

COURT DECISION SUSTAINS THE JITNEYS TROLLEY ASKS FOR SEVEN CENT FLAT FARE

Hearing On Company's Application Next Thursday

Flat Rate To Take Place Of Present Trolley Zone Plan

General Plan is That the 7 Cent Rate Shall Carry a Passenger Three Miles From the Center of the City—Public Utilities Board Sends Out Notice of Hearing on the Application.

The Connecticut company has asked authority from the Public Utilities Board of the state for permission to impose a flat rate of seven cents in the cities of the state in place of the zone system, the distance however not to include all of the distance formerly ridden over for five cents.

The Public Utilities board has ordered a hearing on the application of the company at Hartford next Thursday, July 29, at ten o'clock.

The petition of the company and the order of the board is as follows:—

In Re Petition of the Connecticut Company for approval of the following proposed schedule of rates over entire system (except New London Division), in substitution for present system of collection and fares.

1—Flat rate fare of 7 cents in substitution for present distant tariff.

2—On all short city lines flat rate to apply to entire line.

3—On longer city lines fare limit to be located at a point not less than three miles from traffic center of the city.

4—On all rural lines fare limits to be located approximately 2.8 miles apart.

5—Transfers given to all passengers from and to points not more than 1-2 miles from traffic center.

In the above entitled matter it is ordered that same be heard at the office of the Commission in Hartford Room 41, State Capitol on Thursday, July 29, at 10 o'clock in the forenoon.

Dated at Hartford, Conn., this 21st day of July 1920.

By order,

Public Utilities Commission, Henry F. Billings,

Secretary.

The statement of the company follows:

"In order to meet increases in cost of operating the street railway service The Connecticut Company must obtain a greater revenue. The pay-rolls for 1920 will be one million dollars greater than last year due to recent advances in rates of pay.

Cost which cost \$4.00 per ton a few years ago and \$7.00 per ton last year is now selling for \$13.00 per ton and at times even more.

"The authorities in the various cities where efforts are being made to restrict jitney bus competition have asked us to return to a flat rate of fare collection and we are, therefore, proposing a seven cent flat rate of fare covering the largest portion of each city area, but not including the entire areas falling within the old five cent fare limits.

"As we are now obtaining fares of eight, ten and twelve cents from a large number of the passengers whose payments will be reduced to seven cents it is clear that no lower rate will produce sufficient revenue. We have no means of determining whether the seven cent rate will be high enough, although it is possible that with a restriction of jitney bus competition and a large use of the cars we may be able to establish a lower rate.

"Every effort will be made to retain service upon all the lines now operated including all those in the country areas, but of course, sufficient revenue must be obtained to meet the cost of operating the cars."

The seven cent flat rate as proposed by the company does not mean that a person may ride anywhere within city limits for seven cents. It means that on all the short lines within the center of the city, so that a person may ride, according to the notice given by the company, anywhere inside a zone whose radius is three miles from the center of the city for seven cents.

On the suburban lines the fare limits in each case will be located two and four-fifths miles apart so that the fare to New Haven would be approximately 42 cents.

In the matter of transfers the company is to give transfers free to all passengers riding from and to points not more than two and a half miles from the traffic center of the city.

The plan as proposed would do away almost altogether with the present zone system, though some of the features might be retained. In the absence of detailed information

HARDING TELLS WHY

Republican Candidate for President Formally Notified of His Nomination—Speech of Acceptance Attacks Wilson and Foreign Policies.

Marion, O., July 22—The Republican campaign attained full speed ahead today with the formal notification here of Warren G. Harding, the party's nominee for the presidency. The ceremonies which brought to Marion most of the big party leaders and many thousands of enthusiasts, included an acceptance speech by Senator Harding interpreting the Chicago platform and declaring the principles on which he expects the campaign to be fought out.

At 7 o'clock in the morning a noisy procession of Marion citizens that looked like half the town led off with a demonstration. To their acclaim the senator played the leading part in a flag raising, pulling the Stars and Stripes to the top of a weather beaten McKinley flag pole sent here a few days ago from Canton. Delegation after delegation with bands blaring and colors flying followed up to the Harding front porch as 30 special trains and thousands of automobiles unloaded their contribution to the crowds. Not content with showing themselves to the nominee they marched and counter marched through the city.

