



## CAR SHORTAGE IS PUZZLING PROBLEM

### Prosperity Is One of the Main Causes.

### SMALL SHIPPERS FACE RUIN

### Enormous New Equipment Is Bought by Big Roads.

### PRESIDENT IS INTERESTED

### Testimony Taken Down in Short-hand Is Read Into Phonographs, and the Records Immediately Forwarded to White House.

CHICAGO, Dec. 20.—(Special.)—The ruin which the small shipper faces, the injury which the big shipper is suffering on account of car shortage, and the efforts the railroads are making to meet phenomenal traffic conditions and profit by the wealth of revenue that is being offered them were brought out in sharp contrast today before the Interstate Commerce Commission meeting in Chicago. The hearing relative to car shortage and its causes and possible remedies is being conducted by Commissioners Lane and Harlan. Witness after witness testified to conditions which are now pretty generally known, and railway men who have attained more than National reputations as railroad operating men frankly admitted they were unable to suggest an adequate remedy. On the one hand, the shipper, who is suffering injury if not being ruined, and the industries which are being crippled were shown, while in contrast with this picture was revealed the great railway systems of the country, which had been rebuilt in the last five years at unheard-of cost, and which had ordered equipment and power with a lavishness almost passing belief. It was also pointed out that the situation of shippers to railroad men and to the Commission alike that Commissioner Harlan declared it almost seemed that the country is suffering from indigestion caused by too great prosperity.

### Photograph Records for President.

It developed during the day from telegrams received by the Commission that the car famine in the Northwest was at least being broken, and that relief was in sight for the suffering of that section. It also came to light that President Roosevelt is so anxious to get at the solution of the traffic problem that he has ordered the evidence which is being taken sent to him immediately. As a result of this request stenographers are taking the evidence in relays, and are then rapidly talking it into phonographs. Records bearing the impressions are rapidly being sent to Washington. This novel method places in the hands of the President the testimony within 24 hours after it is given in the courtroom. Almost by the time a witness has concluded his evidence it has been recorded on the machine, and is on its way to the capital. The Commission also held a night session in the interest of haste.

### Causes of Car Shortage.

An unprecedented growth in the business of the country, including an increase of \$200,000,000 in the valuation of the farm products for the year. Car shipping on the part of smaller railroads, which have only sufficient equipment of their own to take care of traffic at the slack months or during normal periods. Inadequate storage facilities possessed by all kinds of industries, making necessary for the railroads to take the output of industries at the close of each day. Concentration of traffic of all kinds, especially those of the farm, into a small space of time. Privileges granted to shippers in the use of cars and as the result of competition, causing detention of cars at terminals and a small average daily movement of freight cars. Poor business methods in the consignment of cars, many of which are handled several times, owing to the fact that they are not held to their ultimate owner or destination.

### Remedies for Present Evils.

Some of the partial remedies that were suggested by either the shippers or the railroads were: Universal pooling or interchange of freight cars by all railroads with the aid of a National clearing-house. A reciprocal bill, penalizing a railroad either for not furnishing cars for delayed delivery, or both, as well as a penalty on the shipper for improper detention of cars. A discontinuance of car-detention privileges granted to shippers and existing for years whereby car movement has been materially retarded. An increase in the penalty or per diem for detention or the diversion of freight cars.

### CONDITIONS WORSE IN SOUTH

### Testimony Introduced in Hearing of the Interstate Commission.

CHICAGO, Dec. 20.—Commissioners Harlan and Lane, of the Interstate Commerce Commission, today continued the investigation into the shortage of cars on railroads which was begun in Minneapolis two weeks ago. The first witness was W. D. Biddle, vice-president of the Chicago, Rock Island & Pacific Railroad. He declared that conditions in the South are worse than those in the Northwest. This was caused, he said, by the inadequate terminal facilities in the South. E. W. McKenna, vice-president of the St. Louis & San Francisco Road, corroborated this statement. At the afternoon session Julius Kruttschnitt, director of maintenance and operation for the Union Pacific, and other Harriman lines, said: "The sudden destruction of terminal and warehouse facilities at San Francisco caused a blockage which tied up 5600 cars a greater part of the Summer. We are just recovering from the effect of this." He said that the special committee appointed by the American Railway Association to take up the car shortage question had been unable to decide on a satisfactory plan.

