CAR SHORTAGE IS PUZZLING PROBLEM

Prosperity Is One of the Main Causes.

SMALL SHIPPERS FACE RUIN

Enormous New Equipment Is Prouty Predicts Wide Effect of Rate Ohio Senator Demands New Bought by Big Roads.

PRESIDENT IS INTERESTED

Testimony Taken Down in Shorthand 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 contrast today before the Interstate Commerce Commission meeting in Chicago. The hearing relative to car shortage and its causes and possible remodies is being conducted by Commissioners Lane and

Witness after witness testified to conditions which are now pretty generally known, and rafiway men who have attained more than National reputations as rallroad operating men frankly admitted they were unable to suggest an adequate On the one hand, the shipper, who is suffering injury, if not being ruined, and the industries which are being

misison alike that Commissioner public is getting an accounting. Harlan declared it almost seemed that the country is souring from indigestion

caused by too great prosperity.

t developed during the day from telegrams received by the Commission that the ear famine in the Northwest was at last 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 impre sions 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.

The railroad men who testified today admitted they were at fault for the car shortage, but insisted that only half the blame was on their shoulders. The shippers were made to carry their share of responsibility, without any apparent effort on the part of the railroads to be relieved of responsibility themselves. The causes which have led to a car shortage were summarized about as follows:

Causes of Car Shortage.

An unprecedented growth in the business of the country, including an increase of \$000,000,000 in the valuation of the farm products for the year.

Car thieving on the part of smaller railroads, which have only sufficient equipment of fast; own to take care of traffic during the slack months or during normal periods.

Including an unloading and unloading each car, transportation would be delayed."

LIFE HANGS ON THE WEATHER the slack months or during normal periods.

Inadequate storage facilities possessed by all kinds of industries, making it necessary for the railroads to take the output of infustries at the close of each day.

Concentration of traffic of all kinds, especially those of the farm, into a small space of time.

frime. Privileges granted to shippers in the use of cars and as the result of competition, rausing detention of cars at terminals and a small average daily movement of freignt.

or business methods in the consignment of cars, many of which are handled several limes, owing to the fact that they are not billed to their ultimate owner or destina-

Remedies for Present Evils.

rallroads were.

Universal pooling or interchange of freight cars by all railroads with the aid of a National clearing-house.

A reciprocal demurrage hill, penalizing a railroad either for not furnishing cars or for delayed delivery, or both, as well as a penality on the shipper for improper detended.

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 the shippers and existing for years whereby car movement has been materially retarded.

CONDITIONS WORSE IN SOUTH

Testimony Introduced in Hearing of

the Interstate Commission.

cars on railroads which was begun in Minneapolis two weeks ago. The first witness was W. D. Biddle, vice-president of the Chicago, Rock Is-land & Pacific Railroad. He declared

land & Pacific Railroad. He declared that conditions in the South are worse than those in the North. This was caused, he said, by the inadequate ter-minal facilities in the South. E. W. McKeuna, vice-president of the Milvaukee Road, corroborated this state

At the afternoon session Julius Kruttschnitt, director of maintenance and operation for the Union Pacific, and

and operation for the Union Pacific, and other Harriman lines, said:
"The sudden destruction of terminal and warehouse facilities at San Francisco caused a blockade that tied up 6600 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.

RATES WILL ALL COME DOWN

KANSAS CITY, Mo., Dec. 20.-C. A. Prouty, of Vermont, member of the In terstate Commerce Commission, who ar to continue the car shortage hearing, said today in an interview in speaking of the -called rate law:

so-called rate law:

"I have no doubt that eventually all states east of the Mississippi and north of the Ohio will be on a 2-cent basis, and by eventually I mean, of course, within a reasonable time for such legislation to be enacted—if legislation shall be received, which I doubt All these bilings. required, which I doubt. All these things are and will be due to the agitation for the passage of the rate law. No man can tell what the final effect of the rate law may be until it has been worked out in

Mr. Prouty continued Mr. Prouty continued:

"The most important effect of the law has been the reducing of passenger rates east of Pittsburg and north of the Ohio River and in other communities. These reductions have been widespread—not in the West, I admit, but east of Pittsburg and north of the Ohio people are riding for 2 cents a mile. The Commission base for the order of the Commission base for the order of the Commission base for the order of the Service of the Ohio people are riding for 2 cents a mile. The Commission base for the order of the Service of the Ohio people are riding for 2 cents a mile. The Commission base for the order of the Service of the Ohio people are riding for 2 cents a mile. The Commission base for the order of the Service of the Ohio people are riding for 2 cents a mile. made no orders and expressed no opinions to account for this change. The carriers have tacitly admitted that their rates

were too high." Mr. Prouty, recurring to the reduction of passenger rates, said there had been some reductions in freight rates also, as

well as a few advances.
"While this amounts to a reduction in
the published tariff," he said, "it amounts railroads can afford to reduce passenger and freight rates.

