

## MADE A NULLITY BY AMENDMENT

Mutilated Coffey Bill Passed by Senate.

GAS LOBBY DOES WORK WELL

Grip of Portland Monopoly Really Strengthened.

CLAIMS ARE RECOGNIZED

Clause Inserted Compels City to Pay for Perpetual Franchises Revoked by Bill—“Joker” Acknowledges Vested Rights.

SALEM, Ore., Feb. 22.—(Special.)—Amended to a nullity as to termination of the perpetual state franchises of the Portland Gas Company, and containing a “joker” which acknowledges a vested right to those franchises in favor of the company against the public, the Coffey bill passed the Senate tonight with but one negative vote—that of Hedgcock of Clackamas.

The amendment defeating the purpose of the original bill was forced by the majority of the Multnomah Senators—Hodson, Beach, Bailey and Sichel. It was presented this morning by Hodson, after conference with the Representatives of the gas company last night.

Yesterday these four Senators declared that they wanted no amendment, at that time desiring to defeat passage of the bill by continuing the delay of the two weeks that the bill had been in their hands, in hope of putting it off until passage would be impossible. But, forced by Malarkey and Nottingham to consider the bill, they finally brought forth the amendment this morning.

**Lobbyists Pave the Way.**

A lobby of the gas company, headed by J. N. Seal, J. C. Lewis and C. F. Swigert, and aided by S. B. Linthicum and Sanderson Reed, was busy last night and this morning with members of the Senate, so that the way was paved for their schemes.

The majority report of the Multnomah delegation, containing the amendment, was adopted over the minority report of Malarkey and Nottingham by a vote of 15 to 14. A preceding motion of Nottingham's to substitute the minority report for the majority was lost by a tie vote of 14 to 14. This took place close to the noon hour, and the bill came up tonight for passage.

The minority report of Malarkey and Nottingham contained an amendment to the bill stipulating that the act should become effective only in case the City of Portland, prior to the end of the present year, should grant or tender a new franchise to replace the old ones, for not less than 15 years nor more than 25 years. Hodson and his associates contended that this would give the City Council power to confiscate vested rights of the gas company.

**Effect of the Amendment.**

The majority amendment provides that the act shall become operative only in case the city shall ascertain the value of each of the franchises affected by the act in a court of competent jurisdiction and pay to the holders of the franchises the value so ascertained. The two other sections of the act repeal each of the perpetual franchises, one granted in 1859 and the other in 1874, on the foregoing limitations.

In another respect, the majority amendment plays directly into the hands of the gas company, by virtually declaring the franchise to be a vested right, which the people must pay for, if the grants are to be terminated. Under such an act the gas company is greatly benefited and comes out better than before, since the act seems to create value in the franchises and thus to contain a huge “joker,” which can be killed only by refusal of the House to concur in the amendment, or by veto of the Governor.

**Octopus Plays Clever Game.**

The gas company thus gets a big prize without openly seeking it, by turning its own gain through efforts of Beach, Bailey, Hodson and Sichel, a bill which originally would have divested the company of its perpetual franchises. It seems impossible to conceive of a more clever game in legislation. Should the bill become a law, it may be doubted if the company ever afterward can be divested of its franchises without large compensation from the city. Further, the bill may set up a precedent in the way of terminating any other perpetual franchises.

The Hodson amendment reads as follows: This act shall take effect and be in full force from and after December 31, 1907, provided that before this act shall take effect the City of Portland shall cause the value of each of the franchises mentioned in sections 1 and 2 of this act, to be ascertained by a court of competent jurisdiction and shall pay to the successors in interest of said Henry D. Green, or to the successors in interest of said Al Kieber, the value so ascertained.

As pointed out by Nottingham and Malarkey, the Hodson amendment makes a farce of the Coffey bill, since the seven and one-half months remaining of this year, after the act shall

become operative 90 days after the end of the session, will not be sufficient to determine in the courts the value of the franchises to be revoked. Besides the city has no funds available for the purpose.

Again the city would be buying not gas plant and mains, but franchises, which the state gave away free, and which the company holds without compensating the public. The Hodson amendment makes no provision for the city's buying the plant and mains of the company.

