



UPPER RIVER NOW FALLING

Friday Will See Crest of Freshet.

WILLAMETTE RISES RAPIDLY

Heavy Damage Is Wrought by Storm on O. R. & N.

TRAIN STALLED AT WYETH

Tracks Are Blocked by Slides and Melting Snows Threaten Culverts and Embankments—Six Engines Stalled on Main Line.

THE FLOOD SITUATION. Floods in the Willamette are expected to continue until Friday, when the river will reach 21 feet, the highest point during any winter since the big flood of 1890, when it reached 24.7 feet. The high water is causing great damage throughout the valley. Portland merchants are losing from water in cellars and on lower docks. Settlers in the upper valley are taking to the hills. The rising river, bridges, ferries and buildings are being swept away by the swirling flood. The chinook of yesterday has wrought havoc on the main line of the O. R. & N., where heavy snow has been suddenly turned to water. Slides have covered the tracks and washouts are frequent. Traffic is demoralized and it will be several days before the line is cleared.

With every tributary swollen by melting snows, the Willamette River at Portland continued to rise rapidly all day yesterday and last night. The upper river is now falling and Friday is expected to see the crest of the flood in Portland. Great damage was done by the high water throughout the valley. There is a strong current in the river at Portland, which adds to the gravity of the situation and the probability of more serious loss on the water front.

Goods stored on lower docks and in cellars near the river have suffered considerable damage and merchants are busy moving their wares to safer quarters. Some who delayed in removing goods from the lower docks learned their error yesterday when many of these structures were flooded. The river rose two inches an hour nearly all day yesterday. By dark it had reached 15 feet above low-water mark and was still coming up. The rise is expected to continue until Friday, when it is expected the crest of the flood, which will be about 21 feet, will be reached. This height will exceed that of any winter since the big flood of 1890, when the river came up to 23.7 feet on February 5. The river rose two feet at Albany yesterday, but fell almost two feet at Eugene. This indicates that the flood in the upper river has subsided. Lacking backwater in the Columbia and continued support in the upper river, the flood will soon run itself out. It is predicted by District Forecaster Beals that the river will commence falling at Portland by Saturday.

The general chinook of yesterday promises to turn colder today and this will check the melting of snow in the mountains and further reduce the danger of a continued flood. Heavy Damages on O. R. & N. Have wrought off the main line of the O. R. & N. between Portland and The Dalles by the storm is immense and the damage to the Columbia and continued support in the upper river, the flood will soon run itself out. It is predicted by District Forecaster Beals that the river will commence falling at Portland by Saturday.

General Manager O'Brien, accompanied by E. A. Klippel, superintendent of telegraph, and J. F. Graham, superintendent of motive power, reached the city last night after spending the day on the line in a special train. They confirmed the stories of complete demoralization of the main line. For miles the tracks are blocked by slides and the melting snows threaten to wash away culverts and embankments. At Troutdale the thermometer rose to 69 degrees at midnight Monday, and the snow began to go off with a rush. The chinook made itself felt all along the Columbia gorge and streams were pouring down muddy torrents, bringing much drift that endangers the tracks. Efforts are being made to put on steamers that will carry passengers and mail around the points of blockade, operating trains in connection with the boats over the tracks that can be opened. The Harvest Queen, which left Monday to bring down the passengers on the stalled train near Wyeth, was waiting at Bonneville yesterday for the train to reach that point. So far as learned here, the train failed to make connections and the boat is still held there.

General Superintendent Buckley, of the Harriman lines, in order to get a telegram through to Portland from The Dalles yesterday had to send it around by Salt Lake and San Francisco. The message arrived here in the afternoon

and threw some light on the conditions along the Upper Columbia.

Train and Engines Stalled.

The stalled passenger train was near Wyeth and unless it could be gotten through to Bonneville to meet the steamer waiting for it, it would be backed to Hood River last night. One locomotive was stuck between slides at Shell Rock. Five other engines were stalled between Dodson's and Bridal Veil. The Albina rotary snow-plow is on a siding at Oneonta without power. Another rotary was started yesterday from The Dalles to dig out the imprisoned train and clear the line. All along the road between Troutdale and The Dalles workmen are busy with work trains and construction equipment restoring the tracks as fast as possible.

