MOUNT HOOD ROAD HAS NEW POLICY

President Clark Wants to Bring to End Controversy With Council.

OFFERS TERMS TO CITY

Asks for Statement of Conditions on Which Grant Will Be Made. Will Not Encroach on Bull Run.

President E. P. Clark, of the Mount Hood Railway & Power Company, sent a communication to the City Council, which was read at its adjourned session yesterday afternoon, seeking an amicable settlement of the difficulties that have arisen between the corporation and the city administration. The letter created surprise and great satisfaction among the Councilmen and Mayor Lane seemed much pleased. The matter was turned over to City Attorney Kavanaugh for consideration, with a request for an early report.

In his letter to the Council, Mr. Clark declared that his company never intended to infringe upon the rights of the city in the Bull Run River reserve, and he asked that the Council instruct the City Attorney to proceed and draw up terms, upon which the city and the corporation can agree. Mr. Clark explained that he is willing for the city to have the water rights, the company wishing to retain only the right of eminent domain, in order to reserve the power to condemn certain lands on the right-of-way being surveyed by the company's engineers.

Offer Comes as Surprise.

Owing to the fact that but two weeks had elapsed since Mayor Lane and members of the Council had encountered violent opposition from C. W. Miller, local representative of the company, and the Council voted against granting the corporation two permits, Mr. Clark's letter was entirely unexpected. It was feared that the difficulties might never be settled amicably. Now, however, it seems that again there is harmony between the city authorities and the company officials. The only thing insisted upon by the Mayor and Council is absolute control of the water in Bull Run River which is now or may later be required by the city, whether for distribution or power purposes.

President Clark's communication follows:

To the Honorable Mayor and Council of the City of Portland, Or.:

Gentlemen—The Mount Hood Railway & Power Company respectfully represent and petition as follows:

Whereas, Apparent conflict or misunderstanding exists between the Mount Hood Railway & Power Company and the city of Portland, regarding water rights on the Bull Run River, from which is obtained the domestic water supply for the city of Portland, we desire to state our position, as follows:

Various appropriations of water made in the interests of the Mount Hood Railway & Power Company claim the right to divert the surplus water from Bull Run River to be used for power purposes. Some of these notices have been posted above the city's diversion, and others at and below the same, which might give the impression that it is the desire of the company to create interference with the city's use of the water. This, however, has never been the avowed purpose of the company and is not its present plan. On the other hand, it is intended by means of said notices to take only such water as may pass the diversion of the city of Portland, either now or at any time in the future.

Protect Bull Run Supply.

We realize that the city will continue to grow and will require for municipal purposes an ever increasing amount of water, and that this can only be obtained to the best advantage from a point on Bull Run River at or above the city's present point of diversion. However, until the city shall build one or more additional pipe lines for conducting a larger supply of water than can at present be taken by the existing pipe line, there will remain at all times a large amount of water passing the city's headworks, and even after the city shall have constructed sufficient pipe lines to divert all of the water during the season of low flow each year, there will remain a large surplus of water at all other times when the river is discharging greatly in excess of its low flow. It is therefore the purpose of the company to only make use of any of such surplus water which the city does not require for its use, and

We respectfully petition the Honorable Mayor and Council of the city of Portland to instruct the legal representatives of the city of Portland to prepare such conveyances, agreements and ordinances as may be necessary to protect the city and still permit the Mount Hood Railway & Power Company to use the surplus waters of the Bull Run River for power purposes.

In carrying out the above and in consideration of the relinquishment to the city of any adverse rights to the waters which have been acquired by the company under its appropriations, we respectfully request the following concessions on the part of the city:

First—That by ordinance or otherwise, as may be advised by the city's counselors, that the city grant to the company the right to divert and use for power purposes such part of the waters of the Bull Run River as the city shall not require for its uses, and that such diversion shall be made at a point below the present diversion and headworks of the city of Portland.

Second—That the city shall grant right of way over its lands for the construction of a canal or flume for the diversion of the waters as above stated.

Asks Permit for Flume.

Third—That the city consent to withdraw all objections to the construction of a flume or canal across that portion of the Bull Run Forest Reserve described as the southeast quarter (S. E. ¼) of section 4, township 2 south, range 5 east, Willamette Meridian.

