DECISION ON RENTS DECLARED UNIQUE

Supreme Court Interprets Constitution Liberally.

LANDLORD SUITS PILE UP

Contract Permitting Tenant to Keep Property at Old Rental Basis Upheld, 5 to 4.

BY MARK SULLIVAN.

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WASHINGTON, D. C., April 30.—A rising tide of discussion about a decision on rents handed down by the supreme court last week has brought that decision to a point where it engages the attention of constitutional lawyers and public men more fully than any subject of mere legislation. Your correspondent is assured that the discussion will quickly spread throughout the country.

Both those who like the decision and those who dislike it intensely agreed that its importance is extreme. Apparently it was only because of accidental circumstances that the decision failed to make at the moment it was handed down the sensation which many serious lawyers say it will make as soon as the lawyers, judges, editors and other commentators of the country are aware of its direct present effects on the constitution and its implications as to the future.

Justice McKenna Moved.

The assertion that the effect of the decision on the constitution of the United States is sensational does not rest mostly on the constitutional lawyers here in Washington who are now saying it. Grounds to justify their description of it as sensational are to be found in the words of the court itself. Justice McKenna, who was strongly opposed to the decision made by the majority of the court and who handed down the dissenting opinion, in that dissenting opinion repeatedly uttered words of alarm at the effect of the decision on the sanctity of the constitution and its implications for the future. That Justice McKenna was deeply moved is readily to be seen from an examination of his words. Several local students of the constitution who are now discussing the decision say that it ranks in fundamental importance with any decision ever handed down by the supreme court, and that its effects on the heart of the constitution, as written in the beginning are as far-reaching as any of the courts' most history-making decisions.

Many Suits Arise.

Stated as simply as possible and with a due warning to the reader of the limitations involved in giving mere extract from a decision, and paraphrasing its spirit, the case was this: Congress, during the war, passed a law applying to the district of Columbia known as the rent law. Stated roughly, it provided that a landlord cannot get his property back from a tenant at the end of his lease if the tenant is willing to go on paying the same rent. A similar law was passed by New York state applicable to New York City. The laws were obviously contrary to the normal sanctity of contracts. However, they were passed and many tenants, both in New York and in Washington, took advantage of them. A multitude of suits arose.

Cases Are Appealed.

In the lower courts the laws were quickly declared unconstitutional, but in due course two of the suits, one from New York and one from Washington, were united and carried up to the supreme court. It is the decision in these two cases which is now described as so sensational. The present decision by the supreme court upholds the law and decides that the landlord cannot eject his tenant at the termination of the lease. The court was divided on lines of five to four. The justices who decided in favor of the law are Holmes, Day, Pitney, Brandeis and Clark, the decision being written by Holmes. These include the justices who are commonly regarded as more sympathetic to liberal movements and to an elastic construction of the constitution. The dissenting justices were the chief justice, Mr. White, together with McKenna, Van Devanter and McReynolds.

Emergency Up to Congress.

Justice McKenna wrote the dissent. With due regard to the danger of paraphrasing an opinion, it may be said that in essence Justice Holmes declared that congress or a legislature has a right to be the judge as to whether public conditions constituate an emergency, and that congress or a legislature, having asserted that there is an emergency and having passed a statute designed to remedy the emergency, then the supreme court has no right to overrule the legislative decree. The objections to the law were obviously that it is in conflict with those articles of the constitution which forbid the taking of private property without due process of law and which forbid legislators to pass any laws impairing the validity of contracts.

Describing that act of congress, Justice McKenna says: "If such exercise of government be legal, what exercise of government is illegal?"

STEINBACH DENIES GUILT

Alleged Violator of White Slave Act in Federal Court.

A plea of not guilty was entered by Jerome B. Steinbach in federal court yesterday to charges of violating the Mann white slave act. Through his attorney Steinbach, who is a member of a prominent family, requested that no trial date be set at present. Steinbach was indicted some time ago and was arrested in Los Angeles on telegraphic warrants from Portland.

The charges grew out of the alleged transportation of Miss Mae Pope from Portland to Augusta, Ga., where Steinbach was stationed during the war, and from New York city to Portland.

