

SIX-CENT FARE IS UPHOLD BY COURT

City Loses Suit Against Railway Company and Public Service Commission.

CASE WILL BE APPEALED

Opinion Based Solely on Law Points Involved and Quotes From Many Former Decisions of State and U. S. Supreme Courts.

By unanimous vote the six Circuit Judges of Multnomah County upheld the six-cent fare ruling of the Public Service Commission, in a decision handed down yesterday morning. The opinion for the court was written by Judge Kavanaugh, with Presiding Judge Morrow and Judge Gateson, Gantenberg, Tucker and Stapleton concurring. The city will appeal at once.

At the outset the opinion recites that the court did not enter into the question of the "expediency," necessity or reasonableness of the six-cent fare. It states that the opinion is based solely upon the law, in determining whether the Public Service Commission has the power to regulate the rates of the Portland Railway, Light & Power Company or of any other public utility within the state of Oregon.

The opinion of the court sets to rest the contention of the counsel appearing for the city of Portland at the recent hearing to the effect that the public power lies with a municipality under the Oregon system. The power to establish fares for the transportation of passengers by common carriers is a sovereign power, reads the opinion. "It inheres in the state, where all sovereign power primarily resides, and is not created by legislation. The state may not entirely denude itself of this power. It may delegate, but it cannot abdicate. It may, by direct grant to a corporation of individual engaged in public service, divest itself of that power for a reasonable and limited time. It may delegate to a municipality the authority to grant a franchise upon its streets and public ways and establish an unalterable rate of fare for the limited term of the franchise. But such authority can be delegated only by express grant or clear intention."

Rights Not Surrendered. The court further holds that the state did not surrender its sovereign power to regulate rates by its grant of franchise powers to the city of Portland in the charter of 1902.

"This delegation is not sufficient to extinguish the power of the state to alter these rates," reads the opinion. "We hold that the immediate parties to the franchise contract in this relation with the view that the public utility later intervene and regulate the rates to meet new and changing conditions; that the rate provisions of the contract do not constitute a binding contract binding upon the state, whose obligations were impaired by the order of the Public Service Commission."

The court further sets aside the constitution of Special Councilman Wilson T. Hume that a legislative enactment of 1916, setting the street railway fares in all cities of more than 50,000 population at 5 cents and no more, is still in existence. "We are of the opinion that this law has been repealed by necessary implication by the public service law. We have shown that the public service act amended or superseded all municipal charters of the state in conflict with its provisions. The two acts cannot be harmonized, the repeal is clear and the prior statute was repealed by necessary implication."

The opinion covers every argument advanced before the court against the six-cent fare during the hearing. It quotes frequently from decisions of the Oregon Supreme Court, the United States Supreme Court and the United States Circuit Court of Appeals for the Ninth Circuit in other states in the Union.

Thorough Inquiry Made. The retroactive features of the referendum act creating the Public Service Commission are made the subject of a thorough inquiry. The power of the commission to fix and regulate rates previously made by a municipality, through contract, as well as those made by the utility itself, are considered. "Whether the act is retrospective or prospective only, is a question of construction," reads the opinion. "The act is plainly intended to embrace antecedent rate contracts. The language of the act itself, various provisions contained therein, the history of its introduction and passage by the Legislative Assembly, as well as the extended discussion before its ratification by the people under the referendum, all indicate that purpose and intention."

The state of Oregon has every right to take unto itself any powers which might heretofore have been granted to a municipality, the court holds. The fact that the state by the charter of the Public Service Commission was made a law by the vote of all the people of the state makes the act one of state-wide concern and interest, the relation of the state to its cities and towns.

The court quotes from an opinion handed down by Judge Bean in the Federal Court to substantiate its position that any charter provisions of a municipality are superseded by state enactments. Judge Bean's opinion, thus quoted, follows: "By that act the power to fix the rates to be charged by public service corporations conferred upon different officials of the state by their charters is transferred to the Railroad Commission and such charter provisions are therefore amended or superseded as far as they are in conflict or inconsistent with the powers so conferred."

