

# JITNEY REGULATION TAKES FORMAL

## Mayor, Tired of Evasions by Commissioner, Asks Mr. Dieck to Take Hold.

### MR. BIGELOW VEERS AGAIN

#### After Refusing to Conform With Wishes of Council Majority Order Is Issued by Mr. Albee, Effective January 1.

**INCIDENTS LEADING UP TO MAYOR'S TRANSFER OF JITNEY CONTROL.**

Commissioner Daly, in July, recommended requiring jitneys to get franchise.

Council adopts recommendation and passes ordinance requiring franchise by November 15.

Jitney Drivers' Union asks for franchise at its own terms, and Council objects by vote of 4 to 1.

Terms of franchise discussed during period of 3 1/2 months, and terms finally agreed on by Council.

Jitney Drivers' Union demands franchise on open terms and refuses Council's franchise.

Commissioner Daly introduces ordinance to repeal his former ordinance requiring jitneys to have franchise.

Council votes this ordinance down, 4 to 1, and enforces former ordinance November 15.

On November 15 jitneys, having failed to get a franchise, are put out of business.

Commissioner Daly revises existing taxicab zone system so jitneys can continue operating under taxicab rules.

Council disapproves of zone system and orders real taxicab system made.

Mr. Daly submits second zone system for benefit of jitneys.

Council disapproves this and takes up task itself.

Stephen Carver enters field and asks for city-wide jitney franchise on Council's terms.

Mr. Daly refuses to approve the Council's zone system, and Mayor takes jitney control out of his hands.

As a climax to a fight on the question of jitney regulation in which Commissioner Daly by virtue of his official jurisdiction over the jitneys, has yielded the whip hand against the rest of the City Council, Mayor Albee yesterday removed jitney control from Mr. Daly's department and transferred it to Commissioner Dieck. An official order to this effect was presented to the Council yesterday in accordance with terms of the commission charter. The change takes effect January 1.

Mayor Albee snapped the whip as a result of Mr. Daly's having notified him that he would not approve the taxicab zone system framed by the Council to replace the subterfuge zone system devised by Mr. Daly to enable the jitneys to evade regulation. This was the last straw in a long-drawn-out programme of similar acts on the part of Mr. Daly in behalf of the unregulated jitney, which acts have been in open defiance of the rest of the Council.

The Mayor's order was given to the Council a short time after it had been shown to Mr. Daly. It was received and sent to the official files as an ordinance. The City Charter gives the Council no vote on such orders, and it was received and sent to the official files without comment.

**Mayor Says Little.**

Mayor Albee refused to make any statement further than to say that the order was a result of Mr. Daly's having refused to approve the taxicab zone plan, in defiance of the will of the rest of the Council. He said he considered it his duty to give the City Charter its full purpose of a provision of the charter giving the Mayor that power.

The order takes out of Mr. Daly's hands all matters of franchises and transportation control and vests them in Commissioner Dieck. It also takes out of Mr. Daly's hands all streetcar, jitney, taxicab and other transportation franchises and ordinances. The provision of the charter under which the Mayor acts is as follows: "The distribution of the work among them (the Commissioners) shall be made and may be changed from time to time by the Mayor by order, which shall be filed and preserved as an ordinance. The names of the departments may be changed in like manner."

**Daily Zones Rejected.**

Prior to the presentation of the order the question of sustaining an appeal made by the Oregon Taxicab Company in which objection was made to the "zone" system devised by Mr. Daly on the ground that a legitimate taxicab could not operate under it was considered. The appeal was sustained and the Daily zones overthrown. Commissioners Daly and Bigelow voted against this.

Mr. Bigelow's negative vote came in spite of his having conferred with Commissioner Dieck on the subject and changes having been made in the system to meet objections which he had considered essential. After these changes had been made it was generally understood that the system would be approved by Mr. Bigelow, but yesterday it seemed he had a change of heart. He said that he thought the Council's system was more nearly a real taxicab zone system than that prepared by Mr. Daly, but thought the still were some changes that should be made.