Along the river a silver thaw, similar to the storm in Portland last week, brought down telegraph wires and broke trees down across the track. Land slides and snow slides are almost innumerable. Operating officials do not expect to get the line open before late in the week.

Trains 3 and 5 of Sunday are consolidated at Shell Rock, while trains 1 of Sunday and Monday are consolidated at The Dalles. The Washington division was reported open by Superintendent Buckley with the exception of the Pomeroy and Pendleton branches. It was raining yesterday at La Grande and water trouble was expected.

Rain and Sleet at The Dalles.

Rain and sleet continued to fall at The Dalles yesterday and Superintendent Buckley reported 30 inches of snow at Wyeth with a little more at Hood River. This was before the chinook struck it and it is probable that this has mostly been turned into water before this morning.

Train No. 2 is stalled in the snow between Youkum and Barnhart. Trains can hardly be moved through the Palouse country because of the heavy snow. Even on the St. Johns branch of the O. R. & N. almost in the city limits, there were slides yesterday. The incessant rains had softened the earth until many of the clay banks slipped down upon the track.

Delays on Southern Pacific.

Wires were down last night on the Southern Pacific south of Junction City, but up to that point the main line was clear. Trains are running late, however, on account of the soft tracks and uncertain condition of bridges and embankments. The bridge on the Springfield branch near West Stayton was pronounced unsafe yesterday, but repairs are going forward.

A break in the line at Springfield Junction, where 150 feet of embankment was washed out, was repaired yesterday morning. Reports that reached General Manager O'Brien's office today from Springfield state the rain had stopped and the river has stopped rising.

The Northern Pacific is not in any immediate danger from the floods unless the Cowlitz comes up rapidly. Releases are reported, but as yet they are not enough enough to delay trains. However, the Northern Pacific passenger trains are coming in from 15 to 25 hours late. This is said to be due to snow and storms on the eastern end.

Slides on Oregon Water Power Line.

Slides along the river bank north of The Oaks blocked the delay trains. Oregon Water Power line, and Oregon City and Cazadero cars were routed by the Sellwood line. The Clackamas bridge remained unsafe yesterday, and passengers were transferred across it on foot.

Should the river continue to rise, it is expected that the power plant of the Portland General Electric Company at Oregon City may be compelled to shut down.

River is Rising Rapidly.

Less than ten feet additional rise and the flood situation at Portland will be worse than it was during the winter of 1890, when the Willamette stood 25 feet above the low-water mark, and the business district of the city suffered severely.

At dark last night, the river was several inches past the 18-foot stage, and the water was rising at the rate of 1 1/2 inches an hour. All the lower docks between the Burnside bridge and Yamhill street were covered. At Alameda worth dock the water was even with the planking. Log rafts and all manner of drift was going downstream at a rapid rate, and business men along the front were bending every energy to put stores at a safe distance above the danger limit.

E. A. Beals, in charge of the local Weather Bureau, says that with the water in sight, there will be a mark of 21 feet at Portland.

Child Saved From Drowning.

Work on the water front was badly interfered with yesterday. At an early hour in the morning the Portland Public Bathhouse went adrift. The freight boat George H. Williams managed to get a line on the structure just in time to prevent its colliding with the Steel bridge. Shortly after the bathhouse went adrift the baby child of Superintendent Rolfe fell overboard from the houseboat where Mrs. Rolfe and the child had taken refuge. The baby had drifted underneath the pontoon, and Mr. Rolfe was compelled to go overboard in order to rescue the infant.

The French bark Turgot, moored at the lower Southern Pacific dock on the East Side above the Steel bridge, is in a very dangerous position. Drift accumulated around the stern of the vessel to such an extent yesterday that the services of a steamer were required to clear her. Several extra lines were put out, but all were made fast to the dock. The structure is old and insecure, and if anything carries away the Steel bridge and the ship will suffer heavily. During the big flood of 1890, the steamship Danube was lying at the same berth, and it was necessary at that time to run cables to deaden away fishere. The bottom at that point is cement gravel and anchors will not hold.

