JOKER LURKS IN MONDELL'S PLAN

If Suit Were Defeated, Last Hold on Railroad Land Would Be Gone.

COULD NOT FORCE SALE

By Canceling Claims of Actual Settlers, Proposed Resolution Might Leave Rich Tracts in Hands of the Southern Pacific.

That a joker lurks in the land-grant resolution of Representative Mondell in Washington, for the benefit of the Southern Pacific, is the plain evidence on the face of the resolution. Whether Representative Mondell knows the joker or not, it would take away from the public and the Government one of their recourses against the land grip of the railroad—that of compelling the railroad to sell the 2,000,000 acres remaining in its possession, at $2.50 an acre, in quantities of not more than 160 acres to each purchaser and to actual settlers only.

Seal Up the Land.

The resolution declares that none of the lands "shall at any time be or become subject to settlement or any form of entry, filing or location . . . and any attempt to settle upon, enter or claim any right whatever under the public land laws of the United States or any such lands is hereby expressly prohibited and declared unlawful." The resolution receives some prestige from the fact that Mondell is chairman of the House committee on public land.

This resolution if adopted, would bar any person from demanding a parcel of the railroad land as an actual settler under the terms of the land grant and would seal up the land to await the pleasure of the railroad or the Government whichever should win. Its ostensible purpose is to hold the land for the United States, in case the Government should win its coming suit against the railroad for forfeiture of the 2,000,000 acres, and to shut out from the fruits of the Government's victory, persons who have filed claims hoping to be first in line for land after the Government's success; the only want of such persons being the priority of their claims and their chief desire being to grasp valuable timber land for $2.50 an acre.

But if the Government should fail to obtain a forfeiture decree from the courts, the Mondell resolution would prevent the Government's compelling the railroad to sell the land. There could be no actual settlers or other claimants. The few persons who have claimed tracts of the land as actual settlers, up to this time, the railroad could satisfy and there could be no further claimants.

It is by no means certain that the Government can win a decree of forfeiture. Many authorities maintain that remedy is too radical and beyond reach. They aver that an order compelling the railroad to sell in compliance with the terms of the land grant is more available. But if the Government should fail to obtain forfeiture, the Mondell resolution would shut out any other redress. It is therefore plain that the railroad likes the Mondell resolution. And it is rather surprising that Mr. Mondell, being chairman of the House committee on public lands, should offer the resolution.

Fulton Measure Not Blocked.

The Mondell resolution is offered as a supplement to the Fulton resolution to follow the adoption of the latter. According to reports from Washington, it will not obstruct the adoption of the Fulton resolution.

Should the Government secure a decree forfeiting the title to the remaining 2,000,000 acres of these lands to the Government, the lands would not by that fact alone, even as the laws now are, become open to settlement or entry under the public land laws of the United States. The lands would first have to be restored to entry by an order of the Secretary of the Interior and a proclamation of the President. Should the lands become forfeited to the United States they might never be restored to entry. Instead they might be put into a forest reserve. But if these lands should ever become forfeited to the United States and afterwards restored to entry, they would probably be restored to entry by the drawing system and one citizen would stand as much chance to get a claim as another.

Sometimes when lands are restored to entry the order of restoration provides that actual settlers on the lands at the date of the proclamation shall be given a preference right to the particular tracts settled upon. It has been reasoned out at Washington that when the Government suit is filed, different persons will settle upon these railroad lands, hoping to be given a preference right, should the Government win and later restore the lands to entry. The Mondell resolution, provides that no person shall secure a preference right, under any of the public land laws, by settling upon these lands, and further provides that any such settlement shall be unlawful. Ostensibly this resolution is intended to leave it to the Government to dispose of these lands as it may see fit by subsequent legislation, should they become forfeited.

Speaks for the Settlers.