Fourth—That the city waive all objection as a riparian proprietor to the diversion of the waters of the Bull Run and Sandy Rivers, by the Mount Hood Railway & Power Company, so long as said diversion is in accordance with the understanding reached and not conflicting with the city's use of the water.

Fifth—As the canal and flume to be constructed by the Mount Hood Railway & Power Company will cross several pieces of private property in addition to property owned by the city of Portland and the company itself; and as in the event of the company being unable to agree with the owners of said private property as to the amount to be paid for right of way therein, and thus be forced to enter condemnation proceedings for acquiring such rights of way, we request that the right of the Mount Hood Railway & Power Company to use of the waters from Bull Run River, although second in right to the city's use thereof, be left in such legal form as not to deprive the company of the right of eminent domain.

E. P. CLARK, President.

After the communication was read, Councilman Bennett, chairman of the committee on judiciary, explained that he and Councilman Cellars recently held a conference with Mr. Clark, at which time they asked him to state his position to the Council. Mr. Bennett said the letter just read was the result of that conference.

Second Flotilla Joins Fleet.

SAN FRANCISCO, April 9.—A dispatch received this morning by the United Wireless Telegraph Company from Magdalena Bay, says that the second flotilla of torpedo-boats arrived on April 5. The steamer Arethusa, which started out with the flotilla as a convoy, arrived on April 6. The flotilla arrived in fine condition and, like the battleships, ready for duty.

The flotilla arrived a day ahead of schedule time. All the ships are now painted up and ready for the run up the California Coast.

BOARD HOLDS UP FUND

Hopes to Make Telephone Companies Pay for Cables.

Pending the adjustment of contentions now in progress between Mayor Lane and his political friends and the majority faction of the City Council, which opposes him, the members of the fire committee of the Executive Board yesterday afternoon decided to hold up $4000, which was appropriated for the purchase of underground cables for the Fire Department. It has been ruled by City Attorney Kavanaugh that the Pacific Telephone & Telegraph Company and the Home Telephone Company can be compelled to furnish this material without cost to the city. Because of this opinion, the fire committee yesterday recommended that the Executive Board direct Mr. Kavanaugh to cause the Council to notify the companies that the wires are urgently needed.

The Executive Board at its meeting this afternoon, will, in all probability, adopt the committee's report. This will start proceedings to force the telephone companies to furnish underground cables and conductors, such as are necessary for the city's fire alarm service. Whether the companies will concede the point and supply the cables, is a question. If they do not, it is expected that a fight will be waged to revoke their franchises. At least, this is thought to be the programme mapped out by Mayor Lane.

An alleged needless expenditure of $20,000 of the city funds for underground cables, was the item that brought to light the provisions of the telephone franchises now under consideration.

The fire committee also voted to recommend to the Executive Board that the Council be asked to take action, looking toward the placing of firemen in local theaters, who shall be paid by the theater management. Mr. Kavanaugh has ruled that an ordinance to this effect would be legal.

Amusements

What the Press Agents Say.

Tonight and Twice Tomorrow.

The attraction at the Heilig theater, Fourteenth and Washington streets, tonight and tomorrow night, with a special matinee tomorrow (Saturday) afternoon, will be the brilliant comedy-drama, "Brewster's Millions." Seats are now selling.

"Fantana" Delights All.

The San Francisco Opera Company will repeat its greatest success, "Fantana," at the Marquam tonight. The phenomenal record of the present week is a source of great satisfaction to the management. Go tonight and join the delighted throngs.

Music and Laughter.

Hoyt's "A Trip to Chinatown" at the Baker this week is for the purpose of fun and laughter only. There is not one single fraction of a moment that could by any possible means be misunderstood to be serious or sensible.

"The Texas Ranger."

There will be three more performances of "The Texas Ranger" at the Star theater by the French Stock Company. This is the best of all the attractions seen at the Star the past year. It is a thrilling, patriotic drama. Matinee tomorrow.

"A Friend of the Family."

This is the show that you want to see if you would enjoy an evening of solid enjoyment. "A Friend of the Family" is one of the cleverest farces ever written and is being splendidly presented by the Allen company at the Lyric.

COMING ATTRACTIONS.

"Cupid at Vassar" Coming.

The attraction at the Heilig theater next Thursday, Friday and Saturday nights, April 16, 17 and 18, with a special matinee Saturday, will be Florence Gear in the musical college play, "Cupid at Vassar."

"Florodora" Sunday Afternoon.

