

DECLARES 7-CENT-FARE DECISION CANNOT STAND

Lawyer Says Contract With P. R. T. Antedates Creation of Service Commission—City Solicitor Can Block Increase

Interest in the question of trolley fares seems still to be acute and the rights of the company, the city and the service commission and their champions from every angle. The following letter from a well-known lawyer who has represented the city in important cases presents an argument from a legal standpoint the writer evidently handed down will not stand the test of the higher courts.

To the Editor of the Evening Public Ledger: In your editorial last Friday under the heading "City's Fare Decision Cannot Stand" you say: "You say: 'At the present time every official authority seems to admit that a public utility contract can be disregarded where a public service company seeks a higher rate of pay for its service.'"

Now it seems to me that you unintentionally do an injustice to the Council of the city of Philadelphia in making that sweeping statement. Not only did the Council consistently refuse to give its consent to any change in the contract obligation of the P. R. T., but it expressed its opinion that no such change could be lawfully made by instructing the city solicitor to oppose any increase in the existing rate of fare.

We therefore have one public body that believes that the people have equal rights with the stockholders of private corporations under a lawful contract. It now remains only for the city's law officer to act on his instruction and enter an appeal in the superior or the supreme court from the seven-cent fare order of the Public Service Commission.

The existing contract between the city and the P. R. T. was executed by authority of an act of Assembly. It has all the "sacredness" that attaches to the contracts of the underlying companies, and is protected by the same constitutional guarantees that are invoked to safeguard the rights of the stockholders of those private corporations. There has been no ruling by the courts of Pennsylvania that the Public Service Commission can impair the obligations of such a contract.

That is the very question that was argued before the Supreme Court this week on the appeal of the underlying companies from the order of this commission which affected their contract rights. It will not be settled until the Supreme Court, and perhaps the Supreme Court of the United States, has finally determined the power of the commission in the business. With the commissioner's power to impair the

Patchwork Paving All Now Possible

Continued from Page One

now demolishing the buildings in the line of extension of this avenue to a width of 150 feet from Fairmount avenue to Laurel street, and will start construction work on a part of the avenue early next year.

The \$23,000,000 loan to be voted upon this fall has an item of \$750,000 for repairing streets for the widening of the avenue from Laurel to Drott streets. It also includes an item for its repaving from Snyder avenue south to the great government piers at the foot of Oregon avenue.

Port Needs This Repaving With the tremendous increase in the business of the port, which is making Philadelphia the second port in the United States, the improvements suggested are almost imperative.

The repaving of Delaware avenue from Queen street to Fairmount avenue, a distance of one and three-quarter miles, will not only furnish a wide, well-paved thoroughfare from Snyder avenue to Fairmount avenue, but will, with the extension to Laurel street on the north and to Snyder avenue on the south give four miles of a splendid highway for all kinds of traffic from Oregon avenue to Girard avenue.

A little later it will reach all the way to Drott street.

From Cramps shipyard on the north to the government piers at the foot of Oregon avenue, there will be a route of four and a half miles that is now not in use. It will be of immeasurable advantage to those trucking to and from the wharves to the center of the city. It will furnish a highway for pleasure cars that now stream into the city along Broad street and east on Market, Arch and Chestnut.

It will furnish a direct route to West Philadelphia by way of Girard avenue, zoning out much of the traffic down Broad street and down Market street thoroughfares now used by practically all motorists.

Our Natural Highways Ridge avenue is a natural line of traffic now used only as a necessity, due to rough paving. It is the only outlet for local manufacturers and centers in Manayunk which are compelled to use it as far south as Allegheny avenue, where they branch off to add to the existing congestion.

Grays Ferry avenue is the most convenient means of reaching southwest

Rummage Sale 1733 CHESTNUT STREET On Oct. 27 and Oct. 28 from 10 a. m. to 5 p. m. at the service Department of the Federal Hospital.

Note the Name EDWIN J. SCHOETTLE CO. PAPER BOXES & MAILING TUBES 333 NORTH 11th STREET PHILA.