Mr. Prouty said that whatever might be the fate of the law finally, the people would control the business of rate making, all shippers would pay the same rates, the square deal would apply, busi-ness would be on a cash basis, men would

ruined, and the industries which are being crippled were shown, while in contrast with this picture was revealed the great with this picture was revealed the great that this picture was revealed the great with this picture was revealed the great that this picture was revealed the great that the state 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 lavisiness almost passing belief.

So peralling has become the situation to shippers, to railroad men and to the Commission alike that Commissioner.

NINE DAYS TO UNLOAD A CAR

Phonograph Records for President. President Stickney Says Shippers

Are Largely to Blame for Shortage. WASHINGTON, Dec. 20.-President A. and bearing on the distance traveled and the time consumed in hauling and in load-ing and unloading freights-care, which he regards of importance in connection with any legislation, which was the connection with any legislation which may be considered regarding the car shortage question. In arriving at his conclusions Mr. Stickney bases his estimates on the entire freight-

"The average distance each loaded freight-car is hauled 250 miles. "The average time consumed by rail-ways in hauling is one day 24 hours.

"The average time consumed by ship-pers and consignees in loading and un-loading each car is time days—216 hours." Mr. Stickney then makes the following omment: "If the law or any other powe can compel shippers to load and unload each average car in Φ_k dys. It would be equivalent to doubling instantaneously the effectiveness of the freight equipment of the railways, in effect adding to such equipment 1,700,000 cars without cost to the rallways and without increasing their capitalization, while to purchase that number of new cars would cost the rallways and add to their capitalization the enormous sum of \$1,260,000,000, which, at 4 per cent, would asid to their annual charges \$54,400,000 to be collected from the

"The movement of freight-cars from point to point, which is the function of the railway, and the loading and unload-

Railreads Hurry Coal Into Northwestern Villages.

MINNEAPOLIS. Dec. 20.-Upon the mere freakish whim of the weather de-pends luman comfort in Northwestern villages which have been feeling the menace of a fuel famine. Where reports of tardy arrivals of coal and of hope for relief are coming in today, tomorrow may remow the menace if blizzards set in. Meanwhile the railroads are bending every effort to rush coal into the imperiled dis-

tricts. 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 treight cars by all railroads with the aid ed cars are moving without delay. It is believed, too, that there is a considerable amount of fuel in transit.

amount of fuel in transit.

Relief from one source is afforded by recent arrivals of Illinois coal. Much of it is being reshipped in the same cars and hurried into the Northwest. More of this years whereby car movement has been materially retarded.

Increase in the penalty or per diem for detention or the diversion of freight cars.

Increase in the penalty or per diem for detention or the diversion of freight cars.

source may be expected.

Falling temperatures are reported from most of the towns in the Northwest, but no sub-zero weather.

SUPERIOR. Wis., Dec. 20.-The Great CHICAGO, Dec. 20.—Commissioners Northern road today is making up a Harlan and Lane, of the Interstate Commerce Commission, today continued the investigation into the shortest of the Investigation into the Investigati the investigation into the shortage of time.

Foraker Champions Discharged Troops.

ENTITLED TO COURT-MARTIAL

Inquiry by Senate.

ROOSEVELT IMPOSED UPON

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

fifth Infantry on account of the Browns ville 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 ommittee such an investigation is before the Senate

for action at its next meeting. Immediately after the Senate conven also to largely increased revenues for the railroads. It must be clear that if ing to an investigation by the Senate of they cut off all free transportation, the they cut off all free transportation, the the President's discharge of the negro companies was taken up. Foraker began with the broad declaration "that the President misconceived his constitu tional powers when he discharged the troops, and he also misconceived the testimony on which his action was based."

Foraker said that the President's constitutional power was simply to command the Army and Navy as Cor in-Chief, while to Congress the Constitution gave power to raise armies and to make rules and regulations for its govern-

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 abgued, prescribed minutely how these trials are to be conducted; that all given authority to examine witnesses." with the directions of courts-martial. He reading at length from the articles of war, that it was inconabsolutely without restraint.

of mutiny and had been discharged for he finds out the true situation." that reason. He followed this with the article of war providing that a court-martial should direct this punishment. was all to guard against the exercise of car capacity of the country. These are as vide against excessive punishment, had the holidays. limited the penalties.