The Mondell resolution has received the attention of vigilant observers of the Government's movement against the railroad. Among them is A. W. Lafferty, of this city, attorney for nearly a score of actual settler claimants. Said he yesterday:

"In effect the Mondell resolution repeals the acts of April 19, 1869, and May 4, 1870, insofar as those acts extended to citizens of the United States the right to go upon these lands and acquire them by actual settlement and the payment of $2.50 an acre. This resolution will doubtless be defeated. There is no argument in its favor. It is useless, to say the least, and might defeat the Government's case entirely. It would certainly leave the Government to the single remedy of forfeiture, and should the court find it impossible to grant a decree of forfeiture under the law the Government would be defeated. It could not then ask for the alternative relief of enforcement of the sale of the lands to settlers, because the railroad attorneys could answer that it was made unlawful for anyone to settle upon the lands by the Mondell resolution. While the Fulton resolution was intended to give the Government two possible forms of relief instead of one, the Government being originally entitled to sue for enforcement, the Mondell resolution cuts off the original remedy, and leaves the Government in no better position, and perhaps in a worse position, than it was before either resolution was proposed.

"No policy that could be pursued would bring greater benefits to Oregon or to the country than to cause the disposition of the remaining 2,000,000 acres of these lands to actual settlers. An actual settler is a person actually inhabiting a given tract of land as his home. It goes without saying that the thousands of applications that have been made to buy these lands the past year by persons not actually living on the lands amount to nothing. As the law now stands any citizen who will settle upon a 160 acre tract of these lands and make it his home can bring a suit in his own name and get the land in my opinion. There is no reason why persons actually desiring to make their homes upon these lands should not move upon them at once. Congress cannot pass any law after they have moved on the lands that will affect their rights, and perhaps if the Mondell resolution is passed at all it will not be passed for several weeks yet."

Will File Suits Here.

E. D. Townsend, who has this matter in charge for the Government proposes to file a suit in the United States Circuit Court here, asking for relief as follows: First, that the court enter a decree forfeiting the title to the remaining 2,000,000 acres of these lands to the Government, because the company has violated the condition upon which the lands were granted, provided the court shall be willing to make such a decree; and, second, in the event the court shall be unwilling to enter a decree for absolute forfeiture, that it enter a decree requiring compliance with the terms of the granting acts in the disposition of the remaining 2,000,000 acres, and the appointing receivers or trustees to sell the lands to actual bona fide settlers, in the identical manner that it was contemplated by the original granting acts.

The Fulton resolution, now pending in Congress, authorizes the Department of Justice to include in its suit a claim of forfeiture. A suit for compliance with the law could have been brought by the Attorney-General without any resolution of Congress, but it was thought, if claim of recession of the grant was also to be included in the Government suit, as alternative relief, that authority therefor should be asked of Congress. It has been Mr. Townsend's theory to set up all the facts in the Government's bill of complaint and to waive no rights or remedies; in other words, that the Government's bill of complaint should be made sufficiently broad to include any form of relief that the court might be willing to give. That was the reason for the Fulton resolution, and that resolution does not mean that the Government is going to limit its suit to a claim for forfeiture.

TRIBUTE TO F. X. MATTHIEU

Reception to Pioneer on Occasion of Ninetieth Birthday.

An informal reception for F. X. Matthieu, of Butteville, who will celebrate tomorrow his 90th birthday anniversary, will be held in the rooms of the Oregon

F. X. Matthieu.

Historical Society at the City Hall. The reception will be held between the hours of 2 and 4 o'clock, and it is hoped that a large number of Mr. Matthieu's pioneer friends, their children and the public generally will call to see him.

It will be remembered that Mr. Matthieu is the only survivor among the 102 persons who were present at Champoeg, Marion County, on May 2, 1843, and who took part in assisting to organize the first civil government in the "Oregon Country"; and that he, while not a native of the United States, cast his vote with those who were in favor of American government, and also used his influence with a fellow-countryman with such effect that he, too, voted with the American party, thus giving it a majority of two, which made the organization possible. For this patriotic act, and for the qualities of neighborliness, hospitality and all other characteristics of good citizenship for which Mr. Matthieu has been distinguished since he first came to Oregon, in 1842, he is gratefully remembered by the people of Oregon.

THINKS OWNERS WILL WIN

Nome Resident Discusses Strike in Fairbanks Mines.

J. F. Darling, owner of mining properties in Nome and vicinity, is in Portland for a few days on his way to San Francisco. Mr. Darling has been a resident of Nome since 1900, has visited the various mining districts, and is well qualified to speak of conditions in that part of Alaska. He was in Fairbanks recently, the scene of the labor troubles, and believes that the mineowners will win the strike eventually.