Rivers Falling at Roseburg.

ROSEBURG, Or., Feb. 5.—Little rain (Concluded on Page 11.)

PLEA OF INSANITY HITS MANY SNAGS

Jerome Puts Thaw's Alienist on Rack.

BOMBARDS HIM WITH WORDS

Proves Adept at Handling Medical Phraseology.

MUCH EVIDENCE BARRED

Bad Day for Thaw's Counsel Ends in Angry Conference and Rumored Threat to Abandon Case to Gleason.

NEW YORK, Feb. 5.—The task of proving to a jury that Harry K. Thaw was insane through heredity and mental stress when he shot and killed Stanford White was taken up today by the defense in this famous case, but, when adjournment was announced later in the afternoon, it was the general opinion in the courtroom that but little progress had been made.

Thaw's attorneys endeavored in vain to place before the jury evidence tending, it was said, to prove a vein of insanity in the collateral branch of the defendant's family, but they were blocked at every point by District Attorney Jerome, whose objections were upheld by the rulings of Justice Fitzgerald. The defense did, however, get before the 12 men in the box the testimony of an expert. In his opinion Harry Thaw was suffering from insanity the night of the tragedy. Mr. Jerome attempted to down the evidence of the alienist, Dr. C. Wiley, of Pittsburg, and for three hours put him through a cross-examination as severe as ever heard in any court. The prosecutor was relentless in his attack, and before he had finished Dr. Wiley protestingly declared:

"I didn't come here as an expert. I came as a witness to a fact, and I have been converted into an expert without being prepared for it."

The District Attorney astonished everyone by his intimate knowledge of medicine and its technical phraseology, demonstrating the care with which he had prepared himself to meet the very defense which Thaw's counsel have entered in his behalf. Mr. Jerome scorchingly inquired into Dr. Wiley's record as a physician and as an expert on insanity. He hurled volleys of technical questions at the witness, who at times sat mute and at other times declared he could not answer or gave evasive replies. Often he brought upon himself sharp warning from Mr. Jerome to make a reply and not an argument.

Dr. Wiley said he predicted his opinion as to Thaw's insanity upon his actions

the night of the tragedy, as described to him in a hypothetical question propounded by the defense, and on an incident which he witnessed in a Pittsburg street-car during the Summer of 1906. Thaw, said the doctor, acted irrationally on the car, coming in suddenly and jerking up one of the window blinds, slamming it down and then lifting it again, the while engaging in a wordy war with the conductor.

"Have you ever examined this defendant with any of the recognized tests of insanity?" asked Mr. Jerome. "No," replied the witness. "Have you ever conversed with him?" "No."

Alienist Baffled at Own Game.

The District Attorney then drew from the alienist the opinion that Thaw's acts on the Madison-Square Garden roof when he killed Stanford White, were not acts of insanity when taken singly, but constituted evidence of insanity when considered collectively. At times Dr. Wiley seemed entirely baffled by the questions. He hesitated at each and before he could answer Mr. Jerome had framed another question, replete with impressive-sounding technical terms and apparently offering a problem no less difficult than its predecessor. The witness admitted that many of the tests to which the District Attorney referred, such as the Romberg test and the Argyle-Robertson pupil test, were unknown to him, and when he was asked to quote from any accepted work on insanity, declared he could not give the exact language from any book.

Mr. Jerome's well of knowledge, however, seemed never to run dry. He carried his cross-examination through practically the entire morning session, and for an hour and 20 minutes after luncheon continued to ply the witness with all manner of questions.

Thaw Begins to Worry.

Thaw's counsel sat silent and without prying as Mr. Jerome grilled the first witness for the defense. Thaw himself seemed to take but little interest in the cross-examination at the outset, but later began to take notice, and was often in earnest conversation with those of his counsel who sat nearest him. Before the close of the examination, however, Thaw seemed to worry. His attorneys appeared puzzled at first, but evidently determined to give the District Attorney the widest liberality. At the close of the cross-examination of Dr. Wiley an attempt was made to introduce testimony tending to show that a strain of insanity had existed in certain branches of the Thaw family. Among the witnesses called were Albert Lee Thaw, of Richmond, Va., who said that his father and Harry Thaw's father were first cousins. The defense stated its purpose to draw from the witness the fact that his father died in an asylum for the insane, when Mr. Jerome objected. He declared the relationship of both the witness and his father "was too far removed from the defendant to be competent."

