COTTAGE GROVE LEADER

VOL. XVII — COTTAGE GROVE, OREGON, SATURDAY, JANUARY 27, 1906. — NO. 41

FULTON RATE AMENDMENT

Senator Fulton Wakes up the Senate on the Rate Question by Proposing an Amendment to the Dolliver Bill

Last Wednesday the Senate had the most lively tilt of the session in the rate matter, brought about by Senator Fulton.

The question was brought forward unexpectedly and from a source that had not been guarded. As soon as the topic was sprung, the Senate sat bolt upright and took notice. Every senator in the chamber turned in his seat and gave attention to each speaker in turn with an intensity of interest much like that manifested by jurors at a murder trial.

The debate was provoked by Mr. Fulton, of Oregon, who made his first appearances, so to speak, before the Senate, and who by the way, created an excellent impression. He offered an amendment to the Dolliver bill, giving the courts power to modify orders of the Interstate Commerce Commission when such orders are confiscatory. Mr. Fulton proceeded to explain his proposition and almost in a twinkling Messrs Foraker, Bailey, Spooner and Nelson were at it hammer and tongs. It seemed at one time that the whole question was to be opened up and seriously debated. Mr. Fulton's speech was interrupted so frequently and at such considerable length that he was compelled to occupy the floor for more than two hours. He brought on one of the finest skirmish fights of which the Senate has yet been the scene on the question of railroad reform.

ENTAILING GREAT EXPENSE

Mr. Fulton said that his provision is intended to prevent the enforcement of unjust decrees, and argued that as the Dolliver bill stands in case such an order should be issued, it would be impossible for the commissioc to change it until after great delay, with consequent great expense.

In response to a suggestion by Mr. Clay he contended that the amendment does not confer legislative functions upon the courts. He said that only Congress had power to fix rates, but that it could enact laws delegating the authority.

He said in response to a question from Mr. McCumber that he did not consider the determination of what was a reasonable rate in a given case a matter for legislation, but rather for judicial determination.

Mr. Foraker also took the view that such action was necessarily a judicial function and said that courts fixing such rates should have authority to enjoin greater rates than those fixed by them.

Mr. Spooner defined the present status to be in accordance with decisions of the Supreme Court, that the courts had the rights to determine what rate was reasonable in designated cases, but that the fixing of rates for the future was necessarily not a judicial function.

Mr Fulton and Mr. Bailey engaged in a coloquy about the question of rates, the former contending for the right of the courts to determine what was a reasonable rate and the latter inclining to the opinion that courts could only determine that certain cases were unreasonable. Mr. Fulton contended that the determination of the one point included the other, but Mr. Bailey quoted decisions to show that where courts had found rates to be confiscatory they had failed to attempt to fix a rate.

SUPPORTED BY FORAKER

Mr. Foraker expressed the opinion that Mr. Fulton was entirely correct in his position.

Mr. Bailey agreed that the courts had power to enjoin unreasonable rates, whether too high or low, but urged that no court could go beyond the case in hand and by its decisions make regulations for the conirol of others than those interested in the given proceeding.

Mr. Nelson thought there might be one exception to the rule that the courts shall not pass upon future rates, and that was in cases in which a railroad company threatens an excessive rate. In such case he thought the proposed actiyn might be enjoined

Mr. Bailey said that the Supreme Court had decided that such action was not within the scope of the courts.

Mr. Fulton urged that the courts were daily engaged in fixing future rates and quoted authorities in support of the contention. He then returned to his argument in support of the proposition that the courts may fix reasonable rates, and argued that the preponderance of precedents was favorable to that position.

Mr. Spooner interrupted Mr. Fulton to say that he had stood with the latter in the opinion that the courts had a right to determine what was a reasonable rate when they had once held a rate not to be unreasonable; and, proceeding, Mr. Fulton said he was not prepared to say that without some legislation the courts would go to the extent of fixing rates, but that he believed that Congress had ample authority to confer upon the courts the right to do so in given cases.

POINT HAD NOT ARISEN.