"Nome is the greatest camp in Alaska," said Mr. Darling yesterday. "The properties in that district will produce about $3,000,000 this season. They are now piling up the gravel on the dumps to be washed this Spring. The sluices are operated between May and October. During the remaining portion of the year the only work undertaken is that of getting the gravel into the dumps ready for sluicing. Numerous discoveries have been made this year in various parts of the territory. Perhaps the most sensational one was that on the Koyukuk River, in the interior, 700 miles from the mouth of the Yukon. One pan showed gold valued at $1800. This showing has not been maintained. The properties at Norton Bay and Tanana promise big things. The operations at the latter place have, however, been a good deal hampered by labor difficulties.

"If the supply of laborers which the mineowners of Fairbanks have succeeded in shipping in continues, the unions there will certainly lose out. They were striking for $5 for a day of eight hours. They were getting $3 for ten hours. The mines have started up again with labor shipped in from Seattle over the trail from Valdez, a distance of 209 miles."

Steal $85 From Union Safe.

UNION, Or., March 31.—(Special.)—The grocery store of C. E. Oliver, of this city, was burglarized early this morning. Burglars effected entrance through the back door and robbed the safe of $85. The perpetrators must have known the combination, as the safe was unlocked without breaking. Mr. Oliver is positive he locked the safe upon closing the store. He believes the robbery was committed by some one thoroughly familiar with the establishment. The burglars left no clue.

Olympia Beer. "It's the water." Brewery's own bottling. Phones, Main 671, A 2467.

SEEKS TO LEASE STREET LIGHTS

Mayor Lane Makes Proposal to the Portland Railway, Light & Power Co.

ALSO SUGGESTS PURCHASE

Head of Corporation Intimates That Matter Will Not Be Considered. Executive Also Writes a Letter to People.

Mayor Lane yesterday addressed a communication to the people of Portland, in which he sets forth, from his point of view, the municipal lighting situation. He also mailed to President B. S. Josselyn, of the Portland Railway, Light & Power Company, a letter, seeking information as to whether that corporation would consider selling or leasing its distributing plant lamps, etc., to the city. Mr. Josselyn said in an interview that he did not care to enter into any newspaper discussion of the matter.

Mayor Lane is determined to lay before the people all the information he can secure relative to the situation as to lighting the city's streets, parks and public places. He believes municipal ownership is feasible and desirable, and holds that the present is the proper time in which to act.

Mayor Lane's letter to President Josselyn is as follows:

Writes President Josselyn.

Dear Sir: I write to ask if the Portland Railway, Light & Power Company would entertain a proposition to lease to this city all of the poles, wires, lamps and other appliances used in the public lighting of this city, at a reasonable and just rate of interest upon the actual ascertained cash value of such electric lighting plant within the city limits as it exists at this time. The city to operate and maintain the same in good order at its own expense, and what rate your company would furnish the proper and sufficient current to light such arc lamps and incandescent lamps as the city would need and use in lighting the city.

Also I would like to know if your company would sell to the city all of your said lighting plant within the city limits.

I would esteem it a favor if you would kindly let me know whether any such arrangement could be made with your company.

Very respectfully yours,
HARRY LANE, Mayor.

Letter to the People.

Following is Mayor Lane's letter to the people:

To the People of Portland: There lies before me for my approval or disapproval an ordinance which was passed by a majority of your representatives which directs that a contract shall be entered into by the city for public lighting for a period of either three or five years from the 1st of January, 1909, with no maximum price fixed to be paid for such lighting.

This ordinance is drawn with a degree of care in its terms of enactment which is not usually bestowed upon measures which are passed for the transaction of ordinary affairs, and for that reason I assume that it was the intention to make it certain that there should be no escape from its provisions.

As the matter now stands we have a contract for lighting the city at a price of $5.30 per month for each arc lamp which we use, and for which we will pay out about $100,000 this year. This contract will expire on the 31st day of next December, and under existing circumstances there is but one concern which can by any possibility bid for such service.

We are informed by the head of the company which has the present contract, and which is the only prospective bidder for another contract, that his company lost money last year in lighting the city. In making a showing to prove this assertion, however, he has included charges for the installation of new lamps and other material which he will use this year and perhaps for many years to come, and which charges seem to be overcharges, if made solely against the expenses for lighting for the year 1907.

