

COMMISSION FEARS FEDERAL DECISION

Hepburn Interstate Act May Lose Effectiveness—Basis for Fear Soon to Be Determined—Shippers Are Ready for Vigorous Contest.

By John E. Lathrop.
Washington, Dec. 11.—Members of the Interstate Commerce commission are apprehensive that the effectiveness of the Hepburn interstate commerce act will be destroyed by federal court decisions. This apprehension is caused by the apparent attitude of the courts in cases thus far decided, and observation in general of the current trend of judicial findings.

It is expected that pending issues will be discovered soon just how sound is the basis of this fear; for powerful shippers of the central western region are about to engage in a contest with the carriers in a case in which are involved rates from the territory north of the Ohio and east of the Mississippi and west of the Alleghenies, to territory south of the Ohio.

Power Is Questioned.
No secret is made by the roads that they hope to prove in the courts that the commission possesses no power to make rates or determine the relationship of rates.

And equally open are some of the members of the commission in averring that the outcome of this case will largely decide whether the government is to go on to further solution of the present puzzling traffic problems, or, worsted, await additional legislation and possibly even have to procure amendment of the federal constitution.

"We must be given additional powers," was the rather startling assertion of one of the commissioners, "or we may as well retire from the Interstate Commerce business. It is hoped by the carriers, they get court opinions sustaining what will be their contention in the pending case, we will be in exactly the same situation as we were in 1894 the courts divested the commission of the powers designed when the original Interstate Commerce act was passed."

Maximum Rate Case.
The 1894 decision of the court to which reference is made was the celebrated rate case, in which the opinion was that the commission possessed no powers to make rates or determine the relationship of rates.

At that time, 14 years ago, the question was as to the reasonableness of rates from the central western territory to points south of the Ohio river, as compared with rates to the same points from the New England and New York territory. It was largely that decision of the court which caused the commission to remain a mere perfunctory adjunct of the federal government until the Hepburn act was adopted in 1906, which it was hoped would invest the commission with powers sufficient to enable the proper settlement of disputes between shippers and carriers.

The pending case was instituted by shippers' organizations of Chicago, Indianapolis, St. Louis and other large centers, and has been accepted apparently by the carriers for a final test of strength of the commission. The case is not involved or intricate, but hangs simply on the degree of authority which the law makers gave the commission in the 1906 law. The commission doubtless may hand down an opinion ordering certain alterations in the rate status, and the roads promptly will appeal to the courts, carrying it to the supreme court, for final pronouncement.

Shippers' Contentions.
The shippers will complain that rates from the central west to south of the Ohio river territory are too high as compared with rates from the north-

east to the same territory; the decision of the commission, adverse to the roads, will go up on the question of the sufficiency of the commission's authority, and then the judiciary once for all will end the uncertainty.

"If there should be a court finding against us," the commissioners said, "it will be necessary to ask congress for additional powers. For it may be accepted as fact that the country must be given a larger measure of control of rates, else the whole plan upon which we are now proceeding will prove to be abortive; that is, if we get a court decision adverse to us in the case about to be fought out."

The still more radical opinion is known to be held by one of the commissioners that conditions now prevalent and those which he fears may come to pass in the near future, discourage all discerning advocates of effective governmental regulation of freight rates and practices. "It is quite as much the regulation of practices as of rates which all informed men understand to be vital."

Knapp's Article.
So long ago as 1900, Martin A. Knapp, chairman of the commission, in the Annals of the American Academy of Political and Social Science, appended with an article tending toward government ownership of railways as the solution of the problem. It is not Mr. Knapp to whom reference has been made heretofore in this letter, and although in the nature of the case it would be impossible to indulge in more direct mention of personality than has been made herein, it is becoming known that the efficacy of the existing law has been seriously questioned by members and important attaches of the commission.

As a result of numerous interviews, always of a personal nature, with the various members of the commission and its staff of assistants, I am compelled to record that some of them believe that in the main the federal courts are not disposed to follow closely the progress toward more liberal views of government regulation.

"In every age," one of them said, "the courts tincture their findings necessarily with popular thought. Indeed, in the last analysis, public opinion is the court of appeal, and courts today decide in a manner which would have been thought to be anarchical yesterday. But the courts are manifesting an almost reactionary tendency nowadays, and most of the decisions run along a line not parallel with advancing public demand for regulation of common carriers."

Gives Most Concern.
"It is this thing which gives us most concern, if, for instance, the pending case of the middle western shippers were to be decided by the supreme court against our powers to make rates and determine the relationship between rates, the whole scheme of government regulation now in force would fall to the ground, and there would be a mighty impetus to government ownership as the only other alternative."