**Troubles Growing Since July.**

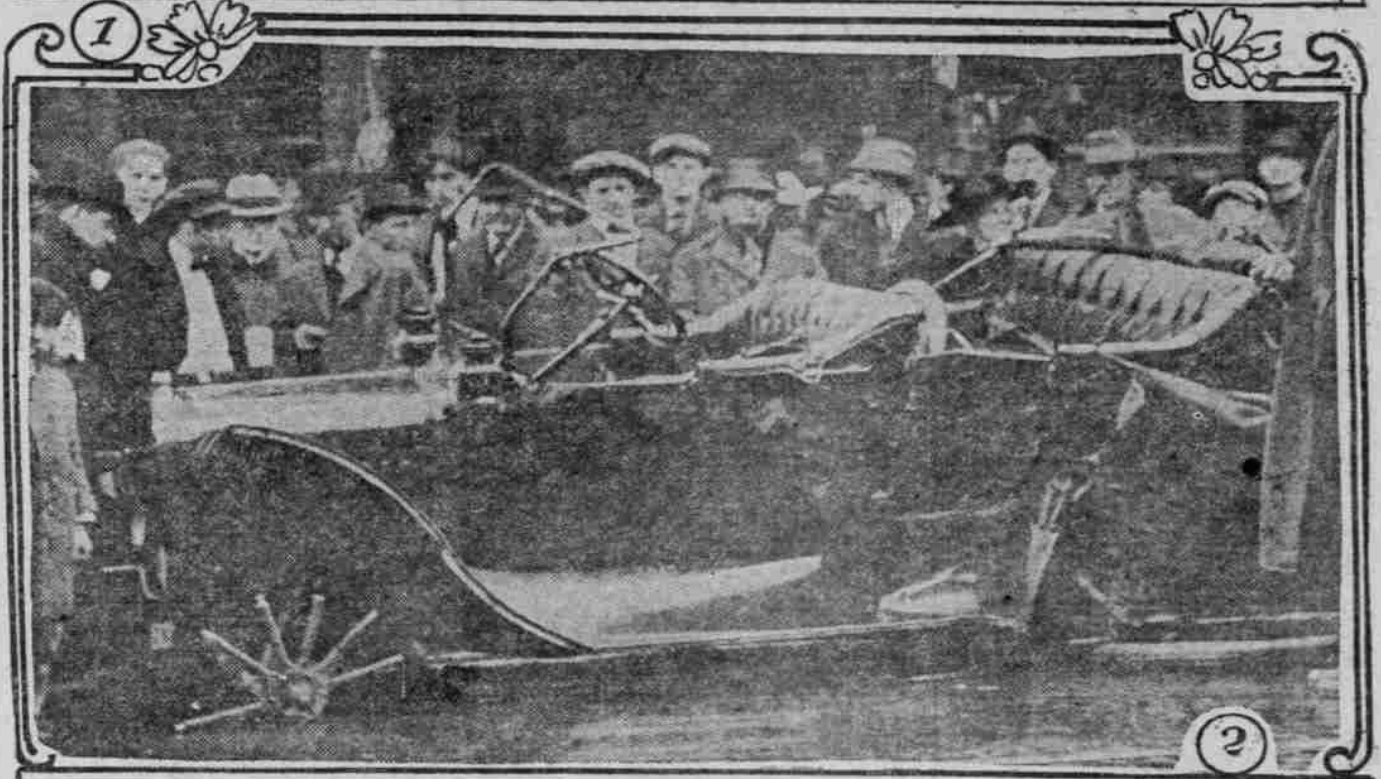
The Councilman's troubles over the jitney started on July 15, when Commissioner Daly announced to the Council that regulation of the jitneys under the license system then in force was impossible. He recommended forcing the jitneys to get a franchise by November 15.

The Council began considering the franchise question, and Mr. Daly proposed a franchise at the terms of the Jitney Drivers' Union. This was objected to by other members of the Council, who believed that the Council and not the jitneys should dictate the terms of their franchise. Terms of a franchise were then talked at length and finally it became apparent that the jitneys were not going to get the franchise at their own terms. Then Commissioner Daly presented an ordinance to repeal his former ordinance requiring a franchise.