That queen of all comic operas, "Florodora," will be the second week's offering by the San Francisco opera company at the Marquam. The tuneful music and witty lines of this piece appeal as strongly today as when it was first produced.

"The Eternal City."

Hall Caine's drama, "The Eternal City," which made such a lasting impression on the minds of everyone who saw it two years ago, will again be presented by the Baker Stock Company all next week, opening Sunday matinee.

"La Belle Marie" Monday.

The management takes great pleasure in announcing to its patrons that for the week commencing Monday night the Allen forces will offer for local consideration a splendid performance of that thrilling comedy-drama, "La Belle Marie."

"A Hoosier Daisy."

The most charming Middle West play ever written is the comedy drama "The Hoosier Daisy." This will be played by the French Stock Company at the Star theater for the coming week, beginning Sunday.

Black Beauty of Vaudeville.

Don Fulano, the wonderfully intelligent performing horse, and "Naomi," the human cannonball, will be the star features at Pantages during the coming week.

Doria Opera Trio.

As the headline offering at the Grand next week, Sullivan & Considine have secured the Doria Opera Trio. This will be the first appearance of these singers in this city.

AT THE VAUDEVILLE THEATERS.

Master of the Violin.

Frederick Makmuri, the great violinist, whose wonderful playing has enchanted the patrons of Pantages since his appearances at the popular vaudeville house the first of the week, continues to draw packed houses.

Walter Perkins and Others.

There is not an "also ran" act on the programme at the Grand this week. Sullivan & Considine have gathered a remarkable list of entertainers and Walter E. Perkins, the famous comedian, is at the head of the aggregation with a funny farce.

Seattle Marine News.

SEATTLE, Wash., April 9.—The steamships Farallone and Jefferson will leave tomorrow morning for Southeastern Alaska. The Farallone will make a special trip with cannery supplies to Santa Ana, Excursion Inlet and Quadran canneries. The schooner Alice Cook is through discharging her inward cargo of scrapiron and will shift to Port Ludlow Saturday to take a cargo of cedar poles for Honolulu. The steamer Telegraph, bright in new paint, went on the Port Orchard route yesterday for the first time.

Captain Harry Carter, formerly in charge of the Chippewa, is in charge of the Telegraph.

The steamship Tampico left for San Francisco this morning with a full cargo of coal. The steamship City of Seattle entered the Moran drydock this morning to overhaul before entering the Southwestern Alaska run for the season.

Miles and Gould to Decide.

NEW YORK, April 9.—Eustace H. Miles, ex-British champion, today defeated Payne Whitney in the final round of the National court tennis championship. The score was 6-2, 6-0, 6-1. Miles will play Jay Gould for the championship next Saturday.

Eye Glasses $1.00 at Metzger's

OPPOSED BY CHIEF

Campbell Sees Menace in Automatic Alarms.

WOULD USE CITY'S WIRES

Council Asked Not to Grant Franchise to Independent Company and Measure Is Referred to the City Attorney.

During a long discussion of the proposed franchise for the National Automatic Fire Alarm Company, at an adjourned meeting of the City Council yesterday afternoon, Fire Chief Campbell declared that positive danger will result if the right is extended to the grantee to connect auxiliary boxes with the fire alarm system. Chief Campbell was called upon for his opinion of the ordinance under consideration, and was asked to state his objections. He did so in a brief, but clear-cut talk. He said that if the fire alarm boxes of the city are to be tampered with by employes of the Automatic Company, a mistake may sometime be made that will cost lives and property. The measure was finally referred to City Attorney Kavanaugh for report upon its legal phases.

"If the city grants to the Automatic Fire Alarm Company the right to attach its auxiliary boxes to our system," said Chief Campbell, "it will, in my opinion, be a bad mistake. Supposing a fire alarm box is stationed near a theater, and an auxiliary box is attached. The electrician for the automatic concern goes along and examines the city's box; he pulls a plug and places it in a manner to 'cut out' the city box, but forgets to properly 'plug in.' He goes away and within ten minutes a fire breaks out in that theater. Some one pulls the city fire alarm box, and the box fails to send in a call. Who is going to get the blame? Not the electrician who made the mistake—none but the Fire Department officials, the Mayor and Executive Board. A positive danger attaches to the auxiliary system, if this right is given. I have no objection to the system, if the company will put in its system independent of the city's service."

