

## CITY MUST TAKE CONDEMNED LANDS, STATES ATTORNEY

Procedure Precludes Either Appeal of Case or Refusal of Marquam Gulch Property.

OFFICIALS WELL SATISFIED

Mayor and Councilmen Believe City Fared Well in Price Set Upon Land by Juries.

Property in Marquam gulch, for which the city paid sums greatly exceeding the assessed value and for which in instances they paid more than property in fashionable residential sections brings in the market, must be accepted by the municipality, according to a statement by Deputy City Attorney Tomlinson this morning.

In condemnation proceedings, the attorney pointed out, the city must either refuse title to the property to appeal the case, or pay the judgment into court following the verdict. In the Marquam gulch cases the city accepted title without protest to all but five, which are still untried, and has deposited the cost with the court, precluding an opportunity either to appeal or refuse the property.

"I had no reason to believe, and have not yet been shown, that the city paid an exorbitant sum for the Marquam gulch property," replied Mayor Baker yesterday when asked why the city failed to refuse title to the land or to appeal the case. "It has been my understanding that the city did very well in the condemnation proceedings, and at the time the council voted the appropriation for the property our attention was not directed to any irregularity. I have requested that the council be consulted immediately when there is a question as to the price hereafter."

**SAY CITY FARED WELL**  
"I was surprised to hear a protest that the city had paid a high price in the gulch cases. I have received call after call from property owners in the district, protesting that their property had been condemned at a sum far lower than its actual value. My information is to the effect that the city paid only the usual amount for condemned property."

City Attorney Tomlinson believes the city paid fair condemnation prices for the property.

"In some instances the city was charged more than the property was worth, in others the price was fair, and in the remainder I believe we received title for less than the actual value," he

asserted Wednesday. "The Marquam gulch verdicts correspond with other condemnation decisions. The city is at a disadvantage with a jury when condemning property or homes of other than wealthy people. The man who is losing his home always gets a high valuation when the city condemns his land. The city has the advantage only when proceeding against a wealthy man."

**KEYSER IS SATISFIED**

"At Marquam gulch we paid less in a great many instances than the property was worth to its owner. I also know of cases where the property was obtained by the city for less than the original purchase price paid by the owner and on which taxes have been collected for years."

"The city came out of the proceedings better than I had expected," stated Superintendent of Parks Keyser, who recommended that the verdicts be accepted by the city. "We always figure that property obtained by condemnation proceedings will cost the city three times the assessed valuation. In these cases, we were lucky. Some were high, yes, but others were very low."

"And how could we have done better? We had nothing to appeal on—no grounds. It would have been added expense and probably no better verdict because we had no evidence and there were no flaws in the proceedings. If we had failed to accept the decision, we never would have parks or playgrounds. It is the fault of the legal system the city cannot get lower prices under the existing laws. These verdicts are comparable favorably with others in condemnation suits."

**ACCEPT TITLE TO ALL**

In one case the city of Portland offered the owner \$915 for part of a block assessed at \$490. The jury placed the price at \$2500 and the city paid it. In another instance the assessed value was \$670 for a 2 1/2 foot lot. The city price was \$4100. The municipality paid \$2200 for a fraction of a lot assessed at \$300. This was 7 1/2 times the assessed price. Another lot assessed at \$1500 brought \$6250. The city accepted title to these cases.

It seems that as fast as these condemnation cases were tried the council appropriated the necessary funds, and paid the awards more than the law does not require a plaintiff in a condemnation suit to abide by the result of the litigation. It was within the city's power to have refused to pay the awards and to appeal. In all the Marquam gulch cases, juries awarded such excessive sums for the property that there is considerable indignation being expressed at the action of the city authorities in paying for this property as fast as the condemnation cases were tried.

It is estimated now that when the remaining half dozen suits are tried that the total cost of the land for the play ground will be considerably in excess of the \$100,000 voted by the people, which sum was originally deemed not only sufficient to buy the land but to improve it to a point where it is suitable for park and playground purposes.

**264,674 Discharged During April**  
Washington, May 7.—(I. N. S.)—The total number of enlisted men discharged from the army during April was 264,674, the war department announced this afternoon. The total discharges from November 11 to April 30 were 1,248,546.

It is said that the women's suffrage amendment still lacks one vote in the United States senate.

## WOUNDED HEROES GIVEN RECEPTION BY PORTLANDERS

Soldiers Propped Up in Beds Are Feted and Fed Dainty-Bits During Stay at Union Station.

MANY RELATE BATTLE TALES

Canteen Band, Red Cross and Salvation Army Lasses Do Best to Cheer Ill and Injured Ones.

It was a different kind of reception—the one Tuesday night to the 136 sick and wounded men who came into the Union station at 6:30 o'clock and spent the evening until midnight, allowing visitors aboard till 9:30. There was the Red Cross canteen band, the Red Cross nurses and Salvation army women were busy with the good, but at times sad, task of passing fruit, candies, cream puffs, doughnuts and coffee to the boys who had to stay in their beds.