Woodburn Case Quoted. The Woodburn case, recently decided by the Oregon Supreme Court, is quoted by the court to show that the Public Service Commission has power to change rates which have been fixed between a municipality and a public utility by franchise ordinance, as well as to change rates which have been fixed by the corporation itself.

and on January 5, 1918, adopted an order granting the six-cent fare. The increased fare went into effect on January 16. Last month the city of Portland brought suit against the Public Service Commission and the Portland Railway, Light & Power Company as joint defendants, alleging the six-cent fare as granted by the state commission was illegal and a usurpation of powers by a state body. It further contended that the referendum act creating the commission was unconstitutional.

Six Judges Sit en Banc. The case was originally assigned to Judge Morrow, but upon petition of the Public Service Commission, the six Circuit Judges of the district agreed to hear it, sit en banc.

The city of Portland's case was handled by City Attorney Lalroche, Deputy City Attorney Tomlinson, Judge Martin

ATHLETE WILL HELP BUILD SHIPS.



Oscar Goreczky. UNIVERSITY OF OREGON, Eugene, March 14.—(Special.)—After having been rejected in no less than half a dozen branches of the service in which he tried to enlist, Oscar Goreczky, of Portland, the lone veteran of former years on the back squad this Spring, is determined to do war work of some kind and will turn his hand to building ships in a Portland yard within the next two weeks.

The loss of Goreczky to Oregon is made a more telling blow to the track and field prospects by the absence of Coach Hayward and the fact that Goreczky was the only man sufficiently acquainted with the "Hayward system" to put the squad through its training paces.

L. Pipes, special counsel for the city, and Wilson T. Hume.

The Public Service Commission was represented by Attorney-General Gregory and Assistant Attorney-General Bailey. Franklin T. Griffith, president of the Portland Railway, Light & Power Company; Harrison Allen, R. A. Lester, E. J. V. Johnson and W. C. Benbow represented the company.

It was announced yesterday at the office of City Attorney Lalroche that an immediate appeal would be taken to the Supreme Court. It was announced at the time the hearing was started that the case would be taken to the Supreme Court for final determination despite the outcome of the case in the Circuit Court.

WAR STAMPS

Reports being received daily at state war savings stamps headquarters indicate that county chairmen throughout the state are ready generally for the house-to-house thrust canvass to be undertaken beginning next Tuesday and to continue through Saturday.

Each chairman has organized a corps of workers in his county, and these workers have been supplied plentifully with literature that is to be placed in every home in the state with a view to putting every home on the war savings list for investment in thrift stamps and war savings stamps.

Saturday is waste paper day, rag day and flower day. The Patriotic Conservation League, Mrs. R. D. Inman, chairman, has made arrangements to make it a general thrift day for children. Thrift stamps will be given in lieu of cash, except in making odd-cent change. In payment for the 250,000 pounds of waste paper the boys of the city are expected to harvest. The rate of pay will be 25 cents per 100 pounds. Waste paper may be turned in at any fire station in the city. Firemen will weigh it and make payment. During the morning children will be paid at the rate of 1 cent for each flower for all the daffodils they gather, payment for the flowers to be made also in thrift stamps. The flowers will be sold during the afternoon and evening at the leading hotels and on busy corners downtown. Children should gather the flowers early Saturday morning. The thrift shop of Max Smith has been designated as a receiving station.

O. J. Skiff, postmaster at Union, writes that though he is working 14 hours a day on official business, war stamp work and other war work, and that he is willing to put in the other 10 hours the way if it is necessary to whip the Kaiser.

ALIEN MOVES LISTED

German Enemies Must Report Change of Residence.

NEGLECT MEANS PENALTY

Attorney-General Gregory Issues Order Advising Tenth Aliens as to Requirements—Violators Liable to Be Interned.

