



## GAS COMPANY IS FOUND GUILTY

### Council Committee Returns Verdict.

### PEOPLE GROSSLY OVERCHARGED

### Gas Furnished to Consumers Is of Poor Quality.

### SYSTEM IS CUMBERSOME

### City Attorney Is Requested to Give Opinion as to Proper Procedure Necessary for Revoking Franchise of the Company.

**VERDICT OF THE COUNCIL COMMITTEE.**

"That it is the sense and opinion of this committee that the gas furnished by the Portland Gas Company is of poor quality."

"That it is the opinion of this committee that the Portland Gas Company has grossly overcharged the public for gas which they have furnished."

"That it is the opinion of this committee that the Portland Gas Company's methods of dealing with the public are cumbersome and unsatisfactory."

The above resolution was passed last night by the Council committee appointed to investigate the methods of the Portland Gas Company.

That the overwhelming testimony as to the abuses of its franchise by the Portland Gas Company, introduced at the investigation last spring, was not lost upon the Council committee conducting the proceedings, was shown last night. At a meeting in the City Hall the special committee reviewed the evidence which was presented before it in the public hearings, considered the company for its shortcomings and took steps which may lead to the revocation of its franchise.

Although the report of the committee is not concluded, sufficient action was taken to sustain important charges made against the gas company by the Oregonian, which led up to the investigation. Resolutions were passed declaring that the quality of the gas is poor, that the public is grossly overcharged for it and that the methods of the company in dealing with the public are cumbersome and unsatisfactory.

While these resolutions sustain the main charges made at the time of the investigation, other minor details will be taken up at the next meeting of the committee.

Not only did the committee agree that charges against the corporation had been fully substantiated, but they went further and took the first step which may lead to finding the remedy. That the service of the committee is so poor and its methods so arbitrary that its affairs should be under the control of the Council, was finally the opinion of the Councilmen. That, in their opinion, the evidence may justify even more decisive action was indicated by the fact that the City Attorney was asked to render a written opinion not only covering the legality of regulating the company under its present franchise, but of forfeiting the franchise either through action of the Council or the Legislature. The communication of the committee to the City Attorney follows:

**City Attorney's Opinion Asked.**

"The City Attorney is requested to give his opinion as to whether or not the Council of this city has the power to revoke the franchise or franchises held by the Portland Gas Company; also to what extent the Council has power and authority to regulate said gas company as to service, quality and price; also advise the committee what power and authority the Legislature of the state has for revoking said franchise or regulating said gas company as above mentioned; and that the City Attorney be requested to report to the committee within one week."

After more than four months of inactivity, the special investigating committee met last night at 7:30 o'clock in the City Hall. All members of the original committee were present with the exception of Councilman Amund, who resigned some time ago. The committee present consists of Councilmen Bennett, Rushlight, Vaughn, Bennett, Masters and Kellaher.

Immediately upon convening the committee took up the consideration of what policy should be pursued. Councilmen Bennett and Masters desired to render their findings immediately to the Council and allow that body to act as it should see fit upon the conclusions reached.

It was suggested by them that the Council might consult with the City Attorney as to what remedy is at hand. The remaining members, however, desired to probe the matter to the bottom in the committee. In their opinion the City Attorney was to set the opinion of the better policy to be pursued. A motion to report immediately to the Council was defeated, and one to obtain the opinion of the City Attorney and then report was sus-

tained by a vote of four to two, Councilmen Bennett and Masters opposing.

**Evidence Is Summed Up.**

The committee then undertook a summarizing-up of the evidence presented during the investigation, considering first the quality of the gas furnished by the company. The committee was undivided in its decision that the contention that the company had been supplying consumers a very poor quality of gas was fully sustained by the evidence. They went even further in their individual statements, asserting that the gas is now even poorer than heretofore.

"The gas was poor and is poor," declared Councilman Rushlight, and this was evidently the consensus of opinion.

"There was abundant evidence that the gas was so bad that the only term which adequately expresses it is that it was 'bull.' Practically all of the testimony showed this, and everyone knows it to be a fact."

In the statements of Mr. Rushlight, all of the other members of the committee



Senator Henry Cabot Lodge, Who Defends President's Power to Summarily Discharge Soldiers.

concurring. "There is no doubt that this charge is true," said Councilman Masters, "and we should say so in our report. During the investigation and after it had been ended, for a short time the company improved the quality of its output. After the agitation had subsided, however, it again deteriorated. It is worse at present than it ever was."

After the other members of the committee had expressed a similar view of the situation, Councilman Vaughn moved that the committee put themselves on the record accordingly, which motion was carried by unanimous vote. The finding of the committee in this particular was:

"That it is the sense and opinion of this committee that the gas furnished by the Portland Gas Company is of poor quality."