The Council refused to pass this and the Jitney Drivers' Union failed to present a demand for a franchise. Accordingly, the Council, by a vote of four to one, stood firm on the franchise proposition and the jitneys were put out of business November 15. It was then that Mr. Daly devised a system whereby the jitneys could continue operating under the guise of taxicabs by means of a zone system. Without consulting the rest of the Council, he devised a zone scheme and put it into operation.

Taxicab companies objected to this on

SCENE OF FATAL JITNEY-STREET-CAR ACCIDENT, CRUSHED MACHINE, DIAGRAM SHOWING HOW ACCIDENT OCCURRED, THE DEAD AND THE MOST SERIOUSLY INJURED.



the ground that it was not a reasonable plan for legitimate taxicabs, and the Council then ordered Mr. Daly to revise the plan. He did so and returned another zone plan which accomplished the same purpose for the jitneys. The Council then took up the task of framing a zone system of their own based on distances and grades, and Mr. Daly refused to approve this. This left nothing for Mayor Albee to do but to take the jitneys away from Mr. Daly or to let by and see one member of the Council rule over the will of the rest of the Council. And he took the former course. In the meantime Stephen Carver filed application for a city-wide franchise, agreeing to all the Council's terms.

Many technical questions have been raised already as to the legality of the Mayor's order. The Mayor says he got full legal advice from City Attorney LaRoche before acting.

**Official Order Issued.**

Following is the Mayor's order: "General order of H. R. Albee, Mayor: In redistribution of certain work among the several departments as provided by the charter of the City of Portland. In addition to the work heretofore assigned to G. Dieck, Commissioner of Public Works, he shall have charge and supervision of all transportation utilities and franchise matters and the administration of all ordinances relating thereto, which were heretofore assigned to Will H. Daly, Commissioner of Public Utilities, and in addition to the duties heretofore vested in and imposed upon Mr. H. Daly, Commissioner of Public Utilities, in relation to the above-named matters and the administration thereof and performed by said H. G. Dieck, Commissioner of Public Works.

Portland, Or., December 22, 1916.

H. R. ALBEE, Mayor of the City of Portland.

This order to be in full force and effect from and after December 31, 1916.

The change made by the Mayor goes into effect January 1. Until that time the zone system under which the jitneys now are operating will be in effect. After that time the Council's zone system undoubtedly will be approved by Commissioner Dieck, who then will have charge.

It is expected that the new zone system will be handled by the jitneys in such manner that they will continue operating as at present. The zone system has nothing to do with fares, but provides that all fares shall be equal on a basis of distance traveled. It is admitted by President A. A. Thielke, of the Jitney Drivers' Union, that the new zone plan will not put the jitneys out of business, but that they will continue as at present. The only change will be that they will be forced to make deliveries off their present routes when patrons ask them so to do.

**DELINQUENT TAX TOTAL BIG**

Amount More Than \$500,000 at Expiration of Payment Time.

Delinquent taxes October 6, totaling \$574,706.81, were shown in the official report of Sheriff Harburt to the County Commissioners yesterday. The total tax roll was \$7,989,620.92. Collections began February 1 and ended October 6, with the unprecedented delinquency.

Dependents of Hood River County may be sent to the Multnomah farm on payment by the sister county of \$20 a month. County Judge Stanton, of Hood River, asserts in a communication to the Multnomah County Commissioners that such an arrangement, discussed several months ago, may be necessary.

The contract for painting the Army was awarded by the Commis-

**\$25,000 SUIT IS SETTLED**

Bruce A. Bates Reported to Have Paid Charles Haight \$2000.

Suit for \$25,000 against Bruce A. Bates for alienation of affections, filed in the Circuit Court by Charles Haight, November 13, was dismissed by Judge Gantenbein yesterday, a settlement having been reached outside of court. The attorney stipulated the dismissal.

Seneca Fouts, attorney for the plaintiff, was authority for the assertion yesterday that the settlement had been a cash payment of \$2000 to the plaintiff.

Mr. Bates is the youngest son of the late George W. Bates, and married Dorothy Martin-Haight, divorced wife of the plaintiff in the alienation suit, last October.

The Oregonian classified ads.

