ORDERS MARQUAM THEATER CLOSED

Executive Board Makes Sweeping Ruling After Hearing Campbell.

OPINION

Unless Legal Steps Are Taken to Prevent It an Effort to Enforce

EXECUTIVE BOARD ORDERS MAR-QUAM GRAND CLOSED.

be fire ordinances, and ignored offin a condition of absolute safety, the government late testurday afternoon

terrupted, as he action can be taken upy of the order of the Executive through the Auditor's office, which

Guarantee & Trust Company will take mediate steps to restrain the city from enforcing the order of the Exentitive Board, and it is certain that

Maxor's Executive Board, late yesterday afternoon, decided to adopt summary with the management of the Marquam Grand Theater, and Issued inclose the place without delay. This will ecohably be done today unless there is legal interference from J. Thorburn Ross,

The action of the Executive Board can climax to the report from Chief Campbell that the Title Guarantee & Frust Company, owners of the theater, d falled to comply with the recommer dations of a special committee appointed by Mayor Lane about three months ago o investigate the status of all local play-courses from the standpoint of public safe-

Say Owners Ignore Order.

the owners of the Marquam Grand At the last meeting of the Exec office Board, two weks ago, Chief Camp-ell and Fire Marshal Roberts made a joint eport relative to the matter, in the which it was set forth that the follow-

and west sides so that they lead directly to the ground without turns; clean out and keep clean all alleyways; provide fire-eacape stairs and standpipe on Alder-street sides; make all shutters on theater buildng, west and east sides, standard; ride new stage exit from stage on Aider treet: protect all communications in industrial exhibits. A suitable tract will be purchased near the city, and annual fairs will be held. white building and install approved mar-ble switchboard and remove old board from present location; make all fire apold board from present location; make all fire appliances standard; bulkhead bilind attic; remove posts from main exit and substi-tute folding doors; provide fire escape from roof of Marquam building to roof of

Referred to City Attorney.

At that time the matter was referred to City Attorney McNary, with instructions to take immediate steps to compel an obeyance of the board's mandate. In a tter received by the City Attorney from J. Thorhurn Ross, read before the meeting yesterday, it was set forth that the title to the property was involved in a lawsuit, the Marquam interest having petitioned the Supreme Court for a review of its recent decision awarding the property to the trust company, and until the mater was settled they did not feel like incurring the expense necessary to place the theater in a condition of perfect safe-13. as outlined above.
City Attorney McNary pointed out that

the courts had already ruled that the proprietors of a playhouse could not be riminally prosecuted for non-comwith the recommendations, hence the only measure of relief existed in the right of the city to close the house.

Causes Decisive Action.

The announcement of Mr. McNary, coupled with Chief Campbell's statement, that the evils complained of were still in evidence, produced a decided sensation

among members of the board.

John Montag insisted that the owners of the show house were merely sparring for time and that the legal issues involving the title might not be decided in months or years. He felt that they ought to be made to either comply with the ordinances or close up. "We made Pantages comply with the law," said he. "and I can see no sense in making fish out of one and fowl out of the other." Replying to Mr. Sabin's inquiry, Mr. Mc-Nary stated that there were ordinances providing that buildings could not be certain purposes and that he thought the board had authority to close

Mayor Lane-"Yes, under police author. ity, there is no question about that. The case is still before the Supreme Court." he continued," but in the meantime they go on collecting rent for the theater. The court proceedings do not prevent them from doing that. They are undoubtedly operating an unsafe theater, and the whole question is just this: The theater is being run in defiance to theater is being run in defiance to the law, and it is our duty to enforce the

Wants No Discrimination

Greene did not think it was fair for the board to make little theaters like Pantages obey the law and shut its eyes to what was going on at the Marquam.

oquois theater in Chicago." Campbel

There was a general chorus of voices in favor of closing the theater without day, Cogswell, Fleischner, Greene and Sabin being especially pronounced in their views on the subject, and on Cogswell's motion it was so ordered, John Montag holding out for the 20 day. olding out for the 30 days' grace.
W. T. Pangle, manager of the Marquam

the theater was closed by the Ex ecutive Board, companies billed to appear at the theater might bring suit agains the playhouse proprietors for violation of contracts, and in turn the theater might have to seek to recover from the city by

JIM HILL'S HAND IN TAGOM

CHARGED THAT HE WOULD NAME MAYOR.