City Electrician Savarian also spoke against the granting of the right to the Automatic Company to attach its system to that of the city. He explained in detail the point made by Chief Campbell, and showed the grave danger of a fatal mistake if that right were granted the corporation.

R. W. Montague, counsel for the company, addressed the Council, which was sitting as a committee of the whole, with President Wills in the chair. Mr. Montague explained that it lies within the power of the city to regulate the repair of fire alarm boxes by the Automatic Company's electricians, and declared that the system would be a benefit to the city, instead of a menace. He read letters from firms in Portland, indorsing the system. Councilman Annand presented a petition, signed by the heads of many of the largest local concerns, asking the Council to grant the ordinance.

Mr. Annand introduced a substitute for section two of the proposed ordinance, the only change being that 1 per cent of the gross earnings of the company shall go to the city. Several members of the Council, including Mr. Annand, Mr. Driscoll, Mr. Bennett, Mr. Wallace and Mr. Wills, showed an inclination to take an opposite position to that of Chief Campbell and Electrician Savarian. When Chief Campbell declared that the automatic fire alarm sent in many false alarms, President Wills said: "Well, it is a good thing to give the boys a run once in a while."

"That's all right, if you think so, but we don't," replied Chief Campbell.

One of the conditions contained in the proposed ordinance is that the city shall become the owner of 20 auxiliary fire alarm boxes, now in service. Councilman Kellaher, who is leading the fight against the franchise, moved to have City Attorney Kavanaugh report on how the company has been doing business in Portland for many years, and as to whether these boxes have not already become the property of the city.

UNABLE TO BUY HYDRANTS

CONTENTION OVER FUNDS SHUTS OFF SUPPLY.

Both Water Board and Council Decline to Vote Money for Needed Fire Apparatus.

One thousand fire hydrants are urgently needed in various sections of the city, but cannot be obtained because of a contention between the members of the Water Board and the City Council as to which should furnish the necessary funds. Chief Campbell, of the Fire Department, yesterday reported to the fire committee of the Executive Board that the situation is absolutely dangerous, and that it should be remedied at once.

In his report to the fire committee Chief Campbell said that many sections of the city are clamoring for hydrants, and that these ought to be supplied. The public school buildings, in some instances, are without hydrants, he reported, and specifically mentioned Ockley Green, Portsmouth, Thompson and Vernon.

"This situation ought not to be permitted to continue," said Chief Campbell. "It is absolutely necessary that hydrants be furnished wherever required to protect the people."

It being already known that the Water Board had positively refused to furnish any more hydrants, the fire committee voted to recommend to the Executive Board that the matter be laid before the City Council, if possible at its meeting next Monday afternoon.

Mayor Lane, who is chairman of the Water Board, last night explained the attitude of the memebrs of that body. He said that it is a principle that is involved. It is, he stated, a question as to whether the man with a small home, located far out in the suburbs, shall pay for fire hydrants that are to be used in districts downtown, where the heavy business is transacted, and where the business men are more able to pay the bills, or whether the hydrants shall be furnished with funds contributed by the whole people. The funds from the water receipts, he said, should go to extend mains. He holds that the Water Board is right, and that its funds should not be diverted for the purchase of hydrants.

FOR BENEFIT OF COMPANY

All Ryan Knows of Disposition of $500,000 Campaign Fund.

NEW YORK, April 9.—Thomas Fortune Ryan today threw cold water on the recently published story to the effect that he had testified before a special grand jury that $500,000 of Metropolitan Steel Railway money, ostensibly to be used for the purchase of the Wall and Cortlandt-street ferry line, had gone into a political campaign fund. Mr. Ryan was a witness today in the Harlem Municipal Court in a damage suit brought against certain directors of the street railway company, and was questioned at length about the $500,000 fund. He said that such a fund was made up, but he had no idea what was done with it except that it was "paid for the benefit of the company."

"It was paid to William C. Whitney," said Mr. Ryan. "He suggested that we put in $100,000 apiece for the company. That was in 1899 or 1900. There was no entry made in the Metropolitan Street Railway books."

He said the only information concerning the disposition made of the fund was given him by Mr. Whitney, who, he said, was the controlling spirit of the company.

"Have you any other information except what Mr. Whitney told you as to the use of the money?" was asked.

"No."

"As a fact, do you know to what it was applied?"

"No."