"And the law," he added, "is not satisfied that a man is insane merely because he dies in an asylum or a retreat for persons suffering from mental diseases. The fact that a man dies in an institution such as that conducted by Dr. Wiley, the eminent specialist we had upon the stand today, for instance, is no proof that he was insane. There must be competent testimony to the fact."

Witnesses to Insanity Barred.

Justice Fitzgerald upheld this view of the matter, saying, however, that his ruling was subject to revision if the attorneys for the defense could cite authorities on the subject. Mr. Gleason, who alone conducted the case for Thaw today, did cite some cases, (Concluded on Page 4.)

URGES REPEAL OF GAS FRANCHISES

Council Committee Completes Report.

GRANTS HAVE BEEN ABUSED

City Attorney Will Be Asked to Draft Bill.

CHARGES FULLY SUSTAINED

If Council Adopts Recommendations, Delegation of Council Will Go to Salem to Urge Repeal of Perpetual Franchises.

Gas furnished consumers is of poor quality. Consumers have been grossly overcharged. Company's methods of dealing with public cumbersome and unsatisfactory. Bill should be presented to Legislature revoking franchises granted by state. Franchises granted by city should also be revoked, which could be done by action of the Council. Legality of action recommended is based upon opinion of City Attorney McNary.

That all franchises held by the Portland Gas Company be revoked as soon as possible is the recommendation to the Council of the special committee that has been investigating the affairs of that corporation. The assertions of the committee that the grants held by the gas company should be canceled are unqualified, and this constitutes the remedy for the abuses of privilege which have been found to exist. The final report of the committee was formulated at a meeting yesterday afternoon and will be presented for the endorsement of the Council at its session today.

In order to revoke the franchises of the gas company, which had their origin in the territorial and State Legislatures, the committee recommends that a bill be presented at once to the lawmakers now in session at Salem. Such a bill will kill the so-called "perpetual franchises" that have been handed down to the present corporation from its predecessors in the distant past. The bill is to be prepared by the City Attorney if the Council follows out the advice of its committee, and a special delegation of six Councilmen will be sent to the Legis-

A different procedure is necessary to lature to urge the measure upon the solons. nullify the grants to operate which the gas company secured through ordinances of the Portland Council. In this case the power to act lies where it first issued, and the Council is therefore memorialized to cancel the franchises which were so freely granted by the city fathers of former years.

City Attorney Gives Opinion.

The action of the committee was taken only after thorough consideration of the merits of the case and also the legality of the proceedings that are recommended. The action endorsed has its basis in a written opinion submitted to the committee at its request by City Attorney McNary. Mr. McNary holds that instead of being immune from negatory legislation, as was contended by attorneys for the corporation during the investigation, the franchisees are subject for repeal by the same powers that are responsible for their existence. The failure to provide a suitable quality of gas at a reasonable compensation is sufficient ground for the revocation of the franchises, and the committee has decided that the gas provided consumers by the company is both of bad quality and of excessive price.

Councilman Masters Absent.

The committee met at 2 o'clock yesterday afternoon, with five members present, Councilman Masters being the only one absent. At a previous session the committee had passed resolutions to the effect that the gas furnished to patrons in Portland is of poor quality, that consumers are grossly overcharged and that the corporation's methods of dealing with the public are cumbersome and unsatisfactory. The essential charges made by The Oregonian against the gas company thus being completely sustained, the only work remaining for the committee was the determining of a remedy and formulating of its report.

Every member of the committee present was unreserved in his assertions that the franchises of the company should be revoked. It was held that this action should be taken not only because of the abuses of privilege which have been shown in the operations of the gas company, but because of the control of the company is impossible under its present grants. Instead of being enmeshed from reasonable supervision by its franchisees, it was declared that a public utility corporation, such as the gas company, should be amenable to regulation. Instead of its franchises being "perpetual" it was asserted that they should be governed by a definite limit of duration.

