FRANCHISE DEBATE ENDS IN DEADLOCK

Clause Regulating Fares of Light & Power Company Ties Up Committee.

HOT WORDS ARE PASSED

Burgard Charges Faction Holding Out for Regulation Right With "Grandstand Play"-Southern Pacific Matter Up Today.

SOUTHERN PACIFIC FRANCHISE HEARING COMES UP THIS MORNING.

reat interest attaches to the special meeting of the street comm of the City Council, scheduled for this meraing at 10 o'clock at the Half, to consider the proposes franchises sought by the Seuthern Pacific on Fourth street. pany seeks the right to double-track that street for electric purposes. Op-position to this will be made by the East Side Business Men's Club unless the company agrees to common-user of its East Side tracks for the purpose of opening the great whole-

After wrangling for two and one half hours resterday afternoon, six members of the City Counce dead-locked on a clause providing for regu-lation of fares in the franchises of the Portland Kaliway, Light & Power Company. Councilmen Baker, Burgard and Dunning opposed and Councilmen Joy, Schmeer and Monks favored the in-sertion of the provision.

They were unable to agree on any-thing but adjournment, and therefore did adjourn until 10 o'clock next Mon-

day morning.
City Attorney Grant had included a City Attorney Grant had included a fare-regulating provision in the general ordinance, which includes a number of franchises, and a vised the members of the committee that the clause, if adopted, would make it char that, should the city so desire at any time, it could reduce fares without question. He refused to say, when asked outright by a member, what the committee should do as to voting yes or no on the subject. no on the subject

Regulation Right Inserted.

"That is a matter for the Council," said Mr. Grant. "I simply put that provision in because, while I personally think the city has at all times the right to regulate fares reasonably, anright to regulate fages reasonably, another lawyer, who might happen to be sitting in the capacity of judge might not so construe it. A judge might eay, inasmuch as the charter gives the Council the right to stipulate whether it reserves the right to regulate, that, having not so stipulated, the Council waived such right. I merely wanted to make it clear that the Council does reserve the right. But the question of reserving or not reserving is up to the Council, the members of which grant or refuse to grant this franchise."

Fuller, vice-mesident of the Portland Railway, Light & Pover Company, and Frankin T. Griffiths, chief-counsel for the company, spoke at length on the fare-regulating clause, both contending that, to stipulate res-ervation of this right on a few stub-lines, while no other lines of the com-pany are so bound, is an injustice to the company and of no benefit to the

The principal objection to the clause on the part of the company, it was said, is that such a provision would hamper the company to its bond sales. "Grandstand Play" Is Charged,

After the committee voted on the provision, Councilman Burgard, seeing that the committee was divided and feeling resentful at the delay, said: This fare-regulation on a few small stubs is nothing but a grandstand play; you are not doing anything for the you are not doing anything for the public, but you want to make the public think you are."
"I resent that statement," replied

Councilman Schmeer.

"I do, too," said Councilman Joy. "I am not doing any grandstanding, simply want to do what is right."

Councilman Baker, committee chairman, said that he wished to get action

man, said that he wished to get action one way or the other, as the people have been clamoring for the franchise and have been blaming him for delays. Included in the number in the ordinance are those for Sandy houlevard and Milwaukie street, these being the most important as to length and cost, However, by arrangement with Mayor Push important as to length and cost, however, by arrangement with Mayor Rushlight and Councilmen Baker and Burgard, the company is laying these
tracks without any franchise, in order,
as they explain it, to obviate any delays on street improvements

The company representatives also op-

posed the insertion of common-user clauses, Mr. Griffith contending that the charter does not provide for this in relation to streetear lines, except for five blocks at any given point and on bridges; that this applies only to commercial roads.

SOUTHERNERS WILL MEET

Y. M. C. A. and Y. W. C. A. Will Hold State Social Tonight.

Members of the Young Men's and Young Women's Christian Associations and their friends who come from Southern states will participate in a social to be held at the Y. W. C. A. tonight at 8 o'clock. It will be an occasion for Southern songs, Southern sames and Southern table delicacies. The social secretaries of the two associations have issued invitations to members and their friends who formerly lived in any of the following states: Tennessee, Kentucky, North and South Carolina, Georgia, Florida, Virginia, West Virginia, Maryland, Delaware, Louisana, Arkansas, Oklaboma and Texas.

