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MAY MEAN GREATER SMELTING COMPETITION FOR THE STATE

HEINZE IS DUE IN ZION TODAY

Mine Operator and Banker Will Arrive From Butte This Morning.

MORE ALIVE OVER BIG SMELTER PLANS

Started Combination to Open Wider Field for Ores of the West.

Augustus Heinze, than whom no more interesting character has been the product of the tremendous growth of copper and its importance during the past few years, is due to arrive in Salt Lake today from Butte, his visit being expected for some time past in local circles. Mr. Heinze's trips to Zion always are surrounded by much interest and followed usually by developments of almost importance and significance to the mining industry of the West. Nor is his present visit to be exceptional. Rumors from the East of late have connected his name with matters of vast import to the mining and smelting industries of Utah. It is to be hoped that Mr. Heinze may prove these rumors true to the extent of lending his effort and his capital to the upbuilding of a smelting combination for Utah that will take a prominent place to the far front of the nation, for everyone will admit that there is plenty of room for more smelters in Utah, and that the mining industry profits by such abundance of facilities for disposing of ores. It should not be at all surprising if, from the present clouds of doubt and difficulty surrounding the smelting industry of this State, a powerful organization, closely akin to the American Smelting and Refining company in magnitude, yet entirely independent of that combination, should be born for the good of the State, and at the head of which will be such men as Mr. Heinze.

During the past twelve months Mr. Heinze has made serious inroads upon the producing properties of Utah, securing the control of the Bingham Consolidated company before anyone knew what great a move was on, and in succession followed the Ohio Copper, the Western Utah Copper of Deep Creek, while rumor has been busy of late connecting him and his name with numerous properties of Bingham and elsewhere in the State. It is only natural in the race between mining capital to secure lead and copper properties that Utah and her mines should be the magnet to draw the history-makers this way.

Ever since the long and bitter warfare between the Amalgamated interests and Mr. Heinze, during which he displayed his ability to take care of himself, his interests and the interests of his large following, Mr. Heinze has been one of the central figures in the copper world. The struggle with the Amalgamated showed how far Mr. Heinze would go to defend his rights, and the compromise, which gave him what he asked for and peace to all Montana, showed that he was not fighting just for the love of strife, but for an end which he deemed worthy of struggle. The declaration of peace at Butte, instead of serving to hamper Mr. Heinze's activities in the mining field, have allowed him more ample opportunity to give his attention to other portions of mineralized America, and fortunately for Utah his efforts and his capital both have been directed this way to a very liberal extent.

Mr. Heinze, however, has grown greater during the past few months. His recent entry into the financial fields of the East are matters of history, and his reputation gained in mining has opened all doors for his entrance. He is a young man, able and willing to take up the many burdens that will naturally follow the organization and furthering of so great a combination for smelting purposes as rumor declares he is now aiding to construct. Should these rumors prove true, Utah will be the chief beneficiary, as this State will undoubtedly present the most desirable site for the plant. The conferences during the next few days in this city will be fraught with tremendous importance to Utah.

AUGUSTUS HEINZE
PRESIDENT
UNITED COPPER CO.

BARONET INTERESTED

Sir Horace Plunkett of Dublin Active in Wyoming Irrigation.

Special to The Tribune.

LARAMIE, Wyo., Feb. 14.—Sir Horace Plunkett of Dublin, Ireland, whom John Lynch once defeated for the British Parliament, is one of the incorporators of the Rock Creek Irrigation company, formed here today with a capital of $150,000 for the reclamation of a large amount of land at Rock River. The company will construct two storage reservoirs, one to furnish water for 5000 acres and to be completed this spring; the other to reclaim 75,000 acres within the next two years.

The company owns the holdings of the Diamond Cattle company, numbering more than 100,000 acres of patented lands.

Frank C. Bosler of Carlisle, Pa., C. D. Spalding and N. E. Corthell of this city and John F. Pierce of Rock River are associated with the Baronet in the enterprise.

Charles Wallace, alias St. Clair, who came from Ogden to Rawlins and thence to this city, was arrested here today charged with burglary at Rawlins. He confessed his guilt and will be returned to that city for prosecution.

