

I. C. C. MAY STEP IN IF RAILROADS UNABLE TO HANDLE CAR SHORTAGE

Set of Rules Enforcing Equitable Distribution and Return of Cars Anticipated.

SOME LINES ARE NOT FAIR

Those Which Return Foreign Cars Often Suffer as Result of Failure of Others to Do Same.

Washington, Jan. 29.—(WASHINGTON BUREAU OF THE JOURNAL).—Unless the railroads themselves take prompt and effective steps to distribute all classes of cars to the shorted lines, the Interstate Commerce commission will step in with an order providing the rules under which cars may be handled and used.

This is the broad meaning of the commission's opinion in the car supply investigation, in which rules have been prescribed for open top coal and coke cars and for railroad-owned refrigerator, insulated and ventilated cars. The substance of the order is that such cars shall be returned to the owning roads, the commission finding that the misuse of freight cars by foreign lines is the great evil of car shortages.

Railroad executives have made much of their efforts to cure the situation through the car service committee, which from time to time has issued directions for the return of cars and has endeavored to secure relocation in such manner as to promote rapid handling. This does not offer adequate remedy, the commission finds, because the car service committee does not have power to enforce its recommendations.

The result is that railroads that comply in good faith with the "orders" of the committee, are themselves placed at a disadvantage with other lines which make no effort to help relieve the situation.

Commission Is Divided.
The commission was itself sharply divided on the question of its authority to make rules for the supply and interchange of cars. This led to a vigorous dissenting opinion from commissioners Clark, Clements and Hall, who broadly intimate that the majority of their colleagues are stretching the cloth too far.

"If the law can be interpreted differently from time to time to fit conditions that obtain on the railroads," says Commissioner Clark in his dissenting opinion, "and the commission exercises in a time of stress a power which it has not only never before felt that it had, but which it has several times said it did not have, it adds to its delegated administrative and quasi-judicial powers, legislative powers, for the exercise of which I can find no justification."

Authority Lacking, Contentious.
The position of the dissenting members was that the carriers should give full authority to a committee to change car service rules to meet any given situation, but that unless Congress legislates further, the commission lacks authority to make rules of its own.

In the majority opinion, given by Commissioner McChord, it was pointed out that while the commission was divided in its views as to the law, "the wrongs are flagrant, and even if there were doubt as to the commission's power to give full relief by formal order, we think that in the emergency the doubt should be resolved not only in favor of the carriers who are wrongfully deprived of the use of their cars, but in favor of the shippers and the general public, who would be without adequate remedy if, having the power, we fail to act."

The commission's order, which evidences an intention to follow with

formal proceedings as to all classes of equipment unless the railroads themselves give full power to a car service committee, marks the biggest advance yet made in the effort to deal with car shortages. Informal investigation was made in a conference of railroad men with Commissioner McChord at Louisville, Ky., in November.

Among those attending, in addition to an array of lawyers, was W. R. Scott, vice president and general manager of the Southern Pacific company. The railroads then proposed increased per diem and progressive demurrage, delegation of "full authority" to the car service committee, and penalties for diversion and delays. The commission finds these measures have failed, as full authority was not delegated, diversion penalties have been removed, and the demurrage factor is not strong enough to meet the situation.

S. C. STREBIN, ACTIVE MULTNOMAH FARMER, VERY SUDDENLY DIES

Awoke in Good Health and Spirits, but Succumbed Soon After; Heart Failure.

The sudden death this morning of Samuel C. Strebin, one of the best-known farmers in the eastern part of Multnomah county, will be a shock to his many friends and fellow-citizens. Mr. Strebin resided on the Columbia river highway between Montavilla and Troutdale, where he settled 40 years ago. The cause of his death was heart failure. He awoke this morning at 9 o'clock and appeared in good health and spirits, but a few minutes after, without a struggle, had ceased to breathe.

Mr. Strebin was born in Indiana and was 58 years of age. He is survived by his widow, Mrs. Olive, and four children—John, Jennie, Bessie and Robert Strebin. The funeral will be held in Gresham on Wednesday, January 31, at 2 p. m. at the residence of the family.

Mr. Strebin took a great interest in good roads, good schools and the development of the community, and gave freely of his time and energy to help along community betterments and improvements. He assisted in the preliminary work of the Columbia river highway and was one of its enthusiastic supporters. During the last national campaign he actively worked for the reelection of President Wilson.