Said to Back R. L. McCormick, Republican Nomince-Democrats and Labor Plan Fusion.

TACOMA, Wash., March 5 .- (Special.)-As a result of last night's Republican obtain the nomination for Mayor orrow's city convention on the first ot. With 200 pledged votes to his redit McCormick today dominates the collitical situation. A sweeping victory in every section of the city yesterday gave olm a long lead over his closest com-

petitor, E. I. Salmson,
"The real issue of this campaign is not that of a closed or open town, it is the question of getting more railroads into Tacoma or of keeping them out," said Mayor George P. Wright (Democrat) to-day. "McCormick is a supporter of the Hill interests, the Great Northern and the Northern Pacific, and if he is elected he will have to stand in with whatever Hill wants. The result of this election will very largely determine whether or not we are to be handicapped ly a railroad monopoly or whether the ma will be permitted to came in

A plan to unite the Democratic and Union Labor parties, and to nominate John Hartman for Mayor is now on foot. It is possible the project will succeed, al-though it is not yet advanced beyond the minary stages.

Under this arrangement if made the Union Labor forces would concode the Democrats the City Controller and Treasurer. The remaining offices would divided between the Iwo parties.

Hartman, who was nominated by the "nion Labor element last evening, et decided whether he wants the nom nation of either party, or of both. He will defer his decision in the matter until next week. He said today that he was ot prepared to discuss the matter.
If Hartman accepts the Union Labor commination, it will probably be with the inderstanding that he will also be the comminee of the Democrats.

This will eliminate Mayor Wright, who o far has no oppo ratic nomination. It was only with reuctance that Wright consented to be

FAIR FOR GRANT COUNTY

District Agricultural Society Is Incorporated at John Day.

JOHN DAY, Or., March 9 .- (Special.) he Grant County District Agricultural sciety, with main office in this place, has been organized and incorporated by citizens of Grant County. Clarence John-son, C. P. Johnson, J. B. French, F. E. Poster and J. H. Fell are named in the shares of \$1 each.

The purposes as set forth in the instru-cents filed are declared to be buying and leasing lands, buying, selling and erect-

Although rich in agricultural, horticul-tural and livestock products, the county has suffered much from a lack of necessary exploitation. Hitherto promoters have looked to outside capital to come to their aid, during which time its potentheater: enlarge stairway leading to fly gallery; install automatic fire-alarm leaves." tion aims to direct harmonlous and intelligent effort into the development of the neglected resources.

> CORVALLIS. Or., March R.—(Special.)— Major Scott, U. S. A., retired, reviewed the cadet regiment at the college this morning, and afterward spoke to friends, praising in high terms the evolution boys and their appearance. He said that he had in but few instances found as fine a body of students as that in this morning's drill. The regiment comprises over 400 men, and recently adopted the standard uniform of the regular Army, dive drab in color. It has a band of near by 30 pieces, and in the brilliant sunshine of this morning, the review was a fine speciacle. Colonel Sam Damon, chief officer of the cadet regiment, is a nephew of Major Scott.

His Liberty Will Be Brief.

SEATTLE. Wash., March 9.- (Spe cial.)—Edward W. Ross, sent to the State Penitentiary from Tacoma last year for passing worthless checks, will be rearrested at the State Peni-tentiary on March 31, when his term expires. Ross was convicted under th name of Ed Rembrandt at Tacoma. Under his own name he was an employe of Perry Bros., commission chants, and was \$400 short in his ac-

Buys Interest in Boom Company.

CHEHALIS, Wash., March 9.-(Special.) -E. A. Frost, of Chehalis, has sold his interest in the Lewis River Boom & Logging Company to C. W. Smith, of Chicago, a friend of George McCoy, of Napavine, the other partner in the company. McCoy and Smith will operate the boom business of which Mr. Smith will be in charge with headquarters at Vancouver. Mr. McCoy is a well-known Napavine sawmill

Willis Roberts Affive and Well.

