

COMMISSION SAID
TO HAVE BUGLED

Judge Martin Pipes, Appearing
for City, Attacks Validity
of 6-Cent Order.

CREATIVE LAW EXAMINED

Fact That Referendum Act Was
Not Retroactive Precludes Tam-
pering With Rates, Attor-
ney Tells Court.

Because the referendum act which gave existence to the Public Service Commission was not retroactive in its scope, that body has no authority to readjust rates which have been fixed before the commission came into existence, was one of the important contentions advanced yesterday by Martin L. Pipes, who consumed the greater portion of the day in advancing the city of Portland's demands for a nullification of the order of the Public Service Commission increasing street-car fares in Portland from 5 to 6 cents.

Judge Pipes further contended, and gave numerous authorities in support of his views, that the state commission's power as granted by the people gave it only the right to readjust rates which had previously been fixed by the utility itself. This right does not include the fixing of rates which have been established by a municipality, he asserted.

From the opening of the session before the six circuit judges, sitting en banc, yesterday morning until late in the afternoon Judge Pipes continued his argument, taking up very feature and every phase of the law involved in the legal controversy. Backed by what he said were unimpeachable authorities, he showed wherein the charter of the city of Portland expressly provided how franchises should be granted. This charter, he said, made it absolutely essential that the city and a utility corporation enter into a contract where a franchise is given and, inasmuch as this contract between the city of Portland and the Portland Railway, Light & Power Company provides what fare shall be paid, it is not within the province of a state commission to come forward and attempt to abrogate a contract which was backed and authorized by a city charter.

Judge Pipes ridiculed the assertion of Assistant Attorney-General Bailey that it would be a "calamity" if the courts should take from the Public Service Commission the right to fix rates charged by public utilities. He declared that the very essence of the Oregon system gave to the cities the right of home rule, and that no great calamity would befall the people of Oregon if the courts allowed the people of Portland—the people who pay the fare—to say what is a just rate to be charged by a utility.

"I say it is no calamity to give the people of Portland the control of their own affairs," he said, "or if it is, it is a calamity which can be endured. The Public Service Commission showed its tender regard for the people of this city when it increased the street-car fare to 6 cents."

In a careful analysis of both the act establishing the Public Service Commission and the city charter under which a franchise was granted to the Portland Railway, Light & Power Company, Mr. Pipes showed that the powers and rights delegated in both acts are parallel, and that it would be impossible to have such co-existing authority. Either the city charter or the Public Service Commission must bow to the other, he said, and, inasmuch as home rule is almost an inherent right of the people of Oregon, the people of Portland should be given the right to determine what is fair and just.

Arguments in behalf of the Portland Railway, Light & Power Company will be started today.

DISLOYALTY NOT CHARGED

Court Approves Instead of Convicting Alleged Offender.

That a charge of disorderly conduct did not give him the right to convict a man for disloyalty to his country was the declaration yesterday of Circuit Judge Campbell, of Clackamas County, who is sitting in Judge Tuckers' place while the latter is hearing argument in the 6-cent fare case. Judge Campbell reversed the ruling of the Municipal Court in the case of the city against O. G. Johansson, secretary of the Socialist party.

Johansson had been found guilty by Judge Rosman on a complaint charging him with disorderly conduct because of his action in ejecting from a Socialist dance three young women who had come there to solicit funds for the Red Cross.

"Although your position as floor manager at this dance gave you the right to object to the presence there of anyone who displeased you, I must say that your action in ordering these young women from the hall was highly disloyal," said Judge Campbell in giving his decision.

PULITZER NOT INSURED

City Council Decides to Take Chances on Fishing Trip.

Portland's fishing boat, the Joseph Pulitzer, will go to sea without marine insurance. This was decided by the City Council last night when the boat on reaching Astoria discovered that the marine insurance companies of San Francisco had refused to write the insurance in the manner originally proposed.

As a result of this the Council decided to send the boat on her way without insurance for the present. The city is responsible for her to the extent of \$5000. City Commissioner Kellaher sent orders last night to the boat at Astoria to put to sea at once and go to fishing.

Read The Oregonian classified ads.

10c GLOBE 10c
Washington at Eleven.
KATHLYN WILLIAMS
and
THEODORE ROBERTS
in
"The Cost of Hatred"

ALSO
"Who Is
Number
One?"

