

Oratorical Fireworks Eniven Oregon Legislative Sessions

NINE-MAN FISH COMMISSION BILL PASSED BY HOUSE

Norblad-Bean Bill Goes to Upper House for Action; Legislature Is Protecting Old Commission.

Salem, Jan. 15.—The house, Wednesday afternoon, acting under special order, passed the Norblad-Bean fish commission bill with 47 affirmative and 11 negative votes, Lewis of Multnomah being the one member of the house on the absent list. The bill now goes to the senate for consideration by that body, where it is currently reported that some 15 senators have agreed to vote for its enactment.

With the passage of the Norblad-Bean bill by the house, the fish and game controversy has progressed to the point where a clear view can be gained as to the intention of the legislature and the results which the pending legislation will bring about.

LEGISLATURE IN JUDGE

It is evident that the controversy has narrowed down to the question of whether the governor or the fish and game commission shall be assisted by the legislature. This is due, in large part, to the attitude of the governor himself, who has contended throughout that he would not oppose the Norblad-Bean bill, even though it took away from his office the power to appoint the members of the commission, or any direct and effective jurisdiction over its conduct in the administration of the law.

CURTAIN HIS POWER

However that may be, the members of the senate at least, and in all probability of the house as well, took the governor at his word when he gave out the information that, unless the fish and game commission reinstated State Biologist Finley, he would discharge the members of that body and appoint a new commission. They do not want the present commission disturbed, and with that end in view, have drafted the Norblad-Bean bill, meeting the governor part way, so far as the divorcement of the commercial and sportsmen's division of the administration of the law is concerned, but making it impossible for him to carry out his threat to "fire" the commission.

That is the whole, or at least the major issue now in the minds of the legislators. A condition prevailed that has vitiated the commission, vindicate them by electing them to membership on the new commission provided for in the bill, and allow new representatives of the commercial and two representatives of the sportsmen fishermen.

It is admitted frankly by many senators and representatives both publicly and in private conversation,

that the structure of the Norblad-Bean bill is fundamentally wrong and bad law, but they contend that it is a remedy to meet a condition which must be solved. They openly argue also, that it will stand only until the coming regular session of the legislature when, the storm having died down, the appointing power will be returned to the governor, where they admit it should be.

The bill was first set down as a special order for 10 o'clock in the morning. It was finally stricken back until 3 o'clock in the afternoon because of the fight over the Gallagher bill.

Bean was the first to speak on the measure. As one of those who had drafted it, he explained its purposes and contended that it was the result of the best effort of the joint committee and that it was satisfactory to the executive officers.

THROWS INTO POLITICS

Hare opposed the measure. He opposed the bill because of the principle. When the power to elect the committee was taken from the governor and thrown into the hands of the legislature it was throwing the whole controversy into politics, which every speaker-ship contest would revolve about, and which would be a very unpopular and would have to take into consideration. If the legislature took that action, he said, it would come back as a boomerang. He argued that the system would not bring harmony. "God pity the arbitrator you are going to choose," he said.

Smith of Multnomah said that no legislation was necessary, that the law should be left as it is, with the responsibility of seeing to its administration resting on the governor, the who's question ought to be passed over to the regular session when calm deliberation might work out a fair and adequate solution of the problem. Why not have the public represented on the commission? He asked. It would be a very popular and good amendment to the bill; the legislature should make provision by which the public would have a voice on the commission.

Smith of Baker defended the bill. He said that a condition confronted the legislature where the governor has let it be known that unless the legislature did something he was going to appoint a new fish and game commission. In view of all the circumstances there was only one route for the legislature to follow, he contended, and argued that that was to stand behind the commission. He contended that when men like Fleischman, Jackson and Warren give their time and energy to building up an industry there ought to be someone in the state to stand behind them and back them up against unfounded rumors until they are proven to be in the wrong.

Haines argued that the fish and game commission had worked together for the good of the state. He believed, he said, that the governor, rather than feeling the passage of the bill to be a slap at him, would feel that it was the best way out under all the circumstances. Scheibel said it was very difficult for him to vote for a bill that was wrong in principle. He would not vote for it at all if he thought that it would remain in force longer than the next session. If the bill was passed and continued in effect no subject of legislation would ever come into the house or senate that would not be tarred with fish and game influence. He did not want to vote for a bill that would be responsible for bringing conditions into the legislature that ought not to be brought into it in the interest of the good legislation.