BENSON ORDERS PAY CUT

(Continued From First Page.)

the new scale there would not be an immediate general tying up of shipping on the Atlantic, Pacific and Gulf coasts, because many vessels are at sea and the men must serve until they are brought to port. The service, however, will be at the existing wage scale.

Shipping board officers said they had laid plans to keep the government fleet in operation in event of any walkout. It was stated there were some 30,000 sea-faring men idle and that little difficulty in manning the ships was anticipated.

Labor department officials estimated that a general tying up of American merchant ships would result in a loss of approximately $1,000,000 a day, figured on the value of the craft. This, it was explained, did not take into account losses which might accrue by reason of tying up freight. On the other hand, it was said at the shipping board offices that the government might save money if the ships did get tied up, because many of them are being operated at a loss under present economic conditions.

NONUNION CREW IS SIGNED

Local Office Expects No Difficulty in Getting Men.

The eve of what threatens to be the greatest marine strike in the history of the country brought no important change in the local situation. Though the official strike order was not to become effective until midnight last night, strike conditions have practically prevailed here for three days.

A full crew of non-union men was placed on the shipping board steamer West Himrod yesterday afternoon, and the vessel probably will go down the river this morning from the Victoria dolphins. She was tied up at the dolphins yesterday, along with the steamers Eastern Guide and Pawlet. All three of these steamers have their cargoes all stowed, and will be ready to proceed to sea as soon as their complement of men and officers is obtained.

As practically no crews are signed here ordinarily for privately owned vessels, it is expected that the strike will have less direct effect here than at other Pacific ports. Men and officers who are already aboard steamers cannot leave suddenly without laying themselves liable to charges of desertion, which, in the case of licensed officers, might result in the loss of licenses.

Lieutenant Harold C. Jones, local head of the sea service bureau of the shipping board, whose duty it is to provide men for the ships as they are needed, declared yesterday that he expected no difficulty in detaining as many men as may be needed to take the places of the strikers.

"One full crew was signed on today," he said, "and my office was thronged with many more experienced men who are willing to work for the new wage scale and under the new conditions. These men consider that they are performing a public duty and a service to the government, and do not look upon themselves as strikebreakers."

Commenting upon the work of the sea service bureau, the demand on the part of the unions for the abolishment of which forms one of the causes for the strike, Lieutenant Jones yesterday quoted figures to show the increase in recent months of the percentage of Americans supplied to American vessels through the activity of this bureau. In December, 1920, he said, American citizens constituted 67.7 per cent of the crews signed on American vessels at Portland. In January of this year this percentage increased to 72.7 per cent, in February to 77.2 per cent and in March to 80.9 per cent.

WHAT CONGRESS DID AS ITS DAY'S WORK.

Senate.

Adopted the Knox peace resolution by a vote of 49 to 23.

Emergency tariff bill favorably reported from finance committee and made the unfinished business, thus bringing it up for discussion Monday.

Johnson of California returned to fight the nomination of David H. Blair to be commissioner of internal revenue and will give out a statement of his attitude Monday.

House.

Voted to keep the size of the army to 150,000 men.

Communist revolution propaganda circulated in western states, members declared.

ISSUE HELD UP TO WORKERS

Steamship Owners Official Says Limit Has Been Reached.

BOSTON, April 30.—Captain E. E. O'Donnell, chairman of the wage committee of the American Steamship Owners' association, said in a statement today that the ship owners "had reached the extreme limit of concessions" to the marine workers and that "under no circumstances" would there be arbitration of the 15 per cent wage cut, effective tonight.

"If the men want to take the cut the ships will run," he said.

"If they refuse, the ships will remain at the docks. It is now a question of whether we shall have an American merchant marine or a merchant marine."

The proposed wage cut, he said, was changed from 25 per cent to 15 per cent at the "earnest solicitation" of Admiral Benson, chairman of the shipping board.

MARINE WORKERS MAY QUIT

General Strike Is Not Looked for on New York Waterfront.

NEW YORK, April 30.—Meetings of marine workers will be held tomorrow to discuss the action of the shipping board in ordering a 15 per cent reduction in wages effective at midnight tonight.

