

RECOUNT OF VOTES CAST FOR SHERIFF COMMENCED TODAY

Eight Ballots are Put Aside
From Precinct No. 1, First
on the List.

STIPULATION IS MADE

Agreement Made Whereby Loser Will
Pay the Costs of Recount Before
Circuit Judge Kavanaugh.

Eight ballots are ready for Circuit Judge Kavanaugh to consider in the recount of the vote for sheriff which began this morning. Precinct 1 was the first box opened, and of the votes counted, Sheriff Hurlburt received 102 to 132 cast for ex-Sheriff Word. The other eight ballots cast were put aside and will be taken up Saturday, when all disputed ballots discovered during the week will be acted on.

Of the eight disputed ballots, six votes were for Word and two for Hurlburt. One of Word's six may be ruled out finally, as the voter wrote his name on the ballot; but it is not believed likely that any other change in the first count will follow. Word expected no change in this precinct, as it is in the Willamette Heights district.

The actual count did not begin until 11 o'clock, the first two hours of the morning session being devoted to arguing points of procedure. Attorney Dan J. Maloney, representing Hurlburt, argued that the cost of the recount should be borne by the county. Attorney Paul P. Farrens, representing Word, expressed a willingness for the costs to be assessed against the loser in the contest and that was finally agreed upon by stipulation.

Another stipulation was made that votes for Prohibition or Socialist candidates should be eliminated entirely from consideration.

The count is being made by Deputy County Clerk J. E. Miller as reader and Miss Ruth V. Murphy and F. D. McGaughey as checkers. Deputy County Clerk Dan Gregory draws the ballots from the box. Chief Deputy County Clerk Bush is in charge.

Sheriff Hurlburt is represented by Herman C. Siglin in checking up the count and Joseph Rogers is counting for word. Attorney William B. Layton is assisting Attorney Maloney. Charles Jones is with Attorney Farrens in watching the ballots.

Judge Kavanaugh will handle regular court work, except on Saturdays, or when called to the recount to settle such questions as may arise. The recount is being made in room 350 of the courthouse.

Nephew of Cannon Dies Mysteriously

Rumors of Suicide of Son-in-Law of
Congressman McKinley Are Denied
by the Family, However.

Danville, Ill., Jan. 12.—O. W. Cannon, favorite nephew of "Uncle Joe" Cannon and son-in-law of Representative McKinley, was found dead today. Rumors of suicide were circulated but members of his family said death was from natural causes, explaining he had been under treatment for cancer of the throat.

Cannon was found in bed a year ago suffering from a gunshot wound. He claimed he had shot himself accidentally.

It developed later that Cannon died in a rooming house over a saloon where he had registered as Frank Cannon. He had been there, it was said, since Sunday.

BARRETT IS DUE TODAY

John Barrett, director general of the Pan-American union, will arrive in Portland this afternoon and will be the chief speaker at the luncheon of the Rotary club tomorrow noon in the Benson hotel.

Reservations are also being made at the Commercial club for seats at the banquet to be given at 7 o'clock Thursday night in honor of Mr. Barrett. H. Raymond Ramsdell, president of the club, will preside. There will be a number of local speakers, but the chief address will be made by Mr. Barrett on the subject of encouragement to South American trade.

SEE THAT CURVE

This May Be
Your Case

Harold R. showed an unaccountable falling off in his school work. His teacher complained that he seemed incapable of giving attention during recitations; had apparently lost the desire and ambition to study. An examination of his eyes by us showed a slight eye strain, which glasses supplied by us corrected. He is now doing better work in school, and shows his former desire and ambition to study.

Manufacturers of the Celebrated
Kryptok Glasses

THOMPSON
OPTICAL INSTITUTE

209-10-11 Corbett Bldg., 2d Floor

Bonifaces Convene Here Today Topics Range From Soup to Nuts

Top—M. C. Dickinson, President of Oregon Hotelmen's Association, who is presiding at sessions of organization.
Bottom—J. E. Sheridan, proprietor of Nash Hotel, Medford, who is enthusiastic booster of good roads.