# Home for the Holidays



**UNION PACIFIC SYSTEM**

**HOLIDAY TICKETS ON SALE NOW**

and every day to and including Christmas, limited for return to Jan. 3, 1917.

By The **UNION PACIFIC SYSTEM**

Oregon-Washington Railroad & Navigation Company

City Ticket Office, Washington at Third

Representative Fares Are Shown in Table

Similar rates to all other points in the Northwest

W.M. McMURRAY, General Passenger Agent

ROUND-TRIP FARES:	
Hood River	\$ 2.55
The Dalles	3.40
Bend	9.95
Arlington	5.55
Pendleton	8.60
LaGrande	11.60
Baker	13.70
Walla Walla	\$ 9.75
Lewiston	14.15
Spokane	14.95
Wallace	18.00
North Yakima	12.10
Colfax	13.70
Centralia	3.90
Olympia	\$ 4.95
Tacoma	5.80
Seattle	7.50
Aberdeen	6.00
Hoquiam	6.15
Ellensburg	10.60
Wenatchee	14.10

west on Washington street, following a westbound streetcar, immediately preceding the accident. He said that the streetcar stopped at the Ramapo Hotel and after it started up he followed it and attempted to drive around it.

When he attempted to turn back in front of the streetcar, he said, his rear wheel caught in the groove by the track on the south side of the street. The street was slippery, as it had just been raining, and he said the machine skidded across sideways.

**Excessive Speed Denied.**

The result was that an eastbound streetcar struck the rear of the jitney and almost at the same time the streetcar which was following, westbound came up and the rear of the machine was telescoped by the force of the impact.

Mr. Myers denied that he was going at an excessive rate of speed at the time of the accident.

"I did not look at the speedometer," he said, "but I am satisfied that my machine was not exceeding the speed limit."

This version of the accident was corroborated by Frank Arthur, Bushmark Hotel, who was following the jitney in his machine. Mr. Arthur said he did not think that either the jitney or the streetcar were going at an excessive rate of speed. He was inclined to lay some of the blame on the motorman of the west-bound car, at the same time admitting that there might have been an error of judgment on the part of the jitney driver.

**Motorman Is Criticized, Too.**

"It is my opinion that the accident could have been averted if the motorman had used the brakes," he said. "While there may have been some lack in judgment on the part of the driver of the machine, it could have been averted by the motorman if he had shown proper judgment."

Rev. Father William B. Cronin, who was a passenger in the east-bound streetcar, expressed the belief that the streetcar was not going at an excessive rate of speed.

Immediately following the crash Detective Boy's Patrolman Hewston, R. H. Field and J. W. O'Brien hastened to the scene and assisted in taking the injured from the wreck and clearing the street. Patrolmen Edward Burke and J. M. Thompson were dispatched by police headquarters to assist.

**Chaplain Long at Hospital.**

L. B. Scott, 274 1/2 Sixth street, was a witness of the accident, and assisted the patrolmen in clearing up the wreckage.

Rev. Father Costelli was removed to the street shortly after the accident.

Rev. Father Costelli had been connected with the St. Vincent's Hospital for the past 10 years. The body of Father Costelli was removed to Dunning & McEntee's. Mrs. Chamberlain's body was taken to J. P. Finley & Son's establishment.

Mrs. Chamberlain was a native of Portland, having been born on the East Side. She was the wife of J. J. Chamberlain, 215 Eighteenth street North. Mrs. Chamberlain was the daughter of Captain J. L. Ferguson.

**Astoria Captain Is Brother.**

She is survived by a daughter, Mrs. A. O. Nelson, at 142 East Taylor street, a son, about 14. Another sister is Mrs. C. M. Atwood, of White Salmon, and Captain Edward Sullivan, of Astoria, is a brother. Mrs. Chamberlain was a member of the Artisans in assembly 501.

Deputy Coroner Smith announced last night that the inquest will be held either today or next Tuesday. He said in case it was decided to delay the inquest until Tuesday the jury would be empaneled today.