Attorney-General Gregory has issued an order that every German alien enemy who changes his place of residence must report that change to the proper registration officer under penalty of prosecution for his failure to do so. The same order calls to the attention of these aliens that the possession of registration cards does not relieve them from a full compliance with all laws and regulations concerning their conduct and does not permit them under any circumstances to engage in barred and restricted zones established by proclamation of the President.

Order Is Set Forth. The rule regulating the change of residence of German alien enemies prescribed by the Attorney-General follows:

"Any German alien enemy who desires to change his place of residence from one registration district to another must, before removal or making the change of residence, present himself to the proper registration officer of the registration district in which he is then residing, and fill out in four copies a form of application for 'change of residence from one registration district to another' which the registration officer will furnish to the alien enemy. The applicant must state upon this form full particulars as to the date on which his residence is to be changed, the reason for such change and his intended place of residence. The applicant will then be informed by the registration officer whether his application for change of residence to another registration district is granted. Appeal to the United States Marshal lies in certain cases, but permission by the registration officer of such application for permit.

"If such application is granted the German alien enemy must present his registration card to the registration officer, who will indorse thereon such permit of change of residence. The alien enemy to whom permission is given to change his place of residence from one district to another must, upon his arrival in the registration district in which his new residence is located, report to the registration officer of that district and exhibit to him his registration card, with the indorsement of the change of residence thereon."

Penalty Is Provided. "Any alien enemy who changes his place of residence within the same registration district without reporting to the registration officer such change of residence and having the same indorsed upon his registration card, or any alien enemy who changes his place of residence to a place of residence within another registration district without first making application for permit for such change of residence and obtaining thereon his registration card, is liable, among other penalties, to arrest and detention for the period of the war."

"The loss of Goreczky to Oregon is made a more telling blow to the track and field prospects by the absence of Coach Hayward and the fact that Goreczky was the only man sufficiently acquainted with the 'Hayward system' to put the squad through its training paces."

FIRE LOSS IS \$1,358,600

U. S. Forest Service Reports 962,000 Acres Burned in 1917.

Forest fires burned over 962,000 acres of National forest lands in 1917 and caused a loss of \$1,358,600 to the Government in timber, forage and young growth, according to figures compiled by the Forest Service.

Of the 7184 fires which were fought on the forest reserves, all but 2132, set by lightning, were caused by human agencies and had been prevented. There were 352 incendiary fires, which occurred for the most part in Oregon, California and Arkansas.

BAR ASSOCIATION MEETS

Noon Luncheons Arranged to Promote Fellowship.

In order to bring about a better spirit of co-operation among its membership, the Multnomah Bar Association will hold a series of noon luncheons, the first of which will be held today noon at the Portland Hotel, at which a Government expert will discuss the new income tax law and answer all questions which may be brought up concerning it.

20 MILLION PEOPLE USE CASCARETS—WHY?

Only True Tonic for Liver and Bowels Costs 10 Cents a Box.

Cascarets are a treat! They lighten your liver, clean your thirty feet of bowels and sweeten your stomach. You eat one or two Cascarets like candy before going to bed and in the morning your head is clear, tongue is clean, stomach sweet, breath right, and cold gone and you feel grand.



1000 NEW DRESSES AT POPULAR PRICES

\$14.75—\$16.75—\$18.50—\$19.50—\$23.50—\$25.00

We're proud of our dress stocks, and well we may be—for, in spite of merchandising conditions, we've assembled 1000 dresses to sell at "Popular" prices. They're not "ordinary" popular-priced dresses. Every one is as distinctive and different as can be. The seven models pictured but hint at their beauty and attractiveness!

YOUR NEW DRESS IS HERE!

DRESSES FOR afternoon wear, for business wear, for street wear, and for dinner and informal evening wear—numberless styles.

DRESSES OF taffeta, of crepe de chine, of crepe meteor, of serge, of Georgette, of jersey and of many combinations of fabrics.

DRESSES IN a half dozen tones of blues, of grays and tans, and there are wistarias and purples, rose, black, white, and then some more.

