

RAIL DIVORCE CASE
AUTHORITIES CITED

Ben C. Dey Replies to Union
Pacific Attorney.

MR. SPENCER DISPUTED

Final Decision Declared to Rest
With Members of Interstate
Commerce Commission.

Citing of authorities, in the controversy respecting the merger of the Central Pacific from the Southern Pacific railroad, was resumed yesterday when Ben C. Dey, attorney for the Union Pacific, issued a statement in reply to the recent letter of A. C. Spencer, attorney for the Interstate Commerce Commission. Mr. Dey reiterated the position that the interstate commerce commission will have the last word to say. "Mr. Spencer has stated in effect that the interstate commerce commission, in considering the railroad groupings under the transportation act," said Mr. Dey, "is bound by the decision of the supreme court in the Central Pacific case. We have heretofore attempted to make it clear that the supreme court's decision is final and is accepted by Southern Pacific company in so far as the Sherman anti-trust law is concerned.

Commission to Decide. "The commission will, of course, determine for itself whether or not it is bound by the Sherman anti-trust law or by decisions made under that law, and in fact the commission has already settled the question contrary to the views expressed by Mr. Spencer as is shown by the history of the Reading case as follows:

"The case of the United States vs. Reading Co., Philadelphia & Reading Railway Co. and Central Railroad company of New Jersey (253 U. S. 26) was decided by the supreme court of the United States April 26, 1920. The supreme court found that the Philadelphia & Reading railway company and the Central Railroad company of New Jersey were competing carriers and that the common control of these two companies constituted a combination in restraint of trade in direct violation of the Sherman anti-trust law of 1890. The court entered a decree dissolving the combination and requiring the establishment of the entire independence of each of these companies and certain other companies also defendants in the case.

Case Declared Parallel. "This case gives a direct parallel to the present decision of the supreme court of the United States in the Central Pacific-Southern Pacific case, and yet, notwithstanding the decision of the supreme court of the United States in the Reading case, the interstate commerce commission in its tentative grouping of railroads filed August 2, 1921, more than a year after the decision of the supreme court in the Reading case, places the Philadelphia & Reading railway and the Central Railroad of New Jersey in the same system. This action by the commission, pursuant to the terms of the transportation act of 1920, is a demonstration that the interstate commerce commission in carrying out the terms of the transportation act does not consider itself bound by the decision of the supreme court resting upon the Sherman anti-trust law of 1890. Clearly, the commission considers itself unhampered and free to act notwithstanding the Sherman anti-trust law and any court decision made under that law.

Another Example Cited. "Another striking example is that in the system No. 15 established by the commission wherein the Chicago Milwaukee & St. Paul is grouped with the Great Northern. It is common knowledge in the industry that these two roads are competitive, a combination of them would clearly be in violation of the Sherman anti-trust law and yet the commission places them in the same group.

Other instances equally striking might be cited, but the foregoing are sufficient to show that any assumption that the commission will consider itself bound by the supreme court decision in the Central Pacific case is entirely erroneous.

Mr. Spencer further states that if the transportation act had the effect of nullifying the Sherman anti-trust law, in so far as railroads are concerned, the supreme court would have rendered its opinion upon the case but would have dismissed the proceeding, and he cites the case of Mills vs. Green in support of that statement. Mr. Spencer overlooks the point that the transportation act leaves the subject in the hands of the interstate commerce commission, and that the act does not say what railroads may be grouped together, but it instructs the commission to make the grouping, and it is evident that until those groupings have been finally adopted, neither the supreme court nor any other court could give any railroad company relief from the Sherman anti-trust law.

Case Yet Undecided. "The fact is that these groupings heretofore made by the commission, and which leave the Central and Southern Pacific in one system, are not yet final, because the hearings have not been held and the final order of the commission has not been made.

Mr. Spencer comments upon Mr. Sproule's testimony before the California state commission in 1912, but he gives only a part of Mr. Sproule's statement at that time. The fact that in Mr. Sproule's opening statement to the California commission, and which appears on page 129 of the transcript of the proceedings, he said: "Perhaps I should begin by stating, with the permission of the commission, that if the Southern Pacific had been left to its own will it would not consent to the severance of the Central Pacific from its lines."

That was Mr. Sproule's position at that time and it is his position now, and any attempt to befog the situation by quoting portions of Mr. Sproule's statement is entirely unwarranted.

Moving Picture News

TODAY'S FILM FEATURES.
Rivoli—Milton Sills in "Burnt Wings."
Majestic—"The Sin Flood."
Liberty—Richard Barthelmess in "The Bond Boy." Allie George, Larklin and Ollie Kirby in person.
Columbia—Anita Stewart in "Roses the Sea."
Blue Mouse—Owen Moore in "Love is an Awful Thing."
Hippodrome—Rose Dione in "Silent Years."
Circle—May McAvoy in "A Virginia Courtship."