SHEETROCK A uniform sheet of pure gypsum rock, takes any decorative treatment. It can be papered, painted or paneled. Here is what you wanted—walls and ceilings that stay put regardless of climatic conditions.

WALL BOARD Easy to Erect A uniform sheet of pure gypsum rock, takes any decorative treatment. It can be papered, painted or paneled. Here is what you wanted—walls and ceilings that stay put regardless of climatic conditions.

Large Stock of All Sizes PEACE FIREPROOF CO. N. E. Cor. Broad and Arch Sts.

obligation of a lawful contract then pending in the courts it is not to be supposed that the law officer of the city will permit its seven-cent fare order to go into operation.

He will undoubtedly act on his instructions from Council to oppose any increase in the existing rate of fare and file an appeal from the order of the Public Service Commission asking for a stay until the rights of the parties can be determined by the court.

It is essential to keep in mind the fact that the city's contract antedates the Public Service Commission laws by several years. The state and other national constitutions both protect this contract by their provisions that "no law shall be passed impairing the obligation of contracts."

There seems to be a misapprehension in some quarters as to the decision of the Supreme Court of Pennsylvania in the Scranton case. The city of Scranton appealed from the order of the Public Service Commission increasing the rate of fare, claiming that it impaired the obligation of a contract. But, in that case, the fare fixed by the city of Scranton was a condition attached to its grant to the street car companies of the right to construct their lines over its streets.

In that case the Supreme Court held that no contract existed for the reason that the power to fix a rate of fare had never been vested in the city of Scranton.

That decision does not touch the case of the city of Philadelphia. By the act of assembly of 1907 the city was expressly authorized to enter into a contract with passenger railway companies. The existing contract was executed in pursuance of and by authority of that law.

It is therefore a lawful contract and its obligation cannot be impaired by any subsequent law. As all Public Service Commission acts are subsequent to the date of the city's contract with P. R. T., it follows that they gave that commission no power or jurisdiction over that contract.

The city's law officer is perfectly aware of this state of the law and it is only fair to await his action under the instruction he has received from the Council to oppose any increase in the fare. He may be relied upon to see that the order does not become effective on November 1.

Before that date he will have filed his appeal and secured a stay until the court can hear and determine the rights of the people of Philadelphia under their contract with the Philadelphia Rapid Transit Co. JUSTICE. Oct. 22

Philadelphia from South street over the bridge to Woodland avenue. If it were placed in first-class condition it would divert a large amount of traffic from Market, Chestnut and Walnut streets. It is two miles from South street to Woodland avenue and the repaving cost is estimated at \$200,000.

Germantown avenue is the old natural highway to Reading, Pottstown and Norristown. It is as old as the city itself. There is a tradition still maintained that some of the original paving remains in the street. A good many automobilists traversing this highway are ready to swear to their belief in the truth of the claim. The Bureau of Highways denies it.

It is a fact, however, that owing to the rough, uneven and thoroughly disreputable paving this great diagonal avenue of traffic from the center of the city to the northwest corner of the county, is unused except in spots. And then it is only from necessity.

A certain amount of modern paving, as between Montgomery avenue and Erie avenue, between Hunting Park



It was at a suggestion of the Women's Roosevelt Memorial Association that Mayor Moore took action to commemorate the birth of Theodore Roosevelt on October 27 by the dedication of the Roosevelt boulevard. None are more interested in doing honor to the memory of this great American than the proprietors of the Chestnut Street Shops.

Delorah Logan SHE looked exquisite, with her arms full of lilies, in a merriment gown of white satin nearly covered with yellowing rose-point lace," reads the description of the bride's costume at a recent fashionable wedding. And, of course her ring came from the store of Bailey, Banks & Biddle Company. Exquisite, indeed, is the tiny circlet of platinum and diamonds, worthy complement of the engagement ring set with a polished Girdle Diamond. This Polish Girdle Diamond, you know, is exclusive with the house of Bailey, Banks & Biddle Company. It is perfect in color, and the cutting and polishing are done according to a patented process which brings out the other method could the exquisite beauty of the stone.