Texas.

This is one of a series of state socials that have been conducted by the two associations. "These events have been among the most successful ever arranged by the Y. M. and Y. W. C. A.," said Social Secretary Harris of the Y. M. C. A. yesterday. "A large attendance is expected tonight."

ing H. B. Van Duzer was elected chairman of the county committee, Frank Lee secretary, and John H. Steenson treasurer. Fred J. Phelan was laced in nomination for the office of ecretary and received 18 votes, while

secretary and received 18 votes, while his opponent received 10.

There was some question at the outset whether four of the committeemen should be allowed to vote, as they had received no notice from the County Clerk of their election. It was urged that if they could not legally vote until they received official notice of their election as committeemen the meeting was iligat, because the only notification the committeemen received was through the press.

The chairman was instructed to ap-The chairman was instructed to ap-point an executive committee with one member from each of the ten wards and three members from the country, the chairman and secretary being ex-officio members. The organization of the city central committee was also effected. Chairman Van Duzer spoke in favor

P...... TACOMA PASTOR WHO HAS
JUST ACCEPTED CALL TO
PORTLAND CHURCH.



Rev. A. L. Hutchison, D. D., Rev. A. L. Hutchison, D. D., pasior of the lumanuel Presbyterian Church of Tacoma, Wash., has accepted a recent call from the Taird Presbyterian Church of Portland, and will arrive to enter upon his work here May 26, according to an announcement from him yesterday.

Dr. Hutchison was born in Pennsylvania, and is of ScotchIrish descent. He has labored in Tacoma for 11 years, and has built his church up from a small mission to a flourishing congre-

mission to a flourishing congregation of about 350 members, with property valued at \$40,000. He is considered one of the strongest preachers in the synod-and is an advanced Bible stu-dent and teacher. His Tacoma dent and teacher. His Tacoma church has the leading brother-hood and the leading Boy Scout organization in the city. Before coming to Portland Dr. Hutchison will attend the meeting of the Home Missions Council, which convenes in Louisville,

of the support of Harry Lane for Sen

PATROLMEN FOLLOW TRAIL OF BLOOD AFTER BATTLE.

ibatant Saves Life by Keeping Tight Grip on Revolver of Adversary.

Leaving a trail of blood, an un-known man escaped from a cordon of 25 policemen early yesterday morning, after engaging in a battle with Patrolman Bender, in which the officer wounded his adversary and escaped death only by holding a firm grip on his assailant's revolver. After the trouble the weapon was examined and the print of the firing pin was found on every cartridge, but the dents were not deep enough to explode the charge.

not deep enough to explode the charge. The fugitive ran a short distance, secreted himself and bandaged his wounds. Then he dropped out of sight, though surrounded by officers.

Bender was patrolling the neighborhood of the O.-W. R. & N. yards at 4:30 yesterday, when he entered a deserted house to examine any tramps who might be sleeping inside. He found a man with most of his clothing removed, sleeping in a pile of straw. found a man with most of his clothing removed, sleeping in a pile of straw. Bender awakened the stranger and "frisked" him, finding a lot of cart-ridges in his pockets. He ordered the captive to stand in a corner while the discarded ciothing was searched. The stranger said he had sold the revolver in The Dalles.

The stranger they started to rum, and

The stranger then started to run, and escaped onto the roof of another build-ing, where Bender pursued. The fight followed. The man ran back to where fellowed. The man ran back to where he had dropped his clothing, and fished out a revolver. Holding the weapon at Bender's head, he pulled the trigger several times, but the officer's grasp prevented its discharge. They wrestled and Bender got possession of the gun. The stranger fled and crawled under a building. Five shots were fired at him.
As he ran around the corner of Harding and Goldsmith streets he was imping. Bender fired his last shot and then notified the station.

An automobile laden with officers

was at the place in a few minutes. A corden was thrown around the scene of the fight, and officers followed up a trail of blood to a point where the fugitive had stopped and bandaged his wounds. They could trace him no

Captain Keller has recommended that the police automobile be provided with several suits of overalls, as several of his men rulned uniforms in crawling into nooks where they believed the fugitive might be concealed.

McAllister Sends "His Best."