Foraker cited cases from the work of General Davis on military law, where refusal to give testimony was an ofwas punishable by court-martial.

Taking up the individual records of

the soldiers. Foraker said the first man

on the list was a Sergeant who has served 26 years. Each time his enlistment had expired his record was good and was characterized as "excellent," "good soldier." "character excellent."

Crime Against Innocent.

"Why, Mr. President," declared Foraker, with great vehemence, "an atro clous crime has been committed if that man is not guilty. He goes forth

branded as a murderer." Foraker held that the case does not esent an open question, but that the authorities gave instances of cases along similar lines, in all of which justice had been administered after courts-martial. He continued:

Congress has always been careful to provide that no man found guilty of an offens should be punished otherwise than as Congress might direct. The President says this is the most atroctous crime ever committed. If these men committed the crime and did shoot up Brownsville, I agree with him. But what I want to call attention to is that the President has misconstrued the evidence by his executive power. The Pres-





Was Unconstitutional,

ident says the guilt of these men has been established by the testimony of scores of eyewitnesses, as shown by the report of Major Blocksom. I have counted the w nesses in that report and there are 21.

Not All Eye-Witnesses.

Foraker then read extracts from the stimony, eliminating as "eye-witnesses" those who said they had not seen the shooters, until he reduced the number of actual eye-witnesses to eight. Ag 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 Blocksom eport. Foraker said he had be able to discover any other, and in this he believed the President had been misted. "Should the military committee be

punishments should be in accordance Mr. Foraker continued, "I know that at the session this Winter. The board I can get some testimony that will sums up its recommendations as follows: throw additional light on this matter Mr. Foraker repeated that he believed ceivable that the President should be that the President had been imposed upon, "But." he added, "I believe he The President, he said, stated in his is a hig enough man and a just enough nessage that these soldiers were guilty man to undo what he has done when

When he concluded, he gave notice This garding an investigation so as to make it mandatory on the military committee. an autocratic power. Congress, to pro- This resolution will be called up after

Lodge Awaits Inquiry. Coming to the defense of the Presi-

dent, Lodge remarked that he was not fense under the head of "disorder," and subject, made up his mind in advance. He preferred to reach his conclusion (Concluded on Page 3.)

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

IS RECOMMENDED

to the Carey Act.

Recommendations in Report on Oregon Arid Lands.

NEED FOR SWIFT ACTION

Further Reclamation Projects Can Be Continued Under the Present Conditions.

RECOMMENDED BY BOARD.

Repeal of law accepting Carey Act and enactment of new law

n its stead. That when settlers have paid off th

That existing water rights be deter-That the State Engineer and Attor-

feltures 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 recommendation submitted by the board, is the radical action asked by the state land board, in its blennial report of transactions in desert lands. The board also advises that a law should be enacted for the determination of existing water rights and the Legislature a bill that has been pre-Portland Board of Trade.

In this connection the state land board legislation will be as important a subject as will come before the Legislature

Sums up its recommendations as follows:

Pirst—Amend present law or repeal it and enact a new one so it will provide that and enact a new one so it will provide that when contracting companies have received from settlers the amount of their lien, the trigation works will become the property of the actilers and be turned over to them, and providing that contracting companies seem to be making any effort to have their applications acted upon. From the foregoing and the fact that the Secretary of the interior now requires that the secretary of the interior now requires that the States, basing arguments upon erroneous assumptions and framing against a loyal people of the project before he signs the agreement with the state (which the engineer examine and certify to the available supply of water for the project before he signs the agreement with the state (which the engineer is unable to do on account of having no way by which he can determine the water rights on a stream so as to know whether or not the entire flow of the stream has already been appropriated), it seems probable that but few if any more reclaimed and contract on the entire irrigation system, with estimated cost, etc., and further providing a form of contract which shall contain complete plans and specifications for construction of the entire irrigation of the construction of the entire irrigation of the entire i patent applied for, and that rules for the distribution of water shall be submitted and adopted by the board before contract is en-Second-Create a new board by adding to

the State Engineer, the latter officer to act as secretary of the board and have charge of all records, papers, documents and correspondence connected with the administration of the law governing this matter. This board should have the authority to make such contracts, rules and regulations as will best carry out the object of the law in securing the reclamation of the land and in curr such expense as may be necessary in employing all necessary assistance, etc. Third—Sufficient appropriation should be made to enable the board to see that existing contracts are carried out according to law and for the expense of the office of the Desert Land Board, until such time as funds come in through deposit of companies or persons applying for new contracts. Fourth—in case of failure of construction companies to comply with the provisions of law, the contract and specifications, a more specific method of forfeiture should be provided than is provided in the present law.

