

State Lawmakers Speed Efforts to Get Bills Passed Before Session Ends

PLAN TO DIVIDE LAKE BETWEEN MAN AND BIRD IS FOUND

Bill, as It Stands, Ceding Malheur Lake to Government for Bird Reserve, Held Unwise.

WOULD SACRIFICE FARMS

New Scheme Suggested Is to Dike Part of Body of Water So as to Insure Irrigation.

Salem, Feb. 13.—The relative value in the future development of the state between the reclamation of hundreds of thousands of acres of land balanced off against the seasonal entertainment of hundreds of thousands of migratory birds is brought into clear issue by house bill No. 376, providing that Malheur lake be ceded to the United States government for its use as a bird refuge. To-night the two sides of the question will be presented before the house game committee in a public hearing at which those who would rather see birds than irrigated fields will present their arguments in opposition to the contents of those who would rather see homes in the Harney valley than wild fowl. Briefly stated, the bill provides for ceding Malheur lake to the government and also gives to the government the power to regulate the height of the waters within such reservation in such manner as will best promote the object for which the reservation was created. It is this section which puts in jeopardy the entire reclamation and irrigation plans which have been mapped out for the development of Harney valley. Malheur lake is a great body of fresh water drawing its supply chiefly from the waters of the Silvies and the Blitzen rivers.

There are now three principal irrigation projects, all of them alive and feasible, according to the state engineer's reports, looking to the reclamation of the now more or less arid lands of the Harney valley.

There is one tract of 86,000 acres already partially irrigated from the waters of the Silvies river. With the impounding of its flood waters around 100,000 acres would be brought out of the desert and put into farms and crops. It is being projected to irrigate an additional 100,000 acres from the flood waters of the Blitzen river while some 47,000 acres are to be irrigated under the Silver creek project. This makes a total of 247,000 acres of land, much of it now arid but all of it fertile, which can be reclaimed by irrigation projects already passed upon by the office of the state engineer.

The passage of the so-called Finley, or bird reserve, would throw a cloud over this whole reclamation scheme because if the lake were to be ceded to the federal government and power given to maintain the water level of the lake for the purposes of a bird refuge, it is more than probable that capital would not undertake the reclamation of the land, for fear that the use of the water for irrigation would reduce the water

level of the lake and thus bring down upon the irrigation companies or districts the wrath of the federal power. Salton is suggested.

State Engineer Cupper, recognizing the danger to irrigation development held in the bill as it is now before the committee, will urge its amendment at the hearing tonight. He has a plan for the diking of the upper end of Malheur lake which would save approximately one fourth of its area for a bird refuge and so reduce the water area that irrigation development would not be put in jeopardy by the creation of a bird refuge there.

Private Control of Rail and Telephone Lines Demanded

Salem, Feb. 13.—Immediate return of railroads, telephone, telegraph and cable lines to private control is urged upon the federal government in a house joint resolution introduced by Representatives Kubli and McFarland yesterday. The resolution points out that the end of the war has eliminated any excuse for further government control and states that the government is suffering the loss of millions of dollars by reason of its management of these public utilities.

TALK BEFORE COUNCIL FOR UNEMPLOYED

Continued From Page One

quately because it did not appreciate the seriousness of the situation. It was necessary, he said, that the state bridge over the chasm to the time when private enterprise is firmly and safely reestablished.

Stable Conditions Necessary

"Capital will not go to work," he said, "until conditions are made stable and safe and that will not be until every returning soldier is satisfied. Instead of appropriating a few million dollars for reconstruction work, it ought to be 50 millions," he said.

The mayor also said that he understood that school district No. 1 was planning 57 temporary buildings. "Why could they not be made permanent?" he asked.

F. C. Knapp, one of the committee, said that there should be no hesitation because the work might be done more cheaply after a while. Even though it did cost 20 to 30 per cent more now it would be justified by the results.

Chairman Olmstead said the committee had no specific recommendations to make but wanted the council to know that the business interests would be back of them and assist as much as possible.

The committee will also bring the situation before the county officials and school district No. 1.

SENATE DEBATES ROAD BOND AND PAVING MEASURE

Serious Joker Found in Bill an Inspiration for Fanning Flame of Heated Senatorial Harangue

PATENT MIXES HELD FRAUDS

Editor Labeled Tool of Trust, While Majority Report Supporters Branded "Mossbacks."