## SAYS PRESIDENT EXCEEDED POWER

### Foraker Champions Discharged Troops.

### ENTITLED TO COURT-MARTIAL

### Ohio Senator Demands New Inquiry by Senate.

### ROOSEVELT IMPOSED UPON

### Quotes Articles of War Against Summary Dismissal—Disputes Statement That Guilt Is Proved by Eye-Witnesses.

WASHINGTON, Dec. 20.—Senator Foraker occupied the attention of the Senate in his last session before the holiday recess today in an extended criticism on the basis of the President's action in discharging the negro troops of the Twenty-fifth Infantry on account of the Brownsville raid. He was replied to briefly by Lodge, while Scott sustained the demand of the Ohio Senator for a full investigation of the matter by the Senate military committee. A resolution declaring for such an investigation is before the Senate for action at its next meeting. Immediately after the Senate convened today Senator Foraker's resolution looking to an investigation by the Senate of the President's discharge of the three negro companies was taken up. Foraker began with the broad declaration "that the President misconceived his constitutional powers when he discharged the troops, and he also misconceived the testimony on which his action was based."

### Should Have Tried Soldiers.

The regulations prescribed that no man could be summarily discharged without a right to be tried, and the articles of war, he argued, prescribed minutely how these trials are to be conducted; that all punishments should be in accordance with the directions of courts-martial. He contended, after reading at length from the articles of war, that it was inconceivable that the President should be absolutely without restraint. The President, he said, stated in his message that these soldiers were guilty of mutiny and had been discharged for that reason. He followed this with the article of war providing that a court-martial should direct this punishment. This was all to guard against the exercise of an autocratic power. Congress, to provide against excessive punishment, had limited the penalties. Foraker cited cases from the work of General Davis on military law, where refusal to give testimony was an offense under the head of "disorder," and was punishable by court-martial. Taking up the individual records of the soldiers, Foraker said the first man

## NEW WATER LAW IS RECOMMENDED

### Land Board Opposed to the Carey Act.

### RADICAL ACTION PROPOSED

### Recommendations in Report on Oregon Arid Lands.

### NEED FOR SWIFT ACTION

### It Is Declared That Practically No Further Reclamation Projects Can Be Continued Under the Present Conditions.

SALEM, Or., Dec. 20.—(Special.)—That the Oregon law accepting the terms of the Carey Act be entirely repealed and a new law based upon recommendations submitted by the board, is the radical action asked by the state land board, in its biennial report of transactions in desert lands. The board also advises that a law should be enacted for the determination of existing water rights and commends to the careful consideration of the Legislature a bill that has been prepared by a committee appointed by the Portland Board of Trade. In this connection the state land board expresses the opinion that state right legislation will be as important a subject as will come before the Legislature at the session this Winter. The board sums up its recommendations as follows: "First—Amend present law or repeal it and enact a new one so it will provide that when contracting companies have received from settlers the amount of their lien, the irrigation works will be turned over to them, and providing that contracting companies, when making applications for contract, shall pay to the state 25 cents per acre on the land on which they desire contract, to constitute a reclamation fund from which the state shall pay all expense of engineering examination and inspection and such other expense as shall be necessary to see that the law and contracts are carried out according to specifications, etc., and further providing a form of contract which shall contain complete plans and specifications for construction of the entire irrigation system with estimated cost, etc., and that no land shall be sold by the construction company until the land has been reclaimed and patent applied for, and that rules for the distribution of water shall be submitted and adopted by the board before contract is entered into." "Second—Create a new board by adding to the present board the Attorney-General and

## CRIME AGAINST INNOCENT

### Why, Mr. President, declared Foraker, with great vehemence, "an atrocious crime has been committed if that man is not guilty. He goes forth branded as a murderer."