Both Suffered a Loss.

Be this as it may, we are assured by him that his company lost $2000 last year, and all of us know that we did not have more than half the lights which it needed, while it paid out over $81,000 for such service as it received; thus both parties seem to have gotten the worst of the bargain. Assuming, however, that such was the case, it seems to me that until such time as the city decides to put in a plant of its own that a fair solution of the problem might be arrived at if the contracting company were to lease to the city its plant within the city limits for a term of years at 6 per cent interest on its actually ascertained cash value, the city to operate the same at its own expense and to pay for all new lamps installed, they to be owned by the city, and the city to pay the company not to exceed ½ a cent to ¾ of a cent per kilowatt hour for the electric power to light such lamps—such being the price, I am informed, at which such power is sold in Tacoma.

This arrangement would probably relieve the Portland Railway, Light & Power Company from any further loss incurred in lighting the city and I think it might prove to be a distinct gain to the city as well. If some arrangement is not or cannot be made with this company, fully one-half of the people of this city will be compelled to grope their way about in darkness, else the cost for lighting will be about $200,000 a year. Of this you may rest assured.

Urges Its Importance.

This matter of public lighting is of more importance to you than may appear upon the surface and if some action in respect to it be not taken soon, with all sources of water power in the hands of private persons, and the city tied up with a long-time contract, the position will be such that relief will be exceedingly difficult and expensive to obtain, and it is my firm conviction that you cannot do better for the future of the city than to act speedily to work and seek and secure if possible some avenue of escape.

To me it seems unfortunate that this city should be in a position in which it is absolutely dependent for its service in the matter of public lighting upon the mercy of a private corporation, which in a great part has derived its powers of dictation from specially granted privileges to the use of the city's property, and in justice to itself and with prejudice to none in building for the day when she must actively compete for her commercial existence and by the advantages which she has to offer must either rise or fall, it is the duty of the people to provide every reasonable safeguard for the future.

For these reasons and for many other, I wish to arouse an intelligent interest in the matter and I hope that you may see fit to devise some fair and rational method of relief.

Respectfully,
HARRY LANE, Mayor.

NOTED UNITARIAN COMING

Rev. Jenkins Lloyd Jones Will Lecture in Portland.

Rev. Jenkin Lloyd Jones will arrive from the south this morning en route to Seattle and Bellingham. He is on his way to Chicago, from which place he will have been absent a month on his regular Winter vacation. But to those who know Mr. Jones his vacations mean change of work; they certainly do not mean cessation from work. On this trip Mr. Jones will have delivered addresses in Los Angeles, San Francisco, Portland and the Puget Sound cities named.

Mr. Jones was born in Cardiganshire, Wales, in 1843, but came to Wisconsin when a child. Since 1882 he has been minister of All Souls' Church, Chicago, which church is now organically connected with the celebrated Lincoln Center, of which Mr. Jones is director. Mr. Jones was the first president of the Illinois State Conference of Charities and Corrections; university extension lecturer for Chicago University; president of the Tower Hill Summer School of Literature and Religion; founder and first president of the Chicago Browning Society. He is, however, more widely known as the editor of "Unity" and the secretary of the World's Parliament of Religion and as the general secretary of the Congress of Religion.

He is the author of many books, among the best-known of which are "Jesa" and "A Search for an Infidel."

Mr. Jones will speak at the Unitarian Church, corner of Seventh and Yamhill streets, at 8 o'clock this (Wednesday) evening, his theme being "The Three Reverences—a Plea for the Better Education." In the afternoon at 2 o'clock he will speak in the chapel on "Robert Browning."

TETTRAZZINI

In a Special Concert

Eilers Piano House to Give Recital Friday Evening of the Marvelous Tettrazzini Records, Just Issued by the Victor Co.

The first opportunity given the music lovers of this city to hear the wonderful new Tettrazzini Records just issued by the Victor Talking Machine Co. will occur next Friday evening in Eilers Recital Hall.

Madam Tettrazzini, the sensation of the Metropolitan Opera Co., and hailed as a greater vocal artist than Patti, was engaged by the Victor Co. to record a number of records. All told there are nine records, a complete set of which were immediately expressed to the Eilers Piano House, the largest Talking-Machine Dealers in the West. These will be heard in the concert Friday evening. In addition, several new records by Caruso, Scotti, Ferrar and other eminent operatic stars will also be rendered.