Continued From Page One

be so tied that the commission will be forced to award paving contracts to the lowest bidder regardless of the quality of the various pavements.

Charges Feature Debate

The debate has been featured by charges of fraud and bribery and collusion on the part of the Warren Construction company and yesterday afternoon Senator Lachmund related the circumstances under which he said an agent of the Warren Construction company attempted to bribe him with \$18,000 when he was mayor of Salem and the company was seeking paving contracts in this city.

Both President Vinton and Senator Thomas gave warning in their speeches that if the minority report is adopted they will oppose the \$10,000,000 bond bill.

Will Arrest Lobbyists

Upon complaint of Senator Eddy, President Vinton ordered the sergeant at arms to arrest any representative of the paving lobby who enters the bars of the senate and attempts to lobby while the debate on the paving bills or any other bill is under way.

Senator Eddy said that he was reliably informed that Wednesday afternoon two representatives of the paving trust came within the bars of the senate and were seen lobbying and attempting to pull the senate on the bills at issue.

"It is a most reprehensible thing," declared Senator Eddy. Taking up the debate where it was cut off by adjournment Wednesday afternoon, Senator Thomas declared that the four words embodied in the amendment proposed by the minority report would nullify the entire act, and if adopted would justify the president of the senate in carrying out his threat to vote against the \$10,000,000 bonding bill. He served warning, also, he would oppose the bonding bill if the four words were adopted.

Montague Conceived Evil Words

"These four words came from the brain of Mr. Montague, an attorney for the paving trust," he said. "The men who drew this bill wanted to make it so tight that it could not be broken by the devil himself," continued Senator Thomas. "We wanted to tie the hands of every county court and city council and highway commission so that they could not play into the hands of the paving trust, but would have open and fair competition."

The purpose, he said, is not to leave the question of awarding bids open to the discretion of the public officials, but to lay down the exact lines that

must be followed, so bids will have to be awarded to the lowest responsible bidder.

"When the fertile mind of Mr. Montague suggested the amendment," continued Thomas, "he took the very vitals out of the bill, a thing that would get open competition."

He declared that every place the Warren Construction company has operated in Oregon has been a hotbed of fraud and corruption and its trail is as dirty in Oregon as in any other state.

Banks Help Warren Trust

He charged that some of the larger banks of Portland used their influence to help the Warren Construction company maintain its supremacy in the state, its domination over the business and financial interests of the state.

That the special interests are dominating the Republican party and are responsible for its many defeats in late years was the declaration of Senator Thomas.

Senator Banks interrupted to ask Senator Thomas if he was a Republican or a Democrat.

"If your definition of a Republican is one who defends and helps to perpetuate the power of the big interests, then I am not a Republican," he answered, "but if your definition is one that defends the interests of the people and opposes the damnable methods of the special interests, then I am a Republican."

"Do you mean to say that these interests dominate the Republican party?" asked Banks.

"These interests are subtle and they work in the dark," replied Thomas. "They have controlled the nominations of the Republican party."

Senator Strayer said that it seems to be no credit to the Warren Construction company and yesterday afternoon he presented a free expression of opinion.

Does Trust Strangle Senate?

He said he was anxious for the roll call to be taken, so he could see if the reports of the paving lobby were true. He has a strange hold upon some of the members of the senate.

"If this almost omnipotent force can reach into this senate and stifle an honest expression of opinion," he continued, "when we are not going far afield in our efforts to pass laws that will put an end to their work."

He said he wished the newspapers would tell the people that the same man who attempted to bribe Senator Lachmund is still in the employ of the Warren Construction company, going up and down the state in the interests of the company.

"You cannot change the spots of such animals," he said.

He called upon President Vinton to verify his statement that within a few days a representative of the Warren Construction company told him that the company was exacting \$100,000 a mile royalty for all bituminous pavement being laid in Oregon.

He presented arguments to show that the so-called patents of the Warren Bros. company are a fraud and that the company has always been afraid to force the issue to a final test.

Either a Crook or a Fish

"Anybody who investigates and then pays any royalty is either a crook or a fish," he said.

The four words in the minority report did prevent the very thing for which those supporting the bill are pleading, he insisted.

Is there a lawyer in this body who will be honest enough to declare that those four words will eliminate competition?" he asked.

"Let us fix it so that not only an honest man but a dishonest man, too, is influenced by the insidious influences about him, will have to give us honest competition," he said.