This latter “joker” aspect was not (Continued on Page 15.)

## CONTENTS TODAY'S PAPER

The Weather.

YESTERDAY'S—Maximum temperature, 54 degrees; minimum, 44.

TODAY'S—Rain, southeast winds.

Washington Birthday Speeches.

Ex-President Cleveland on what to do with ex-President and decay of patriotism. Page 2.

Governor Higgins, of Rhode Island, criticizes Washington, and Speaker Burchard replies. Page 2.

President Schurman speaks on trusts and the remedy. Page 2.

Archbishop Ireland opposes restriction of liberty and opportunity. Page 2.

Foreign.

All survivors of steamer Berlin rescued. Prince Henry helping. Page 1.

Woman crosses English Channel in balloon during snow storm. Page 4.

Great storm in Germany causes many deaths. Page 1.

Threats foretell storm when Russian Douma meets. Page 4.

Anti-Jewish outrages in Odessa stopped. Page 4.

Honduras declares war on Nicaragua. Page 4.

National.

House restricts Hitchcock's power in land affairs and Cushman denounces his policy. Page 1.

Heyburn blocks increased appropriation for forest reserves. Page 4.

President Roosevelt speaks to Navy League. Page 5.

Roosevelt starts on visit to Boston. Page 2.

Politics.

Governor Hughes' critics cannot find anything to criticize. Page 5.

Bailey's final appeal to Texas Legislature. Page 17.

Domestic.

Hankins tells of famous men who have sunk into obscurity. Page 1.

Mr. Thaw, exhausted by cross-examination, prepares for three days' ordeal. Page 3.

Sports.

H. H. Herdman wins Hunt Club paper chase. Page 10.

Pentathlon meet at Y. M. C. A. Page 5.

James O'Brien fouled just as he has Turk whipped in fifth round. Page 14.

Dallas College basketball team defeats old Willamette. Page 14.

Oregon Legislature.

Gar lobby destroys purpose of Coffey bill by amendment before its passage in Senate. Page 1.

Form of official ballot will remain unchanged. Page 4.

Astoria fishermen's lobby kills closed Sunday salmon fishing bill. Page 7.

Bill creating Board of State Tax Commissioners fails. Page 6.

Portage Railroad extension bill finally killed. Page 6.

Newell's anti-unioning bill slain in the Senate. Page 17.

Pacific Coast.

Old-time stage hold-up occurs within sight of Jacksonville. Page 14.

Indian Agent Edwards is under investigation. Page 3.

Idaho House passes employers' liability law. Page 14.

Commercial and Marine.

Last sack of Willamette Valley wheat of 1906 clip is sold. Page 17.

Six hundred feet of docks to be built on Portland's waterfront. Page 11.

Portland and Vicinity.

Many local salubrious because of illness and resignations. Page 11.

Big force of men at work repairing damage done to telephones by recent “silver thaw.” Page 10.

Harriman, motive power officials have troubles with “equipment” agents. Page 10.

## ALL ARE RESCUED FROM SEA'S GRIP

No Survivors Remain on Wreck of Berlin.

PRINCE HENRY HELPS TO SAVE

Stolid Dutch Wild With Joy When Survivors Land.

STORY OF A PASSENGER

Huddled Together in Deck-House, Remnant of Steamer's Passengers Heard and Saw Efforts to Save Them All Fail.

LONDON, Feb. 23.—A dispatch from Amsterdam reports that the three survivors who were left on the remnant of the wreck of the steamer Berlin were rescued early this morning.

HOOK OF HOLLAND, Feb. 22.—Largely as a result of the courage and determination of Prince Henry, of the Netherlands, the Prince Consort, that which last night appeared to be an impossible task has been achieved, and the heroic and unflinching efforts of the Dutch life-boat men have succeeded in rescuing alive 11 more of the survivors of the ill-fated Berlin.