Assemblage Brings Together Prominent Hotelmen From All Parts of State.

Oregon hotelmen from every part of the state assembled in the gray room of the Multnomah hotel this morning for the opening session of the fifth annual meeting of the Oregon State Hotel association.

Little but routine business was transacted, the bonifaces adjourning at noon for a luncheon at the Commercial club, to resume the more important matters coming before the convention this afternoon.

M. C. Dickinson of the Oregon hotel, as president of the association, presided. In his address he predicted that 1915 would prove a far better year for hotelmen than had 1914, due to the tourist traffic expected by reason of the two California expositions. "And we have an attraction right at our door in the Columbia Highway," said Mr. Dickinson, "which should also bring visitors in our midst. Travelers and road experts all agree that it is the most scenic highway in the country."

Mr. Dickinson appointed the following committees: Resolutions, L. Q. Swetland, Perkins hotel, Portland; M. H. Abbey, Newport, and W. F. Osborn, Eugene; nominations, Dr. Cornelius, Cornelius hotel, Portland; J. E. Sheridan, Hotel Nash, Medford, and W. C. Gifford, Hillsboro; membership, H. J. McKewen, Chandler hotel, Marshfield; B. D. Mashburn, Hotel Echo, Echo; and Phil Metschan Jr., Imperial hotel, Portland.

Tonight the delegates will be guests of Manager Piering at the Empress theatre.

Many Subjects to Come Up.
Good roads, check writers and professional dead beats will come up for discussion at the afternoon session, but most interest is being manifested in the formulation of a petition to the legislature calling for popular consideration of an initiative amendment to the constitution which would permit hotel keepers to serve bona fide guests drink as well as meat at table.

A tentative draft of such a petition provides also in view of the fact that the recently enacted prohibition amendment does not take away the right of the individual to have drink in his home that distributing stations should be permitted at which private individuals could purchase beverages instead of being put to the trouble and expense of sending to distant states.

Want Money Kept at Home.
The idea contained in this plan is

General Scott Has Mexican Agreement

Commanders of Rival Mexican Factions Agree to Respect American Border; Sign Agreement for Scott.

Naco, Ariz., Jan. 12.—General Hugh L. Scott was ready today to leave Naco, with an agreement to respect the American border, signed by the commanders of the rival Mexican factions at Naco, Sonora, in his pocket.

Following his return here from El Paso General Scott presented to General Hill, Calles and Maytorena a revision of an earlier draft of an agreement that had not been entirely satisfactory to either side. The signatures were forthcoming immediately when it was offered.

Scott expected to leave tonight or tomorrow for Washington.

Mail Clerk Dies.

Santa Ana, Cal., Jan. 12.—Harold H. Hamilton, a railway mail clerk, who was found unconscious yesterday beside the Santa Fe railway tracks near Oceanside, died today without regaining consciousness.

Hood River Public Building.

(Washington Bureau of The Journal.)
Washington, Jan. 12.—The senate committee on public buildings has agreed to report favorably a bill appropriating \$100,000 for a postoffice at Hood River.

Cafe Entertainer Kills Boy.

San Francisco, Jan. 12.—Frederick Elvin, cafe entertainer, surrendered to the police who were seeking him on the charge of running down Victor Harris, aged 9. The boy died shortly after Elvin surrendered.



that it would be better for the Oregon manufacturers to sell their product to people out of Oregon than to export to other states.

The hotel men feel that guests of hotels should have the same rights as individuals in their homes inasmuch as for the time being the hotel is the home of the visitor, and that he is as much entitled to have refreshments as the man who lives in a private dwelling.

Permits for the sale of beverages at table and for the operation of distributing depots would be subject to the local control of the various cities and towns, it being left to the voters to decide whether towns or cities should fall under the proposed amendment.

Many of the best known hotel men in the state are on hand for the convention, and telegrams and letters from others unable to get to Portland promise cooperation with any movement the convention may decide to undertake.