REAL BATTLE IS WAGED IN SENATE

Attempt to Railroad Conference Agreement in Immigration Bill Is the Cause.

TILLMAN IS READY TO FIGHT FOR TEN DAYS

Avowed Hostility of Democrats Alarms Senators Who Support Roosevelt's Views.

WASHINGTON, Feb. 14.—The sudden development of a full-fledged filibuster resulted today in the Senate when an attempt was made to force the adoption of the conference agreement on the Immigration bill. This report carries a provision intended to bring about a settlement of the Japanese-California school problem and speedy action was desired by administration Senators.

Expressing sympathy with this object, yet regarding the report with suspicion on other points, Messrs. Bacon and Tillman first endeavored to have action delayed until tomorrow, that they might study the report. When this was refused the filibuster began. Mr. Bacon held the floor two and a half hours. Mr. Tillman said he was prepared to make a ten-day fight on the floor against the report, because he objected to being run over as with an automobile.

Mr. Bacon objected on the ground that the report changed existing law in respects which he believed on hurried examination would deprive Southern States from obtaining even the meager labor supply from abroad, which was available under the present immigration laws.

Truce Is Declared.

A truce was declared until tomorrow at the suggestion of Senator Spooner, when the report will again come up for consideration.

Administration Senators interested in the adoption of the report were alarmed by apparent Democratic hostility. All of the Democratic leaders, when questioned as to their attitude disclaimed the adoption of a party policy in regard to the report, and the Senators making the objections insisted that they were actuated wholly by resentment of what they thought was an attempt to force immediate action. Senator Blackburn, chairman of the Democratic Steering committee, said he felt sure there was no disposition to filibuster against the report beyond carrying it over until tomorrow.

Senators Bacon and Tillman made similar statements. They agreed that the restriction of immigration provided in what is familiarly known as the "Japanese coolie clause" is of great importance. They would not say what their attitude would be. It was made plain, however, that they would consider the report overnight and then if the question proved one on which it was advisable to hold a conference, the party will be called together tomorrow.

The session was begun with an extended address by Senator Knox in defense of the right of Reed Smoot to his seat as Senator from Utah. The agricutural appropriation bill also was considered.

Story of the Clash.

Friction developed early over the conference report on the immigration bill. Senator Dillingham, in charge of the report, was importuned by Senator Bacon to allow the matter to go over until tomorrow. Mr. Dillingham expressed a willingness to do this provided unanimous consent could be had that a vote be taken on it before adjournment tomorrow. Mr. Tillman objected to fixing a time for the vote, saying that he did not want to be put in a corner. After he had read the report, and by tomorrow morning, he thought that a time to vote might be fixed. Mr. Dillingham changed his request to vote Saturday before adjournment, but this arrangement was blocked by Mr. Tillman.

Immediate consideration of the report was then pressed by Mr. Dillingham.

Is Ready to Fight.

"Well, Mr. President," declared Mr. Tillman, "I have been in the Senate twelve years, and I have never seen anything gained by an effort to dragoon the Senate and even the people who are not willing to fight and not spoiling for a fight can be very easily aroused and driven into the attitude of hostility."

Mr. Tillman made a point of order against what is known as the passport regulation. The provision is considered to be in the interest of adjusting the California Japanese problem, and Mr. Tillman declared the matter presented in the amendment was extraneous to any matter within the jurisdiction of the conference committee.

Senator Lodge opposed Mr. Tillman's point of order.

That a point of order would lie to the amendment was contended by Senator Culberson, but he believed the matter should be submitted to the Senate for its vote.

The Vice-President, however, ruled that the point of order was not well taken and overruled the point of order.

The Vice-President later modified the ruling, by making it simply that the point was one on which he could not properly rule, but that the Senate must decide the matter by its vote upon the conference report.

Sees Grave Danger.

Mr. Bacon pointed out what he regarded the grave danger of the proposition announced by Mr. Lodge, that the only limitation to a conference committee was that it confined itself to the general subject when each house had passed different bills.

Mr. Bacon indicated that he should later read to the Senate the entire lengthy conference report, as he was not permitted to read elsewhere.

"There is," he declared, "an attempt to destroy the possibility of securing any immigrants."

"Does the Senator refer to the further restrictions against the importation of contract laborers," asked Mr. Lodge.