THE DALLES, Or., March 9.-(Special.) The report pulished in yesterday's Even ing Telegram that the unidentified man who perished in the East Side fire of February 21 in Portland might have been Willts Roberts, of Mitchell, Wheeler Coundisproved today by the presence of Mr. Roberts in this city, en route to his former home in Mitchell.

Common Colds Are the Cause of Many Seri-

Montag moved that the owners be given 20 days in which to make repairs under penalty of being closed up.

Sabin advised cautious procedure, but upon assurances from the Fire Chief that the committee had found a deplorable state of affairs at the theater, Sabin was willing to take summary action at once.

With the stairs and exits in their present, condition," asked Mr. Greene, "and in case of an alarm of fire or any sudden commotion in the house, would the public be in danger?"

Chief Campbell—"Yes: that was what caused the fearful loss of life at the

Sells Liquor to Man Who Is Intoxicated.

IS WARNED NOT TO DO SO

Record of a Day's Proceedings in the Municipal Court With Punishments Administered to the Petty Offenders.

Hing Kee, keeper of a Chinese liquo shop at 86 Second street, was found guilty of seiling liquor to an intoxicated person, after the evidence of po-lice officers was given yesterday morn-ing in the Municipal Court, but, as it was the first case under the ordinance that has ever been taken into court. Judge Cameron suspended sentence. His Honor issued a warning, however, to all persons to refrain from this evil in future, as he says severe fines will follow convictions.

follow convictions, John Davis, aged 54 years, was the man to whom Hing Kee sold a glass of "whisky," and he was charged with heling drunk. He denied it, attempting to prove his sobrlety by stating that by means of a "jagometer" he gauged himself, but he was found guilty. As he had been in jail three days and nights, he was discharged.

Acting Police Detectives Murphy and Jones made the arrest. They explained



that they were going their rounds through Chinatown, and entered Hing Kee's establishment, to see if there was fantan or lottery running. From a balcony, they looked down at the bar, where Davis was leaning heavily against the rail, in a drunken condition, While they watched, Hing Kee ful of "whisky," and Davis drank &. The officers went down and placed both men under arrest.

"I was not drunk," declared Davis, when he took the stand. "I had drunk several glasses of liquor that day, but I used my 'jagometer' to gauge myself and am positive I was not drunk." "You were leaning against the bar at Hing Kee's, were you not?" asked Deputy City Attorney Fitzgerald.

"That is true, but leaning is my fa-orite position when I am drinking."

pendable for measuring jags? ceived a complaint against their use. "What did you register when you tested yourself on the night shortly before the arrest?" asked Mr. Fitzger-

"I ran the mercury up to 'partly ull," said Davis.
Mr. Fitzgorald and Judge Cameron, full. however, were very doubtful about the correctness of the "jagometers," because Acting Police Detectives Murphy and Jones, experienced in such matters, swore that Davis was so drunk he had to lean on them to get to headquarters, "Jagometers" register "part-ly full." "balf full," "full" and "beastly drunk." They are difficult to operate, if

the operator gets "too full. Judge Cameron expressed himself as greatly pleased that the police had started a crusade against saloonkeep-ers for selling liquor to intoxicated persons, and said he hoped they would continue vigorous enforcement of the law, as he regarded it as very impor-

This being the first case, I do no feel inclined to inflict punishment upon this defendant," said Judge Cameron, "but right here, I want to issue a warning to all saloonkeepers that they must cease the practice of selling liquor to intoxicated persons. The fact that I am suspending sentence in this case does not at all imply that I shall deal ieniently in future; I shall not deal leniently in future; I shall not ceeds \$50,000 in value, to Lucille Isabel deal leniently, but shall impose severe Sells. He cuts off his only daughter, Mrs. penalties, simply letting this matter serve

"Why in the world don't you get asked Judge Cameron of J. H.



Mr. Pierce Looking for Work.