MOVING PICTURE NEWS



William S. Hart in *Blue Blazes Rawden*
At Liberty Theater

TODAY'S FILM FEATURES.

Majestic—Constance Talmadge, "Scandal."
Peoples—Mae Marsh, "The Beloved Traitor."
Columbia—Olive Thomas, "Limousine Life."
Star—Mary Miles Minter, "Beauty and the Rogue"; Toto comedy, "The Movie Dummy."
Sunset—Douglas Fairbanks, "Flirting with Fate"; Charlie Chaplin, "Who Is Number One?"
Liberty—William S. Hart, "Blue Blazes Rawden."
Globe—Kathlyn Williams and Theodore Roberts, "The Cost of Hatred"; "Who Is Number One?"

Sunset.

DOUGLAS FAIRBANKS and Charlie Chaplin will continue to entertain at the Sunset Theater throughout the week. "Doug," the sunny athlete of the silent "drammer," is appearing in that hilarious "disguise" picture, "Flirting With Fate," while Charlie is parading his antics in "One A. M.," a presentation of his famous drunk character.

Romance, adventure, stunts and assassins are mixed up in "Flirting With Fate," which presents Fairbanks in the role of an artist, Augy. This lovelorn chap decides upon a trip to the Great Beyond when his sweetheart turns him down. He cannot turn the trick himself so hires Automatic Joe to dispose of him. Joe is to earn his money unexpectedly, and when Augy falls heir to a million and fixes things up with his girl, it's the fear of that unexpected assassination that almost sends Augy to the ward for the maniacs.

Peoples.

Whimsical Mae Marsh, who has been pleasing her followers in "The Beloved Traitor" at the Peoples Theater, will conclude her engagement tomorrow night with "Doug" Fairbanks following on Saturday in his latest Artercraft production, "Headin' South." Some unusual screen entertainment is promised for the week. "Doug" and his squad invade Old Mexico.

"The Beloved Traitor," the Mae Marsh-Goldwyn offering, is a photoplay of the Maine fishing banks and New York's artistic Bohemia. Miss Marsh is cast in the role of a fisher-maid who inspires her sweetheart to success as a sculptor, and then, after he invades New York and is in danger of becoming engulfed in its gay life, rescues him.

Liberty.

"Blue Blazes Rawden," the latest William S. Hart-Artercraft production which has been attracting good crowds to the Liberty Theater, will be shown until Saturday night.

This new picture is a departure from the Hart features of more than a year ago. It is presented as a lumberjack instead of a plainsman. It's a picture of thrills, much pathos, and some wonderful backgrounds of the big trees.

As in so many Hart offerings the hero is a bad-man who reforms in "Blue Blazes Rawden." A lumberjack bully, Rawden, almost breaks up a lumber town, wins a gambling house, then kills its former owner in a duel, and is cock of the walk until the mother of the dead gambler appears. Her influence brings about the reformation of "Blue Blazes."

A smashing Mack Sennett comedy also is offered on the current bill.

tions gets her into a scrape from which she attempts to emerge via a fib. However, this fib only complicates matters, but it ends in the winning of the right man for a husband.

Star.

"Beauty and the Rogue," that delightful photoplay starring beautiful Mary Miles Minter, and "The Movie Dummy," the two-reeler presenting Toto, famous comedian from the New York Hippodrome, to film fans for the first time, will close at the Star tomorrow night, being replaced on Saturday by Fannie Ward in her first Pathé play, "Innocent."

"The Movie Dummy" is a real film novelty and Toto, the nearest approach to a boneless man pictures have ever made, promises to become a popular entertainer. What is even better, they say that the Toto comedy is superior to the first.

"Innocent," the forthcoming Fannie Ward production, is said to present this famous star in her best role since that famous Laszky picture, "The Cheat."

Did You Know This?

"The Stroller," imparts the following news bits in the current issue of Motion Picture Classic:

Edith Storey announced her engagement to Antonio Moreno, via a personal note to a friend, and then, after Moreno had sent an unanswered telegram of congratulation, Miss Storey denied sending the letter and said that she was not going to wed Tony, now Pearl White's partner in a new Pathé serial.

Florence Reed's work in "Today" earned for her offers of three contracts, two calling for the formation of her own company.