John F. Rounberger Passes.
John F. Rounberger, age 83, a native of Germany, died on January 28 at the home of his daughter, Mrs. W. K. Ogden, 906 Michigan avenue. He resided for many years in Minnesota, and had come here to reside with his daughter but a few weeks ago. Mr. Rounberger is survived by his widow and four children: B. F. Rounberger, Anacortes, Wash.; Mrs. L. E. Marsh, Colesburg, Wash.; Mrs. Minnie Ironsides, Wilmont, S. D.; and Mrs. Ogden. Funeral services will be held at the Chambers establishment, Emerson and Kerby streets, on Tuesday, January 30, at 2 p. m. Interment will be in Rose City cemetery.

Mrs. Hobnett Buried Tuesday.
The funeral of Mrs. Belle Hobnett will be held in Oregon City on Tuesday, and the body will be forwarded from this city by Miller & Tracey.

Mrs. Hobnett was a native of Nebraska, aged 55, and had resided in Portland for 10 years. She is survived by her husband, E. N. Hobnett, of 8 East Fourteenth street, and four children: Guy and Cecil Bailey, Mrs. Cora Roper and Mrs. Georgia McCulloch, all of this city. She was the sister of Andrew Thomas of St. Helens, C. T. Thomas of Salem, Mrs. Clara Becker of Alberta and Mrs. Lottie Fowler of Portland.

RECEIVER OF LUMBER COMPANY OBTAINS A 'WRIT OF ASSISTANCE'

Receiver of Monarch Lumber Company's Properties Was Refused Possession.

SOUGHT COURT ORDER

The Order, Signed by Circuit Judge Kavanaugh, Directs Sheriff to Effect Those Now in Possession.

Felix Sherwood, newly appointed receiver for the Monarch Lumber company properties, refused possession of the property, today obtained a "writ of assistance," directing Sheriff Hurlburt to effect those now in possession of the property. Circuit Judge Kavanaugh signed the order.

The receiver alleges in his petition that one W. J. Myrick is ostensibly in possession of the property, as representative of the Assets Realization company, mortgagee. Attorneys for the mortgagee have refused to consent to the turning over of the plant to the receiver until insurance policies for \$121,000 are made over by the receiver in favor of their clients, who include Grayson M. P. Murphy and W. W. Crawford.

Receiver Sherwood further alleges that Myrick is not in fact representing the mortgagees but is appearing in the interests of Lester W. David of Portland. Question of placing insurance on the Monarch Lumber Company mills occupied the attention of Circuit Judge Kavanaugh this morning. Attorneys for the insurance company requested that the insurance be put in the name of the Monarch Mills company and Attorney Thomas Greene resisted this, demanding that the insurance be placed in the name of the receiver for the properties, Felix Sherwood.

Attorney Greene urged that "it would be proper for any particular interests to be named in the policy, for the reason that the real ownership of the properties is still a matter of litigation." He held that the receiver should be named solely and that any adjustment as to ownership of the proceeds of the policies, in case of a fire, could be distributed to the right parties.

DEMURRER IS SUSTAINED

E. J. Myrick, Theatrical Man, Under Indictment, Wins Point.

E. J. Myrick, Portland theatrical man, under indictment for mismanagement of Miss Adele Elia, former cashier of a local amusement house, won a slight advantage today when a demurrer to the indictment, argued by Attorney Robert Maguire, was sustained. Presiding Judge Gantenbein ordered that the present charge be dismissed and the matter be re-submitted to the grand jury for action on a new indictment. The action was taken after Deputy District Attorney Hindman had admitted that possibly the present indictment was faulty, and that to save additional delay and costs of an appeal, the demurrer should be sustained.

SUSTAINS LAW LIBRARY FEE

Judge Davis Upholds Demurrer in Test Case Against Officials.

Circuit Judge Davis has sustained the demurrer in the suit of the state in relation to Macdonald Potts against the county clerk and the Multnomah Law Library association. The plaintiff will at once appeal to the state supreme court.

The litigation came up on the petition for a writ of mandamus, compelling the acceptance for filing of an action at law without extra charge

of \$1 for the maintenance of the law library.

The plaintiff contends that the charge is unconstitutional, because it constitutes a "public aid for a private cause."

Damages Are Asked.

Declaring that the State Industrial Accident commission has refused to aid him financially, unless he "submit to an operation," Tom Raleigh, who was hurt while at work in the Eastern Western Lumber company mill, today appealed his case to the circuit court. The plaintiff was struck and injured by a plank that had come in some machinery. He asks for \$30 a month pay, dating from the time of the accident and a continuance of the sum pending his incapacity to work.

Master in Chancery Sustained by Court

Judge Bean Holds First Award in Case of Hassam & Oregon Companies vs. Consolidated Co. Correct.