Pierce, arrested by Headquarters De

"I have been looking for work, but can't find any," replied Pierce. "You must have been running around blindfolded," said Mr. Fitzgerald. "Did you notice any signs around town saying hundreds and thousands of men were wanted to build railroads?" asked

Judge Cameron.
"I did not," replied Pierce. "Well, you cannot hang around Portland ny longer without going to work," said Judge Cameron. "I propose to give you a chance. You get work by 2 o clock tomor-row afternoon, or get out of town."

Andrew Estock, a Hungarian, was ar- jury.

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the ringing of the curfew. He said he had just got in from Columbus, Wash., when he was nabbed. "Are you willing to work?" asked Judg-

Estock replied that he was, his morning, saying a lot of men were wanted to work for a sand company, said Judge Cameron, encouragingly. "Have you sufficient grit to work there?" asked Clerk Frank Hennessey. Estock promised to tackle any kind of

job, and was turned loose. Frank Burns, who started in the town Thursday evening, and who was arrested by Headquarters Detectives arpenter and Resing, was fined \$10, being harged with carrying a concealed weapon

Charles Sleigh, adjudged not insane was held to the grand jury. He is charged with burglary.

TO FIGHT INCORPORATIONS

Making Montavilla a City.

Old Guard Will Line Up Against

The opposition to incorporation in Mon tavilla is preparing to enter the fight land, said yesterday that he doubted very much that there was a majority favorable orporation. On the contrary, he are not in favor of forming a city govern The Montavilla Board of Trade will shortly hold a meeting and lay plans DeVeny said yesterday that it was supposed that the movement for incorporation had been defeated for all time several

ed off before the County Court. Those opposed to incorporation advo-cate annexation as the best step to take and that it would be better to remain as at present until the city is ready to take in all of Mount Tabor, including Montavilla. Situated as it is, Montavilla cannot ask to be annexed, as there is territory between it and Portland, but it is expected that in time Portland will want all the suburbs, and will annex them. Until then Dr. DeVeny contends that it would be folly to organize a city government, with all the incident turmoil and expense of a city government. There are prospects that the old struggle for and against incorporation in Montavilla will again be fought

LEAVES DAUGHTER DOLLAR

Le Duc Says She Loses That if She Contests Will.

LOS ANGELES, March 5.-By a wil filed in the County Clerk's office today, Dennis Le Duc. of Montreal, a civil engineer, who is said to have accomplished wonders in railroad-building for the Canadian government, and who died at temporary home in Hollywood, March 6, leaves the whole of his fortune, which ex-Georgette Le Duc Elliott, of Denver, with \$1. One of the provisions of the will is that, if the daughter shall contest testator's last disposition, she is to lose even that dollar, which then shall go to the Salvation Army at Denver.

By the terms of his will, which was drawn up February 1. Le Duc's body is to be buried in Mount Olivet Cemetery, Den-ver. J. N. O. Reich, of Los Angeles, is named as one of the executors, the other being a Montreal banker, La Fontaine. The estate consists of 12 houses in Montreal, Colorado mining stocks, notes secured by mortgages and money in bank. His estate in California is valued only at

PERSONAL MENTION.

B. F. Wilson, an attorney of Union, Or. was admitted yesterday by Judge Wolver ton to practice in the Federal Court. NEW YORK, March 2.—(Special.)— The following people from the Pacific Coast registered at New York hotels

From Portland-T. B. Wilcox, at the From Toppenish, Wash,-W. H. Hough at the Astor.

From Spokane-F. O. Baker, at the Herald Square. From Sumpter, Or .- A. Mohr, at the Imperial.

CHICAGO, March 9 .- (Special) - The following Oregonians registered at Chicago hotels today. From Portland-Mrs. Lebowick, at the Morrison; C. H. Dierney, at the Great Northern; E. A. Ray, E. Trenhutt, at the Palmer, From Salem-R. C. Hayes, at the Windsor-Clifton,

WILMINGTON, Del., March ' 9.-The Clyde liner Navahoe, which has been ashore just outside of the Cape Fear bar "I'll do one or the other," replied Pierce. since last Sunday night, was floated at high tide tonight with little, if any, in-

TALKS FOR JOHNSON

Says Rockpile Prisoners Are Exaggerating.