Among the numerous congratulatory letters received in the last few days by W. H. Fitzgerald, Republican nom-inee for Sheriff, was the following from Harry C. McAllister, his leading

opponent

5. have just been officially informed that
you have been honored by the Republican
voters of this county with the nomination
for Sheriff, and as one of your defeated opponents I wish to extend to you my sincers congratulations, and to assure you of
my hearty support at the election next
November.

STATE DELEGATE CHOSEN

STATE DELEGATE CHOSEN

County Democrats Elect F. C. Whiteten; Lee Is Secretary.

F. C. Whitten was elected at Wednesslay night's meeting of the Mulmomah
County Democratic central committee a
delegate to the state committee. The

corre congratulations, and to assure you of
my hearty support at the election next
my hearty support
my hearty su

ATTEMPT TO FREE WHITTAKER FAILS

Judge Morrow Ignores Ancient Technicality of "Written Token" in Swindle Case.

PROMOTER IS STILL HELD

Attorneys for Oil Land Mcrchant! Charged With Fraud, Fail to Get Release on Legal Point Heretofore Frequently Worked.

Progress toward getting off of the statute books the antiquated "written token" requirement in the crime of abtaining money by false pretenses, a thing that has been repeatedly denounced by commercial bodies, attor neys and others as the great safeguard of swindlers, was made yester guard of swindlers, was made yester-day when Judge Morrow, in Circuit Court, refused to free W. H. White-aker, accused of a share in a swindle of about \$5005, upon the objection of his attorners that the prosecution was not prepared to show any evidence in the handwriting of the defendant. Judge Morrow characterized this view of the law as a technical evasion and contrary to the spirit of the law. Whiteaker was up for his second

contrary to the spirit of the law.

Whiteaker was up for his second trial on indictments identical except as to the name of the injured party. As president of the Lake Oil, Gas & Pine Line Company, it is charged, he assisted in obtaining money from Emma Smith and Mary J. Cole, by representing that his company possessed 800 acres of oil land in California, whereas the company had nothing but a filas the company had nothing but a fil-ing on Government land, which had lapsed so that others already had placed a second filing upon the land.

Five Defendants in Trial.

In the former trial the offense against Mary J. Cole was brought to trial, there being five defendants, of whom Whitesker was one. The state offered a printed prospectus of the company, in which the alleged fraudulent expresentations were made, and ulent representations were made, and even brought the manuscript from which the printing was done, but it was held that so long assthe written copy was not directly presented to the victim, and the printed copy was not a "written token" within the law the crime had not been made out, and the jury was instructed to acquit. It was this view which Judge Morrow opposed, in requiring the defend-ants to go to trial yesterday. Another contention, that the defendant had been in jeopardy upon the same set of facts, was held not good, because the crimes against the two women were distinct.

Conviction Cases Fait. Through failure to produce a "writ-ten token," the state has failed time ten token, the state has failed time after time to convict defendants against whom every element of a swindle had been made out. Unless some part of the falsity was set down in writing or signed by the hand of the defendant, the prosecution failed. The District Attorney has contended that even one's printed statements, if directly authorized by himself, are within the intent of the law, but on account of the state being barred from appealing in criminal cases, never has had an opportunity to get a final ruling upon this contention.

Steps have been taken by commercial bodies alligned against fraudulent could be added to the rear end of the church and worked rapidly to the upper portion and toward the from truned on a dozen streams, and in the course of an hour had the flames under control.

For two years this church had not been occupied regularly, but was used for a time as the People's Hail and influence under the direction of Rev. Albert Ehrgott and Rev. H. Nottingham. That work was abandoned several weeks ago, and since then the building was fully equipped as a church, with a full basement and kitchen and an auditorium that would several the foor of the auditorium that sould several the foor of the auditorium that sould several the foor of the auditorium that would several the foor of

cial bodies alligned against fraudulent and tricky dealers, to secure a modification of the law, and it is probable that a bill will be introduced in the next Legislature to this effect.

Governor of Nevada Sends Word He Will Visit City-Tacoma to Send Decorated Autos.

