

COUNTY JUDGES AND COMMISSIONERS OPPOSE TRUCK AND STAGE OPERATORS' BILL AND FAVOR LEGISLATIVE MEASURE

The Oregon State Association of County Judges and Commissioners believes the initiative bill sponsored by the Oregon Motor Stage association, entitled "Bus and Truck Operating License Bill," should be defeated, and the referred Motor Bus and Truck Bill should be passed. Their reasons are given as follows:

Why are the bus and truck operators proposing this measure to tax themselves? They ask the voters' support to the bill so that "the trucks and stages will pay more money." The legislature of 1925 passed a bill imposing a charge upon busses and trucks under which "the trucks and stages will pay more money." The truck and bus people of Oregon and Washington, who now admit they should pay more money, invoked the referendum on this Legislative bill, and it will appear on the ballot at the November election as numbers "324, Yes" and "325, No." The real purpose of this Motor Stage Association bill is to defeat the Legislative bill.

Our reasons for this conclusion are:

1. Bus and truck operators have from the beginning fought any increase in percent charges:

The bus and truck operators vigorously opposed every proposal of the legislature to impose any additional charges upon their operations on the highways of Oregon. Defeated in this they invoked the referendum and have succeeded in holding up the Legislative bill, at least until November, 1926. For one year and a half they have escaped the payment of fees and charges admittedly just and reasonable.

2. This bill of the Motor Stage Association grants a preference to the large interstate transportation companies:

Under this bill, the company which operates in Oregon and one other state would pay two-thirds of the fee paid by the company operating exclusively in Oregon, and a company operating in Oregon and two other states, would pay only one-half of the amount required to be paid by a competing Oregon operator. For example, a Washington company operating between Vancouver, Washington, and Ashland, Oregon, would travel 330 miles of Oregon highways and would pay only two-thirds of the fee paid by the Oregon company operating between Portland and Ashland. If the Washington company extended its operations occasionally over the line into California, it would then pay only one-half the amount paid by the Oregon company. Yet the Washington company would travel more miles over Oregon highways than the Oregon company. Manifestly, the people should not permit this discrimination in favor of the large interstate company.

3. This bill if adopted will be unconstitutional as to interstate motor transportation companies:

The bus and truck business is rapidly becoming monopolized by the large interstate transportation companies. Under the Federal Constitution no state can impose a charge upon an interstate transportation company for the mere right to enter the state. The state can, however, impose a charge on them for the use of state highways if this charge is based upon and bears a direct and reasonable relation to the actual extent of that use. The Supreme Court of the United States has so held in a number of recent cases. This is the principal reason why the Legislative Act fixes its charges upon the basis of the mileage actually traveled within the state. On the other hand, the Motor Stage Association bill imposes the same charge on an interstate company operating over one mile of highway within the state of Oregon that is imposed upon another company which may operate across the entire state. It is obvious that this fee cannot be justified as a charge for the use of the highways. The Federal courts would promptly hold it to be an arbitrary charge upon interstate commerce and declare the act unconstitutional. This would immediately exempt all interstate companies from all charges.

4. This bill applies to private as well as common carriers, and is on that account unconstitutional:

The Motor Stage Association bill applies to "each transportation company as defined in Chapter 325 Laws of 1925" and the latter act involves "every corporation or person owning, controlling, operating or managing any motor vehicle, motor truck, motor bus, etc., used in the business of transportation of persons or property or as a common carrier for compensation over any public highway in this state, etc." This definition includes private carriers who are not engaged in the business of transporting for the public generally; and by so including them the bus and truck people have presented and now ask you to vote for a bill the principle of which has been declared invalid by the Oregon Supreme Court in an opinion written by Mr. Justice Burnett July 13, 1926, in the case of Purple Truck Garage Co. vs. The Public Service Commission of Oregon, from which we quote:

"Another effective reason (for not enforcing Chapter 10, Laws of Special Session of 1921) is found in the opinion of the United States Supreme Court rendered June 7, 1926, in the case of Frost v. Railroad Commission of California, where that court declared unconstitutional an act couched in almost the identical terms of that in question, on the ground that in effect it compelled a private carrier to assume against his will the duties and burdens of a common carrier."