**Charges Found Exorbitant.**

Having decided that the accusation of poor service in the quality of gas furnished the public had been abundantly sustained, the committee next turned to the subject of exorbitant charges. In glancing over the mass of testimony there was but one conclusion to be reached. It was seen that consumer after consumer has sworn to the fact that the bills of the company had been excessive; that their meters had been erroneously read; that while the price of gas was nominally reduced, the actual charges had increased. It being found that the committee was united on this point Councilman Vaughn moved:

"That it is the opinion of this committee that the Portland Gas Company has grossly overcharged the public for gas which they have furnished."

Councilman Masters was the only one opposing this motion. He objected to it

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## DASHED TO DEATH FROM HIGH BRIDGE

### Dr. Philip E. Johnson Murdered by Thugs.

### THROWN INTO CANYON GULCH

### Attacked in Early Darkness on Ford-Street Viaduct.

### BODY FOUND BY CARMEN

### Discovery of Articles on Bridge Leads to Locating of Remains Mangled by Fall of 117 Feet Into the Rocky Gulch.

**BRIEF STORY OF THE CRIME.**

**THE DISCOVERY**—Trolley-car crew find body of mangled victim at bottom of canyon, 117 feet below bridge, on deck of which foul murder is believed to have occurred early last night, with articles owned by victim lying about.

**VICTIM'S IDENTITY**—Developments prove the victim to have been Dr. Philip Edwards Johnson, a graduate of Columbia University, recently from New York City, son of the late Archibald Johnson, of Staten Island, New York, and who was married in Cincinnati, O., last October to the only daughter of the late Governor Hoadley, of Ohio.

**PROBABLE MOTIVE**—The police and Coroner Finley believe the murder was for the purpose of robbery, but a deep-laid plot is hinted at by Captain of Detectives Bruin.

**THEORIES OF OFFICIALS**—While the opinion prevails in all quarters that it was a robbery, the police are investigating also the theory of suicide, and they will also investigate a possible plot against the victim by enemies who may have killed him for unknown reasons.

Mangled by a fall of 117 feet, the body of Dr. Philip Edwards Johnson was found at 7:50 o'clock last night in the Canyon Road Gulch, beneath the Ford-street bridge. That he was murderously assaulted and thrown from the bridge is the accepted opinion.

The body of Dr. Johnson in a shapeless mass, beside the Jefferson-street line, and articles belonging to him, on the Ford-street bridge, were found almost simultaneously.

That it was a murder, probably for the purpose of robbery, is the belief of Coroner Finley and many friends of the deceased. Very little credence is given to a theory of suicide, as it is positively declared by all who knew the man that he was in prosperous circumstances; that he had but recently been married; that he had just purchased a site for a fine residence; that he was to have taken an examination today before the medical examining board to practice in Oregon, and that he was one of the happiest of men. No more heinous crime could be imagined than that of which Dr. Johnson

was the victim. He evidently was sand-bagged or strangled, without being given any chance for his life, and then robbed, and, to complete the horrible deed, his body was hurled over the railing to the ground, 117 feet below. Practically all traces of a wound by a bludgeon or of finger prints, if any, were obliterated by the terrible crushing of the form when it struck the ground.

An examination, that was as thorough as could be made after dark, was conducted by Captain of Detectives Bruin and a squad of staff detectives on the bridge at the scene of the crime, but no traces of blood or of a struggle could be found. From this it is believed that the victim was strangled to death or that he was killed by a powerful blow on the head with a sandbag or bludgeon.

**Robbery Believed the Motive.**

The police do not believe that Dr. Johnson struggled for his life, and they are of the opinion that he was thought by the

## CRIMES CHARGED TO RAILROAD MEN

### Beckman Alleges Burglary and Bribery.

### HIS DESK BROKEN OPEN TWICE

### Says Northern Pacific Officials Offered Cash.

### ANY POSITION HE WISHED

### Direct Charge Made by Secretary for Lumbermen Against Harriman.

### ford and Another—Preparing Case Against Harriman.

### HARRIMAN'S ILLNESS IS NOT SERIOUS.

### NEW YORK, Jan. 7.—E. H. Harriman gave personal assurance today that he was not seriously ill.

### He refused to discuss the Interstate Commerce Commission's investigation of the roads in which he is interested.

### CHICAGO, Jan. 7.—Victor H. Beckman, secretary of the Pacific Coast Lumbermen's Association, who is actively engaged in an effort to force railroads to relieve the car shortage in the Northwest, today asserted that attempts had been made by railway managers to bribe him to desert from his endeavors to force their hands.