One of the first to arrive this morning was J. E. Sheridan, proprietor of the Nash hotel at Medford. Mr. Sheridan is a strong booster for the recently completed portion of the Pacific highway in Jackson county, and part of the state this summer.

Investigation of Confession Made

Supt. Lawson of State Prison, Back
From Columbia County, Says He
Would Go Further Into Case.

Salem, Or., Jan. 12.—Superintendent Lawson of the state penitentiary, who has just returned from an investigation in Columbia county, of the confession of John H. Siercks, the half-wit, that he slew Daisy Wehrman and son, said today that he believed that the situation warrants a further investigation in the case. He will take no further action, he says, unless directed to do so.

MAYOR INDORSES REVIVAL

In response to urgent requests of a committee of ministers and citizens who called on Mayor Albee in the interests of the Bulgiv revival meetings and the mayor indorsed the meetings and has requested the business men of the city to get behind the meetings that their success may be assured. A meeting of the executive committee handling the meetings was held at noon today at the Y. M. C. A. and discussed plans for the increasing of the benefit of the services. They were reported to be progressing nicely.

Sues for \$5000 Damages.

Edward Yaroker this morning sued Bessie Goldstein and Michael Mendel for \$5000 damages, alleging that they beat him up in his store at 86 East Ankeny street and then had him arrested on a charge of beating the women without having grounds for either action.

Congressmen Eat Too Much.

Washington, Jan. 12.—Representative Silas Barton of Nebraska was stricken with acute digestion and fell unconscious in the house. His condition is not serious.

STATE TREASURER'S LEGAL CUSTODIAN OF SCHOOL FUND NOTES

Supreme Court Hands Down
Decision in Favor of Kay
in Mandamus Action.

OLD STATUTE IN EFFECT

Justice Bean Says Legislature May
Make Change if Deemed
Necessary.

(Salem Bureau of The Journal.)
Salem, Or., Jan. 12.—The supreme court today handed down its decision in favor of State Treasurer Kay in the mandamus action brought by Governor West and Secretary Olcott, members of the state land board, to compel Kay to surrender to the clerk of the state land board the notes and mortgages taken by the board upon loans of the common or irreducible school funds, university fund and agricultural college fund of the state, aggregating \$5,992,758.71, and the records, books and papers used in connection therewith. It is held that the treasurer is the legal custodian of the securities. Judge Galloway of the Marion county circuit court granted a peremptory writ of mandamus and Kay appealed. The opinion today was written by Justice Bean.

Justice Bean reviews the laws relating to the action at some length and finds that the territorial legislation passed in January 1858, and a law requiring that money, notes or securities received from the sale of school lands should be deposited with the territorial treasurer.

Old Laws in Force.

"It is contended by counsel for plaintiff that this territorial statute became obsolete upon the adoption of the state constitution," said Justice Bean. "However, when the constitution became effective, February 14, 1859 (Art. XXVIII, Sec. 7), all territorial laws then in force and consistent therewith were by virtue of the article just cited continued in force until altered or repealed."

"It may, therefore, be stated that, beginning in 1856, the portion of the duties now devolving upon the state land board in regard to the sale of school lands was imposed upon the several superintendents of schools in their respective counties. The part of the duties of the board relating to the loaning of the school funds was performed by the territorial treasurer, who was then the custodian of the notes and securities pertaining to the school funds. This is practically the only statutory significance we find relating to this important trust. Under this law the state land board, without encountering any reefs or shoals of litigation in regard to who should be the custodian of these securities until A. D. 1914."

In a later section of the opinion, Justice Bean says: "In the absence of statutory authority, therefore, the state treasurer cannot be relieved of his official responsibility as custodian of the notes, mortgages and records described in the writ by delivering the same into the custody or entire control of the clerk of the board, or any other officer. Any change is desired, the legislature is now in session and can provide therefor, or remove any doubt that may exist."

Other Opinions Today.