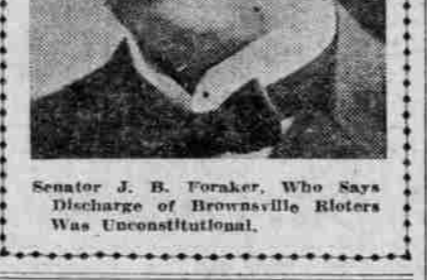
### Foraker Held that the case does not present an open question, but that the authorities gave instances of cases along similar lines, in all of which justice had been administered after court-martial. He continued: "Congress has always been careful to provide that no man found guilty of an offense should be punished otherwise than as Congress might direct. The President says this is the most atrocious crime ever committed. If these men committed the crime and did shoot up Brownsville, I agree with you, but what I do not agree with is that the President has misconstrued the evidence by his executive power. The Pres-

### Not All Eye-Witnesses.

Foraker then read extracts from the testimony, eliminating all "eye-witnesses" those who said they had not seen the shooters, until he reduced the number of actual eye-witnesses to eight. As to these, he remarked that their testimony was utterly unsatisfactory and insufficient. Replying to a question from Knox as to whether there was no evidence except that furnished in the Blockson report, Foraker said he had been unable to discover any other, and in this he believed the President had been misled. "Should the military committee be given authority to examine witnesses," Mr. Foraker continued, "I know that I can get some testimony that will throw additional light on this matter."

### Lodge Awaits Inquiry.

Coming to the defense of the President, Lodge remarked that he was not one of those who, on approaching a new subject, made up his mind in advance. He preferred to reach his conclusion



Senator J. B. Foraker, who says discharge of Brownsville rioters was unconstitutional.

## HITS BACK HARD AT HARSH CRITICS

### San Francisco School Board on Japanese.

### CALLS ROOSEVELT MEDDLER

### False Assumption About Purely Local Affairs.

### GIVES METCALF A SLAP

### Reply to Missionary in Japan Bubbles With Resentment and Charges Misrepresentation of Facts About Schools.

SAN FRANCISCO, Dec. 20.—Mrs. Flora B. Harris, now residing in Tokio, and widely known as a missionary, recently addressed a communication to the San Francisco Board of Education, in which she deplored San Francisco's attitude toward Japanese in the public schools, and criticized what she termed the "provincial spirit" of the local officials. She deprecated the attempt to classify the Japanese as "Orientals," and expressed surprise that the children of any foreign residents could be "excluded from the public schools and segregated from their countrymen, solely on account of their nationality." The San Francisco Board of Education, through its secretary, Elmore C. Leffingwell, has framed a reply which will be mailed to Mrs. Harris in Japan. From this reply, it is apparent that Mrs. Harris' criticisms have aroused the ire of the School Board. Says President and Metcalf: "This reply asserts that the Japanese have not been 'excluded' from the schools, 'despite the fact that no less a personage than the President of the United States has employed a similar assertion in former years.' It is a gross, and notwithstanding the wholly unfair report made of the entire school incident by the Secretary of Commerce and Labor, the Hon. Victor H. Metcalf, 'the provincialism' of California, the reply states, 'is, oddly enough, reflected in the hearts and minds of the people of Oregon and Washington.' Continuing, the reply says: 'The fact that the President of the United States, basing arguments upon erroneous assumptions and framing against a loyal people searching criticisms regarding a matter which is purely one of local concern, does not in the least deter the people of the Pacific Coast, who, after all, are the best judges of their own immediate needs and welfare. Neither do the misleading quotations and recommendations of a politician high in authority when framed through a document which plainly sought the light of favor and not of truth, impress the people of the locality with any sense of doubt as to their rights as free-born Americans or as to the justice of the stand they have taken. Without the intervention of uninformed or prejudiced public men, California would deeply have appreciated an opportunity to exercise the fundamental right to deal with this subject alone and unaided, in which event Japan might have secured as much of the concern that it has reaped from the work of meddlers. Plain Facts Distorted. The Board of Education will not recede from its position in this matter. The President of the United States has been led into error and now applies emphatic language to the people of this state, or whether ambitious Secretary of State, in order to secure a document which may perhaps be formidable in a political sense, the school authorities of this city, acting under a state law without prejudice, will doubtless adhere to the very reasonable stand that has been taken. HICKS IS SAVED AT LAST

### RESCUED BY MINERS AT ONE O'CLOCK THIS MORNING.

Rescuers Talk and Pass Water to Him—End of Thirteen Days in Living Tomb. CHICAGO, Dec. 21.—A dispatch to the Tribune from Bakerfield, Cal., says: Hicks, the miner who has been entombed in the Edison tunnel for 13 days, was reached by his rescuers at 1 o'clock this morning. At that hour it was announced he would speedily be released. His rescuers were talking to him and had passed to him a basin of water with which to bathe his face. An improvised hospital has been set up in the tunnel, warm water to bathe the face of Hicks, blankets to protect him from the chill air, and there are pieces of tobacco for which Hicks says he has been longing for two days. The watchers were on tip-toe with excitement, and all nerves were on edge for the crucial moment. All Bakerfield is awake to receive the news of the rescue. The miners burrowed beneath the ore car which protected Hicks, in an effort to gouge out a hole large enough to permit the passage of his body into the larger opening of the tunnel. Hicks repeatedly shouted words of encouragement to the men across the car who approached him.