He argued that there was no more exercise of legislative power in fixing a reasonable rate than in determining an unreasonable rate. He quoted a Massachusetts case in support of his position and Mr. Knox called attention to the fact that the constitution of Massachusetts does not follow the same rule as the constitution of the United states in separating the powers of the difierent branches of the government, but Mr. Fulton replied that that point had not arisen in the case.

Mr. Spooner asked Mr. Fulton why, if the courts are to pass on the question of rates, they should not be osked to do so in the first instance. Why, he asked, should, a commission intervene?

Mr: Fulton said he believed the findings of the courts could not be made generally applicable. He thought the commission would take much work off the hands of the courts.

Mr. Clay suggested that a commission could do the work at much less expense, but Mr. Foroker said that it was proposed to change the law, throwing the responsibility upon the government.—Washington Post.

Gongressman Ike Bingham passed through the Grove on his way to his home in Eugene on Friday. He will be back here in a few days. The train stopped in the Grove just long enough for him to hear the Brown mill whistle for the first time since the long shut down.

DEVELOPMENT LEAGUE MEETS

And Decides to go Forest Grove for September Meeting but Will be Ready for Cottage Grove in December.

Wednesday afternoon at 1:30 the Sixth Convention of the Willamette Valley Development League met in the County Court House at Albany and was opened by Pres. Hofer in an able address:

"Policies of taxation to help the development of Oregon should put a premium upon early marriages and large families. Our forefathers instituted the poll tax of seven shillings on all unmarried males over 21 years. That was a premium on marriage equal to nearly $10 of money in this day. We suspended the poll tax for firemen and militiamen, and why not suspend it on any man who will take a wife and go to raising a family?"

This was responded to by Dr. M. H. Ellis of the Albany Commercial Club.

"I would recommend at this convention that a committee be appointed to investigate and formulate a report on what can be done to break up the large holdings of lands by such corporations as the Southern Oregon company, and the various wagon road and military road grant companies in this state which are one of the greatest, if not the very greatest, block to progress and development."

W. M. Cake of the Portland Commercial Club was not able to be present so the speeches of the day commenced with Mr. Henry S. Westbrook of the O. C. T. Co. on "Free Locks and an Open Willamette River" in which he said in part:

With all of its unreasonableness, this lockage of 50 cents per ton would not be so bad if it were exacted from those who patronize the River. But is is exacted from those who patronize the rail as well. When we seriously consider this question, we are startled by the fact that every consumer must pay a lockage of 2½ cents per 100 pounds upon his flour, salt and sugar. The contractor or builder pays 2½ cents lockage upon each keg of nails, six cents upon each barrel of lime, and ten cents upon each barrel of cement. The blacksmith pays 5 cents per sack upon his coal; the foundryman $7.50 upon each car of pig iron. And every other article of use, ornament or consumption have attached to its purchase price some proportion of this unjust taxation.

The producer, commonly called the farmer, is not forgotten, for he pays a lockage of 2 and ½ cents upon each sack of oats, wheat, barley or potatoes; 1 and ¼ cents upon each box of pears or apples; 4 cents upon each bale of hay, 5 cents upon each bale of hops; ten cents upon each head of hogs or sheep; and 25 cents upon each head of cattle or horses.

We mean by free locks that these amounts will be saved the producers and consumers of the valley. To make the expression plain, they mean that the farmer who produces 100 sacks of spuds will be saved saved $2.50; 100 bales of hops, $5; 1,000 bales of hay, $40., or that people of the Willamette valley, at the most conservative estimate, will be saved not less than $100,000 annually.

I am not throwing boquets, but I have a rose today for your distinguished fellow-townsman, Mr. Westgate and a bunch of violets for the other business men, because it was through their combined efforts that the question of Free Locks received its first genuine recognition in the Valley.

