# **GATEWAY DECISION** FINDS CASE WEAK

"Artificial Use of Words" Only Basis of Charge Alleging Poor Route.

SOLE DISSENTER UPHELD

Court Holds Interstate erce Commission Exceeded Authority--8000 Persons Come via U. P. Yearly.

OREGONIAN NEWS BUREAU, Washington, March 12.—The text of the recent decision of the Supreme Court in the Portland passenger gateway case, which overturns the order of the Interstate Commerce Commission, rendered last

Commerce Commission, rendered last Summer, is as follows:

"The preliminary injunction was granted by four Circuit judges on the ground that the commission had exceeded its powers, and the case was brought here by appeal. An order was/made in a proceeding instituted by the commission upon its own motion and requiring the establishment of through routes and joint rates for passengers and their baggage, and west, from and to points on the Chicago & Northwestern Railroad and the Union Pacific system, via Portland, to points on the Northern Pacific between Portland and Seattle. The joint rates are to be the same as the present rates between the same points via the rates between the same points via the Northern Pacific road and its connections. Its order concerns passenger traffic in one direction only. It does not affect round trips and it does not deal with freight.

#### Coupon Plan Followed.

"The points between Portland and Seattle can be reached from the places mentioned at the other end of the route by way of the Northern Pacific line from St. Paul or by way of the Burlington and Northern Pacific, the Burlington being jointly owned and controlled by the Northern Pacific and the Great Northern. An average of 8000 persons a year go by way of the Union Pacific to Portland, where, to go further, passengers have to change to the Northern Pacific. Under the present arrangement the Union Pacific issues a coupon with its tickets, entitling the holder to a first-class passage on from Portland, but he has to exchange the coupon for a ticket to recheck his baggage and to pay the additional Pullman fare. The effect of the order is to over gage and to pay the additional Pullman fare. The effect of the order is to put the Union Pacific on equal footing with the Northern Pacific in the use for through travel of the road belonging to the latter between Portland and Se to the latter between Portland and Se attle. It is said that this road, with the expensive terminals of the Northern Pacific at Tacoma and Seattle, would not be supported by local business, but depends on the traffic of the whole Northern Pacific system. Therefore the Northern Pacific objects to the order and brings this bill. brings this bill.

#### Commission Exceeded Authority.

"We are of opinion, then, that the commission had no power to make the order if a reasonable and satisfactory through route already existed, and that the existence of such route may be inquired into by the courts. How far the courts should go in that inquiry we need not now decide. No doubt in complex and delicate cases great weight at least would be attached to the judgment of the commission. But in the present in stance there is no room for difference as to the facts, and the majority of the commission plainly could not and would not have made the declaration in their order that there was no such through route but for a view of the law upon which the courts must pass. It is admitted that the Northern Pacific route is shorter than that of the Union Pacific by way of Portland, and the running time somewhat less and it is added ning time somewhat less, and it is added by the majority that the passenger goes in as good a car and is provided as good a berth and as good a meal.

Reasons Not Sufficient.

"There is some suggestion that at times the Northern route may not be as good as the Southern, although at other times it may be better, but the ground of the order avowedly was that the personal preference of many travelers is to go by the Southern way. If they do this it is said they can select from a great variety of routes as far as Ogden; they can visit cities not reached by the Northern lines; they can search over a wide area for homesteads; they can behold the natural beauties that may be rivaled but not repeated on other roads. It appears to us that these grounds do not justify the order. The most that can be said of them is that they are reasons for desiring a second through route, but they are not reasons warranting the declaration that 'no reasonable or satisfactory route exists." There is some suggestion that at times

"Obviously that is not true except by an artificial use of words. It cannot be said that there is no such route because the public should prefer two. The condition in the statute is not to be trified away. Except in dition in the statute is not to be trifled away. Except in case of a need such as the statute implies the injustice pointed out by the chairman in his dissent is not permitted by the law."

The decision quoted sustains Chairman Knapp, who alone dissented to the commission's order in this case.

# WOODRUFF WILL NOT QUIT

(Continued From First Page.)

by Mr. Root and those associated with him to canvass the state committee as a preliminary to calling a special meeting in the near future.

The situation was tense in the opposing camps all day and it was not until nearly midnight that the final declaration of war was made. The captains of the opposing forces

were in conference throughout the day with their aides. Senator Root made his headquarters at his residence, 743 Park avenue, and received there the reports of those who are with the National Administration.

## Chairman Steeled by Friends.

Mr. Woodruff was in conference with his assistants and was urged to stand firm. Those who have known him longest feared that he would weaken when the critical moment came and surrender at the first shot from Washington. They steeled him to resist, andswore they would stand by him until the finish, even if they went down together. It was after the day of light

would be the next steps in the conflict. Mr. Woodruff was equally lo-

"Ask Root," Only Reply. "Did Mr. Root ask you to quit?" the state chairman was asked. "You better ask Root," was the

"Did he inform you that if you did not resign you would be forced out?"
"Ask Root," said Mr. Woodruff, apparently displeased by the question.