The Tettrazzini records are unquestionably the finest reproductions of the human voice ever made, and are, with orchestra accompaniment, as follows: Rigoletto—Caro Nome (Dearest Name), Verdi. Mignon—Polonaise, "Io son Titania" (I'm Fair Titania), Ambrose Thomas. Lakme—Ou va la Jeune Hindoue (Bell Song), Delibes. Dinorah—Ombra Leggiera (Shadow Song), Meyerbeer. Lucia—Mad scene (with flute obligato by Albert Franzella), Donizetti. Nozze di Figaro—Vio che sapeta (What Is This Feeling?) Mozart. Barbiere—Una voce poo fa (A Little Voice I Hear), Rossini. Traviata—Ah, fors' e lui (Is This the One?) Verdi. Don Giovanni—Batti (Scold Me, Dear Masetto), Mozart.

While there will be no charge, admission will be by ticket only. Complimentary reserved seat tickets can be secured upon application at Eilers Piano House, 353 Washington St. Only the seating capacity of the hall will be given out.

TRUSTS ORDINARY VOTER

Thinks He Is Well Qualified to Enact Legislation.

RUSSELVILLE, Or., March 30.—(To the Editor.)—Allow a stranger to make a few remarks on the proposition of Worthy Master A. T. Buxton, in last Tuesday's Oregonian, to amend the Initiative Law.

I will not call Mr. Buxton's sincerity in question, but I do call the feasibility of his proposition in question. If the ballot is "overburdened with a long string of stuff which nobody understands," as he asserts, it will result in disgusting "the ordinary voter" with the petition passers, instead of the whole system; and they will not sign petitions off-hand, but inquire into the merits of them before signing. This will be the natural and inevitable result, and will be check enough on the initiative.

The "ordinary voter" of Oregon is an intelligent, reading man and we need have no fear that he is going to get disgusted so easily with a system that has worked so well up-to-date, just because the "cranks" are overworking the initiative and take a long step backward by abolishing the system of direct legislation.

Mr. Buxton's first proposed amendment would virtually abolish the initiative. I can inform him that it was intended from the beginning of the agitation for direct legislation to make it possible for the people at large to initiate such laws as they desire, and to make sure that when a majority of the voters of the state want said laws that the people through the initiative and referendum can have said laws enacted whether the Legislature agrees to it or not. The creature (the Legislature) is not greater than its creator (the people).

It is nonsense to suppose that in the Legislature, with its limited time, election of United States Senator, its fights for speakership, appointments of committees, clerk hiring, log rolling and the hundreds of other considerations that take the attention and consume the time of the members, that a more careful consideration, more explicit study or recording of a bill for a proposed law can be obtained than in the quiet of an office or at a conference of the officers of the state grange for instance. Past experience proves that there is far more danger of juggling in the committee rooms of the Legislature than in the headquarters of the group or society that is striving to enact some new law.

As to prohibiting the getting of signatures by paid workers, that is the monopolistic spirit in a new form. Mr. Buxton feels sure the grange could get signatures enough without paying for them, therefore don't let any one pay for them and we will do it all. That is, we and other Orders who can lay the petition on the altar and depend on their members to sign when they come to meeting. But is this fair or just? Is there any good reason why any number of persons should not put up money to hire another or others to circulate petitions when their business or occupation will not permit them to do the circulating themselves?

Is the circulation of petitions a crime that it should be prohibited? No!

Being one of the original promoters of and agitators for direct legislation in this state I think that I know the "tone and original purpose" of it, and am inclined to think that Mr. Buxton will learn more about it at the next meeting of the state grange.

W. H. ADDIS.

SOME FAVOR THE BILL

Union Men Not a Unit Against University Appropriation.

Organized labor in Portland is by no means a unit in opposition to the bill increasing the appropriation for the State University at Eugene. At its last meeting the Federated Trades Council, following a presentation of the claims of the University by F. H. Beach and others, acted favorably on the proposed increased appropriation for that educational institution. This week's issue of the Labor Press, the official organ of the Federated Trades, and which is controlled by a board representing the different unions, urges the members of the various labor unions to vote to defeat the bill increasing the appropriation.