These decisions leave no doubt that the Public Service Commission cannot, under the constitution, regulate private carriers. The commission cannot, therefore, collect a fee from a private carrier to pay the expense of enforcing regulations to which such private carriers are not subject. The

Motor Stage Association bill is, therefore, unconstitutional as applied to private carriers. Since the bill contains no saving clause, the entire bill will be declared unconstitutional if it is held to be invalid in any material part. In that event, no bus or truck operators will be required to pay any fee under this bill.

The same decision of the Oregon Supreme Court points out in the following language that this objection does not obtain as to the Legislative Bill (which is Chapter 330 of the Laws of 1925), on which the referendum has been invoked by the bus and truck operators:

"The legislative assembly of this state seems to have recognized that doctrine in chapter 330 of the laws of 1925, wherein it takes up the whole subject of motor transportation over public highways and confines its operations substantially to motor carriers, which term the enactment defines thus:

"Motor Carrier" means every corporation and person, their lessees, trustees, receivers, appointed by any court whatsoever, owning, controlling, operating or managing any motor vehicle used in the business of motor transportation of and for the general public and not operating exclusively within the limits of an incorporated city or town."

By section 2 of the act it is provided:

"All motor carriers, as the term motor carrier is defined in this act, are hereby declared to be common carriers."

The statute then proceeds to regulate such common carriers and does not profess to affect private carriers."

5. This Motor Stage bill does not itself impose any charge; it merely authorizes the Public Service Commission, in its discretion, to impose charges:

This bill provides: "Section 1. The Public Service Commission of Oregon is hereby authorized and empowered . . . to require the payment of an annual license fee by each transportation company as defined in Chapter 325, General Laws of Oregon, etc."

Unlike the Legislative Bill (No. 324—Yes on the Ballot), which directly imposes charges upon the bus and truck operators, this Motor Stage bill simply authorizes and empowers the Public Service Commission of Oregon to make a charge. The bill itself makes no charge, and you the people of the state make no charge if you pass it; you merely authorize the Public Service Commission of Oregon to make a charge.

6. Even if this bill should become effective and if the fees it prescribes should be exacted, it will not, as it purports to do, require trucks and busses to pay much more money:

The Oregon Motor Stage Association opens its argument with the statement that under its bill "The Trucks and Stages will pay more money" and closes with the appeal "Vote Yes on this Bill—it provides more money for Highways." The voters really want to know whether under this bill, if it is valid, "the trucks and stages will pay more money." It will, no doubt, require some of the trucks and busses, particularly the smaller operators, to pay more money than they now pay. It will require others, and particularly some of the large interstate companies, to pay less money than they now pay. For illustration we will take an example

which may be verified from state records:

Under the existing law the Blue Line Stage operates two stages with a seating capacity of 18 passengers each, from Pendleton, Oregon, to Walla Walla, Washington, and pays in license fees, seat fee, and Public Service Commission fee a total of \$358.00 per annum. Under this Motor Stage Bill it would pay \$458.66 per annum. The same operator runs busses from Walla Walla, Washington, to Lewiston, Idaho. If it were to consolidate the two runs and operate from Pendleton, through Walla Walla, to Lewiston, Idaho, its total annual payment under this proposed Motor Stage Bill would be \$344.00 or \$14.00 per annum less than it now pays under existing laws. For this same operation, based on mileage made in Oregon in 1925, this same motor company would pay to the state of Oregon for the use of its highways in the operation of these two busses \$1181.20 irrespective of whether it stopped its operation at the state line or at Walla Walla or at Lewiston, because the charge is based solely upon the mileage traveled upon Oregon highways. The justness of this charge is apparent from the fact that these two busses ran 82,274 miles over Oregon highways in 1925 and collected a gross revenue of \$22,271.08 on the Oregon mileage operated.