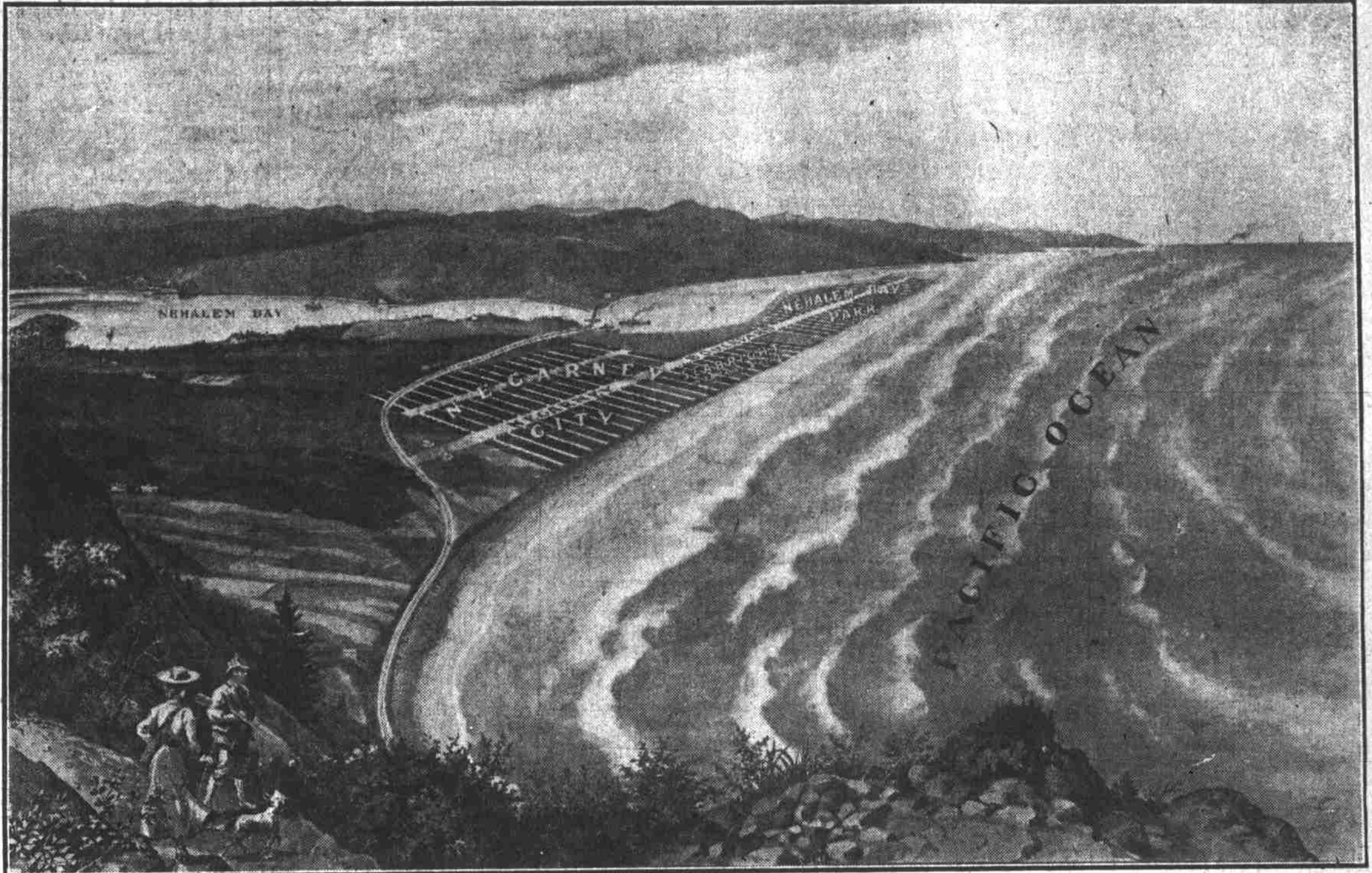
I am saying what in real earnest is the belief of many persons employed in the commission's offices here, when I assert that government ownership may become a genuine issue in the near future, cherished as it is, the present provision for regulation is in danger.

The railways by no means have accepted it as final. They are prepared to attack it savagely after long preparation by the ablest legal minds of the nation. And when they strike, they expect to strike hard, hard enough to lay the Hepburn act on its shelf set apart for innocuous statutes.

NECARNEY CITY—BEACH RESORT

Present prices of lots (all 50x100), \$75.00 each. ON AND AFTER DEC. 16, 1908, THE PRICE OF SAID LOTS WILL BE \$125.00 EACH, an advance of \$50.00 per lot, and this last named price will be subject to an advance without notice. We feel jubilant on being able to make this announcement, and are fully justified in making this advance in prices for the following reasons:
First—A recent survey of the P. R. & N. Railway has been made bringing this road directly upon this peninsula and within a stone's throw of this property.
Second—A water company is now forming to bring pure spring water directly down NECARNEY BOULEVARD, and onto this property by the time rail transportation is there. You can