### He also declared that his desk in Seattle had been broken open twice recently, apparently in an effort to procure statistics which he has been gathering for months and which are in the possession of no one else.

### Mr. Beckman held a conference today with members of the Interstate Commerce Commission to place before them some of the evidence which he will develop when the Commission goes to Seattle to investigate the car shortage and lumber rates. Regarding the alleged attempt to bribe him, Mr. Beckman said:

"Not very long ago an attorney for the Northern Pacific Railway intimated that I could have most any position I desired on that road, and when I told him that I did not want any position, he said:

"What is your price? Most men have their price, and I suppose you have yours."

"I replied that my price was a 40-cent rate for lumber from the Pacific to the Missouri River. Later J. M. Hannaford, of the Northern Pacific, saw me, and intimated that I could get a railroad position. I told him he was not nearly so good at that sort of thing as his attorney."

### Sends Orders to Hill.

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## TAKES UP GUDGELL FOR ROOSEVELT

### Lodge Defends Discharge of Negroes.

### ARTICLES OF WAR GIVE POWER

### Only Open Question Is as to Facts of Rioting.

### FORAKER RENEWS ATTACK

### Declares Discharge Exercise of Autocratic Power and Law Allows

### Negroes Board of Inquiry—Attempt to End Debate Fails.

### WASHINGTON, Jan. 7.—President Roosevelt's dismissal of the negro troops was again the subject of contention in the Senate today, and indications point to a protracted debate before any of the pending resolutions on the subject are voted on. Lodge developed a new phase of the question by presenting a resolution providing for an investigation of the "raffish" at Brownsville and, by silence, conceding the authority of the President to take the action he did. Foraker accepted Lodge's amendment authorizing the committee to visit Brownsville if it desired. His resolution was supported by Lodge in an address and opposed by Foraker, who followed, and spoke until 5:30 o'clock, giving notice then that he would conclude tomorrow.

### Two Questions Involved.

Two questions are here involved. A question of fact and a question of law. They are entirely distinct; they ought to be treated separately, and neither should be permitted to cloud or obscure the other in the public mind. The question of fact may be stated in this way. There was shooting in the streets of Brownsville on the night of August 13, 1895, and the result was that a man was killed and the lieutenant of police had his horse shot from under him and was so seriously wounded in the arm that amputation was necessary. These facts are admitted and are not disputed by any one. This shooting was done by some one who was done either by United States soldiers from Fort Brown or by inhabitants of the town of Brownsville. There was no one else and it is not possible for any one else who could have done it. The President, the Secretary of War and the Army officers detailed to inquire into the affair have decided that the shooting was done by the soldiers, and furnish testimony to sustain their opinion. The Constitutional League, representing by them, and asserts that it was done by citizens of Brownsville, disguised in cast-off uniforms of the troops and provided with explosives by the Government range, who committed this outrage for the purpose of casting odium on the troops of Fort Brown.

### One of the two propositions must be proved, for general negations are of no use here. It will be the duty of the committee under the resolution to take all testimony possible and determine whether this shooting was done by the soldiers or by citizens of Brownsville. Whether the soldiers or the inhabitants did the shooting is the question of fact, and on that I have no opinion to express. I have heard and examined all possible testimony.

### Origin of President's Power.

The question of law is whether the President, in dismissing these companies without honor, exceeded his powers under the law and the Constitution. The President, as commander-in-chief, the Constitution conferred upon him all the power and authority ordinarily exercised by the commander-in-chief of the military law of the times. That military law has been slowly forming through many years. Broadly speaking, the power of the commander-in-chief was under ordinance or rules laid down by the King himself.

### Articles of War may be said to date from those established by Gustavus Adolphus and those established by Napoleon.

Articles of War, which were adopted by both sides in England's civil wars. After the revolution which placed William of Orange on the throne, there was passed the famous military act, which not only recognized the military law of the time, but provided for the trial of mutineers and deserters by court-martial. This act, which had to be re-enacted several years, kept the military law of the military forces of England in the hands of Parliament.