But with all the gaiety made by the winning smiles of Portland's young and not-young women, and the flowers that deluged the cars, it was touching to see some of those wounded boys—Lieutenant Harrison L. Askey, for example. He is a Tacoma boy who went over with the old Second Washington. He was transferred to the 38th infantry and saw a good deal of action. During the fierce chest by a shell fragment and his wound developed an empyema which has kept him in bed since October. He is still under surgeons' care.

**EMOTION EXPRESSED**

Among the crowds on hand to greet the boys were many young men who had been in the service but who had not gone to France. As one of these in civilian clothes passed a soldier who was recovering his strength, the soldier rubbed the other's coat sleeve and remarked: "Well, anyway, it's good to know there were more ready to go. It looked for a while as though we were going to need 'em."

"Yes," replied the other, "and I'm still saving my uniform." Many of the boys met friends or relatives in the crowds of people that filed through the cars. Fred A. Penline met his sister and the two of them set on the edge of his bed and chatted and cried and even spooned, just like sweethearts would. Their little tete-a-tete was interrupted long enough to learn that he had been a member of the machine gun company of the Eighth infantry and that

he was ill for two months with influenza, from which he is recovering.

**SAW BUGH SERVICE**

John Sande, a member of B company, 10th infantry, who hails from Burlington, Wash., was wounded in the legs by shrapnel near Verdun, and was confined in bed for eight months. Blood poisoning made his recovery slow, and he hopes to soon be able to walk.

Harry Hogue of Forest Grove was much sicker after he went to France with the old Third Oregon and was transferred to L company, 16th infantry (Rainbow division). After seeing all kinds of rough service he was taken severely ill with tonsillitis, from which he has recovered.

George Hoadley, who went over with the Fortieth division and was later transferred as a replacement to the Lost Battalion, told about the rough, wooded life of the total, the troops when French units on the sides could not push their way ahead. For six days the boys were there. Airplanes came and dropped food, but they didn't get it for some reason. They had eaten their emergency rations on the first day, and for the next five days, they were without food.

**CUT FROM SUPPLIES**

"It was sure tough," he said. "You'd have to stand out there and see your buddy shot down right beside you. You'd grit your teeth and get sore, but you couldn't do a thing."

"They were bangin' away at us and we were givin' 'em everything we had. Then on the morning of the fifth day I woke up and everything was still. I looked around and things seemed all right. Then I found that some machine gun companies had pushed the Germans back on each side of us and clear on past."

We didn't yell, even though we sure were glad. You see a lot of our boys had been wounded, and the first thing we did was to take care of them. While we were out there we didn't have any hospital supplies except the stuff in our first aid kits. That ran out early in the game and when a man was wounded badly he was just about done for."

Across the aisle from where Hoadley was sitting a young soldier was having the time of his life chatting with people who had gathered round his window. With his feet blocking the aisle he lay on his bed and enjoyed himself. Every time something funny would be said his feet would bob up and down. When traffic had been blocked for some time one of his bunkies, seeing the waiting line of people, who wouldn't interfere with the boy's fun, caught hold of his feet and held them up while everyone in the car giggled and passed by.

**CONFINED SIX MONTHS**

Sergeant John Cook of Seattle has been six months in a hospital. His legs were riddled by machine gun bullets during the Argonne fighting. He was a member of Company 17, First air service mechanics corps. Sergeant Joseph Trembl was serving with the thirty-third engineers in Belgium when a bullet went through his right shoulder. He is nearly well now and is anxious to go back to his home in Fairbanks, Alaska.

Frank White, a sergeant who served with the Fourth engineers and who was wounded in the foot while fighting along the Vesle river and later gassed so badly during the Argonne fighting that most of his teeth had to be taken out, met his mother at the train. He will soon be discharged from Camp Lewis and will return to Portland.

Several of the boys mentioned Grand Island, Neb., as a city that gave them an extra fine welcome.

## FORMER COUNCILMAN OF PORTLAND CALLED BY DEATH ON MONDAY

Daniel T. Sherrett Came to Portland Over 40 Years Ago; Engaged in Plumbing.

Daniel T. Sherrett died Monday at his home, 254 East Sixteenth street, at the age of 59. He was born in California and came to Portland over 40 years ago. He engaged in the plumbing business and was associated with Robert Brady. During the term of Mayor Rowe, Mr. Sherrett was elected to the city council and served two terms. Mr. Sherrett is survived by his widow, Mrs. Mary F. Sherrett, and four children, H. T. Raymond and Louis Sherrett, and Mrs. O. C. Hoff. A brother is William Sherrett and a sister is Mrs. Lena O'Brien, all of this city. Funeral services will be at the residence Thursday morning at 8:30. Requiem mass will be said at St. Lawrence church at 9 o'clock. Final services will be in the Catholic cemetery in Vancouver, Wash., at 10 o'clock. Eilers have charge of funeral arrangements.