TO MEET CONDITION

Bean, speaking again, said the bill did not suit him as well as the present system, but a condition prevailed that has vitiated the commission, vindicate them by electing them to membership on the new commission provided for in the bill, and allow new representatives of the commercial and two representatives of the sportsmen fishermen.

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SENATE ADOPTS AMENDED DEATH PENALTY MEASURE

Under Terms Juries May Recommend Life Imprisonment in Cases of First Degree Murder.

State House, Salem, Jan. 15.—With only Senator Smith of Josephine and Senator Strayer opposed, the senate Wednesday afternoon adopted the substitute bill presented by the judiciary committee providing for the restoration of the death penalty in Oregon for the crimes of treason and murder in the first degree, with a provision whereby the trial jury in presenting its verdict may recommend life imprisonment instead of hanging.

The bill takes the place of one introduced Monday and sponsored by 26 of the 29 members of the senate, which provided for the restoration of the death penalty with no alternative upon conviction of treason or first degree murder. The resolution involves a constitutional amendment and must go to a vote of the people next May if passed by the house.

Senator Houston in opposing the substitute resolution declared that it would serve only to destroy the purpose of capital punishment, which was primarily to "put the fear of God" into the heart of the would-be criminal.

"Under the present law one will ever be hanged in Oregon, except, perhaps, in times of great stress," declared Houston, who insisted that the fact would soon become known to the criminal class and take away any fear of hanging that might otherwise be instilled into them.

Senator Banks declared that he was not so bloodthirsty as some of his colleagues. "I believe," he stated, "that life imprisonment is greater punishment than the death penalty." The governor, he insisted, should be stripped of his power to pardon convicted sentenced to life imprisonment, who should be compelled to serve out their sentence without hope of executive clemency.

"We are going at this problem backward," Senator Banks insisted, "rather than 10,000 guilty men should escape than that one innocent man should be put to death."

"I believe," he continued, "show that murderers are greater proportionately in states which have capital punishment than those which do not. He pointed to the Centralia Armistice day murders in Washington, where the legislature provided the death penalty, to prove that the prospect of the gallows will not deter a murderer from committing crime.

The people of the state, he concluded, would defeat the measure as originally introduced if it ever came up for their action at the polls.

Sentiment was strong throughout the senate in favor of the measure as admitted, but the people of the state were not so bloodthirsty as to deprive the trial jury from recommending leniency should the circumstances as developed by the jury be such as to justify such a recommendation.

sportsmen has been telling the people through its subsidized press, he said, that there was no trout propagation, when actually the commission had propagated more than any other in the United States.

Smith of Multnomah broke in to ask if the question did not resolve itself into one of the legislative retention of the present commission or the theory that the commission was right and the governor was wrong.

Bean replied that the passage of the bill meant that every member of the present commission would be elected by the joint assembly with hardly a dissenting vote.

Graham of Washington wanted to know why it would not be a good plan to elect the commission by the people.

Coffey moved the previous question, shutting off debate when the vote was taken as follows:

Yeas—Bullough, Bean, Bolton, Brand, Brownell, Burdick, Burnagah, Childs, Edwards, Fuller, Gallagher, Gordon, Gore, Graham, Hare, Lofgren, Haines, Horner, Hoeford, Hughes, Hunter, Hurd, Idleman, Jones of Lincoln and Polk, Kubli, Lafferty, Looney, Martin, McFarland, Merryman, Moore, Richardson, Roman, Sidler, Smith of Baker, Stewart, Thompson, Thrift, Westerlund, Wheeler, Woodson, Wright, Speaker Jones—1.

Bills in House

State House, Salem, Jan. 15.—The following bills were introduced in the house Wednesday:

H. R. 45—By Thompson, providing for new building for state institutions for blind and appropriate \$40,000 therefor.

H. R. 50—By Martin, amending the label act relative to Oregon products.

H. R. 51—By Gallagher, amending irrigation district code.

AMENDMENT BEATEN AGAINST PAVING ROYALTIES KILLED

Senate Puts Quiet on Fight Which It Is Admitted Is Aimed at "Paving Trust."

State House, Salem, Jan. 15.—The house has put the extinguisher on the further introduction of bills, except by a two thirds vote after noon today. The resolution was introduced by Gallagher and shuts out all bills except they be admitted by a two thirds vote, with the exception of appropriation bills coming direct from the committee on ways and means. The house now has 67 bills on its calendar.