The gallant Dutch life-boat men were rewarded after more than 30 hours of hard and dangerous work. Buffeted and driven back time after time, they refused to relax their attempts to rescue the handful of shipwrecked people, and finally at 3:30 o'clock this afternoon, the receding tide and some improvement in the weather having made the conditions easier, their long fight was crowned with success. Although several of the persons were in the last stages of exhaustion, they are on the road to recovery, and some of them have been able to tell of their awful experience.

Two women and a child are still on board the wreck, but it is feared that they are dying. Nothing daunted, however, the brave Dutchmen are preparing to make further desperate efforts to rescue these unfortunate.

**Prince Henry Takes Charge.**

Prince Henry arrived here this morning and twice went on a steam pilot-boat as near the wreck as possible. After his first visit to the wreck, when he saw there were still some survivors on board, he declared: “We don't return to The Hague before we save them; we must get them somehow.”

The lifeboat put out again about noon with the Prince on board and he helped to pull at the oars and hoist the survivors on board.

**Rush to Greet Survivors.**

The news that this determination again to attempt the rescue had been fulfilled reached the waiting crowds this afternoon and there was then a wild rush of the people to the various points of

vantage overlooking the harbor. It was well that a special force of police and soldiers had been brought into the Hook for the night, as the excited crowd at one time threatened to become uncontrollable. Long hours of waiting followed and the people began to doubt the report that any persons had been saved, and it was not until long after 5 o'clock that the steam pilot boat heralded its coming with shrieks of triumph from her siren.

By this time the harbor was black with thousands of people. The roofs of all houses and sheds were crowded, while along the roadway skirting the sea there raced hundreds of people keeping pace with the rescue boat. In the meantime every preparation was being made at the harbor to take care of the individuals rescued. Six motor cars, including that belonging to the Prince Consort, were drawn up in readiness to convey the survivors to the Amerika Hotel, where a staff of medical men, especially summoned, was waiting to give aid.

**How Rescue Was Effectuated.**

The small lifeboat was the first to reach the harbor, and Captain Jansen reported that two women and a child, who had



Representative Frank W. Cushman, who leads attack on Secretary Hitchcock's land policy.

refused to jump, were still aboard the wreck. He explained that the rescue had been effected by both boats working in conjunction. First the small boat managed to make fast a rope to the breakwater and by this means the survivors were dragged through the water to the pilot boat, which subd a little way off.

Captain Jansen had hardly told his story when the steam pilot boat with the rescued on board hove in sight. As she moored, the cheers were succeeded by a painful hush, as the first of the survivors was borne ashore on a stretch-

**TWO MORE STEAMERS WRECKED.**

LONDON, Feb. 22.—Two steamers wrecks were reported at a late hour tonight by passing vessels.

One was off Flamborough Head in the North Sea, and the other off Beachy Head in the English Channel. The names of the vessels are not known, and no details of the disasters yet have been received. The weather is still stormy, especially in the North Sea.

The man was swathed in blankets and made no sign of life. The 11 survivors were removed to the Amerika Hotel and, when the Prince Consort came ashore, his face was radiant with grateful joy. Every Dutchman present forfeited his national reputation for stolidity by joining in a roaring cheer.

**Many Disappointed Relatives.**

The hotel in the meanwhile was so besieged by the crowd anxious to catch a glimpse of the survivors that the police

## REVOLT OF WEST ON LAND QUESTION

Hitchcock's Policy of Suspicion Scored.

LIMIT PLACED ON HIS POWERS

No Special Agent Unless Information of Fraud.

CUSHMAN VOICES ANGER

Assumption That Whole West Is Dishonest Hotly Condemned and Bill Amended to Protect Settlers From Charges.

WASHINGTON, Feb. 22.—The House in committee of the whole placed itself squarely on record today in favor of limiting the power of special agents of the Department of the Interior by a vote restricting the use of the appropriation of \$250,000 covered by the sundry civil appropriation bill to pay the salaries of such agents. By a vote of 104 to 170 the committee adopted an amendment offered by Mondell (Wyoming) and debated for two hours by Cushman (Washington), Lacey (Iowa), Mann (Illinois), Burke (South Dakota), Reeder (Kansas), Bonyne (Colorado), Gronna (North Dakota), Steienson (Minnesota), Gaines (Tennessee) and Smith (Gowa).

