STREET CAR PROBLEM DEEMED UP TO CITY

Commissioner Comments on Opinion of La Roche.

TESTIMONY IS QUOTED

Attorney Shown to Have Failed to Bring Up Ownership Constitutionality at Hearings.

SALEM, Or., March 31.—(Special.)—If the city officials of Portland do not desire to or cannot legally follow the recommendations of the Oregon public service commission of furnishing relief to the car riders through the purchase of the rails of the Portland Railway, Light & Power company and granting of other concessions, then it is not only the privilege but the duty of these officials to provide another solution to the problem, according to declaration of Fred G. Buchtel, chairman of the commission, in connection with a statement issued on the legal opinion prepared by W. P. LaRoche, city attorney of Portland, and published in The Oregonian.

The statement commenting on the legal opinion of Mr. LaRoche was signed by both Mr. Buchtel and Fred Williams, who sponsored the original order in the car fare case handed down by the commission last week.

Council Action Presaged.

"The commission has not yet had the benefit of a copy of Mr. LaRoche's opinion on the city ownership of rails," says the statement issued by the commissioners, "nor do we know on what cases he relies to support his contention. However, we were fully advised of the constitutional provision referred to in the press reports, and had, preceding the issuance of our opinion, given the matter considerable thought.

"Commissioner Williams, an attorney and a resident of Grants Pass, had experienced a similar contention there and was familiar with the legal phases of the question, wherein the supreme court upheld the city of Grants Pass under conditions analogous to those prevailing in this case.

"It is probably fair to assume that the opinion of the city attorney of Portland, recently rendered, presages the action of the councilmanic committee, appointed by Mayor Baker, in the course it will ultimately follow.

Statements Are Quoted.

"Primarily the Newell tri-party plan, heretofore very fully presented, may also be in contravention of the constitution, if the city attorney is right; although during these previous discussions and investigations the point was never raised.

"This same constitutional question, it appears, might also have been pertinent to the recent St. Johns terminal extension case, wherein it was stipulated by the city, through Attorney LaRoche, that the city of Portland, through its dock commission, would, if necessary, construct the track and negotiate an operating agreement. During the hearing of this case Mr. LaRoche, for the city, made statements from which we quote:

Mr. LaRoche—Now, if there is any possible way that we can help in this solution by constructing the line with our money—we have the money and we can spend it with some provision for its return at some future date.

Chairman Buchtel—Under that thought why the company, of course, would provide the service, as I am assuming, and, under that thought, you intend or express a willingness to advance the money to permit the construction of the roadway and reached and physical end of it?

Mr. LaRoche—Yes, sir.

"The constitutional question remained dormant.

Purchase Is Discussed.

"In the final hearings on the Portland Railway, Light & Power company's application the purchase of the rails by the city was extensively discussed, and although the city was very ably represented by the city attorney's office, no constitutional question was injected. In fact the city's only witness testified rather fully on the subject and stated that the ownership of rails was the remedy 'more simply and easily applied.'"

A portion of his testimony follows:

Chairman Buchtel—If the city of Portland was the owner of the car tracks, in any working out of a general scheme such as this, would it be advantageous or otherwise, or would you care to say?

Mr. Newell—That is a matter I have been cogitating on somewhat myself. I have never discussed it with the city officials to know what they would think of it at all, but it appears to me that really the proper solution of the city transportation question is to be found in the ownership by the city of the tracks, just as they own the pavements. I don't see any reason why the city should not as well furnish the tracks for street car riders to move on as to furnish the pavement for automobile riders to move on. It would reduce the expense considerably and enable you to give a cheaper fare and it would throw a part of the burden of cost on the general public of the city, which is greatly benefited by the transportation system and which in fact must have it in order to do business effectually. A good system of street car transportation or transportation of some kind is just as necessary to Meier & Frank as it is to any of their employes, although the members of the firm never ride on the cars at all.

Ownership Is Advocated.