"We all know," answered Mr. Bacon, "what has brought this report to the Senate. We know that a condition of affairs which in no manner relates to the injustices to which I am referring has attracted the attention of the whole country, and that there is an acute situation which it is proposed to relieve by bringing in this report.

"In order to meet the case of emergency on the Pacific coast a report is brought in which does not simply relate to that matter, but covers the entire field, and opportunity is taken to enact a drastic rule which will do great injustice to certain parts of this country and to make this acute situation the means of inducing Senators to vote for a report containing this injustice."

Attitude of Lodge.

"In order that the Senator may not misrepresent the conference committee," interrupted Mr. Lodge. "I desire to say that this report without the clause relating to passports, was complete several days ago and would have been presented to the Senate without any reference to that clause."

Mr. Bacon replied it was a fact that opportunity to induce votes for the report was being taken advantage of. "It is not necessary," he said, "that it should be on this bill and not necessary that Senators should do a great injustice to another section of the country to protect the Pacific coast. It is important that the Pacific coast should be protected and we of the South have ever stood here to co-operate for its protection."

Mr. Bacon then turned his attention to the scarcity of cotton mill labor in the South, and read at length a report from the Department of Commerce and Labor regarding the situation which he construed to indicate a desire of the department to aid in meeting the need for labor.

While Mr. Bacon was speaking, Senator Tillman marked with slips of paper certain passages in a pile of books he had on his desk. During a pause by Mr. Bacon, Beveridge asked if he had concluded.

"Oh, no," was Mr. Bacon's reply. "The Senator very much mistakes the scope of my remarks."

"I am just getting ready to talk for a week or ten days," interjected Mr. Tillman. "When I get so little justice at the hands of Senators as not to be permitted even to read a bill I am prepared to fight. I object to having a matter brought in here and run over us like an automobile."

Senator Spooner came to the relief of the situation at this point, saying it was evident that Senators were at a disadvantage in not having had time to read the report. "I appeal to the Senator," he said, "turning to Mr. Dillingham, "to let the matter go over until tomorrow." Mr. Dillingham, saying he recognized the situation, consented, and the report went over, two and a half hours having been consumed in its consideration.

PRINCIPAL EATON EXPELS STUDENTS

Six Highschool Fraternity Boys Punished for Disobeying Orders.

That Principal George A. Eaton of the Highschool is a man who means what he says was demonstrated yesterday when he expelled from the school six boys who belong to a High school fraternity. The six are of a number who put out a sign in front of the Highschool building a day or so ago with the inscription, "The Czar has no right to smile." The sign was considered a joke by those who put it up, but they little suspected that it meant the death of their frat. It referred to an article printed in one of the local papers some time ago, the headlines of which read: "Prof. Eaton has a right to smile." The article referred to the question which is now being agitated in Eastern schools about fraternities, and praised Mr. Eaton for having kept "frats" out of the Highschool of Salt Lake. It happened that at that time there were two fraternities in the school. One was at the Y. M. C. A. and the other had rooms in the Templeton building. The one at the Y. M. C. A. was investigated, but Mr. Eaton could find nothing objectionable about it. He found that it was the members of the other frat. who had been having the laugh at his expense and he turned the tables and now has the laugh on them. He made no fuss about it, but immediately went to investigating the matter of the instigators of the little sign "joke," with the result that he traced the perpetrators down and "fired" them from the school. The boys who put the sign out were not the only ones who went; it was also every member of the frat. that he could find. So far he has only been successful in landing the names of six of the boys, but the rest will no doubt hear from him today or on Monday. The boys are expelled until they give the professor assurance that the "frat." has been broken up.

So far those who have been expelled are Max Rosenblatt, George Swaner, Albert Daly, Moyle Grey, Stanley Quayle and Albert Zimmerman. It is said that there are about ten others who belong to the "frat." who are hiding out. In regard to the so-called "frat." at the Y. M. C. A., Mr. Eaton says that he has thoroughly investigated it and found that it is merely an organization for Bible study. He limits the name fraternity.

QUESTION OF SHIPS

With This Exception, Naval Appropriation Bill Is Nearly Completed.