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NECARNEY CITY is a real pleasure resort. Nehalem Bay is a beautiful stretch of water about eight miles long, and for yachting and boating cannot be surpassed, while fish of all kinds abound in its waters, and crabs and clams are too numerous to mention; and during the open season for duck-shooting, thousands of these feathered fowl are seen floating upon its placid bosom; and the hills back of this resort and across the bay abound with wild game of all kinds, and the small streams emptying into the bay and ocean about this resort are fairly alive with the justly-famous mountain trout. In fact, the many things that make it a pleasure to spend your vacation at a certain place are all about you at this resort, and these foregoing facts will

make this property very desirable, and especially the fact that this resort is and will always remain the closest beach resort to Portland, will make this property become very valuable. And upon the advent of the railroads into Tillamook County, one survey of which is but a few hundred feet away, and the other but across the bay, and each of them interested in getting into the county as quickly as possible, and with at least two electric lines running surveys into the same place, this property will advance in price with a speed that will be astonishing. We firmly believe that to purchase lots in Necarney City at present prices is the very best investment one could make in Oregon.

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SOLDIER KILLS HATED RIVAL

Private Duke Murderer of Sergeant Stanton at San Francisco—Jealousy.

(United Press Leased Wire.)
Pacific Grove, Cal., Dec. 11.—Jealousy over a woman has brought Private D. C. Duke, company B, Twentieth infantry, to prison with two charges hanging over him, the murder of First Sergeant Edward Stanton of the same company and an attempt to kill the woman in the case.
The affray took place yesterday in a tannery restaurant, where Duke discovered Stanton and the woman eating together. Mad with jealousy, the soldier ran back to the presidio for his revolver. Returning he opened fire on Stanton without warning. Both shots took effect and Stanton fell dead.
Duke fired twice at the woman, but missed. Then he turned to escape from the building. At the door he ran into Policeman Bosch, who ordered him to halt. Duke raised his weapon, but before he could fire Bosch sent a bullet through his shoulder. Duke dropped to the ground, and was later arrested and sent to the army hospital. It is said his wound is not dangerous.

WOMEN FIGHT EACH OTHER WITH FIRE

(United Press Leased Wire.)
Chattanooga, Tenn., Dec. 11.—One woman was burned to death and another has escaped after having a hole burned through her cheek with a red hot poker, as the result of a terrific fight between two inmates of the female department of the Knox county workhouse.
The trouble started Wednesday night when Lizzie Bryce, armed with a razor, attacked another woman. The Bryce woman knocked down her opponent and standing over the prostrate form, pressed the hot poker against the fallen woman's cheek until it burned its way through the flesh. The screams of the victim attracted attention, who overpowered the Bryce woman in time to save the other's life.
Early the next morning Lizzie Bryce awakened to find her bed in flames. She was so badly burned that she died yesterday. The girl with a hole burned in her cheek had disappeared during the night.

POSTAL SAVINGS BILL MONDAY

(United Press Leased Wire.)
Washington, Dec. 10.—The senate today received the report of the controller of the currency. Senator Lodge announced that he would discuss the Brownsville case next Wednesday. An adjournment was taken until Monday, when the postal savings bank bill will be discussed.

WALLOWA MAN DIES AT ELLENSBURG

(United Press Leased Wire.)
Ellensburg, Wash., Dec. 11.—Keith McLaughlin, whose home is at Wallowa, Or., died at the home of friends, in great pain, after eating a hearty supper at a Chinese restaurant here. Presumably ptomaine poisoning was the cause of death.

PROSPECT PARK

The Cream of Irvington

IS ALREADY THE MOST DESIRABLE RESIDENCE PART OF PORTLAND FOR THE FOLLOWING REASONS:

- Proximity** Only a mile and a half from the retail center of the city. In the midst of the best and most rapidly growing home section. Quick transportation and the finest automobile streets to and from town.
- Improvements** Over \$250,000 spent in making the property the finest improved district in the northwest. Asphalt pavements, cement walks and curbs, sewer, gas and water mains and everything completed ready for building.
- Environment** Being a part of Irvington, its social surroundings cannot be questioned. Being at an elevation of 190 feet, it overlooks the adjoining additions and commands a scenic landscape that people travel thousands of miles to see.
- Prices** Considering its improvements, its location and its proximity to the activities of the city, it would be expected that lots in this addition would sell rapidly for as much as \$2000. As a matter of fact, the prices are \$1000 and up.

- Transportation** On two carlines, Woodlawn and Alberta. Cars every three and five minutes all day long. No transfers or roundabout right of way. A ten-minute ride from Second and Washington, where the cars may be taken.
- Restrictions** On homes, \$2500. Nothing but homes may be built. Only one to a fifty-foot lot. Must stand 25 feet back of property line. These restrictions are not burdensome to the class of people who will build in PROSPECT PARK.
- Possibilities** Within two years it is conservatively estimated that the property will double. At present prices it surely will. The tremendous demand for exclusive districts makes PROSPECT PARK unusually desirable.
- Terms** It has been decided to sell property in PROSPECT PARK upon terms that will be very easily met by those people who are able to build \$2500 homes. In this manner it is hoped to build the district up very rapidly.

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