The Marion Boosters cheered the Senator until he consented to make a short talk, thanking them for their show of neighborly interest and enthusiasm.

"I cannot let you go without saying how deeply I am touched by this tribute from the home folks," he said.

Members of the Hamilton Club of Chicago, came up singing "Good Morning, Mr. Harding," fashioned after the army marching song, "Good Morning, Mr. Zip," and presented the candidate with a resolution giving him honorary membership in the club. In response he declared there ought to be a similar Republican organization in every great city.

"We do not give enough attention to our politics," he added, "for good government ought to be the first business of every citizen. And I think we do not pay enough attention to party; in this country we had too much of the rule of the individual and not enough of the rule of great masses. I am especially proud to be a member of your club because it bears the name of the man who to my mind was the greatest constructive American statesman that ever lived."

A pledge of constitutional government, administered by party, and not by individual, and based on national rather than personal ideals, was given by Warren G. Harding today in formally accepting the Republican nomination for the Presidency.

He welcomed a popular referendum on the League of Nations, advocated increased production to cut the high cost of living, pleaded for obliteration of sectional and class conflict, and declared for industrial peace "not forced but inspired by the common weal."

Prohibition he gave only a passing notice, saying that despite divided opinion regarding the Eighteenth amendment and the statutes enacted to make it operative, there must be no evasion in their enforcement. He declared it his "sincere desire" that ratification of the suffrage amendment be completed to permit women to vote this Fall in every State.

Reviewing and commending briefly many other planks of the party platform, the candidate declared for collective bargaining for farmers, repression of the disloyal, "generous Federal co-operation" in rehabilitating the railroads, intelligent deflation of the currency, enlargement of government aid in reclamation, a genuine expression of gratitude to veterans of the World War and maintenance of an ample navy and "a small army but the best in the world."

In his promise of "a party government" Senator Harding reiterated his belief that the Vice President should have a part in the affairs of the chief executive's official family and declared there also should be "a cordial understanding and co-ordinated activities" between the executive and Congress.

LIVED HERE



Mrs. William Mayhew Washburn of New York, formerly Miss Elizabeth Clarkson, who with her husband lived in Bridgeport, well known in Eastern society circles, is the latest woman to be mentioned. She received a check for \$200 as a wedding present from the turfman and "whist king."

SHAMROCK IS SENT TO A DRYDOCK

Sandy Hook, N. J., July 22—The cup challenger Shamrock IV was towed to the Staten Island Shipbuilding Company's plant today to be drydocked and have her underbody cleaned in preparation for the fourth race with the American defender Resolute tomorrow. The contest yesterday in which the two sloops frantically the thirty mile course in exactly the same elapsed time, has added interest to the next race.

Captain Burton, Designer Nicholson and Navigator Claude Hickman of the Shamrock, were especially pleased with what they agree was a wonderfully fine race yesterday even if the challenger lost it on time allowance.

"Resolute is a fine boat" said Mr. Nicholson, "and Herreshoff has designed a craft that goes better to windward than Shamrock. On the run home before the wind yesterday the sloops raced along beam to beam as if they had been locked together. It was a fine race even if we did lose it."

The race tomorrow will be over a triangular course ten miles to a leg. Shamrock is expected to force the Resolute to the limit, as the legs of the race will be reached at which point of sailing the Lipton sloop has shown to her best advantage.

PRIEST HELD IN AUTO ACCIDENT

Moriden, July 22—Fire Chief John F. Donovan, while marking crossing lines at Main and Colony streets, this forenoon, was struck by an automobile driven by the Rev. Francis Feoley of New York City. He was thrown against a lamp post and his left leg fractured in two places. He was taken to the hospital and Father Feoley ordered to appear before court on Friday morning. With the clergyman in the car was Miss Anna M. McCarthy of 28 Park street, New Haven, who owns the machine, and a Miss McKewen of the same address. Father Feoley did not have an operator's license, but Miss McCarthy did.