During the debate the work of the special agents was severely condemned and orders of the President regarding land proof on homesteads criticized as working unnecessary hardships upon settlers.

**Cost of Philippine Government.**

Clark (Florida), offered a resolution calling upon the Secretary of War for a statement as to the cost of the Philippines since their acquisition by the United States, but it was defeated by a vote of 165 to 160.

The House, while in committee of the whole, passed 300 private pension bills in 30 minutes.

The sundry civil bill was still in the process of reading when the House adjourned at 6:45 P. M., and the consideration of the bill will be concluded tomorrow.

**Puts Check on Special Agents.**

Mondell's amendment provided that no part of the appropriation of \$250,000 for the pay and traveling expenses of special agents under the Department of the Interior, to protect the public lands from illegal and fraudulent entry shall be available for the examination of the land embraced in any entry upon which final proof has been made, unless the Department has information furnishing good grounds to suspect fraud.

Mondell insisted that the activity of special agents was known to every honest settler on the public domain.

Lacey, chairman of the public lands committee, believed the President was sincere in his efforts to enforce the land laws and protect the honest settler from the land speculator. He also declared

that we never had a more honest Secretary of the Interior.

**All Northwest Protests.**

“Nor one who was more universally mistaken,” answered Cushman. Lacey continued his defense of the Secretary of the Interior, who, he said, had been greatly maligned and much misunderstood. “He has endeavored to enforce the law and he has caught some pretty big fish,” said Lacey. “It was in the interest of honest settlers that inspectors should not be hampered in their work.”

Gronna told of the hardships occasioned by the two new famous orders of the President suspending final proof on homesteads until expert examination can be made.

Steinerson of Minnesota thought the President could not have known the hardships that would follow his order of December 12, 1906, otherwise he did not believe it would have been issued. He made the assertion that Mr. Pinchot had inspired the drastic order “which was as arbitrary as any order issued by the Czar of Russia.”

“It is time Congress provided that the stealing of land by rich men away from the poor shall be as much punished as any other theft,” said Mann of Illinois. The purpose in investigating the frauds had been to save to the poor man the public domain and prevent its being taken by the rich man for pasture land and otherwise, he said.

**Hitchcock Honest, but Suspicious.**

Cushman, in championing the Mondell amendment, said he regarded the Secretary of the Interior “as an honorable, honest and high-minded man and well-intentioned,” but added:

“I do believe he is suffering from a very severe case of suspicion regarding the integrity of the people of the West.” He declared there had been nothing in the record of these land office investigations to justify the continuous “cry of calumny that has been set forth regarding the land frauds.” It was true that there have been isolated and individual cases of fraud in the land business, but there had also been instances of fraud in the grocery business and fraud in all other business and in all avenues of trade.

“The only difference between the two,” he declared, “is that the present Secretary of the Interior has advertised and given currency to a great degree to these few lone instances of fraud that have occurred, until he has saturated the public mind with the belief that men who reside on the public domain are thieves and looters.”

He declared the progress of the West depends on the ownership of the land by individuals and denounced the present policy as opposed to that interest. He continued:

**Assumes Whole West Dishonest.**

“It seems to me that the Secretary of the Interior is proceeding in these matters on the basis that all men on the Western domains are dishonest unless the contrary is proved and this is known to be untrue. There is no reason why the people of the West should be watched by a herd of private detectives. I would like to ask the gentleman from Illinois (Mann), who seems to think it is necessary to have these special agents watching the men from Minnesota in order that they may perpetuate no dishonest act, who is to guarantee the honesty of the special agent?”

Cushman said that when a special agent starts out from the office of the Secretary of the Interior, he is saturated before he starts with the idea of fraud. “The very existence of his job depends upon his finding fraud, and if he does not find fraud, the necessity for his official existence ceases.”

As for himself, he would rather accept the statements of the settlers than those of the agent who had been appointed perhaps from the suburbs of

(Continued on Page 2.)