WASHINGTON, Feb. 14.—The Naval appropriation bill occupied the entire time of the House today and it was almost completed. The single remaining section is that increasing the naval establishment. It was allowed to go over until tomorrow, when it is expected an effort will be made to reduce the number of battleships provided for in the bill.

Points of order were made against many of the provisions of the bill and were generally sustained.

QUIET DAY IN THE UPPER HOUSE

Three Bills Were Finally Acted Upon, Others Were Recommitted.

PROGRESS RETARDED FOR UNKNOWN REASON

Statutes Not Being Encumbered by Members of the Senate.

Five bills were passed by the House Thursday. The vote by which three of them passed will probably be reconsidered today, notice to that effect having been given. Two of them pertain to telephone companies, the other to the disposition of the bodies of convicts after death.

Senate bill No. 26, which provides for ten feet of discovery work in ninety days on all mining claims, was read a third time. Amendments were offered, and, after a long discussion, the measure was, upon the motion of Mr. Speaker (Representative Taft occupying the chair), recommitted to the Committee on Mining and Smelting.

The scheme to force the fire and police commission bill through the House did not materialize, although the measure is on the calendar and has priority. In this connection it might be mentioned that but three of the Senate bills which embody the "Galveston plan" for the government of Salt Lake have been read in the House. These bills are fourteen in number. They were all sent over to the House from the Senate on Monday evening, but up to last evening only three of them had been read and referred. Clerk Buchanan says that he has not been able to reach them. Some, however, may be read today.

The men who do most of the talking in the House were somewhat subdued Thursday, but whether this was due to the fact that they got home so late Wednesday night from American Fork, or on account of the prodding they have received, is not known.

Just before the adjournment for the day an invitation was received from the citizens of Richfield, inviting the Legislature to visit that city on Saturday as guests of the city and its people. The invitation was accepted and the party will leave at 7:30 o'clock Saturday morning.

What Senate Is Doing.

The thirty-first day's session of the Senate was not characteristic of progress, so far as encumbering the statutes with new laws is concerned. The session lasted only an hour and a half, during which time three unimportant bills were passed. Others were discussed and recommitted, and will come up for final disposition today.

WORK OF THE HOUSE.

Several Measures Acted Upon by the Lower Body.

Promptly at 2 o'clock the Speaker's gavel fell and the House was in order. After the prayer by the Chaplain the journal was read and approved.

A communication was received from the National Guard inviting the members of the House to attend a ball to be given at the armory on Monday evening. The document was filed and all members who can will avail themselves of the invitation.

A communication was received from the Civic league of Salt Lake on the bill, known as the Galveston idea, indorsing the measure. Referred to special committee.

A communication was received from the Kansas Legislature in regard to the election of Senators of the United States by direct vote, and suggesting a constitutional amendment providing therefor. Referred to the committee on Federal Relation.

H. C. No. 21.—Asking for appropriation of $601.25 for Wasatch county, was read and referred to the committee on Claims.

Reports of Committees.

From the committee on Revenue, reporting back House bill No. 128, by Tolton, to provide revenue for the support of the government of the State and for several counties of the State and district and county schools for the fiscal year 1907-8 with the recommendation that it pass with amendment. Adopted.

From the Judiciary, reporting back House bill No. 124, by Richards, relating to the placing of witness under bonds for securing their testimony, recommending that it be passed. Adopted.

From the committee on Judiciary, reporting back House bill No. 127, by Robinson, relating to the wrongful use of medals, with the recommendation that it pass with several amendments. Adopted.

From the Judiciary, reporting back House bill No. 115, by Taft, relating to the raising of the American flag on legal holidays, recommending that it pass. Adopted.

From the Judiciary, reporting back House bill No. 119, by Thompson, relating to the sale of liquor to certain persons, recommending that the bill pass with amendment. Adopted.

From the committee on Agriculture and Horticulture, stating that in its judgment there was need for a constitutional amendment and it therefore introduced the following resolution providing for a new article to the constitution to be known as article xxv, relating to drainage districts. Here is the resolution:

From committee on Agriculture and Horticulture, reporting back House bill No. 28, by Hone, and substituting committee bill No. 258, relating to drainage districts. Adopted.

Mr. Kuchler asked and was granted permission to withdraw House bill No. 10 as Senate bill No. 10 contained the same matter.