"Is there going to be a fight?"

"Mr. Root will have to answer that It is Mr. Woodruff's last stand. In other critical moments he has surrendered rather than fight, because he always won a point by giving up his contention. If he resigns now, under fire, it would mean his exit from politices. It is recognized that to accept

the responsibility for the present state

of affairs in the Empire State could

Timothy L. Woodruff, Who De-clares Open War in New York on National Republican Leaders, Refusing to Resign Chair-

Mr. Woodruff was supported by William Barnes, Jr., leader of the Repub lican forces in Albany and an open an-

# DEATH COMES, FINDS JOY

OLD ACTOR PASSES, AS CHANCE

OF, JOB IS HIS.

George Frederick Bird, Veteran, Accidentally Kills Himself Writing to Employer.

CHICAGO, March 12 .- When the last curtain fell on the life of George Fred-erick Bird, actor of the old school, there was no applause from an enraptured audience, no accompaniment of "sympathetic music," the wall of the violins and the haunting undernote of the ceiles as he struggled for the breath that would not come. Instead of the theater-goer ft was the police before whom his tragedy was unfoided—the tragedy of the man down and out, who had struggled gamely, won a chance to "come back"—and died seek-

chance to "come back"—and died acci-dentally before he could avail himself of that coveted opportunity. They found him with his lips curled in a smile, huddled on the floor of a dingy room at 408 North Clark street. A revolver, one of his old "props" lay near him. But the old man, seven years past that age at which Dr. Osler pro-nounced chlorforming a kindness, had no reason to seek death by his own

hand.

The policemen listened as Bird's land-lady told the story, and wiped their eyes when she had finished. Then they declared that death had resulted from an accident.

There was everything to bear out their belief. The veteran actor had been writing a letter to the theatrical manager who had offered him the price-less chance to "go on" once more in the "legit." The manager had been an old friend, evidently, for the letter to him began "Dear Ed." The rest of the manager's name is locked for-

of clothing, and as he tugged to re-lease it there was a report, and he sank to the floor with a bullet through

Cars clanging past the house dulled the sound and it was not until a woman came to tidy up his room that he was found, the smile of renewed ambition hovering on his lips and defying the pain of death.

## DRUGGIST IS FINED \$200 Talks of New York Experiences and

Idaho Dry County Records Big Increase in Liquor Penalties.

MOSCOW, Idaho, March 13.—(Special.)—Charles L. McCarter, drug store proprietor, who was arrested for selling liquor without a license last Thurs-day and who first pleaded not guilty, has changed his plea to guilty and has been fined \$200 and costs by Judge

Morgaridge.
In the first 15 months of the administration of County Attorney Suppiger and Probate Judge Morgaridge there

and Probate Judge Morgaridge there have been collected and turned over to the school fund more fines than in any two-year term in the history of Latah County. Most of these fines have been for gambling and the illegal selling of liquor.

Latah County was the first county in the state to go dry and did so before the local option laws were passed. It was done by electing County Commissioners who would not grant saloon licenses.

## CONSERVING NOT BOTTLING

J. N. Teal Speaks on Saving Resources of Oregon.

That conservation of forests does not mean a bottling-up of resources, but rather a prevention of waste and the preservation and development of our forest growths, was the idea of Joseph N. Teal, chairman of the State Conservation Commission, expressed in an address last night at the First Unitarian Church on the subject, "Conservation in Oregon."

skirmishes that the two leaders came together. The state chairman went to the Senator's residence at 8 o'clock and remained until nearly 11. Senator Reot declined to discuss the conference or the day's developments. He said simply that he had no information to servation in Oregon." "Cogon bas the largest body of timber of any state," he said. "The Government last year spent \$150,000 for fire protection, while the State of Oregon did not spend one cent for the purpose. Unrestricted individual exploitation of forests means a little gain to the individual and a rapid depletion of the resources."

Representative Answers Constituent Who Criticises Motives of ex-Jurist.

TACOMA MAN MADE TARGET

Member of Congress Angered by Retort That He "Wears Collar" Because He Believes Magazines Should Pay Higher Postage.

OREGONIAN NEWS BUREAU, Washngton, March 9 .- Representative Mc-Credie believes that magazines should bear their share of the postal expenses of the Federal Government; in other words, he is in favor of raising the rate on magazines. By reason of this fact he has incurred the bitter enmity of a constituent who resides in Tacoma. Hence a bit of rather spirited correspondence between them.