Land Board Opposed

It Is Declared That Practically No

Water right legislati by State Land Board:

lien of a construction company they shall own the irrigation system.

ney-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 for-

Speaking in a general way of the need of legislation, the board says:

In former reports the board has called the attention of the Legislature to the imperfections and inadequacy of the present law governing the reclamation of desert lands, under which all existing contracts have been made, and recommending additional legislation on this subject, also on the subject of water rights generally. Experience has shown that the present law should be entirely repealed and a new law enacted based upon the recommendations herein contained, or that it be so amended as to accomplish the same result. Experience has also shown that it is absolutely necessary in order that irrigation projects already begun may be successfully carried out and new ones commenced, that a law be enacted providing for the determination of all water rights on the streams of the state and that someone be clothed with authority to see that they are respected.

The basis of all reclamation and hydraullo works is the amount and the ownership of the necessary water supply. So long, therefore, as the amount and ownership of the surplus water in the streams of this state is undetermined, so long will its development be retarded through the use of water. Costly and apparently unending litigation over present water rights will greatly impair the value of present constructed works. We submit that diversified agriculture over practically three-fourths the tillable area of this state is dependent upon irrigation and that the highest development of the Willamette Valley is now considered to be impossible without its aid.

The Commission, appointed by the board under Senate Concurrent Resolution No. 30, session of 1903, reported a complete code of water laws to the Legislature of 1905, which, after having a large portion eliminated and other points amended by the Director of the United States Geological Survey. John H. Lewis, of Fortland, was recommended and not proper and bill or amendments to the present law relative to the appointment of a State Engineer, as Reclamation Projects Must Wait. The importance which the Board ataches to legislation for the determination of water rights is indicated by the statement that few, if any, more reclamation projects can be undertaken in this state until some law, such as ommends to the careful consideration of that referred to, has been enacted. Of the projects now under way the re-

No new applications for segrogations and contracts have been made since last report. Of those then pending, three have been approved by the Secretary of the Interior, and the contract between the United States and the state signed by him and the President, taining 31,082.21 acres; Oregon Irrigatio

Needs of Legislation.

legislation, the board says:

Speaking in a general way of the need

be taken.

The state as yet has not entered into contract with the last three companies whose projects have been approved by the Secretary of the interior for the reclamation of this land, partially on account of the undetermined water rights, there being some uncertainty about the sufficiency of the

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port of Isthmian Canal Commission. Page 4. Great increase in postal business. Page 8. President secures quick action to stop Col-orado River food. Page 7.

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HITS BACK HARD AT HARSH CRITICS

San Francisco, School Board on Japanese.

CALLS ROOSEVELT MEDDLER

False Assumption About Purely Local Affair.

GIVES METCALF A SLAP

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

SAN FRANCISCO, Dec. 20,-Mrs. lora 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 criticised 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 without their consent, 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 Err.

This reply asserts that the Japanese nave 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 framing a message to Congress, and notwithstanding the wholly unfair report made of the entire school incident by the Secretary of Commerce and Labor, the Hon. Victor H. Met-

The "provincialism" of California, the reply states. "is, oddly enough, reflected in the hearts and minds of the peo

juntice of the stand they have taken

Without the intervention of minisformed of prejudiced public men, California would deeply the fundamental right to deal with this sub-ject alone and unaided, in which event Japan might have spared berself much of the conern that has resulted from the work

Plain Facts Distorted.

The Board of Education will not recede from its position and whether the President of the United States has been led into error and now applies emphatic language to the phople of this state, or whether ambitious Secretaries distort plain facts and shape documents that may perhaps be formidable in a political sense, the school authorities of this city, acting under a state law and without prejudice, will doubtless adhers to the very reasonable stand that has been taken.

HICKS IS SAVED AT

REACHED 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 Pribune from Bakersfield, Cal., says: Hicks, the miner who has been entembed in the Edison tunnel for 12 days. was reached by his rescuers at I 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-toes with excitement, and all nerves were on edge for the crucial mement. All Bakersfield is awake to re-

ceive 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 ody into the larger opening of the

Hicks repeatedly shouted words of encouragement to the men across the

ar who approached him.