The house adopted the Burdick resolution, providing for the appointment of a commission to make investigation of the feasibility of the construction of a road between Bend and Klamath Falls of sufficient width to construct a steam railroad grade along one side, and finally through back into the hands of the state, with the exception of an attempt to drive the Warren Construction Co. out of the state, as an attempt to kill the road program of the state. Roll call found 29 senators opposed to the measure with only nine supporting the bill, as follows:

HOW BALLOTING STOOD

For the bill—Eberhard, Eddy, Farrell, Lachmund, Lafferty, Pierce, Strayer, Thompson and "Uncle" Moore. Against the bill—Baldwin, Banks, Bell, Gill, Handley, Howell, Huston, Hurley, Jones, Moser, Nickless, Norblad, Orton, Patterson, Porter, Rittner, Shanks, Smith of Coos and Curry, Smith of Josephine, and Wood.

Intimations that the "engineering department" runs the road game of the state of Oregon, with retired millionaires upon the state highway commission who could not be expected to give detailed attention to the affairs of the department and an open hope that the Warren Construction company would be driven out of the state, were hurled at the members of the senate by Senator Pierce in defense of the Lachmund bill.

"ENGINEERS RUN DEPARTMENT"

"We cannot expect the members of the commission, selected as they are, to give detailed attention to the affairs of the highway department, and it is pretty freely rumored that the engineering department runs the road game of the state.

"We have gone wild, we are crazy, we have forgotten all sense of the economy of the old days," he continued, in pointing to the "lavish hand with which Oregon is doling out state funds for highway construction."

Senator Lachmund, in insisting upon favorable consideration for his measure, declared that it was time for a final determination of the royalty payment problem, which had been injected into every legislature for years past.

He admitted that his bill was aimed primarily at the "paving trust."

According to figures presented before the senate committee on roads and highways by State Highway Commissioner R. A. Booth Wednesday night, approximately \$250,000 has been saved to Oregon during the past year by the use of patented bituminous pavement upon the highways of the state. This figure, according to Booth, takes into consideration the payment of royalty upon the patented article, which is now being held

LACHMUND BILL AGAINST PAVING ROYALTIES KILLED

Senate Puts Quiet on Fight Which It Is Admitted Is Aimed at "Paving Trust."

State House, Salem, Jan. 15.—Senator Lachmund's attempt to prohibit the payment of royalties on patented pavement laid in Oregon went down to defeat at the hands of the senate this morning after a bitter wordy battle which extended well into the noon hour. Not even visions of "paving trusts" and hoary "octopuses" were sufficient to save the measure.

Nor were references to "combinations" and "corrupt influences" sufficiently menacing to change the votes of those who saw in the measure not so much an attempt to drive the Warren Construction Co. out of the state, as an attempt to kill the road program of the state. Roll call found 29 senators opposed to the measure with only nine supporting the bill, as follows:

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IN ABYSS PENDING THE DETERMINATION OF THE VALIDITY OF THE PATENT OF THE WARREN BROS. COMPANY.

Out of 43 contracts upon which they have entered bids during the year, the Warren Brothers company has been the lowest bidder, the addition of royalty again considered, according to Booth's statement.

Booth was one of the star witnesses at the night session of the committee, with which Senator Lachmund's bill prohibiting the payment of royalties upon patented paving was up for consideration.

Committee member Booth informed the committee that the state highway commission has uniformly awarded contracts to the lowest bidder, as instructed by the legislature of 1919, but that in figuring the bids of the Warren Brothers company the additional royalty was always taken into consideration.

ROYALTY PAYMENT \$111,600

A total of 1,116,000 separate yards of bituminous have been laid in the state during the year, upon which the Warren company has agreed to settle with the commission on the basis of 10 cents per yard, or a total royalty payment of approximately \$111,600.

The enactment of Lachmund's bill into law would drive the Warren Bros. company with its 300 families and its payroll of \$400,000 annually, from the state of Oregon. Hill declared in the course of the grilling to which he was subjected by Senator Lachmund, ably seconded by Senator Thomas, both of whom are after the hide of the Warren company.

Hill characterized the bill as unfair, discriminatory and the most drastic legislation of its kind ever attempted by any state in the Union. Figures show he declared, that bids on bituminous pavements were, in a majority of cases, lower than competing bids and the legislature would only be playing into the hands of the competitors of the Warren company by driving the Warren company from the state.

"SPEAKER SCORES OPPONENTS"

"There is a certain class of men," Hill insisted, and his gaze included Senators Lachmund and Thomas. "I would only think in terms of 'let's go at 'em,' because it seems to be a popular cry."