Senator Huston asked Senator Strayer for an expression of opinion as to whether the bill as drawn by the majority report would not force the highway commission to accept the lowest bid, regardless of quality.

Senator Strayer replied that the highway commission would be forced to accept the lowest bid, and he takes it for granted that the commission will provide for durability.

Senator Ritter said he has been making an exhaustive study of the bills and will have to vote against both of them, as they would absolutely be in the hands of the commission and they are not workable.

Smeared With Bituminous

He said existing laws were sufficient and he challenged the majority report. Senator Moser that the highway commission has not given the state a dollar's worth of roads for every dollar spent.

"It has been said that anyone who opposes these bills is smeared with bituminous," he said. "My observation is that any senator who declares that these bills are workable and that anyone who opposes them is himself open to suspicion."

Senator Eddy said that he knew that the sentiment of the people is expressed in favor of legislation along the lines proposed by the paving bills.

"We should throw such safeguards around our paving bills that they will prevent such scandals as have been revealed in the discussion on the floor of the senate," he said.

He expressed the opinion that senate bill No. 67 will not tie the hands of the highway commission or of any county court or city council. He took issue with Senator Ritter's statement that the bills would not be workable and declared they would be workable. He said that if the four words presented by the minority report were eliminated it would absolutely wipe out the full force and effect of the entire bill.

No Middle Ground Is Found

"Let us be honest, senators, and if we do not want this legislation let us kill the bill and not be hypocritical and pass a measure with its vitals cut out," he said.

The question of quality, he insisted, would be settled in the specifications that would be prepared by the highway commission.

Senator Huston took the position that it was either necessary to give the highway commission discretion in the matter of selecting the kinds of pavements to be laid or else all discretion must be taken away. There is no middle ground, he contended.

Epr that reason, he said, he favored the four words embodied in the minority report, as he believed the bill, without that amendment, would tie the hands of the highway commission so that it would have to award contracts to the lowest bidder regardless of quality.

With no indication of the end of the debate on the paving bills, the senate at 5:40 o'clock Wednesday Senator Patterson moved to adjourn until 10 o'clock tomorrow. The motion was carried without opposition.

Senator Lachmund of Marion county sprang something of a sensation when he related the circumstances of an attempt of the Warren Construction company, through an agent, to bribe him, when he was mayor of Salem, by offering him \$18,000. Later he said he would permit the company to lay pavement which did not come up to specifications.

"Do you blame me, senators, for wanting to drive this paving trust out of the state?" he said.

Without putting the motion to a vote, President Vinton ruled that the debate would be wide open, but the first thing under consideration would be the adoption or rejection of the majority and minority reports on senate bill 67.

Senator Thomas then moved for the adoption of the majority report and Senator Handley moved to substitute the building program of the present legislature, as President Vinton of the senate, in a speech in support of the bills, gave warning that if the anti-paving paving bills are adopted, he would oppose the \$10,000,000 bonding bill until it was referred to the people.

Senator Vinton, in his address, said he was not here on the matter of any particular kind of pavement and that he represented a county that was ready to go over the top for a \$5,000,000 or a \$10,000,000 bond issue for better roads.

Senator Moser followed in support of the bill and stated that the minority report. He said that while the legislature and the state had voted bond issues for building roads the highway commission does not seem to be doing anything to protect the state against the grasp of the paving trusts.

Moser Slams Paving Monopolies

"Splendid as are the men of the highway commission," he said, "they have not been here on the matter of the state a dollar's worth of roads for every dollar spent, because we have not given them the legislation which would make that possible."

He declared that from his investigations of conditions in 1917 he knew that Oregon paid more for bituminous pavements than any other state anywhere for the same pavement laid under similar conditions, and he asserted this was because there was not free, open and fair competition for paving contracts in this state.

Senator Moser said the practice of paving monopolies has been to give secret rebates to favorite contractors or make secret agreements with the trust and he declared that when \$10,000,000 of bonds are to be issued that safeguards should be placed around the money so the people of the state will know that they would get full value for their money.

"If any paving contractor or patentee makes such secret agreements let's have laws that will send him to the penitentiary the same as one who murders, or ravishes, or robs," he said.

Senator Moser offered an amendment to senate bill 67, which provides that contracts shall be awarded to the lowest bidder, and that the lowest aggregate bid under the specifications in the class of pavement which the public body has designated in section 2 of this act shall determine to accept.