Bessie Kemp vs. Portland Railway, Light & Power company, appellant, appealed from Multnomah county; action for damages for personal injuries received when thrown from a streetcar while it was running around a curve at a high rate of speed. Judgment in favor of plaintiff for \$3000, with the sum of \$3000 upheld. Circuit Judge Kavanaugh affirmed. Opinion by Chief Justice Moore.

Ella Pescoske Moore vs. E. Kirkland et al. Plaintiffs appealed from the circuit court for Lincoln county, judgment in favor of plaintiff for \$640 reversed and case remanded for trial. Judge Galloway reversed, opinion by Justice Burnett.

Frank Goldstein vs. Pacific Home Mutual Fire Insurance company, appellant, appealed from Washington county; action to recover the amount of a policy of insurance on a stock of clothing, and other like merchandise and furniture and fixtures in a store; claim disputed by the defendant. Judgment in favor of plaintiff upheld. Circuit Judge Eakin sustained, opinion by Justice Burnett.

G. E. Sherman vs. Clear View Orchard company, appellant, appealed from Multnomah county; action to recover compensation for defendant; judgment in favor of Sherman reversed. Circuit Judge Davis reversed, opinion by Justice McBride.

Motions for rehearing were denied in Re Snedden & Francis vs. Thienes. Rehearing was granted in Orr vs. Orr.

IDAHO INTERESTED IN BILL

Boise, Idaho, Jan. 12.—The report that a state wide prohibition bill would be introduced into the legislature today by Senator Frank Republican leader of the upper house, attracted a big lobby to the senate chamber, but the morning session passed without the bill making its appearance.

The senate passed the house bill making an appropriation of \$2500 to meet expenses of the investigation of the state treasury, the bill being conducted by expert accountants.

The house standing committees were appointed this morning by Speaker Conner and that body is now ready to get down to business. The report of the joint rules committee was accepted. Representative Shattuck introduced a bill providing for release of state lands in competitive cases.

Ex-Senator Dubois in Portland.

Former Senator Fred T. Dubois of Idaho spent a few hours in the city this morning making his headquarters at the Portland hotel. He was accompanied by C. F. Carusi, a well-known Washington attorney. They left for San Francisco this afternoon on the Shasta Limited. Senator Dubois had charge of Champ Clark's campaign for the presidential nomination at the 1912 Baltimore convention.

House of Representatives.
Washington, Jan. 12.—Representative Silas Barton of Nebraska was stricken with acute digestion and fell unconscious in the house. His condition is not serious.

Hotel Man Held To the Grand Jury

Evidence Taken in Police Court as
Result of Raid; Six Plead Guilty and
Accept Fines.

Frank A. Clark, proprietor of the Clark hotel, Tenth and Stark streets, was bound over by Municipal Judge Stevenson yesterday afternoon to the grand jury on a charge of conducting a disorderly house and six men arrested in the raid of early Sunday morning were fined \$10 each. They pleaded guilty.

Thirteen more cases arising out of the police action will be heard Thursday, and two men and two women were discharged from custody.

Police Lieutenant Harms testified as to conducting the raid, and said that Mr. Clark had been notified several times that the place would be raided if he did not obey instructions. Police Sergeant Wells testified to having charge of the second floor and the office and said the telephone operator from police headquarters was placed in charge of the hotel exchange in order to prevent the raid being "tipped" to the roomers.

With regard to doors broken in, Patrolman Wiken of the moral squad said he had broken the only door, one on the fourth floor to a room of the highest of the woman within, he said, and she refused to open the door.

Attorney W. M. Davis represented Mr. Clark, who is held in the sum of \$500 bail. Mr. Clark was not put on the witness stand.

CONSOLIDATION OF STATE COMMISSIONS OBJECT OF ACTION

(Continued From Page One.)

The hands of the state treasurer, to wit: Superintendent of banks, corporation commissioner and insurance commissioner.

"That the state tax commission be abolished, and that the work now performed thereby be placed under the charge and direction of the railroad commission.

"That the state land board, desert land board, state water board and the state board of forestry be combined, and the work now done by all these boards be consolidated under the charge and direction of the state water board, the name of which board shall be changed to the board of land, water and forests."