The Legislature may provide by law for the formation of drainage districts

(Continued on Page 2.)

SMOOT SHOULD REMAIN IF HE DOES UPHOLD CRIMINALS

TEST OATH OPPOSED BY GOV. GOODING

Idaho Executive Apparently Attempts to Drive Legislators to His Point of View.

WARNS THEM THAT HE WILL VETO MEASURE

Unusual Action Has Aroused Great Indignation Amongst Anti-Machine Lawmakers.

Special to The Tribune.

BOISE, Ida., Feb. 14.—Today Gov. Gooding sent a special message to the House, opposing Senator McCutcheon's test oath bill and the amendments added to it by the lower branch. Intense amazement seemed to prevail in that body, and in the lobby were several members gathered to, in a measure, express their disgust over such an act on the part of the Executive. They looked upon the Governor's move as a high-handed attempt to dictate to the House, unprecedented in the history of the Idaho Legislature. Assurances are given that the message will be disregarded by those who have stood by the Governor's recommendations thus far. Some of the members go so far as to say that this is the first attempt in the history of American legislation by a Governor to interfere with a measure under consideration by a Legislature. He had no official knowledge of what the bill originally contained or what amendments had been added to it by the House. The message follows:

"BOISE, Idaho, Feb. 14, 1907.—Legislative Assembly, House of Representatives, State of Idaho.

"Gentlemen: I notice you have under consideration Senate bill No. 23, by McCutcheon, which provides for the reenactment of the test oath. Before you spend too much time over this matter, I feel it only right to advise you that neither the McCutcheon bill, as it passed the Senate, nor as amended by you in the House yesterday in committee of the whole, will, if passed, meet with my approval.

"I feel it only proper to notify you that I am radically opposed to the enactment of any law aimed particularly at any religious sect. If the oath is to be amended, it should be made general in its character, and all classes of crimes against the home should be included in the amended law. I wish to assure you that I have no wish to force upon this Legislature my desires respecting any measure, but I also feel it only proper for me to advise you that in this special matter my convictions are the same now as they have been for a number of years.

"Respectfully, F. R. GOODING.
"Governor."

Great Indignation.

Tonight in the hotels and on the street his message is about the only subject under discussion, with great indignation everywhere expressed. Even many of his machine colleagues are condemning his audacious act, and his indefensible presumption has served to solidify the compact which has existed between the Insurgents and Democrats to enact legislation in the interest of the people. In his inaugural message the Governor recommended that the reenactment of the constitutional test oath with provisions added covering fornication and adultery, and at the time his later suggestion was considered an insult to the womanhood of Idaho.

Very few people then thought he meant what he said. Many were of the opinion that he attacked on the fornication and adultery suggestion, thinking a bill that covered a multitude of crimes would confuse and avail nothing.

A number of protests against the gambling license bill and several favoring the "Sunday rest" bill were received in the House.

The following important bills were introduced in the House today:

Describing a State flag.

To punish wife desertion.

Anti-cigarette bill.

Creating office of Chaplain at the penitentiary.

A joint memorial was introduced by McCracken asking Congress to pass the Heyburn land court bill, and one by Freehafer for the initiative and referendum, amending section 1, article 3 of the constitution.

Clark's bill relating to water rights, and Fogg's cricket pest bill, as amended by the Senate, passed the House.

Killed by Lunatic.

Special to The Tribun.

BLACKFOOT, Ida., Feb. 14.—Thomas H. Dobson, chief cook of the State insane asylum, was killed this morning at an early hour by a patient. Dobson was engaged in preparing the morning meal, when George Byers, who has heretofore been regarded as a trusty patient, assaulted him with a heavy coal shovel, knocking him to the floor, after which he beat his brains out.

Lottery Promoters Held.

MOBILE, Ala., Feb. 14.—As a result of the preliminary hearing before a United States commissioner today, only those whom the Government believes are directly interested in the operations of the Honduras lottery here were held to the grand jury. These include the proprietor and two employees of a printing house. The local officials of the Southern Express company were released.

THIS IS THE VIEW OF SENATOR KNOX

Takes Position That State Is Sole Judge of Its Representative's Qualifications.