Chairman Buchtel—Do you know of any better method than through ownership of tracks?

Mr. Newell—I don't see anything that is simpler and more easily applied than that. There is now a joint maintenance of the street as a whole by the streetcar company and by the city. They have to work conjointly. It would be just as simple for the city to maintain the entire tracks and pavement and all as the present arrangement. And the benefit, as I say, to the city from a good transportation system are very great.

"Certainly we cannot assume that there is any desire on the part of the councilmanic committee to evade a responsibility, but in view of the many times in the past months, both at hearings and at conferences, matters have been discussed wherein Attorney LaRoche's recent point was involved. The eleventh-hour opinion came as a distinct surprise.

No Tribute Contemplated.

"However, our recommendations contemplate neither tribute nor subsidy to the company, nor the advancing of moneys for its benefit—but we advocated a plan designed to relieve the car rider and distribute the burden equitably among all who share the benefits, thus assuring a maximum service at a minimum fare.

"Nevertheless, if the councilmanic committee appointed by the mayor desires to support the testimony of their witness in the recent case and recommend that additional revenues be procured by increasing fares; time and energy will be saved to all, by frankly saying so.

"On the other hand, inasmuch as the opinion in effect technically discredits the commission's recommendations, we know of no reasons to prevent the city's committe from advancing such solution of the problem as they must have in mind and presenting it to the electorate in lieu of ours at the May election, and with their indorsement.

"Finally, may we direct their attention to a paragraph in the report of their witness which was offered in evidence to the commission in the recent case, and which perhaps in their investigations they may have overlooked?

"Additional suggestions will doubtless be made, but none of these measures for the reduction of the cost of service or for a more equitable distribution of the burden of paying for it can be put into operation by the company in the face of serious public opposition. The approval and cooperation of the representatives of the city must first be secured, and it must be made plain to the public that any changes proposed are to be made, not for the profit of the company, but for the benefit of its patrons."

MOVING PICTURE NEWS

Robert Harron, who stars with Lillian Gish in the latest D. W. Griffith production, "The Greatest Question," which will continue to show at the Liberty theater until Friday midnight.

TODAY'S FILM FEATURES.

Columbia—William Russell, "The Valley of Tomorrow."
Rivoli—Lieutenant Locklear, "The Great Air Robbery."
Majestic — Pauline Frederick, "The Peace of Roaring River."
Peoples—Elsie Ferguson, "His House in Order."
Liberty—D. W. Griffith's "The Greatest Question."
Star—Thomas Meighan and Gloria Swanson, "Male and Female."
Circle—Olive Thomas, "Up Stairs and Down."
Globe—Marguerita Fisher, "Put Up Your Hands."

IN these days when the ouija board and Sir Oliver Lodge are so frequently appearing on the first page of the newspapers, the latest D. W. Griffith production entitled "The Greatest Question," now showing at the Liberty theater, is most opportune.

An invisible, intangible power which hovers over children in danger, over worrying, loving mothers and over calloused criminals alike is the theme of "The Greatest Question," incidentally Griffith does not try to answer the question his picture asks. He merely connects by a most gripping, enthralling story a series of incidents and then leaves his audience to form its own conclusions. No one can see the picture without a hundred and one unanswerable questions crowding his brain. He combines with his ever present artistic power a stimulus guaranteed to make busy, weary Americans think and wonder on other things than the price of shoes, the power of new automobile models and the passing revue.

There are two distinct threads running through "The Greatest Question." One concerns a mother whose thoughts continually follow her older son in the navy. At the time of his greatest danger her mind is peculiarly sensitive to his absence and the terrors of war. Immediately following his death she is strangely comforted. Was the vision which came to her real or the result of overwrought nerves? Griffith does not say. The second thread weaves the romance of "Little Miss Yes'm," who is daily subject to forces of evil, but whose sweet wholesomeness is saved by some intangible ever-present force.

Screen Gossip.