Elect Highway Engineer.

"That the state engineer elected by the people shall perform in addition to his present duties, the work now performed by the state highway engineer, and that the latter office be abolished."

"That there be created a department of labor, which department shall perform the duties now performed by the labor commissioner, the industrial welfare commission, the industrial accident commission and the board of inspection of child labor."

"At the head of this department there shall be two directors, and that the present labor commissioner shall be one of such directors, during the term for which he has already been elected labor commissioner, and that the governor shall appoint another commissioner as soon as this law goes into effect."

Public Welfare Commissioner.

"That the title of the state labor commissioner shall be hereafter public welfare commissioner, and that in addition to the duties now incumbent upon him he shall perform the duties of the state highway engineer, the industrial welfare commission, and the board of inspectors of child labor."

"That the work of the dairy and food commissioner, the state livestock sanitary board, and the state veterinarian, be combined in the office of the dairy and food commissioner under the name of state bureau of animal industry."

"And that in view of the fact that times are hard, business depressed and money difficult to obtain, we recommend a revision downward of all salaries, and that, except in case of the governor, no public officer, executive, judicial or administrative, shall receive a salary greater than \$3000 per year."

The foregoing changes alone, to say nothing of others which the committee may determine upon, will result in a saving in administration of state affairs of at least \$300,000 per year."

Pinder Gets \$1000.

Harvey Pinder was allowed \$1000 damages against L. G. Wickstrom for a jury in Circuit Judge Kavanaugh's court yesterday. Pinder was injured in a collision between Wickstrom's automobile and his motorcycle on the Linnton road June 22, 1914.

Condemnation Suit Begun.

Suit to condemn three-quarters of an acre in Ross addition to Sellwood east of the Southern Pacific right-of-way, belonging to the Multnomah Mohair mill, for right-of-way was begun yesterday by the Portland & Oregon city railway. The company said it had offered \$1200 for the land, which was refused.

BROKER DROPS DEAD

Walter F. White, a broker, with offices in the Chamber of Commerce building, dropped dead at 1 o'clock this afternoon of heart failure. The remains were at once taken to his residence at 660 Johnson street. Arrangements for the funeral will be made later. A widow and daughter survive him.

The Store of 100 Per Cent Service

Stirring Clearance
Of Men's Winter Suits,
Overcoats & Raincoats

Men's \$30 Suits, Overcoats and Balma-
cans now \$22

Men's \$25 Suits, Overcoats and Balma-
cans now \$18

Men's \$20 Garments now \$14.00

Men's \$15 Garments now \$11.00

Tuxedo and Full Dress at 20% Off

Boys' \$6.50 and \$8.50 Raincoats, \$3.95

Boys' \$6.50 Two-Pants Suits \$4.85

Lion Clothing Co.
We use no string tags.
Original price-tickets in
each garment prove reductions
genuine.

Successors to
Steinbach & Co.

GUS KUHN, Pres. Morrison
At Fourth

PROPOSED CHANGES IN BANCROFT ACT WILL BE SUBMITTED

Matter to Be Left to City
Election in June Following
Decision of Court.

ACTION TAKEN BY COUNCIL

Outline for Proposed Police Pension
Law Will Be Drafted at Meeting
This Afternoon.

Owing to the ruling of City Attorney Le Roche, following recent decisions of the supreme court, the legislature can pass no acts strictly municipal in their scope, plans which had been made to have the legislature amend the Bancroft bonding act are to be dropped and the amendments instead will be submitted to the voters at the regular city election in June.

This action was taken by the city council this morning after being informed of the effects of the ruling of the supreme court in the Kalish case and the police pension fund case, wherein the court held that the legislature had acted without authority. As a result a meeting which was to have been held by the city commissioners and bankers, brokers and others interested in the state officials' bonds, which are regulated by provisions of the Bancroft bonding act, this afternoon is to be called off.

Steps are to be immediately taken to get the amendments in shape for the regular city election.