IN the nineteenth century a certain man named William Morris declared that the utensils and implements we use in our daily tasks should be not only useful, but beautiful as well. And in this century we seem to be coming much nearer to his way of thinking. Take Pyrex transparent oven dishes, for instance. Certainly, no more practical baking dishes have been invented. They absorb the oven heat quickly, thus saving fuel. They save food, for less expensive meats and vegetables cooked in them retain their color and flavor. They save labor, for they are easy to clean, and they never discolor, dent or chip. And withal, they are beautiful, well worthy a place beside one's finest china and silver. They are sold by J. Franklin Miller, 1612 Chestnut Street.

CUSTOM-TAILORED—the word has an "expensive" sound, yet it does not always mean that clothes are prohibitive in price. Chas. Adams Co., tailors, 1617 Chestnut Street, are making suits to individual measurement at most reasonable prices. Not only that, but the materials used are of excellent quality and unusually good colorings. Any man who is dissatisfied with ready-made suits and overcoats, yet hesitates to have his clothes made to measure for fear that the price will be beyond his reach, would do well to visit the store of Chas. Adams Co., where he will receive courteous attention and will find that his clothes will be tailored to his entire satisfaction. The store is open on Monday and Saturday evenings.

THE CHESTNUT STREET ASSOCIATION

avenue and Nicetown Junction, and between Penn street and Chelton avenue has been put down. But there remains over seven and a half miles to be repaved at an estimated cost of \$825,000.

Other Improvements Planned One of the most important streets demanding attention in Fifth street. It has in part good paving. From Lanes to Spring Garden, a distance of three and a half miles, and from Walnut street to Snyder avenue, more than a mile and a half, it should be repaved. It would relieve the crowded traffic on Market street, and the total cost of the work would amount in round numbers to \$500,000.

Race and Callowhill streets are included in the comprehensive scheme of the department. The repaving of these streets from Broad to the Delaware river would directly divert much travel now using Arch and Market streets.

Vine street from Broad to Delaware avenue will be completed this year. With the repaving of Race and Callowhill, and improvements at the eastern end of Spring Garden street and Fairmount avenue, all the streets from the latter street to Spruce street and running east from Broad would be in such condition as to invite traffic of all kinds.

The above is only a partial outline of the plans of the department. New Philadelphia and the northeast avenues, whose improvement would relieve congested traffic and with smooth paving would render travel upon them a joy to the automobilist, will be considered in another and last article on this vital subject.

Woman Reported Missing Police have been asked to search for Mrs. Emily Wilm, 1223 Cabot street, missing since October 11. According to relatives, Mrs. Wilm said she was going to Detroit, but failed to arrive there.

Butterick—Publisher The Delineator Everybody's Magazine (\$2.75 a Year) The Designer (\$2.00 a Year)

MUNSING WEAR



WHEN you shop for winter underwear for the family—you are assured of the utmost quality, comfort and economy, simply by saying "Munsingwear."

Millions of people find it worth while to ask for Munsingwear instead of underwear.

Made in every wanted style and fabric for men, women and children. Get your winter supply now.

Let Munsingwear Cover You With Satisfaction.

FIGURE UP the time it would take you to become a good machinist—and what it would cost you for board and clothes and all the other expenses while you were learning. If you could get paid while learning—have money in your pocket at the end of every month—and no bills to settle—wouldn't you call that a good job? Well, that's the kind of a job the Army offers you. You earn a good living and while you're earning a good living you learn to be a skilled man in one of a hundred trades. There are few better jobs open these days. Ask a recruiting officer to tell you when you can begin—and where.



EARN, LEARN AND TRAVEL

OF EXTRA INTEREST IN THE LOWER-PRICED DEPARTMENT Printed Cork Linoleum Remnants—65c square yard Short and long lengths.