Mr. Savage came to Portland from Vancouver, B. C., to manage the Portland Ice Hippodrome in 1914. He had been actively interested in ice rinks in British Columbia prior to that for several years, having managed the New Westminster B. C. hockey team. During the 1914-15 ice-skating season

Mr. Holder was taken to the Good Samaritan Hospital after the accident, but later was removed to the Gray home. He is not seriously hurt. One of his front teeth is missing and he is externally bruised about the head.

Mr. Holder was riding on the front seat of the jitney with the driver.

"The driver tried to pass the west-bound streetcar to the left and got caught by a car coming in the opposite direction. That's all there is to it," he commented through his bandages last night.

**Skidding Blamed for Accident.**

In a statement made to H. P. Coffin, of the Safety First Commission, immediately following the accident Mr. Myers, the driver, said he was going

Mr. Savage managed the local ice rink and last year took charge of the Portland ice hockey team. The Portland team left last night for Vancouver, B. C., where it meets the Milliwales tonight. The team was led by William F. Scott, who has been acting as assistant manager to Mr. Savage. Mr. Scott was brought to Portland from Winnipeg, Can., a few weeks ago.

Deputy District Attorney Ryan declined to hold Myers, the driver, last night. He said that he did not care to place the blame on either the jitney driver or the streetcar men by beginning an inquest.

"I will leave the matter for the Coroner's jury to pass upon at the inquest," he said.

**CHAPLAIN 50 YEARS PRIEST**

Golden Jubilee Celebrated in 1914, Archbishop Attending.

One of the most elaborate celebrations at St. Mary's Cathedral in recent years was the golden jubilee in the summer of 1914 for Father Alexander Costelli, who was killed yesterday in the jitney accident on Washington street. The affair was in honor of Father Costelli's 50th year as a priest in the Catholic church.

The celebration was attended by Archbishop Christie and by priests from various parts of the diocese, and was in the form of a solemn high mass with the clergy present. An elaborate musical program was a feature, the St. Mary's choir attending and rendering a programme under the direction of Professor F. W. Goodrich. During the ceremony Father Costelli was presented with a gold watch.

Funeral services for Father Costelli have been arranged for Tuesday morning at 9 o'clock at St. Mary's Cathedral.

**WRECKAGE DELAYS TRAFFIC**

Motorman Say Emergency Brakes Are Applied Quickly.

Jack Fugate, of 167 Simpson street, was a witness of the accident. According to him the westbound car and the driver saw his mistake too late to correct it. He said that neither of the cars was proceeding at a dangerous rate of speed, but that the auto was between them almost before the operators knew what had happened.

It was some time after the accident that the debris was cleared away. Street car traffic was tied up for several minutes while the victims were being removed to the hospital.

Motorman Pierson, in charge of the eastbound streetcar, in a statement to the company, maintained that the jitney was approaching at a high rate of speed, but that when he appreciated the danger of a collision he at once shut off the power and threw the air into emergency and brought his car to

**POSTAL BUSINESS GROWS**

Astoria Record Broken and Office Will Become First-Class.

ASTORIA, Or., Dec. 22.—(Special.)—The sales of stamps at the local Postoffice during the present month are in excess of 20 per cent more than those of last December, and for the first time in the history of the local Postoffice the stamp sales for a single month will amount to over \$5000. The business in the other departments of the office shows even a greater increase than do the stamp sales, while orders for stamps and stamped envelopes to be delivered next month amounting to several thousand dollars, already have been received. Next year the local Postoffice will be advanced to the rating of first-class.

To gain that rating an office must sell at least \$40,000 worth of stamps and stamped paper.

**CANDLE CUSTOM REVIVED**

Lights to Be Shown Christmas Symbolic of Christ's Coming.

The old English custom of placing candles in the front windows on Christmas eve, to symbolize the light that Christ brought to the world, will be observed this year by a number of Portland residents.

The suggestion first was made by Rev. William A. Breck and his wife, of 171 King street, a year ago, and was quickly approved by many living in that vicinity.

About seven years ago Mr. and Mrs. Ralph Adams Crane revived the custom in Boston.

Cuba annually imports from 5,000,000 to 6,000,000 eggs, nearly all of them from the United States.

**Do It Now**

Get rid of that cold while you can. Chamberlain's Cough Remedy will help you to throw it off. Do not Delay. It only costs a quarter.