New Easter costumes for the ushers of the Columbia theater have been completed by Meier & Frank and will be donned Sunday morning. No hint as to their style or design has been given out by Manager Raleigh, but as his conservative taste in the matter of house attaches is known, the costumes will probably not be overly conspicuous, despite their smartness and general attractiveness.

* * *

Work on Eric von Stroheim's newest production, "The Devil's Pass Key," is nearing completion, according to C. W. Koerner, branch manager for the universal exchange. Von Stroheim will not protray any of the characters in this play as he did in his other large feature, "Blind Husbands," which recently showed in Portland. Its story centers about fashionable Parisian life.

* * *

C. S. Jensen is expected back in Portland today. He has been in consultation with his partner, J. G. Von Herberg, in Seattle. J. J. Parker, Portland partner with Jensen & Von Herberg, has been out of the city and is also expected back today.

* * *

Bert Roach, one of the principals in Mack Sennett's newly released five-part super-production, "Down on the Farm," says that his favorite pastime is golfing. How true this is may be judged from the fact that his devotion to the game gets him up and out at 5:45 A. M. He recommends the game particularly to players of film and stage who are threatened with a development of temperament. Nothing, he says, is such a tonic for the nerves and so restful to an overtaxed system as golf.

* * *

Charlie Murray, veteran comedian and one of the best-known stage and screen artists before the public, will continue his services with the Mack Sennett comedies. A contract to that effect has just been signed by Mack Sennett and his Celtic star. This puts to rest the rumors of the past few months which asserted Murray's early departure from the Sennett forces and his appearance in the near future at the head of his own organization in "a series of rough and tumble farces."

LA ROCHE STANDS BY OWNERSHIP DECISION

City Attorney Reiterates Rail Purchase Impossible.

COURT CASES REVIEWED

Opinion Held to Be Borne Out by Parallel That Council Can Not Buy Street Trackage.

City Attorney LaRoche is firm in his opinion that it is unconstitutional for the city of Portland to acquire the trackage of the Portland Railway, Light & Power company with the intention of leasing the tracks for the use of the company at a nominal figure. In a statement issued yesterday Mr. LaRoche reviews supreme court cases in Oregon dealing with similar subjects, but which, he contends, bear out his opinion given to the city council Tuesday.

"The opinion given to the committee of the council in the matter of the acquisition and maintenance of the street railway tracks by the city covered the plan contemplated, that is, the proposed plan set out in the opinion of the public service commission in the matter of the application of the Portland Railway, Light & Power company for increase in fares of street railway lines in the city of Portland, issued under date of March 23, 1920," reads the statement.

"On page 16 of this report the commission uses the following language:

The adoption of a graduated rental to apply at such time as the company earnings increase to a given figure, would act as a 'governor' and accruale to the city could be applied to the retirement of bonds, or such other purposes as would best serve the public.

Grants Pass Case Cited.

"The rental mentioned in the paragraph quoted was a rental to be paid by the railway company to the city for the use of the tracks after they had been acquired by the city. It will be observed that until the 'company earnings increase to a given figure' no rentals are provided. During such time the railway company would be using the property of the city without compensation. These facts are dissimila rto the fact sin the case of Churchill vs Grants Pass, in which case the town of Grants Pass proposed to construct 10 miles of railway with money secured through the sale of its bonds and upon the completion of construction agreed with one J. F. Ready to sell or lease this road to him. In the Grants Pass case the supreme court pointed out the following facts:

The proposed road has no capital stock, and therefore the city cannot be and does not propose to become a stockholder. It is not being constructed by any private corporation, company or association, and therefore the city cannot and does not propose to aid any such organization or loan its credit to it. The proposition is to build and own a road for the benefit of its citizens. That it may when built lease or sell it does not alter the fact that primarily it is a public improvement for a public purpose. The objection is not tenable.