"Did you know that when the $500,000 was paid it was for the Wall and Cortlandt-street ferry line franchise?"

"I did not, until I got notice from the Morton Trust Company that $111,000 had been put to my credit."

BANANA TRUST IS ASSAILED

SENATOR JOHNSTON, OF ALABAMA, DEMANDS INQUIRY.

Calls Attention of Department of Commerce and Labor to the United Fruit Company.

OREGONIAN NEWS BUREAU, Washington, April 9.—Application has been made to have the fruit trust placed on the Government's blacklist. Senator Johnston, of Alabama, wants this corporation investigated by the Department of Commerce and Labor, in the belief that its investigation will form the basis of governmental procedure which will break up this monopoly. According to the Senator, the fruit trust practically controls the entire importation of tropical fruits into the United States, fixes prices and destroys competition. If his contentions are correct, and can be legally established, this trust, heretofore rarely mentioned, will have to be placed among the "bad trusts" which are condemned by the President.

Senator Johnston recently laid before the Senate a mass of evidence in regard to the operations of the fruit trust, more commonly known as the United Fruit Company, a New Jersey corporation capitalized at $20,000,000. This company absolutely controls 99 per cent of the tropical fruit trade of the United States.

To show the extent to which this trust will go to maintain its own prices and drive out competition, Senator Johnston made a few preliminary statements worthy of notice.

"This company," said he, "has not hesitated to throw overboard cargoes of its fruit in various ports of the United States for the purpose of maintaining prices, and in other instances it has given away fruit at competing points in order to destroy competition. The price of fruit is fixed weekly in New York and New Orleans by the agents of this company."

The Senator then went on to explain his interest in probing into the operations of the fruit trust. It seems that a few years ago an Alabama corporation, the Alabama Banana Company, purchased a large tract of land in Panama, cleared it, and planted it in bananas. Just as the first crop was ripening and ready for shipment to the United States the United Fruit Company, by unlawful agreement with the Central American government, seized this plantation and stopped the exportation of bananas by the independent corporation. The Alabama company brought suit against the trust in the courts of New York State, but it was there held that while the seizure might be unlawful, the courts of this country could not render a decision against another sovereign power which had been a party to the hold-up.

Senator Johnston quoted from a report from a German Consul declaring that the United Fruit Company is the "uncontested lord of the land" where the Alabama company had invested. The revenues of that government are only about one-fifth of the total receipts of the trust from its bananas grown within that little nation. The revenues of this single corporation, in other words, are five times the total receipts of the nation. Naturally such a corporation is a power.

Senator Johnston will push his resolution in the hope that Congress will authorize an investigation to "see whether a trust, grown so great and powerful in this country, can use the agencies of other foreign governments to protect them in their nefarious operations."

MORE THAN 3000 ATTEND

Inland Empire Teachers' Association Attracts Many Visitors.

STATE COLLEGE, Pullman, Wash., April 9.—(Special.)—This evening the delegates at the Inland Empire Teachers' Association, convened in Pullman, numbered over 1000 educators from Idaho, Washington and Oregon. Sixteen hundred people gathered in the college armory this morning and listened to an address by Judge Ben F. Lindsay, of Denver. The address of the afternoon was given by J. H. Ackerman, State School Superintendent of Oregon. The present gathering is the largest of the kind ever held in Western Washington. Including the student body of the college, and visitors not members of either the Teachers' Association or the college, the throng attending the varied programmes of the institute numbers slightly under 3000 persons. The evening address was given by Dean James E. Russell, of Columbia University, New York.

This afternoon the baseball nine of W. S. C. defeated the Lewiston Normal team with a score of 18 to 9. Hits off Lewiston, 14; off W. S. C., 1. Batteries—Lewiston, Gimlin and McCornack; W. S. C., Thompson, Dalquist, Fullerton, McCully and Patton. Another game will be played tomorrow.

FRIDAY BARGAINS.

Long Kid Gloves $2.35 a pair; Long Lisle Gloves 75c a pair; Hemmed Sheets 59c; 15c Huck Towels 8c; 30-inch India Linon 12½c; 50c-inch Wool Serge 33c; White Lawn Waists $1.19; Cambric Drawers 25c; 1000 pairs Women's Sample Hosiery, values up to 85c, at 47c a pair. Great Easter sale of Fine Coats, Suits and Skirts. McAllen & McDonnell, Third and Morrison.