The Oregonian's Counts Sustained.

In formulating its report, the committee incorporated the 11 original counts comprising the charges filed by The Oregonian against the gas company. It then appended its findings relative to the shortcomings of the company and the recommendation that the franchise be revoked. The motion that the report be submitted to the Council as the recommendation of the committee was made by Councilman Bennett and carried by unanimous vote. The report in full follows:

To the Honorable Mayor and Council of the City of Portland: We, your committee appointed to investigate the Portland Gas Company, under a resolution adopted by the Council January 17, 1906, beg leave to submit our report as follows, to wit: Pursuant to said resolution the committee held various meetings for the taking of testimony and the examination of documents relating to the charges made against the gas company. The specific charges made against the Portland Gas Company consisted of 11 counts, as follows:

- "No. 1.—The Portland Gas Company is at this time charging, and has during the entire life of its franchise and operations in the City of Portland charged, extortionate prices for gas.
"2.—The Portland Gas Company has been furnishing to consumers a poor quality of gas.
"3.—The uniform policy of the Portland Gas Company has been to disregard and ignore studiously and contemptuously the just complaints of its patrons.
"4.—The meter readings by its agents are arbitrarily unreliable, incorrect and dishonest, and are besides uniformly excessive.
"5.—It is the common rule of the Portland Gas Company to refuse a grant of rebates for over charges.
"6.—Excessive penalties for delinquent payments are exacted from all customers who may not have paid their monthly bills within the first five days of each month.
"7.—The practice of the company to require deposits before meters are installed in the place of business or dwelling of any person is followed with obvious and intentional discourtesy.
"8.—The Portland Gas Company has exercised its privilege under its franchise to tear up the streets at will without the slightest regard to public right or the general convenience.
"9.—The Portland Gas Company is paying and always has paid taxes to the city, county, the school district and the state, and has falsely undervalued its assessable property throughout its whole career to succeeding county and city assessors. It has paid no franchise tax whatever at any time until this year, and has rendered the public no adequate returns for the extraordinary privileges it enjoys.
"10.—The Portland Gas Company in its internal financial management has pursued a carefully planned policy of stock manipulation, resulting in gratuitous award of large blocks of gas stock to the "inside circle," who have had charge of its affairs.
"11.—The Portland Gas Company, operating under a franchise granted by the Oregon Territorial Legislature of 1859, and under a franchise granted by the State Legislature of 1874, known as the Ziebler franchise, has repeatedly, designedly and unlawfully ignored public rights and proper public interest and concern in the conduct of its affairs, and has managed and considered the gas

AMERICANS MAKE AND READ BOOKS

Greatest Patrons of Printing Press.

ALL ARE ARDENT BOOK-LOVERS

Most Popular Pictures Tell History of Writing.

LITERATURE IN AMERICA

Pilgrims Began Printing Soon After Landing and Now 50,000 Firms Are in Publishing Business. Some High-Priced Books.

BY FREDERIC J. HASKIN. WASHINGTON, Jan. 31.—(Special Correspondence).—The people of the United States are today writing more books, buying more books and reading more books than the inhabitants of any other country. All Americans are book-lovers, from the messenger boy, last in open-eyed wonder at the startling adventures of Deadwood Dick, to the rich lady who buys her books with bindings to match the color of her curtains. There are now over 50,000 firms in this country engaged in the business of making or selling books. Children are the greatest purchasers, one publishing firm alone printing more than 1,000,000 spelling books each year. The manager of a large department store which has branches in a number of our big cities, told me that during the holidays each one of these stores disposes of 200 sets of Shakespeare's works.

Evolution of Books.

Doubtless the most popular and widely known series of pictures in the Library of Congress at Washington is that by John W. Alexander, representing the evolution of the book. The first picture is called "The Calm," and shows men of a prehistoric age setting a pile of stones in a crude fashion, so that others might know and understand their work long after they had gone. The second is a patriarchal storyteller in long white robes and hood, leaning on his staff and recounting the glories of some nation for the benefit of his hearers, who are seated on the ground near him. This is called "Oral Tradition." The next shows an Egyptian youth entering out his mes-

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