"In this matter, however, the Portland Railway, Light & Power company constructed, owns and is now using the tracks. The car company is admittedly in bad financial condition and the commission is trying to point out a means of giving this private ompany financial relief. It is the suggestion of the commission, as proposed in its finding, that the city buy at its own expense valuable equipment from the company and then permit the company to have the free use of this equipment until such time as its income is sufficient to pay a rental.

City's Credit Used.

"Under these circumstances the railway company would be using the credit of the city in the operation of its railway at least until a time when its earnings through the use of this property has reached such a volume as would enable it to pay out of the earnings a fair equivalent for the city's property so used. If this statement of fact is true it must necessarily follow that the constitutional prevision inhibiting this use of the city's credit would be violated.

"In the case of Hunter vs. Roseburg, decided by our supreme court June, 1916, the court declared an agreement made between the city of Roseburg and the Roseburg & Eastern Railroad company and the Kendall Lumber corporation for the operation of a railroad to be built by the city of Roseburg was in violation of the state constitution and in that case the court said: 'In determining a question under the constitution the scope and effect of an act or contract are proper for consideration. The view of the court is never limited to the mere letter.'"

15 PRESIDENTS NAMED

County Officers to Direct Work for Salvation Army Week.

Fifteen county presidents to direct the rescue week phase of the Salvation Army home service programme for 1920 in their counties have been chosen and are now busy perfecting county organizations. The presidents, who will act under the direction of John L. Etheridge of Portland, are:

Baker county, T. G. Montgomery, Baker; Coos county (North Bend district), F. W. Wood, North Bend; Coos county (Coquille district), Ned C. Kelly, Coquille; Coos county (Marshfield district), Charles Hall, Marshfield; Grante county, H. L. Kuhl, Canyon City; Harney county, E. H. Conser, Burns; Hood River county, Dr. F. C. Brocius, Hood River; Josephine county, Eugene Coburn, Grants Pass; Lane county, Fred E. Smith, Eugene; Lincoln county, Judge R. R. Miller, Toledo; Linn county, J. M. Hawkins, Albany; Polk county, R. L. Chapman, Dallas; Sherman county, W. H. Ragsdale, Moro; Wasco county, Mrs. Lulu D. Crandall, The Dalles, and Yamhill county (McMinnville district), J. I. Knight, McMinnville.

Mission Conference at La Grande.

BAKER, Or., March 31.—(Special.)—Mrs. William Westwood, Mrs. James Stevenson and Miss Florence Graham will represent Baker at the annual conference of the Presbyterian Missionary society to be held in La Grande this week.

Summer Camp Site Changed.

UNIVERSITY OF WASHINGTON, Seattle, March 31.—(Special.)—Camp Kearney, California, will be the site of the summer camp of the infantry reserve officers' training corps of the western department, according to information received by Colonel Charles L. Phillips, University of Washington commandant. The camp was formerly at the Presidio, San Francisco.

TWO GIRLS ARE MISSING

Women's Protective Bureau Asked to Aid in Search.

The women's protective bureau was asked yesterday to locate Evelyn May Wilson and Grace Owen, two 14-year-old girls who have been missing from their homes in Gladstone, Or., since Tuesday noon.

Evelyn May Wilson is described as 14, but it is said she would pass as 16. She is the daughter of Mrs. H. S. Wilson of Gladstone. She has brown eyes, blonde hair, puffed over the ears, and rosy cheeks. She wore a plaid red skirt, a man's silk shirt, a long green coat, a green tam with an orange pompon and brown shoes.

Grace Owen is the daughter of Mrs. C. B. Owen of Gladstone. She is small for her age and would pass for a girl of 12. She has a round face, gray eyes, brown hair and freckles. She was wearing a green wool middy, a red serge skirt, a short black plush coat and brown shoes.

France Floats Loan in Canada.

PARIS, March 31.—The municipal council today voted to float a loan of $20,000,000 in Canada, repayable in ten years. The proceeds will be used to purchase merchandise in Canada.