This regident of Tacoma, who shall be nameless, because unknown, sent to Judge McCredie a letter of protest against any advance in the postal rate on magazines. It was one of the formal letters distributed broadcast over the country by some of the magazines that are fighting this proposed legisla-tion. Having received hundreds of simition. Having received hundreds of simi-lar letters. Representative McCredle had prepared a circular letter of reply in which he politely acknowledged receipt of suggestions, and took occasion to re-turn his own views. This circular letter angered the Tacomen, and induced him to write an insulting letter, which Mc-Credle resented. And here is the Judge's reply:

#### M'Credie's Reply Caustic.

"Dear Sir: Your letter of February 23 is at hand, and I reply in a somewhat unbecoming and ungentlemanly manner. You say, 'The circular bears well-known ear-marks. But I must confess to being a little surprised that you should so early and so freely admit that you wear the collar of your masters.'

"Is that a portrayal of the depth and width of your masters."

width of your mind and the purity of your character? It is a physiological fact that a man who is a falsifier, a thief, a corruptionist by nature, a debaucher, a despoiler of character, looking through himself, classes all men as liars, thieves, corruptionists and debauchers of charac-ter. I have no objection to you classify-

ing yourself.
"From your letter I take it that you received a letter from at least my office, making some statements relative to the proposed increased rate on second-class mail matter. You were not requested to concur in them. A wise man will get his premises right and then draw correct or nearly correct conclusions. Instead of digesting my letter and, in case of dis-agreement, writing a gentlemanly letter pointing out the defects, you fly into a passion and hurl back a base insuit.

Truth Not Always on One Side. "I am cognizant of the fact that there is a falsity in politice, falsity in religion and falsity in many things, yet the main streams are pure, but in all there is nothing more false than that which I quote from your letter. Truth is not always on one side of any question, but it is a bigoted ass that has no argument save abuse. Right should ultimately premorally that it is absolutely impossible for them to make a correct deduction.
"The United States carries about 43 letters for about 9 cents, and receives 90 cents therefor, or a profit of \$1 cents. It carries second-class mall matter at an expense of 9 cents and receives 1 cent therefor, thereby losing 8 cents. We lost last year \$64,000,000 on second-class matter, and even if the on second-chass matter, and even if the railroad companies had carried all of the mails free of cost, we would still be short \$14,000,000. First-class mail matter made up all of the \$64,000,000 deficiency except \$17,500,000. Now, wouldn't such a state of affairs suggest that our postal laws need readjustment as a matter of business, and not as bewouldn't such a state of affairs suggest that our postal laws need readjustment as a matter of business, and not as being in servitude to some master as depoted by your nightmare? I suppose, in loyalty to the master's collar you which he had used in many a performance, became entangled in some article of clothing and as be turged to sense, you would raise letter postage wear and as typical of your business sense, you would raise letter postage to 3 cents to cover the deficiency, so as not to interfere with the sacredness of the periodicals. I am not sure but what you would perform all of the postal work free to the patrons and for the same by a dream out of

## MRS. BAUER HOME AGAIN

Joins Anti-Elektra Chorus.

"Oh, it's so good to get back home," said Mrs. Rose Bloch Bauer last night, and her sparkling eyes bore out the enthusiasm in her voice. "After the cold York, and the stifling hotness of a journey across the desert lands of Southern Texas and Arizona, then to come home, back to God's country as such a dear back to God's country, on such a day



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Mrs. Bauer made three formal appear- able comment on it from the artists

Since the first of the year Mrs. Bauer has been in New York cyaching in grand opera and oratorio work. Recently her husband, Cecil H. Bauer, joined her, and they proceeded to Southern California for they proceeded to Southern California for seasons. She brings home an extensive repertains of new songs.

where there were 500 guests.
"I also went to hear all the best church choirs, and I want to say that

Mrs. Rauer attended 20 grand operas, and met personally each of the greatest artists. She sang for Damrosch, Meldenberg, Alfred Hers, the Wagnerian conductor, and for Isidore Luckstone. With the latter she also did a great part of her grand opera coaching.

Mrs. Rauer attended 20 grand operas, tolice of new songs.

"They are principally Strauss' music, which is always wonderful," she said, "but they do not include anything from the opera 'Elektra.' I consider this opera wholly impossible from every musical standpoint, and I did not hear one favorable comment on it from the artists.

slons was a banquet at the Hotel Astor, all operas 'Elektra' is the most nerve-where there were 500 guests. thing imaginable.

> CORVALLIS, Or., March 10 .- (To the CORVAINTS, Or., March 10.—(10 the Editor.)—Must a pensioner, on retiring to the National Soldiers' Home near Los Angelés, Cal., relinquish his pension? Several old soldiers are anxious to know this.
>
> PENSIONER.

VANCOUVER, B. C., March 13.—(Special.)—Vancouver is to be the best lighted city on the Coast if plans now under discussion are put through. A committee, after investigating lighting conditions in Portland and Scattle, suggested a system of cluster are lights, of the five-light

standard. Brigadier-General Anderson, retired,

ASK THE MAN

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