MAKES LABORED, LENGTHY SPECIAL PLEA FOR APOSTLE

Says Only Two-Thirds Vote Can Deprive Hierarch's Agent of Seat.

WASHINGTON, Feb. 14.—Senator P. C. Knox, of Pennsylvania, addressed the Senate today in opposition to the resolution reported from the committee on privileges and elections, "That Reed Smoot is not entitled to a seat as a Senator of the United States from Utah." He contended that nothing less than two-thirds of the entire membership of the Senate could unseat the Utah Senator. Knox said:

"Should the Senate expel Senator Smoot, and why?" and answered his own question, saying: "He should not be expelled for believing the Mormon religion. The irrevocable ordinance expressly, and with Mormons in view, guaranteed religious toleration in the State of Utah. He should not be expelled for being a member or officer of the Mormon church for the same reason.

"He should not be expelled for the vindication of Utah's law, violated by certain Mormons continuing polygamous relations with Senator Smoot's consent or approval, supposing he did consent or approve; for Utah, without being ignorant of the facts, elected him, and the Senate would not be justified in going out of its way to enforce respect for the formerly expressed will of Utah embodied in its law against polygamous relations by defeating its later expressed will shown in its electing Smoot."

After arguing that there is no Federal law against polygamy or polygamous cohabitation applicable to Utah, now that Utah is a State, and when she was admitted to the Union of States, it was known that there would and could be none, Knox again asked and answered his pointed question. His answer was:

"Because, first, it is claimed he is wicked in this, that some of his friends, having cohabited with several women before Utah became a State, are continuing to do so until death, and that he approves of them as officers of a church which does not chastise them for so doing; and second, because he is a Mormon and the Mormon is a hierarchy disloyal to our institutions whose will he is bound to obey."

Knox said that he had intentionally referred to the proposed action against Senator Smoot as expulsion, as he did not think the Senate would seriously consider that any question is involved except that of expulsion. He contended that there is no question of Senator Smoot's possessing the qualifications prescribed by the Constitution, and therefore he could not be deprived of his seat by a majority vote.

Question of State Rights.

He declared that it is not in the power of the Senate to say to the States, "These are not enough, we require other qualifications, or to say that we cannot trust the judgment of the States in the selection of Senators, and we therefore have the right to disapprove them for any reason."

Subject to the limitations imposed by the Constitution, said Knox, the States are left untrammeled in their right to choose their Senators. He recited the fact that the Constitution enables the Senate to protect itself against improper members by expelling them by a two-thirds vote if they are guilty of crime, offensive immorality, disloyalty, or gross impropriety during their term of service. He specified these reasons, he said, because he could not imagine the Senate expelling a member for a cause not falling within one of them.

Calling attention to the fact that Pennsylvania was the first to take steps to approve the Constitution, he prayed that she "will be the last to acquiesce in the invasion of rights involved in this heresy of Senatorial power to add to the constitutional qualifications of Senators and kindred modern heresy of constitutional construction." Continuing, he said:

"The perfection of human liberty under law will only be attained under the American Constitution when each of the dual sovereignties within its sphere exerts its powers to the utmost for the public welfare, and the artificial bodies they have created, cease to deny and resist the rightful and full exercise of the national power over national affairs; when there are no attempts to encroach upon the undeniable reserved powers of the States for the aggrandizement of national power; when the people discriminate between wise policies designed to meet the imperative needs of modern conditions and demagogic assaults upon the foundations of the Republic for political or personal purposes; when the people shall not be vexed by unnecessary legislation about their daily affairs and normal conditions are undisturbed by ceaseless agitations—agitations fomented by ignorant and insincere misrepresenting of the just constitutional policies of the time, which had a due beginning, have a reason for their existence and shall have a due ending when their work is accomplished.

Intimation of Danger.

"I know no tenet in the new propaganda of constitutional construction that begins to contain the danger to our country involved in the contention that a Senator of the United States may be deprived of his seat whenever the majority of the Senate concludes that there are doctrines taught, or have been taught in the past by some church organization to which he belongs, which that majority believes to be, or have been, dangerous.

"It is an easy step after the first one is taken, because of a man's religion, to take the next and logical one of exclusion because of a man's politics, and then