Portland's Horse-Owners' Association will introduce as a novel industrial feature of the horse and vehicle parade of the Rose Festival, a special division for work-horses in which hundreds of teams engaged in various division kinds of traffic in the city will take part. The entry will be on a scale which will without question vie in magnitude with the feature which has made the Boston Annual Work-Horse parade such a success in that city.

Averagements will be made by the Arrangements will be made by Arrangements will be made by the special committee of the association to have each team and wagon beautifully decorated with wild flora indigenous to this section, such as Oregon grape, Scotch Broom, Marguerites and other flowers.

The big transfer, draying, trucking, delivers and express companies will be

The big transfer, draying, trucking, delivery and express companies will be enlisted in the work of preparing this unique educational display. A committee of seven prominent members of the association will have charge of the work-horse section for which several costly trophies will be offered as prives.

as prizes.

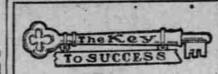
Governor Oddie, of Nevada, is the first of the State Executives to respond to the invitation of Governor West, and President Hoyt, of the Rose Festival to attend the Congress of Governors to be held here that week. He ac-cepted the invitation and has promised cepted the invitation and has promised to participate in the festivities and in the deliberations of the Congress. In his acceptance he thanked the citizens of Portland, the state and the Rose Festival, for the invitation. The Tacoma Montamaro Festo, ad-vised the Festival management yes-teries that it would have a number

tierday, that it would have a number of decorated automobiles in the prize motor-car parade. Wednesday, June 12. The automobiles will be driven here by the owners, and arrangements will be made to complete the decorative most here. ork here.

work here.

The Vancouver Exhibition Association is planning to enter either a number of automobiles or an automobile float in the same pageant. The British Columbia city already has promised to send a large delegation of citizens here for the celebration.

The "Royal Highlanders" a National



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Franklin T. Griffith, Chief Counsel W. B. Shively, General Attorney E. H. Dodge C. J Franklin

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OLD CHURCH DESTROYED

FIRE WRECKS DESERTED LAND-MARK ON EAST SIDE.

Building, Property of Baptists, Not Considered Serious Loss-\$1000 Organ in Choir Loft .

Fire, supposed to have been caused by crossed electric wires, almost de-stroyed the old Second Baptist Church, landmark at the southeast corner a landmark at the southeast corner of East Seventh and Ankeny streets, yesterday afternoon. Only the shell of the structure stands, the upper portion and roof having been burned away. The church was rebuilt at a cost of \$5000 about 16 years ago, but its value at present was small, and it was an incumbrance rather than an asset.

Fire started in the rear end of the church and worked rapidly to the upper portion and toward the front. The fire-

several weeks ago, and since then the building has not been occupied. The building was fully equipped as a church, with a full basement and kitchen and an auditorium that would seat 800. The floor of the auditorium was carpeted and there was an organ valued at \$1000 in the choir loft. The church stood as it was left when the congregation united with the Central Baptist Church and organized the East Lide Baptist Church, which owns the property. Efforts have been made to sell the property for \$15,000, but the building was not considered available for any purpose.

for any purpose.

The church was rebuilt when Rev. M. WORK HORSES TO BE SHOWN AT

ROSE FESTIVAL.

The church was result when they, at.

M. Lewis was pastor. The other pustors who have served are Rev. Ray
Palmer, Rev. William E. Randall, Rev.
S. C. Lapham and Rev. H. S. Black.

Ten Granges to Convene.

VANCOUVER, Wash., April 25.—(Special.)—Ten Farmers' Granges of Clarke County will hold a quarterly convention at Amboy, May 8 and 9. Among the many subjects to be brought up for discussion and approval will be the Pacific Highway bridge across the Co-lumbia River from Vancouver to Portland, parcels post, good roads and the Clarke County Fair. It is expected many farmers will attend this convention and will drive to Amboy in riga



the charm and sweetness of a baby's voice, because nature intended her for motherhood. But even the loving nature of a mother shrinks from the ordeal of suffering and danger. Women who use Mother's Friend are saved much discomfort and their systems are in a healthy condition to meet the time with the least possible danger. Mother's Friend is recommended only for the relief and comfort of expectant mothers, and its many years of success, and the thousands of endorsements received from women who have used it are a guarantee of the benefit to be derived from its use. Mother's Friend allays nausea, prevents caking of the breasts, and mothers in every way contributes to Effriend in

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