGHT
SPECIAL PRICE MAT. TOMORROW
Cohan & Harris present

Raymond Hitchcock
Assisted by
FLORA HABELLE
In the Musical Play
"THE RED WIDOW"
80 COMPANY—20 ORCHESTRA
Evenings: Lower floor \$2.00, \$1.50; balcony \$1.00, 75c. Special price Wed. Matinee, \$1.50, \$1.00, 75c, 50c.

SEAT SALE OPENS TODAY
Mail Orders Received Now.
3 NIGHTS
Beginning Next Thursday
SPECIAL PRICE MAT. SATURDAY
(Charles Frydman presents)

Blanche Bates
In the London Sensation
"THE WITNESS FOR THE DEFENSE"
A play by A. E. W. Mason, M. P.
Evenings: Lower floor \$2.00, \$1.50, \$1.00; balcony \$1.00, 75c, 50c. Saturday matinee \$1.50, \$1.00, 75c, 50c.

BAKER THEATRE
Main St. A-5500.
Geo. L. Baker, Mgr.
Broadway and Morrison
Tonight, all week, matinee tomorrow and Saturday. Greatest success of the season. Special engagement of Henry Hall, Alice Fleming, with the Baker Players.

"GRAUSTARK"
(Not Beverly of Graustark.) Dramatization of George Barr McCutcheon's famous romantic novel. Fascinating, beautiful, thrilling and rich in comedy. Evening prices, 25c, 35c, 50c. Matinees, 25c. Mats. Wed. and Sat. Next week "The Mer Do Well," by Rex Beach.

QUANTAGES
WEEK JUNE 16—Ferry Wheel Girls, Miss Gladys Spire, Klein & Edinger, Harry Holman & Co. Marks & Ross, Orchestra, Panagiotopoulos, Willy Zimmerman. Popular prices. Boxes and first row 50c. Box of five open from 10 a. m. to 10 p. m. Phone A-2226, Main 4636. Curtain 2:30, 7:15 and 9.

LYRIC
WEEK JUNE 16—"Married Bliss." Handsome gowns, pretty girls and funny comedians. Tuesday night, athletic contest. Friday night, chorus girls' contest. Nights, 15c and 25c. Matinees, any seat, 15c.

THE OAKS
Portland's Great Amusement Park
FREE ENTERTAINMENT
This afternoon and tonight at 2:30 and 8. Marguerite Favre and her wonderfully dainty dancing girls, in entirely new program.
Vitalie, boy band leader.
Oaks Hawaiians.
Mr. and Mrs. John Drew, uniquely new comedians.
TONIGHT
and Saturday and Sunday afternoons.
ROYAL ITALIAN BAND
Cares at First and Alder
Luncheon, Morrison Bridge.

BASEBALL!
RECREATION PARK
Corner Vaughn and 24th Sts.
Spokane
vs.
Portland
June 16, 17, 18, 19, 20, 2