RICHARD BARTHELMESS in "The Bond Boy" is the current feature attraction at the Liberty theater. This is a fine photoplay production, and the star does splendid work, but it does not measure up to the standard set by "The Bond Boy" which was a masterpiece. The story concerns itself with the old practice of bonding out children until they became of legal age. In this instance the star consents to be charged with his mother from the poorhouse. The man for whom he works is a tyrant. His second wife is young and attractive and longing for attention and admiration. She does not receive it from the bond boy, but does from a wandering agent with whom she plans to elope.

That individual is not so particularly anxious to have her as he is to get possession of the old man's money, the hiding place of which the wife has accidentally discovered. The elopement is interrupted by the bond boy. The book agent is waiting outside. The husband returns. The wife is pleading with the boy to permit her to go. In her mocked earnestness she put her arms about him as the husband enters. He accuses the boy of stealing his money and attempting to steal his wife, and declares he will kill them both. He reaches for a gun hanging on the wall, which accidentally discharged, killing him. Suspicion falls on the hero, who remains silent to protect the erring wife. He is tried and convicted of murder. Then follows long, depressive scenes of the boy in prison, awaiting execution.

understand that the solution of the present controversy does not rest finally with the interstate commerce commission. As to that, I have only to say that it has heretofore been announced from Washington that the hearings before the commission on this very matter will be held in the immediate future.

FAIR TRIALS DEMANDED

Redmond Bodies Ask Impartial Hearing for Dismissed Men.

REDMOND, Or., Oct. 11.—(Special.)—Resolutions have been adopted by the Ray Johnson post, No. 44, of the American Legion, and by the Redmond Commercial club declaring unfair the action of the state aid commission in dismissing O. B. Hardy and H. J. Overturf, who were charged with rendering false reports to the state aid commission. The resolutions demand that these men be given a fair and impartial hearing and be judged innocent until proved guilty.

Another resolution adopted by the two organizations requests the state aid commission to expedite the granting of loans to veterans in Deschutes county. In some cases, it is said, veterans who have fulfilled bond requirements are liable to lose their equities due to the delay in awards.

EDWARD LAFAZE, 96, DIES

Packer of Early Days and Retired Rancher Succumbs.

WALLA WALLA, Wash., Oct. 11.—(Special.)—Edward Lafaze, 96, died today. He had lived in the west for 50 years. For 12 years he operated a wagon train for transporting freight between Umatilla and Boise. He had many narrow escapes from Indians and reached "Dead Man's Hill" in the Blue mountains, near Pendleton, a short time after a man named Scroggin had been murdered by the Indians. The name of the hill was given following the murder.

Mr. Lafaze was a native of Canada, born September 15, 1826. He lived in Illinois, then went to Colorado, moving to Athena 50 years ago. He retired as a wheat rancher a few years ago. He leaves two daughters, Mrs. Louis Bergevin and Mrs. Joe Bergevin of Athena; 13 grandchildren and six great-grandchildren.

Workman, Hit by Sling, Dies.

ABERDEEN, Wash., Oct. 11.—(Special.)—John Daugherty, Aberdeen stevedore, who was caught under a sling today, died from the injuries last night at an Aberdeen hospital. Funeral services will be held next Sunday under direction of the local sailors' union, of which Daugherty was a member.

BLACK HAT WITH QUILLS GOOD STYLE THIS SEASON.



One of the new fall hats of black has quills of the same material, stitched with blue, making a noticeable contrast.

Things You'll Love to Make



A Scalloped Drapery for Your New Fall Frock.

MOST of the new frocks show some sort of drapery. Here is one in the form of a wide sash that you can add to almost any one-piece frock and give it a new touch: Scallop one end of several ten-inch bands of silk or ribbon. (The bands should be about five inches wide.) Place these bands. Then applique a scalloped piece of embroidered, beaded or brocaded material to the scalloped end of each piece. Join these pieces, one under the other. Gather in the top one and join it to the side of your frock. (Of course, to be up to the minute your frock should be draped at one side.) Finish the joining with a row of flowers or beaded ornaments. FLORA. (Copyright, 1922, Public Ledger Co.)

Chamber Committees Named.

EUGENE, Or., Oct. 11.—(Special.)—Albert R. Tiffany, the new president of the Eugene chamber of commerce, has named the standing committees for the coming year as follows: House, Ralph Martin, W. K. Newell and Donald Young; finance, Harold Beystein, A. A. Rogers and Herbert Clark; social, George McMoran, L. T. Sparks and A. A. Rogers; publicity, Ralph Martin, L. T. Sparks and A. A. Rogers; membership, Donald Young, George McMoran and H. Beystein; agricultural, A. A. Rogers, M. H. Harlow and E. H. Ross; finance-Eugene road, W. K. Newell, L. L. Ray, Fred Fisk and L. E. Bean; fair, M. H. Harlow, Carl Washburne, W. H. Robertson, J. C. Erick, R. S. Barrett, W. A. Ayres and L. P. Whitney.

Rebeksahs to Hold Convention.

EUGENE, Or., Oct. 11.—(Special.)—The Rebeksahs will hold a district convention in Eugene October 25. It is expected that there will be good attendance from the lodges in the district. State officers will be here.