Kitty Gordon, Carlyle Blackwell and Arthur Ashley locked horns over the featured role in a film story of the lives of Alexander Hamilton and Aaron Burr, with the result that a mediator was brought in and Kitty gave way to June Elvidge, Ashley, director-actor, is soon to be with Goldwyn.

Alice Joyce doesn't ride around in an automobile these days because she spends all her money for clothes. Her Viagrapp contract has two months more to run, but the company has the option of renewing it.

Alice Joyce, who is Mrs. Tom Moore, says, "There's one thing especially admirable about the Moore boys—they are the cleanest-minded fellows in the world and all of them have the highest regard and respect for women. The boys are: Owen, who is Mr. Mary Pickford; Tom, Mr. Alice Joyce; Matt, who is just Matt Moore, and Joe, who is Mr. Grace Cunard."

Edna Mayo is still disengaged, after more than a year of absence from Esplanade, but they say she's going to book up with one of the big producing concerns soon.

Screen Gossip.

Miriam Cooper, who retired from the screen last Fall, is to return to the silent drama in a big Fox production, "Woman and the Law."

Violet Palmer, co-starred in the Fox picture, "The Blue Streak," is now Bill Farnum's leading woman.

"My Four Years in Germany," the picturization of the famous book of Ambassador's Gerard's, has been completed.

Dorcas Matthews, who has been seen to good advantage in recent Triangle and Paramount pictures, is the wife of Bobbi Mann, the villain in Triangle and Hart pictures.

One thousand dollars an episode is the dress cost for Marguerite Snow in the William J. Flynn-Wharton serial, "The Eagle's Eye."

Anna Case, operatic star, is preparing for her film debut, which will be this Summer.

Doris Kenyon is at Palm Beach for a month's rest. Then she will start work on an adaptation of the Mary Roberts Rinehart story, "The Street of Seven Stars."

Milton R. Sills, and not Conway Tearle, will be Clara Kimball Young's leading man in "The Reason Why," from the Eleanor Glyn story.

Dick Barthelmess, who has been sojourning at Atlantic City since the completion of the Paramount picture, "Sunshine Nan," in which he had a leading role with Ann Pennington, was called back to the Famous Players studio last week to commence work in a new Paramount production in which he will have the leading part opposite Marguerite Clark. He previously served as leading man with Miss Clark in "Bab's Burglar," "The Seven Swans" and "The Valentine Girl."

The logical result of Hamilton Revelle's portrayal of the monk in Mary Garden's "Thais," is the announcement of his appearance in another Goldwyn production. Again he is leading man for Mary Garden, this time in "The Splendid Sinners," modern story of Broadway's bohemia, in which the singer is given the opportunity to be herself as her friends see her. Hamilton Revelle's part is that of a struggling country physician.

Niles Welch, who recently appeared in Metro's "Her Boy," is playing the lead with Mae Marsh in her latest Goldwyn production, which is being made from a story by Irvin H. Cobb. The title of the picture has not yet been announced by Goldwyn. The production has been on the way for several weeks and will shortly be completed.

TIMBER INDUSTRY REVIVED

Gold Hill Mills Prepare for Busy Season and Increased Output.

GOLD HILL, Or., Feb. 27.—(Special.)—The war prices for lumber have caused a general revival of the timber industry in the Gold Hill district. The Dusenberry and the Smith sawmills on Sardine Creek have been operating all Winter, getting out timbers for the mines and lumber for the state limestone fertilizer plant.

The Meninger sawmill on Sam Creek, which was destroyed by fire last Summer, is being rebuilt, and the Blomquist sawmill and shingle factory, on the same stream, is being improved. The large sawmill on Sardine Creek and the box factory in Gold Hill will be operated the coming season.

Staton Man to Serve.

STATON, Or., Feb. 27.—(Special.)—G. W. De Jardin, assistant cashier of the Staton State Bank, has resigned his position with that institution, to take effect Saturday, March 2. Mr. Stanley A. Starr, of this city, has been selected to take the position formerly occupied by Mr. De Jardin. After a short visit with his parents at Gervais, Or., Mr. De Jardin will take up the ordnance course at the University of Oregon. He has three brothers with the colors; two of them, Julian and Joe De Jardin, are now in France, while the third brother is at Vancouver.

SPEEDER FINED \$25

Deliveryman Is Assessed for Series of Offenses.