The original report of the master in chancery in the case of the Hassam and Oregon pavement companies versus the Consolidated Contract company and the Pacific Coast Casualty Co., was sustained in the United States district court this morning by Judge Bean. Instead of the triple amount sought by the plaintiffs, the court awarded \$19,944.38 for alleged infringements of patents and alleged willful withholding of damages when the Consolidated Contract company laid some considerable amount of pavement on east side streets in 1908.

Interest was lent to the case when the complaining companies charged the defendants with concealment of their books from the master in chancery.

A similar case brought by the same plaintiffs against the Reliance construction company of Hood River and the National Surety company, wherein royalties were sued for, was terminated this morning when the master's decision, \$43,772 as damages to the plaintiff was upheld. The then master in chancery, Judge Wallace McCamant's fees were adjudged at \$400 a year in federal court and half of that sum has been paid. The other half, which was not forthcoming, was ordered to be obtained by the master through an attachment on the defendant's property; reporter's fees, to be sought in like manner, amount to \$108.25.

Culp Funeral Tomorrow.

Jacob C. Culp, a native of Canada, aged 75, died on January 27, following a few hours' illness, at his home, 160 East Forty-seventh street north. He is survived by his son, Charles Culp, and his daughter, Mrs. Frank E. Burtch, of this city. Three sisters and three brothers reside in the east. Mr. Culp had resided in Portland for the past six years.

Funeral services will be held at the Miller & Tracey parlors, Washington and Ella streets, Tuesday, 10 a. m. Interment will be in Rose City cemetery.

Mrs. McCulloch Dies.

Mrs. Jane McCulloch, wife of J. L. McCulloch, 845 East Thirtieth street, died on Saturday at the age of 55 years. She was born and reared in Albany, and had resided in Portland for a number of years. Mrs. McCulloch was a member of the Women of Woodcraft, Mount Hood circle. Funeral services will be held at the Finlay chapel, Fifth and Montgomery streets, at 10 a. m. Tuesday. Interment will be in Multnomah cemetery.

BY REQUISITIONS, TAX, BELGIUM, IS ANSWER

Reply to Teuton Explanation of Deportations Tells of a Long Series of Cruelties.

U. S. AID SAVED PEOPLE

Lack of Work, Statement Says, Was Caused by German Seizure of Material.

Washington, Jan. 29.—(I. N. S.)—A bitter attack on the conduct of the German conquerors of Belgium was made in a statement issued last night by the Belgian legation in reply to the recent German defense of the deportation of Belgians into Germany. The statement, made public by Belgian Minister Havelnath, declared Germany "willfully disregarded all its obligations toward the occupied country" and that only the charity of the people of the United States had saved the Belgian population from starvation.

The Belgian statement asserted that the Belgian workmen were deported in order that they might replace German workmen in German industrial plants and thus release Germans for service with the army. Discussing the German contention that Belgians were deported only because they were unemployed and because there was no work for them to do in Belgium, the statement said:

Teutons Took Materials.
"In reality the requisition by Germany in great part caused this situation. According to the statement of the German government, the machinery and raw materials were seized only because of the lack of workmen. In reality what happened was the reverse and in the case of deportations it is the Germans who have created a state of affairs upon which they afterward seek to establish the justification of the measures taken by them."

The statement declares that June 30, 1915, the king of Belgium protested against the seizure by Germany of raw materials valued at \$17,000,000, which would have supplied work for Belgium industries. It is declared that Belgium machinery and tools were likewise seized. As to financial conditions in Belgium, the statement said:

America Saved People.
"It is sufficient to recall briefly that Germany has willfully disregarded all of its obligations toward the occupied country. It was the strict duty of Germany to feed the population. However, Germany had not been for the initiative and good will of citizens of the United States, the Belgian population would today be dead from starvation."

Germany considers that she has fulfilled her international obligations in permitting other nations to take that burden upon them. The legation recalls also that Belgium, which even according to what Germany herself says is for the moment without commerce and without industry, is subjected to a war tax amounting to \$8,000,000 a month, more than ten times the ordinary taxes in time of peace, that she has paid this tax since the beginning of the occupation of her territory and that in addition she has been subjected to requisitions of all kinds which Germany has thus imposed upon her and which have made Belgium a certain parts of this unfortunate country."

Farmers of Wasco Rap Mt. Hood Park

Restricted Grazing Means Less Beef and Higher Cost of Meat, They Point Out in Protest to Senators.