Read The Oregonian classified ads.

ACTOR RECALLS STORM

TOM WISE HERE FIRST 38 YEARS AGO.

Star in "Three Wise Fools" at Heilig Remembers Blizzard Which Swept Oregon.

When Tom Wise, who is starring in "Three Wise Fools," which opens an engagement at the Heilig tonight, sets foot in Portland on this occasion he may be tempted to let his memory drift back to his visit of 38 years ago, and if prone to comparisons then the contrasting picture he may draw will be interesting to say the least. Not that Mr. Wise has kept away from Portland all these years, for he has not. He has visited the city numerous times and has been welcomed in many excellent roles.

But to return to his memorable visit of 1884. Mr. Wise as a member of the Joseph B. Grismer and Phoebe Davies company arrived on December 15 on the last train which reached Portland from the east for 31 days. It was the date of one of the biggest storms and blizzards which has ever swept the state of Oregon. Beginning with a few inches of snow, the storm gathered headway, and in the next few days The Dalles and Hood River were hidden under a feet of snow, which was drifting badly.

Meanwhile the Grismer-Davies company was making a most favorable impression at the New Market theater in "Monte Cristo." Mr. Wise was cast in the role of Danglars. On the second night of his memorable engagement the audience had to be dismissed. Quoting from The Oregonian: "Owing to the failure of the gas last night the New Market theater was in inky darkness, although otherwise very warm and comfortable. The company wanted to play by candle light, but the manager of the theater would not agree."

During the first three weeks of the engagement great excitement prevailed in Portland because of the hundreds of passengers on the snow-bound trains near The Dalles. It was on January 7 at 2 o'clock in the morning that the first of the snow-bound trains reached Portland.

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CATHOLICS WILL MEET

Eucharistical Conference Opens in St. Johns This Morning.

Discussion of two highly important subjects, "The Pacific Ocean of Christ in the Eucharist" and the "People's Eucharistical League," will occupy the morning session of the seventeenth annual eucharistical conference of the Catholic church, which will open this morning at the church of the Assumption in St. Johns. Monsignor Lane of Albany is director of the conference and will preside over the opening. Archbishop Christie of the archdiocese of Oregon City will be present and participate in the meetings.

BOOSTER CLUB FETED

Grocers and Merchants Entertain at Dancing Party.

The Portland Grocers and Merchants' association celebrated the success of their annual grocers' picnic by entertaining the Booster club, an organization of salesmen who call on the grocer trade, at a dancing party at the Commodore hotel ballrooms Tuesday night. The dancing programme was augmented by vocal selections rendered by the Boosters' quartet, made up of Bud Long, Willamette Jones, R. J. Simmons and A. W. Reare. The entire mezzanine floor of the Commodore was used, and was selected attending. Card tables were provided for 500.

The 1922 picnic committee, W. W. Hill, J. C. Macan and Barry Corliss, were in charge of the affair, with D. R. Norton, field secretary, looking after details.

Albany Has New Librarian.

ALBANY, Or., Oct. 11.—(Special.)—Miss Elizabeth Merrill was elected Librarian of the Albany public library to succeed Mrs. Viola E. Franklin, resigned, by the library board at its regular monthly meeting last night. Miss Rheta Hayes was the assistant. The board also estimated that the cost of the library for the coming year would be \$2977.54. These figures will be



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Willys-Overland Pacific Co.

Table with columns for Roadster, Touring, Coupe, and Sedan, showing prices for Was and Now.

Broadway at Davis Broadway 3535

submitted to the city budget committee. Three vacancies on the board also will be reported to the city council. They are those left by Dr. M. H. Ellis, deceased; Mrs. D. H. Bodine, secretary, and H. H. Hewitt, president.

11 under the auspices of the Albany county will be invited to participate. Arrangements for the celebration of veterans' organizations in the county will be placed in the hands of the post.

entertainment committee composed of Frank C. Stellmacher, chairman; Mary Stevens and C. E. Jordan.

RIFLE RECORD UNUSUAL

Sergeant Ray Powers to End Service With Marines Today.

Sergeant Ray Powers, Portland man, who has been connected with the marines since 1917 and for the last three years has been doing recruiting work at Portland, will receive an honorable discharge from the service today. He will take a position here with the American Carburetor company.

Previous to the war Sergeant Powers and his mother operated what was known as Canary cottage, a roadside on East Eighty-second street. He made an unusual record as a rifleman during his service with the marines and was selected to represent the Portland district in the western division rifle match in 1920, finishing in fourth place with a score of 520 out of a possible 700. He was drill range instructor for 15 months at Mare island during the war.

Armistice to Be Celebrated.

ALBANY, Or., Oct. 11.—(Special.)—A county-wide Armistice day celebration will be held here November

Advertisement for SMART Peacock Styles, featuring an illustration of a woman and a child, and text describing the styles and prices.

Advertisement for The Pacific Telephone and Telegraph Company, featuring the Bell logo and text about long distance service.