The "infamous Telegram" was also severely scored by Hill for its campaign of "unjustified persecution" which it has been waging against the paving company.

Senator Norblad came to the rescue of Hill after he has been subjected to a 30 minute grilling by Lachmund and Thomas. The bill, Norblad stated, would submit to the people a moot legal question upon which only a court was qualified to pass.

PROPERTY RIGHTS HIT

It was not good business, not good judgment, he insisted, to bar the use of the article simply because it was patented, when that article had been proved satisfactory and cheaper than its patented competitors. The move, he declared, was a blow at property rights. If the legislature wanted to bar the use of patented articles, he asked, why not include patent culverts, road scrapers and all other patented articles which enter into road construction.

The bill will come into the senate today on a minority report to be submitted by Senators Lachmund and Thomas, Senators Norblad, Orton, Rittner, Handley and Hurley voting against a favorable report on the measure.

Senate Bills Introduced

State House, Salem, Jan. 15.—Senate bills introduced Wednesday:

S. B. 25, by Senator Thomas—Providing additional funds to be expended by the state board of fish, commission.

S. B. 26, by Senators Pierce and Walter S.

SMITH, PROVIDING STATE FINANCIAL AID TO EX-SERVICE MEN AND CORRECTING DEFECTS IN SOLDIERS' EDUCATIONAL AID BILL PASSED BY SENATE.

S. B. 27, by Senator L. S. Smith, relating to certificates of tax delinquency and involving an amendment.

S. B. 29, by Senator L. S. Smith—Providing for the employment of certain aliens by public officials and on public works and providing penalties for violations.

S. B. 30 (Substitute for S. B. 9)—Providing for supervision and cost of maintenance of state highway and involving an amendment.

S. B. 31, by Senator Orton—Providing Saturday half holidays for clerks of the supreme court and county clerks.

S. B. 32, by Senator Pierce—Increasing the salary of the attorney general from \$3900 to \$4500.

S. B. 33, by committee on medicine, pharmacy and dentistry—Relating to authority of state board of medical examiners.

S. B. 34, by Senator Moore—Relating to attachment and enforcing an amendment.

S. B. 35—By Orton, providing for the licensing of operators of drivers of motor vehicles.

S. B. 36, by Pierce—Validating act appropriating highway funds among counties.

S. B. 37, by Porter—Appropriating funds for traveling expenses of traveling circuit judges.

S. B. 38, by Shanks—Making additional appropriation to pay for increased salary of supreme judges as authorized at last legislative session.

S. B. 39, by Howell—Making additional appropriation for salaries and traveling expenses of circuit judges.

S. B. 40, by Pierce—Providing for additional levy to be used for educational purposes for discharged soldiers and sailors and for legislative purposes.

S. B. 41, by Banks—Providing for non-political judiciary.

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The Wilson Electric Sewing Machine

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—Dressmakers and home sewers find this machine a most wonderful device.

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Two for \$11.50

Should you delay buying now, you will pay \$10 later on for identical quality.

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Time to Buy Your Hat!

Hat Special Extraordinary! ALL THE BEST HATS IN THE HOUSE AT \$6.50

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Many smart little hats suitable for general wear for many months. At this small price a new hat can be had so easily.

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Hats for \$1 TAM AND TURBAN EFFECTS in beaver and velour. There are brown, black, purple and white in several styles. They sold to \$7.50. **MAKE YOUR CHOICE AT ONCE!**

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The United Apparel Shop Sold Out in Bulk

The stock is now being made ready for disposal. See tomorrow (Friday's) Journal for big announcement.

Coat Special Extraordinary

Smart Silvertone Coats at \$23.75

Coats that sold for much, much more! The most popular fabric of the season in the most popular styles and colors. An opportunity the shrewd woman will not overlook. **MAKE YOUR CHOICE AT ONCE!**

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25 Silk Dresses \$12.95

Selling Formerly to \$22.50

Satins and taffetas in both dark and light shades—many clever modes represented. Remarkable bargains, you'll say! Better be on hand early to take advantage of this special.

Cleanup Special of Short Beaver Plush Coats, \$12.95

\$2.50 Glovesilk Vests \$2

Wonderful quality, fine and close-woven. You'll be wise to purchase several.

CAMISOLES IN EXTRA SIZES \$2.95 to \$4.50

Drastic Cleanup of Sweaters

Wool Slipons at \$1.50

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Both wool and fiber silk. They sold up to \$6.50.

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