POLES FEAR REDS AIM AT WARSAW

Warsaw, July 22—The menace to the Polish capital is becoming serious through the defeat of the left wing of the Polish army. The battle front runs 400 miles on a fairly straight line north and south, and is about 125 miles east of Warsaw. The attacks of the Bolsheviks against Vilna on July 14, the Polish left or northern wing has been compelled to hasten its retreat and the Bolsheviks have been following it with a daily advance averaging 15 miles. In three weeks the Poles have retired from the Beresina river to the Nieman, a distance of more than 180 miles, a distance of more than 180 miles and the Vistula, which follows through Warsaw, is about 150 miles.

Launceston, Tasmania, July 21—The Prince of Wales arrived here today but was unable to reply to the address of welcome because of a slight attack of laryngitis. His physician has forbidden him to use his voice.

WOMEN OF COUNTY SIGN

Fairfield County Pledges Against the Republican Party on Suffrage Announced—One Gift of \$1,000 is Withheld.

The following Republican women of Fairfield County have signed the pledge not to help the Republican party until the Suffrage Amendment is ratified:

Mrs. James Stokes, Ridgefield; Miss Mary Olcott, Ridgefield; Mrs. John Adams Thayer, Westport; Miss Dotha Stone Pinneo, Norwalk; Miss Margaret S. Wilson, Norwalk; Mrs. Percy Brooks, Norwalk; Mrs. Spencer S. Adams, Norwalk; Mrs. J. Milton Coburn, South Norwalk; Miss Louise B. Bigelow, Newtown; Miss Alice C. Judson, Stratford; Mrs. Nellie M. Campbell, Stratford; Mrs. A. E. Kingsbury, Bridgeport; Miss Edna Schoyer, Ridgefield; Miss Nellie J. Leslie, Stratford; Miss Helen Louise Peck, Stratford; Miss Katharine Barry Langsettel, Westport; Miss Carolina W. Lawrence, Glenbrook; Miss E. Frances Phillips, Glenbrook.

Litchfield County—Mrs. John L. Buel, Litchfield; Mrs. Frank B. O'Neill, Woodbury; Mrs. John C. Bridgman, Washington; Mrs. Lester D. Brown, Lakeside; Mrs. C. E. Hough, Washington; Mrs. H. L. Bissel, Litchfield; Miss E. W. Hartland, Woodbury.

New London county—Mrs. George Maynard Minor, Waterford; Mrs. William Norton, Norwich; Mrs. Albert H. Chase, Norwich; Miss Louise B. Meech, Norwich; Mrs. H. W. Jacques, Waterford; Mrs. Harry B. Hunt, Niantic; Mrs. Arthur H. Myers, Mystic.

A well known Republican, to show his approval of the women's cause, has signified that he is withholding a \$1,000 contribution to the Republican party until the Anthony amendment has been ratified.

Mrs. George Maynard Minor of Waterford, who was recently chosen president-general of the National D. A. R., and Mrs. John Ladda Buel of Litchfield, leader of the Connecticut D. A. R., are among the signers of the pledge. Wives of several members of the General Assembly are also included in the number. By counties some of the well known signers are:

STANLEY GETTING STATEMENT READY

President John C. Stanley of the Board of Police Commissioners, has as yet prepared no statement in answer to the allegation made yesterday afternoon by ex-Assistant Superintendent Charles S. Suckley, in which the former officer declared that it was "a commissioner" and not "the commissioners" who ordered him to "get" Captain Edward O. Cronan.

Mr. Stanley said this morning that he is preparing a statement, but it is not ready to be made public as yet. He said Gov. Cox refused to comment on the situation. No definite date has been fixed for a meeting of the commissioners, but it is expected that the Suckley matter will be taken up at the first session of the board. Suckley could not be located this morning.

Governor Cox Coming

New Haven, July 22—Gov. James M. Cox of Ohio, Democratic presidential nominee, will come to New Haven next month to attend the ratification celebration now being planned by the County Sheriff's association, the local Young Men's Democratic club and the Gabrielle d'Annunzio Democratic club, it was definitely announced last night.

Sheriff Thomas L. Reilly returned yesterday from Columbus, O., where he saw Gov. Cox and invited him to the ratification meeting. The governor, it is said, may make two trips to New England, and probably will come here about the middle of next month.

ONE LICENSE TODAY.