This action on the part of the official publication of the Trades Council is resented by an element within the trades unions, which contends that it is not within the province of that paper to dictate to the individual members of the unions how they shall vote on any question in which the interests of organized labor are not concerned directly.

IS ZEALOUS IN POLITICS

Writer Scores "Weak-Kneed Sisters" Who Trade Votes.

PORTLAND, March 30.—(To the Editor.)—Thomas McCusker, in a recent communication relative to Statement No. 1, intimates that there is no desire on the part of the people to have these men in our Legislature who do not subscribe to that statement.

In the last election in this state eight of the Republican nominees for the Legislature from Multnomah County did not sign the statement and five did. The eight, as I understand it, ran considerably better on the general average than the five.

Mr. McCusker thinks we do an injustice to those supporting Statement No. 1 in not allowing that they are honest in their convictions. Now that is just what I wish he would concede to us.

Who for a moment believes that the two old soldiers who spoke so zealously on these matters at the recent Republican convention and about five others who were not and have not been office seekers were not in earnest? But that is what Mr. McCusker says in effect. As I recollect, there were only three speakers at that convention who indorsed Statement No. 1, and they either have been recently or are active office seekers.

As to the two old soldiers I have mentioned, they went out honestly in the defense of their country during the rebellion and have supported the Republican party ever since, because they honestly believed it the right thing to do, and they don't want to see a Republican sign a pledge that may require him to vote for a Democrat as Senator. While these men may have been more zealous at times than some of us, yet I admire zeal when I know it is honest, and it is very hard to have zeal unless it is honest. I would greatly prefer the record of one of these old soldiers when I wind up affairs here below than that of Mr. Bourne or Mr. U'Ren.

One trouble with Oregon politicians is that we have had too many of the weak-kneed sort that have traded and bartered with the opposite party. Both parties would, in my opinion, have had less men in disgrace if they had elected more of the zealous kind to office. It is very apparent from their records and agreements that a large portion of the Statement No. 1 people have little regard for party. One of them told me not long since: "To h——l with party." That is the way a majority of them feel, notwithstanding the fact that the direct primary law indorses party in the strongest kind of terms. But perhaps they did not mean that when they wrote the law.

M. H. CARTER.

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The Washington Home Telephone & Telegraph Co., of **Vancouver, Chehalis and Centralia, Wash.**, has been incorporated under the laws of Oregon, with a capital stock of $500,000 and an authorized **6 per cent first mortgage 20-year gold bond issue of $500,000.**

The company will construct and equip plants in **Vancouver, Chehalis and Centralia, Wash.**, with **2250** telephones installed and in operation, and an ultimate capacity of **15,000 phones**, which will allow extra capacity of about **12,250** local phones to the extent of **2000** farmer line-connections. Public sentiment strongly supports the installation of these phones, and minimum number of 2250 phones will be largely increased by the time plants are in operation.

The construction and development of the company's plants are being carried forward as fast as material can be procured and plants perfected. One of the most beneficial results will be that the Home Company itself will be in charge of all constructions.

Our franchises are the most complete in their terms and rights. The authorized bond issue of 6 per cent sinking fund 20-year gold bonds are secured by deed of trust. Vancouver, Chehalis and Centralia are known for their conservativeness, and are settled in a wealthy and prosperous territory. Development there in all that makes for substantial growth is very marked at present. The company will erect its own buildings and will have the most modern equipment and construction in the Pacific Northwest.

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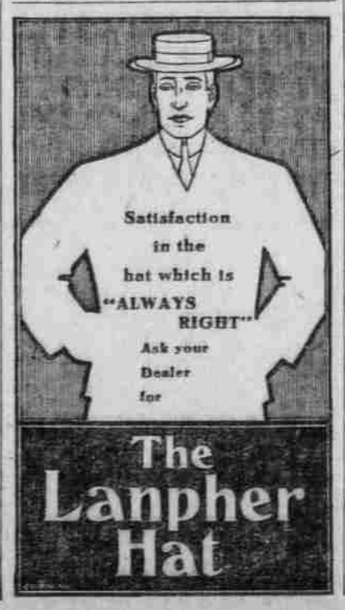

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