There Are Dresses for Every Woman and for Every Purse! There's Not the Least Doubt but That Your New Dress Is Here! Select It Today. The Lowness of Its Price Will Surprise You. Then, Too, There Are Dresses at Prices Ranging Up to \$45 & More.

—Second Floor—Emporium.

HERE'S GOOD NEWS!

Silk Blouses at \$3.95

The first lot of these blouses went out in a big hurry last week! These will, too, for it's not every day one can buy crepe de chine and Georgette blouses such as these for \$3.95. Scores of models.

—First Floor—Emporium.

Trimmed Hats at \$5

that you'll instantly pronounce "the best values you've seen in a month of Sundays"—and truly, they are.

Most of them were designed and made in our own workrooms—there are blocked models and soft crowned ones, too, of caterpillar and chrysanthemum braids, of silk and of straw and silk combinations.

Ribbon, flower and fruit trimmed—scores and scores of them!

Third Floor—Emporium.

SPRING EXHIBIT

Come, see the fetching new styles for Easter, Spring and Summer! It is an exhibit that will give you an idea with every glance. Not only is the newest here but the best is here, at prices that will cause you to wonder.

OREGON MILLS MAKE GOOD

Lumber Cut Increasing While That of Washington Falls Off.

Oregon mills made a substantial gain in the lumber cut in 1917 over 1916, while mills in Washington showed a decrease, according to statistics compiled by the Portland office of the forest service.

Sixty-five mills in Oregon with 500,000 feet daily capacity or more produced 2,984,641,000 feet of lumber in 1917, compared with 1,742,932,000 feet in 1916. In Washington 146 mills of similar capacity cut 3,428,221,000 feet in 1917 and 3,618,197,000 feet in 1916. The increase in the output of the Oregon mills for the period was 341,809,000 feet. The Washington mills' decrease for the same period was 120,000,000 feet.

Spruce Production Rapid. ABERDEEN, Wash., March 14.—(Special.)—Six carloads or something more than 100,000 feet of airplane spruce has been turned out by the Warren Spruce Company in 10 days. The company, which is just across the line in Pacific County, employs 400 loggers and about 150 soldiers.

Grants Pass to Hear Governor. GRANTS PASS, Or., March 14.—(Special.)—Josephine County's magnificent new Courthouse will again be the scene of a merry throng in the interest of the Red Cross. On Monday will be held a Governor's reception, St. Patrick's ball and concert party. Governor James Withycombe will be the guest of the Grants Pass Chamber of Commerce at a regular Monday noon luncheon and in the evening will meet the citizens at a public reception.

Asphalt, with which so many roads are paved, was found by accident. In Switzerland, natural rock asphalt was discovered, and for more than a century it was used for the purpose of extracting the rich stores of bitumen it contained.



BOSTON Sample Shoe Store
129 4th St. bet. Washington & Alder
Next to S. P. Depot—Near Washington Street

BAD BREATH

Dr. Edwards' Olive Tablets Get at the Cause and Remove It

Dr. Edwards' Olive Tablets, the substitute for calomel, act gently on the bowels and positively do the work. People afflicted with bad breath find relief through Dr. Edwards' Olive Tablets. The pleasant, sugar-coated tablets are taken for bad breath by all who know them.

EVERY MEAL A POISONOUS INJECTION

Few folks suffering from kidney and bladder troubles ever think that the meals which they are taking are hastening the disease. The food which is taken gives up its quantity of uric acid. This poison is taken into the system through a diseased condition of the kidneys and bladder. In the healthy man nature provides an outlet for this poison. Those in ill-health must take a medicinal help to drive this death-dealing poison from the system. For over 200 years GOLD MEDAL, Hartman Oil Capsules have been doing this work. They effect prompt relief in all diseases arising from kidney and bladder troubles. Don't put off this vital matter of attending to your health until it is too late to make your funeral arrangements. Get a box of GOLD MEDAL, Hartman Oil Capsules today. Look for the genuine. Your druggist sells them. They are guaranteed or money refunded. Insist on GOLD MEDAL Brand—Adv.