## ONCE FAMED MEN NOW IN OBSCURITY

Proctor Knott Humorist Against Will.

CANNOT BE TAKEN SERIOUSLY

Senator Turpie in Retirement Among Books.

ROGER Q. MILLS ON FARM

Author of Famous Tariff Bill Never Reads Newspapers—Man Who First Recognized Washington's Military Genius.

BY FREDERIC J. HASKIN.

WASHINGTON, Feb. 17.—(Special Correspondence.)—Three men whose names were at one time in the mouths of almost every American and who are spending their remaining days in seclusion are David Turpie, of Indiana; J. Proctor Knott, of Kentucky, and Roger Q. Mills, of Texas. Their names are rarely seen in print nowadays, yet they are enjoying life among their books in their several homes. Mr. Turpie and Mr. Knott were Democrats in the Senate and House in the days when the Civil War had reduced that party until it had so few members that it could not demand a roll-call. Mills came in soon after and then served as chairman of the ways and means committee when the Democrats returned to power.

Proctor Knott is one of the most picturesque men in the country. He won fame in Congress as a humorist and that fact has embittered his life. He liked to be funny, but he was also serious. A screamingly funny speech he made in 1870 on the question of paying Pennsylvania avenue ranked him as a professional humorist. Proctor, as he would, every time he got up to speak the House would begin to laugh and it was no use to be anything but frivolous. A year later he discovered Duluth, Minnesota. Duluth was then an imaginary spot on an imaginary railroad. In speaking against the proposed subsidy for this railroad, Knott employed an unparalleled flow of sarcasm, epigram and described Duluth as the center of the universe. Thirty-six years have passed and Duluth, large thanks to Proctor Knott's advertising, is one of the greatest lake ports in the world.

**Ninety-five Cents at 95 Pounds.**

Proctor Knott was born in Kentucky, in 1829, and, after being admitted to the bar, went to Missouri to make his fortune. He had the sum of one dollar when he arrived at his destination. He sat on a stump a while and was lonesome. Then he went into a country store and bought five cents' worth of chewing tobacco. He stepped on the scales to weigh himself and tipped the beam at 95 pounds. He likes to tell how he began life with 95 cents and 95 pounds. In his long political career Proctor Knott held many positions of honor. He was in the Missouri Legislature and later served as Attorney-General of that state. Kentucky sent him to Congress again and again and also elected him Governor. After teaching law in Center College, he retired to Lebanon.

When his old friends drop in there to see him, they can always hear a good story and have a hearty laugh, but he prefers his seclusion—mourning that a world with a funny-bone would not permit a good joker to be serious when he wanted to be. Duluth is proud of him and has entertained him as the guest of the city. There was a great race horse named Proctor Knott; there are hundreds of boys named for him; and in the after-dinner speeches of the time there are innumerable mavericks born of the wit of the old man who is now laughing over his books in Lebanon.

**Turpie Devoted to Books.**

David Turpie probably would have been in the Senate today had the Democrats held Indiana. Beveridge succeeded him. Mr. Turpie is in his seventy-eighth year and since his retirement from public life has devoted himself to his books. He has written a charming story of Indiana life, called “Sketches of My Own Times.” He first went to the Senate in 1862 as the successor of Jesse D. Bright, who was expelled for disloyalty to the Union. Of all those who were in the Senate then, but one other survives, and he is John R. Henderson, of Missouri. In 1887 Mr. Turpie went to the Senate for the second time and remained twelve years. He was a colleague of the mighty Dan Voorhees and is known as the most scholarly of Hoosiers. He was the last Democrat to represent his commonwealth in the upper House of Congress.

**Mills Enriched by Oil.**

Roger Q. Mills lived alone at Corsicana. He is nearly four score and has permitted the world to wag on far ahead of him. He does not answer letters that seek to drag from him expressions on timely political events. It is said he does not even read the newspapers and takes no interest in current affairs. He went to Congress in 1873, when James G. Blaine was Speaker. He served under two other Republican Speakers, Keifer

(Continued on Page 11.)

## LEGISLATORS IN THE CLOSING DAYS OF THE SESSION