Activity in Shore Lands.

OLYMPIA, Wash., April 9.—(Special.)—Twenty-four applications to purchase Lake Washington shore lands valued at $300,000 were filed with the Commissioner of Public Lands yesterday. These, with those previously filed, swell the total value of shore lands for which applications to purchase have been filed to $867,000. The 20-day preferential right of upland-owners to purchase these shore land will expire April 10. After this date the lands will go to the highest bidder at public auction.

Olympia Malt Extract, good for grandma or baby. Only 15-100 of 1 per cent alcohol. Phones: Main 671, A 2667

This House of Good Clothes Sends Forth Its

Easter Greeting

The New Spring Stocks are at their best;
The Choicest Styles in Suits for Men;
Exclusive Ideas in Haberdashery;
Correct Hats from the Best Hatters—

All Here for Your Choosing.

Our Spring Suit Styles are sure to interest you;
Come in and see them—

$15.00 to $35.00

Our Easter Neckwear Is Now on Display—and a Handsome Showing It Is.

RICHARDSON'S

283-285 Washington Street — Opposite Woodard, Clarke & Co.

SAYS HE BEAT HER

Rose Labell Sues for Divorce From Frank Labell.

RECITES ACTS OF CRUELTY

Declares Husband Struck Her With Razor Strop and Threw Water in Her Face—Conduct Became Intolerable and She Left.

Alleging that her husband beat her with a razor strop in the presence of her sister, Ora Larin, and followed up the whipping with a stinging slap in the face, Rose Labell has filed suit in the Circuit Court to secure a divorce from Frank Labell, whom she married December 5, 1895. She says further that he once threw water in her face, that he kicked and cuffed her, and once blacked her eye. These cruelties, she says, extended from 1901 to last January, when she was compelled to leave him.

During the last two years, she alleges, he often came home grossly drunk. So brutal and harsh was his treatment, continues the complaint, that her "life has been almost totally devoid of pleasure and her mind has been constantly perturbed with evils anticipated or wrongs remembered."

She says she has endeavored, for the sake of her children, to endure his abuse and revilings. The couple have three children, aged 12, 7 and 2 years of age, respectively.

Mrs. Labell says her husband owns lot 9, block 6, Laurelwood Addition. A motion for suit money, which she has filed, asks for $100 attorney's fees, and $10 a month for her support pending the outcome of the suit.

LYNCH IS FOUND NOT GUILTY

Acquitted of Horsestealing by Jury in Judge Gantenbein's Court.

Richard Lynch was acquitted of horse stealing yesterday afternoon by a jury in Judge Gantenbein's department of the Circuit Court. His testimony, and that of his wife, during the morning and early afternoon was to the effect that he had bought the horse, which was stolen from H. H. Lee, a farmer living near Holbrook, from two strangers, a tall man with light hair and blue eyes, and a short man. He said he gave no security for Lee's horse and another one, which he bought at the same time, but was to keep them on trial for a week. Mrs. I. Masterson, his sister-in-law, corroborated his story in some points, but in other points their stories differed materially.

J. F. Hawkes testified upon cross-examination yesterday morning that he was not guilty of horse stealing, but had pleaded guilty at his trial for the state's accommodation, to avoid a trial. He lays the blame for the thievery on Lynch, but says he was present when the horses belonging to various farmers about Holbrook were stolen.

SHIELDS IS AWARDED $4850

Southern Pacific Must Pay for Accident in Terminals.

Richard Shields was awarded $4850 damages, yesterday afternoon, by a jury in Judge O'Day's department of the Circuit Court. He was suing to recover $20,500 from the Southern Pacific Company because of an accident at the foot of the steps leading from the Steel bridge to the railroad tracks on the West Side. The jury was out four hours, returning once to ask the court for instructions as to whether the railway company had a right to maintain a stairway leading to its property without using some method to warn the public of danger.

The court said it was incumbent upon the railway company to provide for public safety, but did not answer the question directly, as, he said, it would be passing upon a question of fact.

GUILTY OF LARCENY CHARGE

Will Dell and C. L. Tanksley Sent to Penitentiary.

Will Dell and C. L. Tanksley pleaded guilty to larceny yesterday afternoon, and were sentenced by Judge Cleland to serve 18 months each in the State Penitentiary. Dell stole a pair of field glasses, a lady's watch and chain, and other jewelry from N. C. Braham, of 412 Alder street, March 22. Tanksley embezzled between $100 and $200 from Paul Strain, while in his employ, on March 14.