Expressing his high regard for the members of the highway commission, Senator Vinton declared that he had been unable to obtain competition for paving contracts because of the lack of adequate legislation.

"Tell me, why in the name of heaven do you not consider the possibility of a bill of Mr. Nunn cannot prepare a paving mixture that will compete with any other mixture," he asked Senator Vinton.

He said he doubted the validity of the so-called patents on paving materials, as he said he had seen in his power how such mixtures could be patented.

"Mr. Nunn has said that Topeka mix pavement is as good as the Warrenite," he said. "I want to know why not put them in competition?"

Bills Insure Competition

Paving royalties have run as high as 20 cents per square yard, he said he had been informed.

"These bills are calculated only for one purpose and that is to insure competitive bidding," declared Senator Vinton.

He said he was in favor of the \$10,000,000 bond bill and for the emergency clause attached, provided the senate safeguards proposed in the bills being discussed were put around the funds, otherwise he would not be in favor of the bond bill.

Replying to queries from Senator Norblad, Senator Vinton declared that unless the bills placing the safeguards about paving contracts are passed he would not have the power to submit the bond bill to the people, together with a bill to prohibit the use of patents.

Senator Dimick next took up the defense of the bills, and declared that the Warren Construction company does not want open competition.

Patents Said to Be Fraud

"That is all bunk about the bills designed to run the patented pavements out of the state," he said, "but why should they compete on a fair and open basis with anybody else?"

He said the provision which requires the patent paving company to state the ingredients of its mixture, and the mixture, labor, etc., hits the companies right in the pocket.

It is on the mixture that they say they have a patent," he said. "Patent on a mixture. Who in the devil with any sense can say that anybody can't take a little sand, broken rock and asphalt and get a patent on mixing it together?"

"This is the rottenest fraud that was ever perpetrated on the people of the United States. How they put it over on somebody in the patent office is more than I know."

He charged collusion between the paving companies and public officials. He read a Philadelphia paper which stated that in Pennsylvania \$5000 a mile was paid to a patented paving concern for royalty.

"That is what we intend to do away with here," he said. "We don't want any more of it in Oregon."

Collected Maximum for Voidage

He read a letter from the highway engineer of California, stating that that state is not paying a royalty for any patented pavement.

He said Manager Hill of the Warren Construction company admitted that his company had collected royalty on pavement in which the voidage was in excess of 21 per cent, which is the maximum allowed under the company's patents.

Is not that highway robbery?" he demanded. "Isn't that getting something for nothing?"

Senator Dimick pointed to C. C. Chapman, editor of the Oregon Voice, and said his publication was subsidized and was publishing false statements concerning the cost of laying pavement in Oregon.

"I compared Chapman to the beggar mentioned in the Bible who ate the crumbs from the rich man's table, and said the only difference was

that the Warren Construction company was a little more liberal to Chapman than was the rich man to the beggar.

After listening to the arguments for three hours, Senator Hurley said he had heard nothing which opposed the adoption of the minority report. He said the bill as favored by the majority report would tie the hands of the state highway committee and the ones favoring that report are the ones who opposed the \$6,000,000 bond issue two years ago.

Labeled as Mossbacks

"They are the mossbacks, the ones who want to keep Oregon in the mud," he insisted.

"The whole purpose is to tie the hands of the highway commission," he continued.

Senator Smith of Coos said they might admit, as a matter of argument, that the Warren Construction company would steal the whole state of Oregon, if it could, except Clackamas county and the penitentiary, and that, after all was said and done, the state must trust the highway commission.

He said the senate committee on roads could never agree on amendments to the bill, because the amendments the business men prepared the lawyers rejected.

He urged the senate to vote on the amendments and settle the question without further argument.

Senator Lachmund pointed out that the previous speakers all said they did not want to give the paving trust from the state a dollar's worth of roads for every dollar spent, but they all wanted to drive the trust from the state.

Attempted Bribery Charged

He declared that either the state is to control the paving trust, or the paving trust is going to control the state. "The issue is well defined," he insisted.

Senator Lachmund referred to the fight made by the city of Salem when not long ago the state highway commission came to his private office and offered him \$10,000.

"I told him the price was not high enough," said Senator Lachmund. "And he then offered me \$18,000. I asked him what I was expected to do."