STRAWBRIDGE & CLOTHIER MARKET STREET EIGHTH STREET FILBERT STREET

FIRE IN READING OIL TANKER A fire of unknown origin, starting in the hold of an uncommissioned oil tanker at Pier 25, Delaware avenue and Callowhill street, early today, caused excitement along the water front until it was extinguished by a fire company. The fire was discovered by wharf employees, who saw smoke pouring through the tanker's portholes. The boat, which belongs to the Philadelphia and Reading Railway, was only slightly damaged.

No Mail-Order Advertising Butterick magazines carry no mail-order advertising. We believe that the distribution of merchandise can be best effected through retail stores.

Mr. Julius Rosenwald, president of Sears-Roebuck & Company, recognized as the genius of the mail-order business, said recently that the mail-order business is a forced and unnatural one and that the retail store is the logical place to buy goods.

The public generally undervalues "service." To shop conveniently has become so habitual that we don't realize our dependence on pre-arranged stores for our immediate wants.

If you had to wait for everything to come after an interval of from three days to three weeks from a distance, you would think the arrangement intolerable.

Even the smallest store can carry goods of world-wide reputation and standard prices, and almost literally "it is just around the corner."

Advertising space in the Butterick Publications is for sale through accredited advertising agencies.

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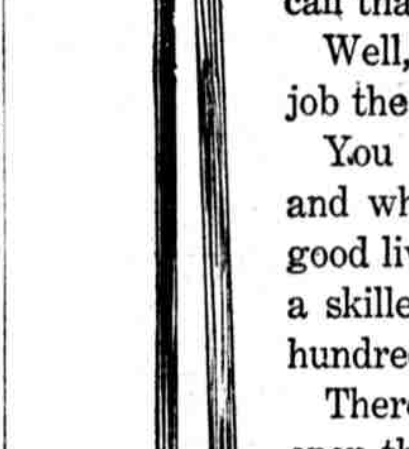
WHEN you shop for winter underwear for the family—you are assured of the utmost quality, comfort and economy, simply by saying "Munsingwear."

Millions of people find it worth while to ask for Munsingwear instead of underwear.

Made in every wanted style and fabric for men, women and children. Get your winter supply now.

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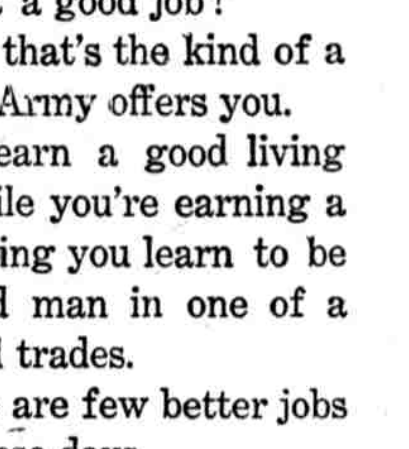
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BUSINESS HOURS NINE TO FIVE THIRTY

STRAWBRIDGE & CLOTHIER

Economy for Men

OUR prices as based upon cost of merchandise this season have been absolutely fair, and the sweeping reductions in prices now being made in these departments involve a sacrifice of the greater part of the legitimate profit without which no business can continuously exist. But, while manufacturers' prices for this season were at the peak, there are signs of a future decline, and we are giving our customers the advantage of reduced prices NOW, reducing stocks to be ready to go into the market, hoping to pay less for goods than we have been paying.

Our Entire Stock of Men's Suits Now Reduced

This includes every sack-coat suit, from the lowest priced to the finest—and that means the finest ready-to-wear suits in America. Every HART, SCHAFFNER & MARX suit, every "ALCO" suit, every STEIN-BLOCH suit, and every suit from every other maker represented in our matchless new autumn and winter stock.

Suits That Were \$35.00 to \$95.00 Now \$22.50 to \$71.50

These Suits have the new price tickets in addition to the tickets they already bore—and you can plainly see the amount of the reduction.