Washington, Jan. 29.—(WASHINGTON BUREAU OF THE JOURNAL).—The Wasco County, Or., Stock Growers' association, through its president, F. B. Ingels, has submitted to the Oregon delegation a lengthy protest against the creation of a Mt. Hood national park.

This protest is based on the ground that stockmen would either be excluded beyond the boundaries of the park, or subjected to "impossible restrictions," so that grazing could not be carried on. They assert that the fullest enjoyment of the beauties of the Mt. Hood region will be secured to tourists by keeping the lands in the national forest.

Restriction of the grazing area, it is declared, tends to restrict the beef supply and thus to add to the high cost of meat. The conduct of the national parks in this direction, it is asserted.

National park officials deny that their policy is to prevent grazing, or that the restrictions made are "impossible." They point out that grazing is specifically authorized in all the park except the Yellowstone, by the act creating the national park service.

Mrs. J. E. Davis, 59, Of Albany, Is Dead

Albany, Or., Jan. 29.—Mrs. Margaret Turner Davis, wife of James E. Davis, died this morning at her home after a long illness. She was 59 years old. She was born Pleasant Hill, Ill., came to Oregon in 1886 and lived for a number of years near Buena Vista, Polk county.

Mrs. Davis is survived by her husband and one son, Percy Davis, an instructor at the Fort Washakie Indian school, Wyoming. One brother, Richard Turner, lives in Portland, and three reside in Illinois. Two sisters live in Missouri. The funeral will be held this afternoon at Buena Vista.

Robbers' Treasure Is Uncovered by Miner

Marysville, Cal., Jan. 29.—(P. N. S.)—Forty thousand dollars in gold and currency, buried by robbers 25 years ago, was found by Jerry Meyers, a miner, in an oak chest near the Marysville Buttes and deposited in the Bank of America Saturday.

Meyers is a pioneer miner of Butte

county. For years he has been searching in the volcanic deposits at the base of the great Buttes, for treasure. Other miners laughed at him. He never has told of the secret of the treasure.

After placing the money in the bank he disappeared. Some of the currency is so weather beaten that it cannot be used.

Straight From the Looms of Fairyland—A Carnival of Color and Design

Every Kind of New Tub Material That Fashion Is Conjuring With This Springtime Is Displayed Here in This Annual Sale and Exposition

Beautiful New Wash Fabrics

—Such profusion—such variety—that one is fairly dazzled. The exclamations of delight and astonishment were most gratifying on the first day of this great event, as hundreds of women came to view these lovely materials. Aside from the fact that these fabrics are so exquisite and smart, we want to add that many of the patterns cannot be reproduced or restocked, and we urge you to take advantage of this unusual opportunity, as the very materials offered here will be the most desired (and the scarcest) for Summer as well as for Spring.



New Colored Voiles

—In airy, printed effects, both floral and striped patterns, and a full line of new plain colors, 36 to 38-inch, at 25c a yard.

Stunning Colored Voiles

—Paisley patterns that have caused such a furore in the east, and striped effects altogether new. 35 new patterns, at 35c a yard.

Drawn-Work Imp. Voiles

—Exquisite, sheer effects in all-over embroidered and drawn work patterns. These in all-white and priced from \$1.10 to \$2.25 a yard.

And Voiles and Organdies

—Airy, fairy fabrics, for dresses and waists. Charming creations can be evolved at little cost, as they range from the 25c to \$1.25 the yard.

New Pique Skirtings

—Every woman must have at least one pique skirt in her wardrobe. This soft finish quality launders perfectly. Priced at 50c a yard.

The Colored Piques

—Are very smart this spring. In rose, blue and tan, new wool finish, in wide wale. Full yard wide, and priced at only 75c a yard.

Silky Paisley Patterns

—Copied from the pure silk materials selling for three times as much as these silk mixed fabrics. 36-inches wide, priced at 75c a yard.

Silk Mixed Estamines

—Very new, and lovely for waists and party dresses. Silk mixed, marquisette weave, in light and tinted grounds, at \$1.00 the yard.

Smart New Gabardines

—Gabardines have yet to find their equal for skirts and dresses. Several new patterns in these yard wide fabrics, at 50c a yard.

Smart Novelty Skirtings

—Serge and gabardine weaves, novelty stripes, and solid color piques and repps. Every kind of pattern, 60c to \$1.00 a yard.

New Poppins, Too

—They're unequalled for wear, especially for children. White and every wanted shade, a yard wide. The price, 30c the yard.

The Sport Fabrics

—Are very new and correct—at least twenty different colors. Plaids, stripes and coin spots. These are priced at 35c a yard.

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