Senator Lachmund said the paving representative wanted him to say that four-inch base was five inches, and that one and one half inches of top surface was two inches thick.

"I thought you wanted to buy the mayor of Salem," Senator Lachmund said he told the man, "but instead I see you want to rob the people of Salem."

Four Words Are Joker

Senator Shanks asked President Vinton if he would consider that sufficient if he would consider that sufficient safeguards had been placed around the proposed \$10,000,000 bond issue if the minority report is adopted, and President Vinton replied that he would not.

Senator Banks pointed out that all were agreed on all sections of the bill except the insertion of four words, and that about four million words had been uttered in trying to explain the meaning of these four words.

These four words provide that the highway commission shall "consider quality and durability," he said.

Senator Banks wanted to take away from the highway commission the power to pass upon the quality and durability of pavements, Mr. President," asked Senator Banks of Senator Vinton.

President Vinton replied that in these four words was the joker which he wanted to keep out of the bill.

Senator Banks insisted that he was willing to trust the highway commission to spend the \$10,000,000 without the safeguards supposed to be contained in the four bills under discussion, but that he was willing to have the bills passed except the four words, which had been given to the highway commission was entitled to that amendment.

TAX ON GASOLINE FOR ROAD FUNDS GETS BY HOUSE

Measure Would Produce \$350,000 Annually for Maintenance of State Roads and Highways.

FUNDS AND TRACTORS HIT

Effort Fails to Delay Action Pending Consideration of Main Road Bill; Flareup Is Averted.

Salem, Feb. 13.—With but four votes opposed, the gasoline tax bill, which is expected to provide a revenue of more than \$350,000 a year for the maintenance of Oregon roads and highways, was passed by the house today after a flare-up on the emergency clause, which for a time threatened a tie-up of the entire road program.

The provisions of the bill were explained to the house by Representative Dennis, chairman of the house committee on roads and highways. The bill, he said, was for the purpose of levying a tax on gasoline and distillate used in the state for the purpose of road construction. It represented a great deal of effort on the part of the committee, he stated, in an attempt to frame a just and equitable means for taking care of the wear and tear on roads and highways by a tax on those who were most responsible for this wear and tear.

The bill provides for a tax of 1 cent a gallon on gasoline and 1/2 cent a gallon on distillate, the tax to be paid into the state funds by dealers who in turn will collect it from the ultimate consumer.

Would Produce \$350,000

The total revenue which this bill is expected to produce at this time amounts to \$350,000. Of this amount \$310,000 would come from the users of gasoline and \$40,000 from the users of distillate.

The gasoline revenue would be distributed among users as follows: Trucks and business vehicles, 52.4 per cent; pleasure cars, 39.1 per cent; motorboats, 1 per cent; clothers and cleaners and other users, 7.3 per cent. The revenue from distillate would fall most heavily on users of tractors and trucks, who would contribute 60 per cent of the total, boat owners would contribute 30 per cent of the total and the truck users 10 per cent.

In order to consider the measure section by section and to make certain amendments, the house resolved itself into a committee of the whole. All was harmonious until the last section, containing the emergency clause, was reached, when Smith of Multnomah rose to protest. He was joined by Smith of Baker, who objected to the promiscuous use of the emergency clause, which he declared amounted almost to an abuse of this power, which had been given to the legislature for cases of actual emergency only.

Fall to Delay Action

Smith of Multnomah was hard put to find a way by which he could delay action on the measure until the main road bill was up for consideration, but was compelled to confess that he had

been outmaneuvered by the proponents of the bill when Representative Dennis, chairman of the committee, arose to give his word to the house that the adoption of the emergency clause in this instance would not be used as a lever to force its adoption in connection with the bonding bill which is now being fought out on the senate.

With this understanding no clause was adopted and the house, having been dissolved as a committee of the whole put through the bill practically as it came from the roads and highways committee with but four dissenting votes.

Of the four who opposed the bill three did so because of the emergency clause and Representative Brand explained his negative vote as due to the tax on distillate, which he regarded as unjust to the farmers.

Distillate Tax Explained

The presence of the tax on distillate had previously been explained by Dennis as absolutely necessary in order to provide the possibility of nullifying the real purpose of the bill by means of the substitution of distillate in all motive vehicles in the place of gasoline. The half cent tax, he stated, was a compromise between the rights of the farmer and other users of tractors and stationary engines using gasoline.

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