Only one marriage license had been issued at the Bureau of Vital Statistics up to a late hour this morning. The one license issued resulted in a hasty marriage. Andolfo Rubustoso, 42 years old, of 297 North Washington avenue, took unto himself a bride of the same age, Miss Helen Nicolena, of 90 North Washington avenue. The couple were married by Justice of the Peace Howard Dunbar who tied the knot in his office immediately after the couple had obtained their paper.

Judge Banks Says Ordinance Passed By City Is Void

Council Exceeded the Power Granted—The Motion to Dissolve the Injunction is Denied and the Injunction is Continued in Force Until the September Term of the Superior Court.

Judge John W. Banks in the superior court today decided that the city ordinance passed by the council, driving the jitneys off the main streets, is void and he denied the motion of the city that the injunction granted the jitney-men restraining the city from enforcing the ordinance be dissolved.

He ordered that the injunction granted to the jitney-men be continued in force until the September term of the superior court.

The reason of his finding is that the council exceeded the power given it when it passed the ordinance in that it delegated to the police commissioners the power to license and fix the traffic routes. He upholds the contention, however, that the council has the right to fix traffic routes, but holds that in this case it went beyond its powers.

The finding in full follows:

PARK CITY BUS ASSOCIATION, INC.

VS. CITY OF BRIDGEPORT, SUPERIOR COURT, FAIRFIELD COUNTY.

July 22, 1920.

MEMORANDUM UPON MOTION TO DISSOLVE TEMPORARY INJUNCTION

The question here involved is that of the validity of an ordinance adopted by the Common Council of the City of Bridgeport on July 12th, 1920, amending an ordinance adopted on June 23rd, 1919, dealing with the subject of the regulation of the operation of public service motor vehicles in the City of Bridgeport. Counsel for both parties have agreed upon the facts, waived any technical question as to the right of the plaintiff to maintain this action and have united in asking the Court to pass upon the fundamental question involved in order that it may be speedily determined as the important public interests involved and the exigencies of the situation require.

The facts being undisputed the sole question to be determined in this proceeding is one of law, to wit: Whether the ordinance is a valid exercise of the legislative powers of the Common Council. The question submitted is one of municipal power, not policy. With the latter the courts have nothing to do. They cannot overthrow ordinances made by competent authority merely because in the opinion of the judges they are unwise nor can they sustain ordinances made without authority merely because they may approve of the result sought to be accomplished. Neither are the courts concerned with the motives of the city in adopting the ordinance.

The powers of a municipality are only such as are conferred upon it expressly or by necessary implication. The legislature may authorize it to exercise within its territorial limits certain governmental powers of the state and when the local legislature in strict pursuance of the authority given by statute enacts ordinances these ordinances are operative as law by force of the statute. The statute which specifically vests such authority in this municipality is the City Charter. Section 53 of the charter provides that the Common Council shall have power to enact ordinances:

"Relative to the restraint of all kinds of animals and vehicles and street railway cars and the control of the same in their use of the streets."

"Relative to hacks, carriages, carts, trucks and other vehicles and the places where they shall stand and the price for the transportation of person and property therein."

"Relative to licensing cartmen, truckmen, hackmen, butchers, bakers, petty grocers, hucksters or common victuallers, under such restrictions and limitations as said Common Council may deem necessary and proper."

These charter provisions give the common council broad powers to regulate traffic in the city streets and it has been generally held that in the absence of special statutory restriction the municipality may enact valid ordinances regulating the operation of jitneys and motor busses requiring them to be specially licensed and to submit to various restrictions. There is therefore no merit in the plaintiff's claim that the ordinance is unconstitutional because of unfair discrimination in the use of the public highways. Nor is the ordinance invalid because it revokes the permits which have been issued under the ordinance of June 23rd, 1919, since such permit is a mere privilege or permission and is in no sense a contract or property.

Burgess v. Brocton, 126 N. E. 456

These charter provisions are not, however, controlling as to the validity of the ordinance in question since a later enactment of the legislature deals directly with the subject and the charter provisions in so far as they are inconsistent with the later statute must give way to it.

Section 30 of Chapter 233 of the Public Acts of 1919 prohibits any municipality from adopting any ordinance respecting the regulation of motor vehicles except that any ordinance

(Continued on Page Eight)