Mr. Le Roche informed the members of the city commission, however, that the legislature's power to regulate for state matters and state officials is still unchanged, and as a result the legislature is to be asked to provide a suitable pension and relief fund act for the members of the police bureau.

To provide a pension law for them, however, according to Mr. Le Roche, the legislature will have to consider the policemen as state officers and this would be the only way that a pension law could be passed.

A preliminary outline of the law will be drafted at a meeting to be held this afternoon by Mayor Albee, City Auditor Barbur, City Attorney Le Roche and Captain Moore, representing the police. It is proposed to raise the fund by a two tenths of a mill tax levy and by each member of the police bureau paying 2 per cent of his monthly salary.

CONSIDER FEE EXCESSIVE

Collection Agencies Object to Pay-
ing \$12.50 per Quarter.

Owing to objections made to the provisions of the license code providing for a license fee of \$12.50 a quarter for collection agencies, it is probable that City Commissioner Bigelow will take steps to have the amount reduced. Objections were made at a meeting held by Commissioner Bigelow and license inspector Hutchinson with a number of managers of collection agencies. Objections to a provision requiring the filing of a \$500 bond were however, not voiced.

Up to a short time ago, the collection agencies paid no license fee, but when the new license code was adopted a license of \$12.50 a quarter was provided. The agencies, however, they consider the amount excessive.

OFFICIAL BONDS COST LESS

Bid of Oregon Surety Company 10
Per Cent Under Former Rate.

Bids received for bonding city officials and employees are 10 per cent lower than the city has been paying for several years. Of the bids for bonding officials and employees received by Commissioner Bigelow that of the Oregon Surety & Casualty company is lowest. It agrees to furnish the bonds of the city treasurer and the city commissioners for a period of one year for \$1900 of \$2 bonds, for the city auditor a premium of \$2 on each \$1000 and for the city employees \$1.65 on each \$1000.

City Assistants Family.

E. Raino, who was injured by being kicked by a fire horse several months ago, is to get \$125 from the city. The city council decided on this amount. Raino was in the hospital three months. He has a wife and four children.

Misunderstanding Claimed.

Edward O'Hern, 611 Albina avenue, and A. Woldheit, 291 Benton avenue, appeared in municipal court this morning charged with turning on city water after city employees had turned it off for non-payment of bills. Woldheit testified that he had turned it on due to a misunderstanding. It is expected that the matter will be straightened out this afternoon.

Second Anniversary Sale

Girls' Wool Dresses, Coats

Trimmed Hats, Sweater Coats, Fur
Sets, Knit Union Suits and all season-
able wear for girls up to 12 years at
ridiculously small prices.

Girls' Muslin Underwear at 1/2

The Juvenile

Outfitters for Children

143 Sixth, Opp. Meier & Frank's

AMUSEMENTS

HEILIG Broadway at Taylor
Main 1, A-1128

TONIGHT 8:15 ALL THIS
WEEK

BARGAIN PRICE

Mat Tomorrow

Lower floor 75c. Bal. 50c. Gallery, 25c

SEPTEMBER

MORN MUSICAL
COMEDY HIT

FUN-MUSIC-PRETTY GIRLS

Popular Prices \$1 to 25c

BAKER THEATRE

Home of the Famous Baker Players.

Tonight—All week—Mistress Woe, and Sat.
Greatest of all melodramatic farces—
"OFFICER 666"

A riot from start to finish. Thrills, excitement,
laughter, intense hits. First time in
the city. 8:15, 10:15, 11:15. Box 50c, Bal. 25c,
Mat. 25c, 50c, 75c. Wed. Mat. all
seats 25c, (except box). Next week—"The
Vindictive"

Baker Theatre tickets good in The Journal
Trade and Circulation Contest for one vote
of every cent of value.

Orpheum

Main 6 Broadway at Stark A-1000

The Psychic, accompanied by the Myrtle Mills,
Stanton, Miss. Joanne Jumali, Prima Donna;
Marion Todd & Co. Ellmore & Williams;
Moore & Haeger; Schwartz Bros.; Salt Duo.