To buy or build Free Locks requires an expenditure too large for any charitably disposed person. The task is of too great a magnitude for any navigable concern. Our steam and electric lines do not need nor want them. To procure them by direct taxation would place too great a burden upon the whole people, a majority of whom would receive no benefit in return. They must come from and through our paternal government, because to provide them at our own sacrifice would be assuming an injustice to ourselves, for our national government has opened the rivers and made the locks free for the people of other states, and we are just as good, equally as important and deserves as much consideration from our Federal government as any other people under the protecting aegis of our national flag.

"Albany's Interest in an Open River" was responded to by Editor G. A. Westgate of The Herald at Albany, in one of the ablest speeches of the convention:

"The Willamette river is an Albany asset. Take away the railroads, block the highways, surround the landward side of the town, with wall and moat and there is still the river--nature's way to the sea—the natural connecting link of the in land country with its seaport. The river is the oldest and most effective rate bill. Water transportation is the cheapest method of moving freight, there being no roadbed to equip and no right of way to secure.

"Albany has stood with other portions of the state for an open Columbia. This is but part of the story. Give the Willamette a fair hearing."

"Corvallis Wants an open river" was responded to by Judge W. S. McFadden of Corvallis in a pleasing address on irrigation and was followed by F. F. Senn of Silverton on "A Bright Valley town" in which he spoke of the importance Silverton was giving to Good roads and their help in building up a town and community. Mr. Senn was a forceful speaker and with his immense voice filled every corner of the room.

Prof. Young of the State University spoke on "Higher Education in its relation to development" and was seconded by Pres. H. M. Crooks of the Albany Presbyterian college. Geo. F. Rodgers of the Rodgers Paper Co. of Salem made a short but able speech in which he said that Oregon had awakened from her commercial lethargy, and was not entering on a period of most encouraging activity and would in a few years outstrip many of her former leaders.

A memorial was prepared to be presented to Congress favoring the government purchase and operation of the Oregon City locks.

The evening session at the Opera House was well attended and four able speeches were made. An amusing feature of the evening was the attempt to get all political aspirants on the platform. Three candidates for governor came forward, Hon. T. T. Geer of Salem, Prof. Johns of Baker City and Prof. James Withycombe of Corvallis. Walter Tooze of Woodburn and State Labor Commissioner Hoff also came forward. Those who spoke in the evening were: J. K. Weatherford on "Linn County," Wallis Nash "Corvallis and Eastern R. R, and Yaquina Bay."

Mayor Chas. Grissen of McMinnville spoke on "Civic Improvement" and advocated the improvement of our school grounds, the use of goods of Oregon manufacture.,'

During the evening a male quartette of the Commercial Club of Albany rendered some delightful music.

After the session the visitors were splendidly entertained at the Alco Club.

In the session Thursday it was voted that the next meeting be in September, and be held at Forest Grove.

It was decided that it be better to wait until later for a meeting here.

The meeting was a grand success and did much good.

Committee of Senate Will Favor Repeal of Timber and Stone Act

Washington, Jan. 24.—The senate committee on public lands today tentatively decided to report favorably upon the bill to repeal the timber and stone act and to substitute for it the method proposed by Senator Hansbrough, of selling timber in public lands by auction. Senator Fulton strongly opposed the proposition to repeal the timber and stone act, contending that it would injure the lumbering interests of Oregon seriously.

Senator Flint of California suggested an amendment, which was agreed upon, providing for the sale of stone and marble in the same manner provided by the Hansbrough, Carter and Newlands, who will submit the bill in accord with the action of today's meeting, which will be reported to the senate.

SEE AMERICA FIRST

Governor Chamberlain is Temporary Chairman of the Conference Held in Salt Lake.

Salt Lake, Jan. 25.—For 24 hours delegates have been arriving from every direction to attend the conference arranged by the Salt Lake Commercial Club and intended to devise plans for attracting tourists to the scenic portions of the United States in preference to Europe. It has been designated the "See America First" conference.

The meeting is being held in the Armory Hall. The delegates represent cities, states, commercial and other organizations. Today's program includes the call to order by former Governor Heber M. Wells, chairman of the Commercial Club's special committee: Addresses of welcome by Hon. O. W. Powers and Governor John C. Cutler, a response by Governor Chamberlain of Oregon, and the induction of Governor Chamberlain into the office of temporary chairman.