Also, Special Lots of Suits Worth \$35 to \$65 — Now \$19.50, \$25.00, \$31.50 and \$44.50

1000 Winter Overcoats that Were \$40.00 to \$75.00, Now \$23.50 to \$54.00

Trousers worth \$5.00 to \$16.50, now \$3.50 to \$12.75

Our Entire Stock of Men's Shoes and Oxfords Reduced

This includes every pair of High Shoes and every pair of Low Shoes in our whole great stock—the smart new Autumn styles from the James A. Banister Co. and the new models from other equally famous Newark manufacturers. Every pair of fine bench-made, custom-finished Dress Shoes, all the swagger Brogues and winter-weight Oxfords, all our high and low Golf Shoes, all the Buckskin Sports Shoes—

\$8.50 to \$22.50 Shoes, \$6.75 to \$17.50

All the Shoes from our regular stock have a new price ticket in addition to the regular ticket, showing the exact reduction. THE SPECIAL LOTS that had already been reduced have a ticket showing the reduced price—MANY WONDERFUL VALUES.

A Few Examples of the Reductions Dark Brown Brogue Shoes, full wing tips, perforated (were \$8.50)—now \$6.75 Black Kidskin Blucher Shoes, full round toes (were \$16.00)—now \$11.50 English-last Shoes, chestnut or gum-metal calf (were \$16.00)—now \$11.50 Tan-grain Brogue Shoes, full wing tips, double soles (were \$16.50)—now \$13.00 Brogue Shoes, of mahogany-colored cordovan (were \$19.00)—now \$15.00 Banister Shoes, of calf and cordovan (were \$21.00)—now \$15.00 and \$16.00 Golf Shoes and Oxfords (were \$9.00 to \$14.00)—now \$7.50 to \$12.00

Extreme Reductions in These Small Lots of Standard Rugs

Every Carpet-size Rug in our entire stock has been marked at a reduced price for the Semi-Annual Floor Coverings Sale now going on. However, for to-morrow, we have prepared an EXTRA attraction—one that will prove notable indeed. From our stocks we have selected 40 Rugs of which there remain but one or two of a kind. These will be marked at CLOSE TO HALF PRICE to-morrow. Their speedy clearance is thereby assured. The details—

- Six fine Wilton Rugs, 6x9 feet—now \$67.50 One fine Wilton Rug, size 10.5x13.5 feet—now \$95.00 One fine Wilton Rug, size 10.5x13.5 feet—now \$115.00 One fine Wilton Rug, size 11.5x13.5 feet—now \$145.00 One fine Wilton Rug, size 11.5x13.5 feet—now \$185.00 One fine Wilton Rug, size 11.5x13.5 feet—now \$125.00 Three fine Wilton Rugs, 9x12 feet—now \$125.00 Two fine Wilton Rugs, 9x12 feet—now \$175.00 One Wilton Rug, size 9x12 feet—now \$125.00 One Wilton Rug, size 9x12 feet—now \$115.00 One Wilton Rug, size 10.5x12 feet—now \$95.00 One fine Wilton Rug, size 10.5x12 feet—now \$175.00 One fine Wilton Rug, size 10.5x12 feet—now \$135.00 One Wilton Rug, size 10.5x13.5 feet—now \$95.00 One fine Wilton Rug, size 10.5x13.5 feet—now \$185.00 One fine Wilton Rug, size 11.5x13.5 feet—now \$145.00 One fine Wilton Rug, size 11.5x13.5 feet—now \$185.00 One fine Wilton Rug, size 11.5x13.5 feet—now \$125.00 Nine Austerlitz Rugs, 11.5x12 feet—now \$55.00 Two Wilton Rugs, size 11.5x13.5 ft.—now \$115.00 Two fine Wilton Rugs, 11.5x13.5 feet—now \$135.00 One fine Wilton Rug, size 10.5x10.5 feet—now \$135.00 One Wilton Rug, size 10.5x12 feet—now \$75.00

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