STREET CAR VICTIM LOW

Miss Rostad's Condition Serious, but Doctors Hope for Recovery.

Miss Florence Rostad, 16-year-old student of the Franklin high school, who was injured when she fell beneath the trucks of a Mount Scott street car which she was trying to catch at Twenty-ninth avenue and Fiftieth street Southeast Tuesday afternoon, was reported to be in a serious condition at the St. Vincents' hospital yesterday.

The girl suffered amputation of the left leg below the knee and her left hand was so badly mangled that it was found necessary to remove it at the hospital. She also received a bad cut on the head.

She was said to be still suffering from the shock of the accident. Physicians, however, expressed the hope that she would recover.

Read The Oregonian classified ads.

MR. MURAKI FROM JAPAN—

orders shiploads of chemicals, great quantities of wool, lumber, print paper, flour, machinery, garments and canned goods from Oregon.

For Oregon products are so good their fame extends to the far-away Orient.

Associated Industries of Oregon

OREGON QUALITY

CROUP COUGHS USE KEROSENE KREAM FOR INFLUENZA COLDS AT ALL DRUGGISTS

Girls! Girls!! Clear Your Skin With Cuticura

Point to this Package

Your Grocer will see the Point

Kellogg's TOASTED CORN FLAKES

Won its favor through its flavor

DON'T guess. *Select* Kellogg's Toasted Corn Flakes. Your grocer is glad to supply you, for he knows they are guaranteed to please, and he knows every package he sells means a customer who is satisfied with his service.

Rich with the famous Kellogg flavor that enhances the natural sweetness stored in fine, white corn, these most popular corn flakes hold the full energy-making elements of the ripe kernel.

Packed hot from the great ovens, in our "waxtite" packages, they are guaranteed by this signature—

W. K. Kellogg

Every grocer everywhere sells Kellogg's every day.

Your Feet Want Rest and Comfort

Ask your dealer for a package of

ALLEN'S FOOT-EASE

The antiseptic, healing powder to shake into your shoes and sprinkle in the foot-bath

This standard remedy gives quick relief to Aching, Swollen, Perspiring or Frosted feet, Blisters, Callouses, Chilblains, Bunions and Sore Spots.

At night, sprinkle one or two Allen's Foot-Ease powders in the foot-bath, and soak and rub the feet. In the morning shake some Allen's Foot-Ease in each shoe and walk all day in restful ease and comfort.

Nothing relieves the pain of tight or new shoes so quickly. Saves the friction upon nervous, painful feet, and shoes and stockings last much longer.

Used by American, British and French troops. Over one million five hundred thousand lbs. of Powder for the Feet, supplied to our troops by the Government. It Freshens and gives new vigor.

Drug and Dept. Stores sell it.

Don't envy beautiful lustrous hair

Wildroot Liquid Shampoo
Wildroot Shampoo Cake
Wildroot Hair Tonic

If these Wildroot products do not help your hair more than any other similar products, we will pay your money back. Ask your druggist, barber or hairdresser.

We could not guarantee satisfaction or money back if we did not use alcohol in Wildroot, as alcohol adds an indispensable antiseptic quality to the wonderful tonic value of Wildroot itself.

WILDROOT is a preparation that digs right down and cleans out dandruff. We guarantee that WILDROOT will keep your scalp free from dandruff or your money will be refunded. Try WILDROOT just a week—then notice the difference.

If your hair is thin and stringy and dead, try this new treatment: Moisten a cloth with WILDROOT and wipe your hair, one strand at a time from the roots clear to the ends. See how this brings out all the natural beauty of the hair—how soft, fluffy and lustrous it becomes. If you don't get results, you get your money back.

WILDROOT CO., INC., BUFFALO, N.Y.

Wildroot Liquid Shampoo or Wildroot Shampoo Soap, when used in connection with Wildroot Hair Tonic, will hasten the treatment.

WILDROOT

THE GUARANTEED HAIR TONIC