### Provisions of Articles of War.

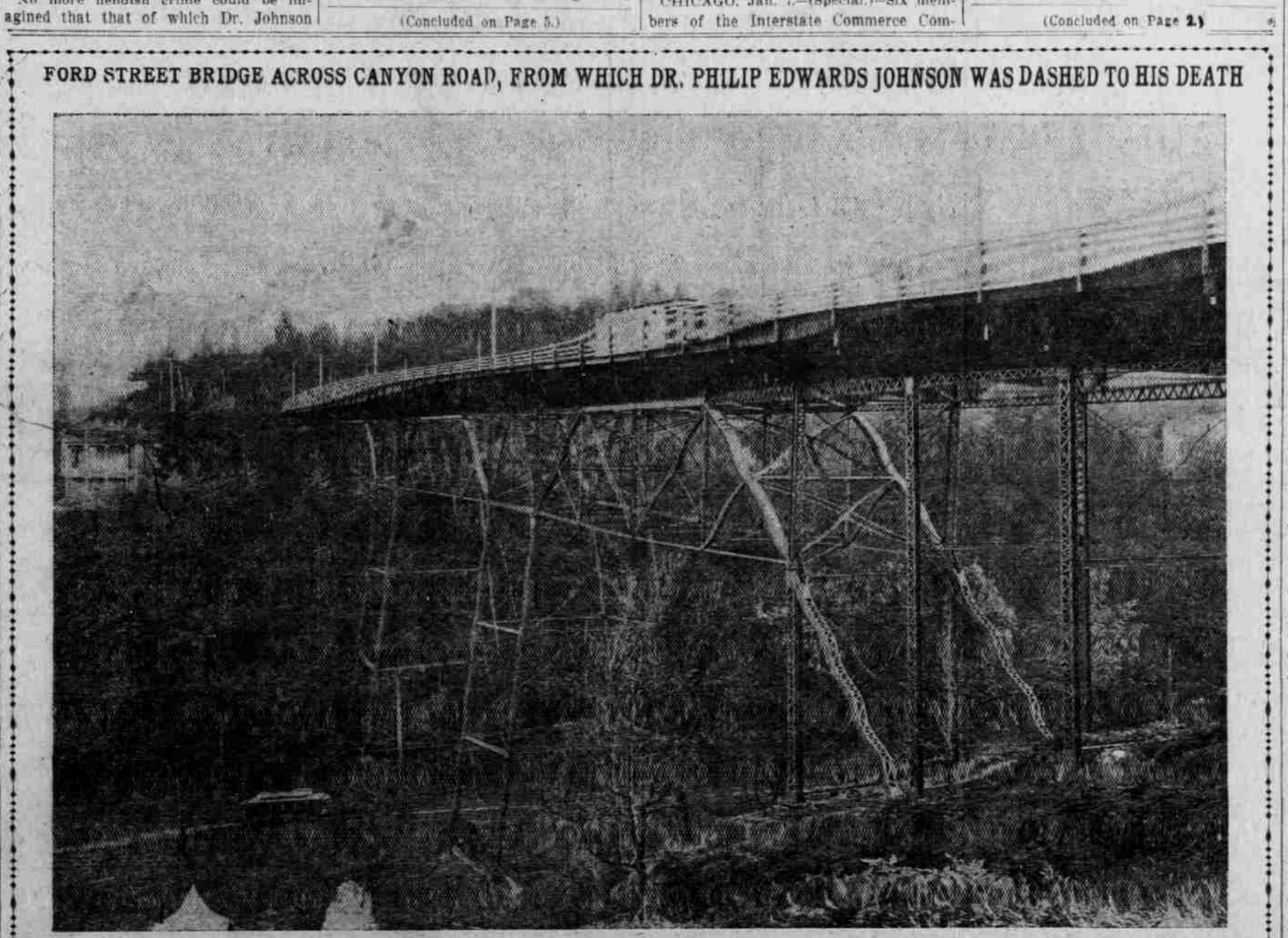
The principles of the military act and the articles of war adopted by England were in the main the same adopted by us at the time of the revolution and which may be found embodied in the articles of war which are now a statute of the United States. The Commander-in-Chief has, as such, the right to punish or discharge, except so far as it is limited or regulated by the lawmaking power which has enacted the articles of war. On this point of punishment or discharge the articles of war are perfectly applicable. Article 4 provides that:

"No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment in which he belongs or by the commanding officer, when no field officer is present, and no discharge shall be given to any enlisted man before his term has expired, except by order of the President, the Secretary of War, or the commanding officer of a department, by sentence of a general court-martial."

It will be observed that the power of the President, the Secretary of War or the commanding officer, in order to discharge an enlisted man is expressly recognized. The honorable discharge can only be given by sentence of a court-martial. The honorable discharge is not limited to the action of a court-martial and which comes within the section of the President, the Secretary of War and the commanding officer of a department as to the discharge without honor above as explicitly an language can the large power of the Commander-in-Chief to order such discharge. In some form, this power of summary discharge by the Commander-in-Chief has always existed and been exercised.

There can be no doubt, whatever, that the

## FORD STREET BRIDGE ACROSS CANYON ROAD, FROM WHICH DR. PHILIP EDWARDS JOHNSON WAS DASHED TO HIS DEATH



X CROSS INDICATES POINT WHERE THE BODY WAS FOUND.

(Concluded on Page 2.)