## RECOMMENDED BY BOARD

### Water right legislation recommended by State Land Board.

### Repeal of law accepting terms of Carey Act and enactment of new law.

### That when settlers have paid off the lien of a construction company they shall own the irrigation system.

### That existing water rights be determined by a committee.

### That the State Engineer and Attorney-General be made members of the board having charge of proceedings under the reclamation law.

That the board have power to make rules and regulations and declare forfeitures of contracts. SALEM, Or., Dec. 20.—(Special.)—That the Oregon law accepting the terms of the Carey Act be entirely repealed and a new law based upon recommendations submitted by the board, is the radical action asked by the state land board, in its biennial report of transactions in desert lands. The board also advises that a law should be enacted for the determination of existing water rights and commends to the careful consideration of the Legislature a bill that has been prepared by a committee appointed by the Portland Board of Trade. In this connection the state land board expresses the opinion that state right legislation will be as important a subject as will come before the Legislature at the session this Winter. The board sums up its recommendations as follows: "First—Amend present law or repeal it and enact a new one so it will provide that when contracting companies have received from settlers the amount of their lien, the irrigation works will be turned over to them, and providing that contracting companies, when making applications for contract, shall pay to the state 25 cents per acre on the land on which they desire contract, to constitute a reclamation fund from which the state shall pay all expense of engineering examination and inspection and such other expense as shall be necessary to see that the law and contracts are carried out according to specifications, etc., and further providing a form of contract which shall contain complete plans and specifications for construction of the entire irrigation system with estimated cost, etc., and that no land shall be sold by the construction company until the land has been reclaimed and patent applied for, and that rules for the distribution of water shall be submitted and adopted by the board before contract is entered into." "Second—Create a new board by adding to the present board the Attorney-General and

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The Weather. YESTERDAY—Maximum temperature, 54 degrees; minimum, 25. TODAY—Rain, southerly winds. Foreign. Pope sends protest to delegates against French church policy. Page 2. British education bill finally killed. Page 5. Crater of Vesuvius collapses and causes panic. Page 5. National. Senator Foraker denounces discharge of Brownsville rioters. Page 1. San Francisco School Board accuses Roosevelt of meddling and misrepresentation in Japanese question. Page 3. Report of Hawaiian Canal Commission. Page 4. Great increase in postal business. Page 8. President receives quick action to stop Colorado River flood. Page 7. Domestic. Railroad men and shippers attribute car shortage to excessive prosperity. Page 1. Patrick's sentence commuted, but he insists on pardon. Page 4. Four such Nebraskans convicted of land frauds. Page 3. New York railroad men insist on ultimatum with threat of strike. Page 5. Pacific Coast. Oregon Land Board recommends a new law on water rights. Page 1. Will H. Thompson tells the jury that he was nearly insane for two years. Page 6. Crater Lake railroad to be finished and equipped by Boise company. Page 7. Many Oregon girls anxious to go with McMinville party. Page 6. Mine strikes will probably be taken from living tomb this morning. Page 1. Commercial and Marine. Oregon wool selling well in Eastern market. Page 12. Government's final estimate of leading crops. Page 17. Settlers' pressure in stock market eases. Page 17. Northern steamship lines cut freight rates to Orient. Page 15. Portland and Vicinity. Streetcar strikers allow union men living in suburbs to use cars; general organizer addresses strikers meeting. Page 12. W. L. Finley appointed National lecturer of American Book Co. Page 10. Municipalities backing new saloon music ordinance barring women. Page 10. Switchmen's demand for wage increase granted. Page 16. Expert Accountant Black refuses to testify before Council committee. Page 16. Sheriff Stevens to make fight before Legislature for custody and feeding of county prisoners. Page 13.

## "I WONDER IF THERE REALLY IS A SANTA CLAUS?"



THINGS I WANT.