No general strike is looked for, although union officials predicted that many men would walk off the ships and refuse to work under the new wage scale. Union leaders pointed out that this was the attitude the men themselves were taking.

Forgeries Laid to "Bell Hop."

James Price, a "bell hop," 18 years old, was arrested yesterday by Police Inspector Welch on a charge of issuing worthless checks. He was arrested at a dairy store at 289 Yamhill street, where, it was charged, he attempted to cash a check for $29.58. Police said that numerous bad checks passed during the past few weeks bear the boy's signature.

Still Operator Is Fined.

Elmer Dean, arrested at Thirtieth and East Morrison streets, where he was operating a five-gallon still, was fined $150 by District Judge Deich yesterday.

BOND FORGER GETS FOUR TO 20 YEARS

Jay E. Hough Is Sentenced by Spokane Judge.

INTENT TO APPEAL DENIED

Convicted Swindler of Wallace Miner Says He Wants to Begin Term at Once.

SPOKANE, Wash., April 30.—(Special.)—Jay E. Hough, convicted of first-degree forgery in connection with an alleged fraudulent issue of bonds of the Teel irrigation district of Echo, Or., was sentenced by Superior Judge Oswald today to a term of four to 20 years in the state penitentiary.

Passing of sentence followed dismissal of a motion for a new trial. Hough later stated that he would not take an appeal to the state supreme court from his conviction. He was committed to the county jail to await removal to the penitentiary.

In passing sentence Judge Oswald informed the defendant that his plea of having committed the forgeries under duress of threats by his late partner, John B. Milholland, had failed to convince him, and that he was unable to see any mitigating circumstances.

Hough confessed last January to forgeries, by means of which he and his partner were alleged to have defrauded James F. Callahan, wealthy mining man of Wallace, Idaho, of between $300,000 and $400,000. Milholland committed suicide at his home when officers sought to arrest him.

Defendant Acquitted Once.

A jury in superior court last month acquitted him of a similar charge in connection with an issue of bonds of Liberty county, Montana.

"Yes, I have decided not to appeal," said Hough, while Judge Oswald declared a recess to study over the sentence he should impose.

"I have no money, and my father-in-law has had to spend thousands of dollars to defend me. I still believe the verdict of the jury in the first case, when I was found not guilty, was a just one, but in this second case I cannot ask my father-in-law to carry the case up to the supreme court and pay the expenses incident to an appeal. It might only prolong the agony, as there is no assurance that the supreme court would hold differently than the lower court. I have decided the best way of it is to get down to Walla Walla and start serving the sentence as soon as possible."

Following the sentence, the two certified checks for $15,000 and the $20,000 property bonds, deposited for Hough's appearance in court, were ordered released by Judge Oswald at the request of counsel for Hough.

Sentence Faced Firmly.

When Judge Oswald was passing sentence Hough stood erect. As he came back to his seat after sentence was pronounced he had tears in his eyes.

To a reporter Hough said:

"It is tough lines, but the sentence is less than I expected. I thought the minimum would be five years. It is hard to have to serve time for something that was the fault of another, but I intend to make the best of it. It is a case of simply grin and bear it, and take my medicine."

Hough was not expecting to be sentenced today, and when Judge Oswald decided to hear the matter on account of going to the coast next week, Attorney Plummer sent for Hough, who drove to the courthouse in the electric machine that was used by himself and family during the trial. When he left the courthouse he was accompanied by Deputy Sheriff Wood, who got into the electric with Hough to drive to Hough's home to get his belongings and bid his wife and relatives good-bye.

Relatives Are Absent.

None of Hough's relatives were present when sentence was passed.

The firm of Milholland & Hough until January 9 occupied offices in the Sherwood building.

Jay Hough's wife was formerly Miss Vera Sengfelder, daughter of Mr. and Mrs. John Sengfelder, well-known pioneers of Spokane.

Hough's defense in both cases was duress; that he signed the forged bonds because Milholland held a gun at his head and threatened to kill him if he refused. He was acquitted by the jury in Judge Huneke's court on the first trial. In the second trial evidence of two other forgeries was introduced. In the first case the jury was out but about a hour, when it returned a verdict of not guilty. In the second case the jury took but one ballot and found Hough guilty.