Judge Cleland also sentenced several other criminals who had previously pleaded guilty. Richard Baugh, R. H. Baugh, father and son, and Victor Hollander were sentenced for larceny. They were charged with breaking into a box-car belonging to the Southern Pacific Company and stealing all the trousers they could carry away. The theft was committed February 27. The elder Baugh was sent to the Penitentiary for two years and his son was given 18 months, while Hollander must also serve 18 months.

Antone Shupes was sentenced to serve a year in the County Jail for stealing a gold watch, fob and 15 neckties from George Wetle, at 297½ Third street, February 16.

MRS. STARK SUES FOR $10,000

Says Mr. and Mrs. Epler Beat Her With Hatchet.

That John H. Epler and his wife used a hatchet in beating her about the shoulders, and on her hands and arms, is the allegation of Mrs. Mary A. Stark in a suit filed yesterday morning in the Circuit Court. She says the assault was violent, vicious and malicious. Mr. Epler, it is declared, wielded the hand ax, while his wife assisted him with her fists. The fight occurred September 20, last year, according to Mrs. Stark. As damages for the tussle, in which she asserts she was severely injured, she seeks to recover $10,000, besides $750 for doctor's fees, and $250 for hospital expenses.

Decisions to Be Rendered Today.

Judge Cleland is to decide today the questions raised by the motions and demurrers of 14 cases and to pass upon the merits of one case, while Judge Gantenbein will give a verdict in one case. The complete list is as follows:

Otto Meyer vs. Mary Meyer; motion for alimony and suit money.

Dan R. Murphy vs. C. D. Danaher; demurrer to amended complaint.

Minnie M. Clayson vs. William Clayson; on the merits.

Beada L. Helfrich vs. John G. Helfrich; motion for suit money.

J. G. Johannes vs. Florence Evans; motion to make complaint more definite and certain.

City of St. John vs. Youngferdorf & Sons; motion to make complaint more definite and certain.

P. F. Burfitt vs. W. C. Moore; on the merits.

John Berdahl vs. A. G. Macdonald; motion to make complaint more definite and certain.

W. B. Rust vs. C. Alexander Zygowsky; motion to strike from reply.

Frankfort Marine, Accident & Plate Glass Insurance Company vs. Portland Gas Company; demurrer to complaint.

Henry Lehr, by guardian, vs. John B. Matthews; motion to strike out parts of amended answer.

Lizzie C. Davidson vs. John B. Davidson; motion to make complaint more definite and certain.

Judge Gantenbein will decide:

E. S. J. McAllister vs. American Hospital Association; on the merits.

Sues Lumber Company for $50,000.

Joseph Rogers is suing the Portland Lumber Company to recover $50,000 damages on account of an accident which occurred July 18, 1907. The case is on trial in Judge O'Day's department of the Circuit Court. Rogers says that while he was repairing a logger chain at the company's mill the machinery suddenly started up on account of the throwing of a lever, and that he was caught in the wheels. He alleges that proper medical attention was not promptly afforded, thereby causing him much loss of blood.

Hans Nelson Convicted.

Hans Nelson was convicted yesterday afternoon by a jury in Judge Bronaugh's department of the Circuit Court of contributing to the delinquency of an 17-year-old girl. His attorney took five days in which to file a motion for a new trial.

WHITNEY HEARING ENDED

Justice Reid Takes Manslaughter Charge Under Advisement.

Dr. G. B. Whitney, who is charged with manslaughter, was before Justice Reid yesterday for the conclusion of his preliminary hearing. The defense presented its case yesterday and the matter was taken under advisement by Justice Reid.

Practically all the testimony introduced before Justice Reid was a repetition of that given before the Coroner's jury.

Dr. Whitney's father is expected to arrive in Portland within a few days and it may be that the court will withhold a decision until after his arrival. Dr. Whitney is accused of having caused the death of Miss Mabel Wirts.

Metzger fits glasses for $1.00.

IN WOMAN'S BREAST ANY LUMP IS CANCER

Any tumor, lump or sore on the lip, face or anywhere, six months, is cancer. They never pain until almost past cure.

THREE PHYSICIANS OFFER $1000

If They Fail to Cure Any Cancer

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