Oregon Leads Nation In Judging Dairying

Oregon may now claim the champion student dairy cattle judge and butter judge in the United States, as a result of the high record made by the agricultural college teams at the national dairy show at Detroit. Wilfred B. Cooper of Klamath Falls won the highest individual honors as a student dairy cattle judge for all breeds. He is also a member of the team that won third place in milk judging.

Dale Winn of Junction City, a member of both teams, won highest honors in butter judging. Agee Gribnikov, also of Junction City, placed third in butter judging, in which the college team scored first.

The cattle judging team coached by Dr. I. R. Jones placed third in average for all breeds in competition with 27 teams, and won first in Guernseys. The products judging team, coached by V. D. Chappell, associate professor of dairy husbandry, placed sixth in general competition which included milk, butter, cheese, and ice cream judging.

The O. A. C. dairy club raised the money partly to finance the trip. Sale of ice cream bars on the campus and at the state fair is the chief source of funds.

The students who made the trip are Wilfred Cooper, Klamath Falls; Dale Winn and Agee Gribnikov, Junction City; and Frank Loughary, Monmouth. Lewis Brandt, Silverton, and Eston Ahlstrom, Lakeview, were alternates. Professor Chappell was in charge of the party.

WEAK COLONIES COSTLY.

Weak colonies are examined in the fall of the year by the successful beekeepers in Oregon to determine the cause of the weakness, says the experimenter station. He is careful not to start robbing by leaving combs of honey exposed. If the bees are weak from disease he destroys them at this time of year. If they are queenless or the queen apparently failing or inferior they are united with other colonies. This is done by placing the weak colony on a strong colony with only the thickness of a newspaper between. The inferior queen is killed before the colonies are united. Weak colonies are not worth wintering. It is better to give the bees and honey to another colony, provided they are not diseased.

From Us to You---

Ripening years their mellowness have bestowed
On divers works of God here, below;
But where more bountifully, may I hear,
Than

**Merry Christmas
Happy New Year**



Once more the Yuletide season nears, and our thoughts turn to friends—friends whose friendship emulates the teachings of Him who died on Galilee's cross. What more fitting tribute to this friendship could one give than a beautiful card, emblematic of the bright spirit of the occasion. Bright, because Christmas is a festive holiday, commemorating the birth of Christ.

You will want to remember all your friends this Christmastide; so why not make sure of it now by choosing from our complete line of beautiful

Greeting Card

samples enough to fill your needs—

Our samples include more than 50 different numbers of hand-decorated cards, from which you may choose any number from 10 cards up. Cards will be delivered before the holiday season in plenty of time for mailing, with name imprinted on each card.

You will be surprised how reasonably these beautiful cards are priced.

Heppner Gazette Times

The Coach \$645

Today's Chevrolet is a revelation in quality motor car value, offering at \$645, a COACH that provides—

- beauty and riding comfort that are unsurpassed by any other car of comparable price—
- economy and dependability that establish new standards of motor-ing delight—
- thrilling qualities of performance that stamp it as the smoothest Chevrolet in Chevrolet history and the leader in its field.

Let us prove Chevrolet's performance and comfort on the road. Only then will you realize that no other car—with less than the backing of Chevrolet's and General Motors' tremendous resources—can possibly offer quality so high, at a price so low!

Small down payment and convenient terms. Ask about our 6% Purchase Certificate Plan.

touring \$ 510

Coach \$ 645

Four Door \$ 735

Sedan \$ 765

1/2-Ton Truck \$ 375
Chassis Only

1-Ton Truck \$ 495
Chassis Only

Prices f.o.b. Flint, Mich.

Ferguson Chevrolet Co.

Heppner, Oregon

QUALITY AT LOW COST