OTHER VIOLATORS CAUGHT

Postal Driver Pays \$15 for Hitting 'Er Up Around Town—Number of Other Traffic Cases Disposed of at Municipal Court.

After A. D. Newman, a deliveryman for the Weatherly Creamery Company, had been fined \$25 in the Municipal Court yesterday for a series of offenses against the traffic ordinance, his employer and Elton Watkins, an attorney, appeared and pleaded for a reduction of the penalty on the ground that the young man was unable to bear the higher sum. Judge Rosman refused the request and the case was appealed.

Newman was arrested by Sergeant of Police D. Burke, who swore that the defendant passed two automobiles at forbidden places and that he also passed a streetcar that was stopped to discharge and take on passengers; his driving was otherwise pretty swift, the officer testified. Judge Rosman said that, with this sample of driving in view, he would not care to reconsider the sentence.

S. A. Stockdale, driver of a post-office automobile, "hit 'er up" around town at 35 miles an hour and was fined \$15. The head of his department appeared in court later and asked if it were possible to permit the young man to pay this on installments, but Judge Rosman said no; that the city now has outstanding some \$10,000 of such fines at the present time and that he will not consider any such plan.

Traffic cases were disposed of as follows:
S. A. Stockdale, \$15; C. Van Peet, \$5; A. V. Lewis, \$2; Curtis Gardner, \$20; E. P. Martin, \$10; Captain G. W. Hoorford, \$10; V. H. Galloway, \$35; H. M. Shuck, \$5; A. D. Newman, \$25; P. A. Lewis, \$15; J. W. Sevier, \$5.

HEPPNER GOING AHEAD

STREET IMPROVEMENTS ARE NOW INAUGURATED.

Macadam Pavement to Be Laid Under Supervision of State Highway Commission and Engineer.

HEPPNER, Or., Feb. 27.—(Special.)—Heppner celebrates this evening the inauguration of street improvements. An agreement has just been closed with A. J. Welton, of the United Contracting Company, of Portland, for laying 21,000 yards of water-bound macadam. The work will be done under what is known as the forced contract plan. Mr. Welton supervising work for 10 per cent. He guarantees to do the work at a cost not exceeding 75 cents per square yard, and if he is able to do the work for a lesser amount the difference is to be cut 50-50 with the city.

As most of the work will become a part of the state highway when that thoroughfare is completed through Heppner, and to insure that the work will be in no way slighted, the improvement will be made according to specifications furnished by the State Highway Commission and under inspection and subject to the approval of the State Highway Engineer.

Manager J. L. Wilkins, of the New Palace Hotel, is preparing a banquet for tonight at which Mayor Snead, Councilmen Vaughn, Noble, McCarty, Minor, Hager and Sweek, City Recorder William and City Attorney Nys will be the guests of honor. Mr. Wilkins has been one of the most active good road and good street boosters in the county.

State Highway Engineer Baldock is here with a crew of field men and draftsmen and it is expected work will begin on the first unit from Heppner to Lexington at an early date.

Klamath Indians to Benefit.

KLAMATH FALLS, Or., Feb. 27.—(Special.)—According to word just received here by Superintendent J. M.

LIBERTY

BILL'S CLEANIN' UP GO!



Bill Hart

BILL HART

as
"BLUE BLAZES RAWDEN"

Master of men—devil of the North—a mighty leader in a play of might, and it's on the boards 'til Saturday night.

GET GOIN'

Johnson, of Klamath Indian Agency, which average over \$100,000 annually. Commissioner of Indian Affairs, Washington, has notified Senator Chamberlain that timber sales have been authorized on behalf of the Klamath Indians, calling for payments.

HELD OVER
TILL SAT. NIGHT

His Best Picture
A Refreshing, Wholesome, Comedy Drama

DOUGLAS FAIRBANKS

in
"FLIRTING WITH FATE"

SUNSET

10c Mats. 5c Kiddies 15c Eves. Sunday

On Same Bill
"ONE A. M." with



Charlie Chaplin

CHARLIE CHAPLIN

TODAY
TOMORROW
SATURDAY

OLIVE THOMAS

GIRLS WHAT CHANCE WOULD A MILLIONAIRE HAVE IN YOUR HANDS? SEE HOW MINNIE OF THREE OAKS, IA. MANIPULATED HERN. See the things you can see for 20¢

COLLEGE LIFE COLUMBIA

TRY TO GET IN