The remainder of the proceedings will be at the pleasure of the delegates. The latter are to be entertained this evening with a concert at the Mormon Tabernacle. The conference will close tomorrow night with a banquet at the Commercial Club.

Former Governor Heber M. Wells of Utah called the delegates to order and addresses of welcome were made by Governor John C. Cutler of Utah, and others, after which the convention formerly organized, with Governor George E. Chamberlain, of Oregon, in the chair.

In a short address, Governor Chamberlain defined the field and scope of what he thought such a movement ought to be. Governor Albert E. Mead, of Washington, also addressed the conference, and telegrams commending the movement were read, the senders being men of prominence in all parts of country. Among them were Governor Brooks of Wyoming, Governor Blanchard, of Louisiana, and James J. Hill.

The promoters of the conference not having planned any definite program or outline of organization, the business of the opening session was necessarily limited to speech making and the appointment of a committee on permanent organization and order of business. After the appointment of this committee, the conference adjourned until afternoon.

Stockmen Want Time for Feeding Extended to Thirty-six Hours.

Washington, Jan. 24.—Western stockmen are busy about Washington trying to secure an amendment of the law regulating the shipment of livestock which requires unloading every 28 hours for feeding and watering. This law is objectionable to such interests from all parts of the west, and stockmen from practically every western state are in Washington appearing before the committee of Congress and before the departments and trying to secure a modification.

The existing law was enacted in good faith and to accomplish what was believed to be a human purpose. But the stockmen are unanimous in declaring that it fails to accomplish its purpose. It is the testimony of these men that livestock, particularly sheep, when unloaded every 28 hours, eat less on a journey from a ranch to market than they would if unloaded at less frequent intervals and therefore reach market in worse condition than if the feeding periods were farther apart.

This is explained on the ground that frequent loading and unloading disturbs the stock, worries them to an appreciable degree, and as a result they frequently refuse to feed when opportunity is offered. The result is that instead of eating each time they are unloaded, the sheep particularly eat only at alternate stops, and thus feed only once in 56 hours.

But there is another objection to the present law. There is a material loss of time resulting from stops at intervals of 28 hours, for, while the law requires that the stops shall be of at least five hours, experience has demonstrated that each stop is virtually for a whole day, due to the time required for unloading and reloading. The fewer stops the less time will be consumed in getting livestock to the stock-yards.

Stockmen are not unanimous as to how the law should be amended. Some advocate stops at intervals of 30 hours; others 36 hours; still others 48 hours. But the advocates of the various plans will be heard and the committee will agree upon a time, for it appears as though the law would be amended in accordance with the universal demand of the stockmen.

Fred W. Gooding, who heads a delegation of Idaho stockmen, is advocating a 36-hour law. He believes that after a 36-hour ride, the sheep will be so hungry that they will eat when unloaded. Looking at it from another standpoint, Mr. Gooding says a 36-hour law would make a difference of two days in the time required to ship sheep from the Idaho range to Chicago, as two feeding days would be saved. He says that experience has demonstrated that sheep unloaded once every 36 hours reach Chicago in better condition and weighing more than sheep that are unloaded every 28 hours. Indeed, according to his statement (and he is an experienced sheepman and can speak by the card,) Idaho sheep that are unloaded once in 36 hours will bring from 15 to 20 cents more a head in Chicago than the same grade of sheep that go through under the 28-hour law. It is estimated that this 28-hour law actually costs the sheepmen of Idaho $200,000 a year. The same sort of testimony comes from practically every other Western state that is represented.

The Agricultural Department, which is charged with the enforcement of the 28-hour law, is convinced that it should be changed and inclines to the 36-hour substitute proposed by the Idaho men. It is expected that Secretary Wilson will appear before the committees of the Senate and house along with the sheepmen and lend his aid to secure the necessary amendment.—Oregonian.

Mrs. Nellie Simmons arrived Thursday from Vancouver, Wash.