GUARD BRIGGS A WITNESS

Declares the "Dope Flends" Are the Hardest to Manage, and Says Prisoners Are Lazy About Their Work.

At the hearing in the County Commi-ioners' Court, yesterday morning, of th charges of brutality made by the rocked prisoners against James F. Johnson guard, A. S. Briggs, another guard, testi fled in defense of Johnson. Mr. Briggs stated that the evidence given by the prisoners was a gross exaggeration of things that did occur, and many statements made by them were entirely without foun-

"I don't think Mr. Johnson's conduct has been out of the way," said Mr. Briggs. "Some of the men have been hard to andle, especially the 'done flends' men who work have no trouble. We have mischief-makers who breed disturbances. out manage to keep aloof themselves. textified that he was hundruffed to es in the mouth with his fist. Mr. Briggs stated that Johnson only caught Stewart by the chin and shook his chin roughly and also shook his shoulder. did not see Johnson strike Stewart. merous prisoners corroborated the evidence of Stewart, and Mr. Briggs said some of these were quite a distance away?

Handcuffing of Stewart.

The witness said the impression he gained when Johnson handcuffed Stewart to the post was that Johnson intended to the post was that Johnson intended to but released him. Johnson did not do, but released him.
"Stewart, when he was first brought out to work," said Mr. Briggs, "rolled the hammer on the ground and made fun of t. I told him it was not through my in he wouldn't work. Johnson said to let it drift along for a few days, and we did. We discovered that we could not do much talking to him. We put him on a wheel-He worked very slow, and when taken to task would begin and work very fast for a few minutes, and then would

not work at all." Regarding the Gumbert boy, Mr. Briggs testified that Johnson dld not abuse him, but paddled him a few times. The pick-handle referred to had been whittled down to the circumference of a good-sized cane, and the paddling did not hurt Gumbert very much. He was not a willing worker, The prisoner Nelson, Mr. Briggs described as a lazy Swede. Martin, Mr. Briggs stated, was not overworked, but puffed and blowed and pretended that he was a cart, and it took him two hours and 15 minutes, and the work could easily have been done in an hour. Mr. Briggs stated that he wheeled one load, and it was not

Alick was characterized by Mr. Briggs as a typical lazy Indian. Mr. Johnson ook Alick and tore his sweater a little This agrees with the evidence of Alick himself. He has served two terms in the

Had to Make Them Work.

Johnson shook prisoner Taylor, Briggs said, to make him work. Bintle, a prisoner, was described as a mischlef-maker who got others in trouble and kept out him-self. Johnson shook him sometimes. The prisoner Morrison, Briggs said, had to be talked to to make him work, but was not brutally treated.

Davis chummed with White, a "dope

flend," and had to be talked to. The witness said they had more trouble to make the "dope flends" work than any of the others. There were two in the present gang, White and Tucker.

On cross-examination by W. T. Vaughn,

attorney for the prisoners, Briggs admit-ted that Johnson sometimes used bad language. He asserted that was because of the noise made by the rock-crusher; he did not hear much of what Johnson said Johnson became violently angry he was unable to control himself. He also denied teiling Mr. Dickerson, in a conversation held on Fourth street, that Johnson was guilty of the charges made against

Mr. Dickerson testified that Briggs did Mr. Dickerson testined that Briggs did-make such admissions, and on cross-ex-mination admitted having had a quarrel with Johnson, when Johnson struck him. He refused to answer-if he had stolen a keg of beer from a wagon on a certain occasion, and Mr. Vaughn remarked that t was not much of an offense to take a keg of beer, anyhow.
Several more prisoners were examined

pesterday who told tales of cruelty. The hearing was continued until today.

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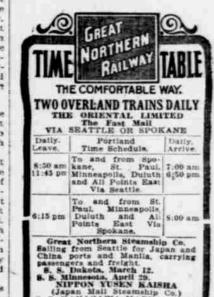
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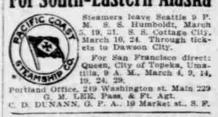
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