**Mrs. Frankie Duncan Cleek**  
Mrs. Frankie Duncan Cleek, organist of the East Side Christian church for several years, died April 30. She was born in Fillmore, Mo., March 20, 1858, and is survived by her husband, L. M. Cleek, and her mother. Funeral services were held at the family residence, 871 East Fairview, Saturday, May 3. Burial was in Mt. Scott park cemetery. Breeze & Snook had charge of arrangements. Mrs. Cleek had a large number of friends and her services and interest in church work were appreciated.

**Mrs. Mary Jane McLaughlin**  
Mrs. Mary Jane McLaughlin, age 82, a native of New Orleans and a resident of Portland for a number of years, died Monday at her home, 87 Vancouver avenue. She is survived by two sons and one daughter: John S. McLaughlin of Chicago; Michael J. McLaughlin of Portland and Sister Rosie Marie of the Holy Name. Funeral arrangements are in charge of McEntee & Eilers.

## AMERICA AND GREAT BRITAIN WILL HELP

(Continued From Page One)

ing at Versailles. The clause in the peace treaty providing for the trial and punishment of the ex-kaiser and others responsible for the war was passed unanimously at yesterday's plenary session.

**France Gets Largest Share**  
London, May 7.—(I. N. S.)—France will receive the largest share of the war indemnity imposed upon Germany. Sir John Fraser telegraphed the Evening Standard today. The division will be as follows, he said: France, \$12,500,000,000; Great Britain, \$7,500,000,000; United States, (for food) \$2,000,000,000; Belgium, \$1,500,000,000; Italy and Serbia, will divide \$3,500,000,000.

## OREGON MUST HELP DISTRICT OVER TOP

Urgent Appeal Is Received by Loan Managers Asking That Drive Continue.

Oregon's oversubscription to the Victory Liberty loan, as far as it has been audited this afternoon, totals \$229,325. Auditors, however, consider this figure only a fraction of the total, which will be revealed as the tabulations continue. Sales of Victory bonds on Tuesday totaled \$79,400, the reports show. The total sales thus far reported are \$16,015,850.

Oregon having oversubscribed her quota in the Victory Liberty loan, must

now help the rest of the nation over the top. An urgent telegraphic appeal which reached the publicity department of the Victory loan organization from the Twelfth federal reserve district this morning, stated:

"Oregon is not through until May 10. Trust that your state will continue to help the nation over the top."

Robert E. Smith, executive manager of the Victory loan for Oregon, said this morning that the most convenient way for Oregon to pile up an oversubscription that will help make up for the deficit in other states is to aid the "clean-up" drive being conducted this week by the Boy Scouts.

"Let everybody subscribe to an additional bond through the Boy Scouts," said Mr. Smith. "Mr. Cookingham, executive chairman of the Victory loan organization, and myself have each subscribed to an additional bond."

The appeal from John U. Calkins, chairman of the war loan organization of the Twelfth federal reserve district, follows:

"Citizens of the Twelfth federal reserve district: This is the last week of the Victory Liberty loan campaign. Our country has called upon us to do our part toward paying the price for

the early victory our tremendous preparations made certain. To date we are far short of our quota in every state of the district, save Oregon. Now is the time for us to show the measure of our patriotism. If we do not meet our government's call we are unworthy of the protection of the Stars and Stripes—we are poor Americans. Loyalty to our country should insure the success of the Victory loan, regardless of any other consideration, but the government is offering us a most exceptional investment. The Victory notes are for four years at 4 1/2 per cent, and exempt from all state and local taxes and normal income tax. The investment is far superior to the 4 per cent or less that the savings bank pay, and it has the whole United States for security. The quota for the district is \$201,500,000. Less than one-half of this has been subscribed. Let's pass our quota and prove our Americanism is more than mere flag waving. We have won the war. Now we must pay the bill. The West must not fail."

The average uniform ration for the 7,000,000 inhabitants of the occupied areas of Germany will be 830 grams a day for each person, an increase of 80 grams a day.

## Dr. Carter's K. & B. Tea Real Springtime Tonic and Blood Purifier

Old Fashioned Vegetable Remedy That Drives Out the Impurities of Winter.

Take Dr. Carter's K & B Tea as just about the best spring system regulator you can get and don't fail to give it to the children also.

A good-sized package costs but a trifle and with it you can brew enough real good medicinal tea to last a long time. And such wonderful tea—it's pleasant to drink and it just does regulate the stomach, liver and bowels without any distress or harshness.

Ask your druggist for a package today. Take a cupful every night for two weeks—it's one good sensible way to give the entire system a good spring cleaning. Children love it.—Adv.

## NEW COLUMBIA THREE DAYS TODAY

Direction of Jensen-Von Herberg

A SEVEN PART DRAMA WITH FACT FOR ITS AUTHOR—A NAME AS MAGICAL AS THE WORD "AMERICA"—Laughs! Thrills! Cheers!

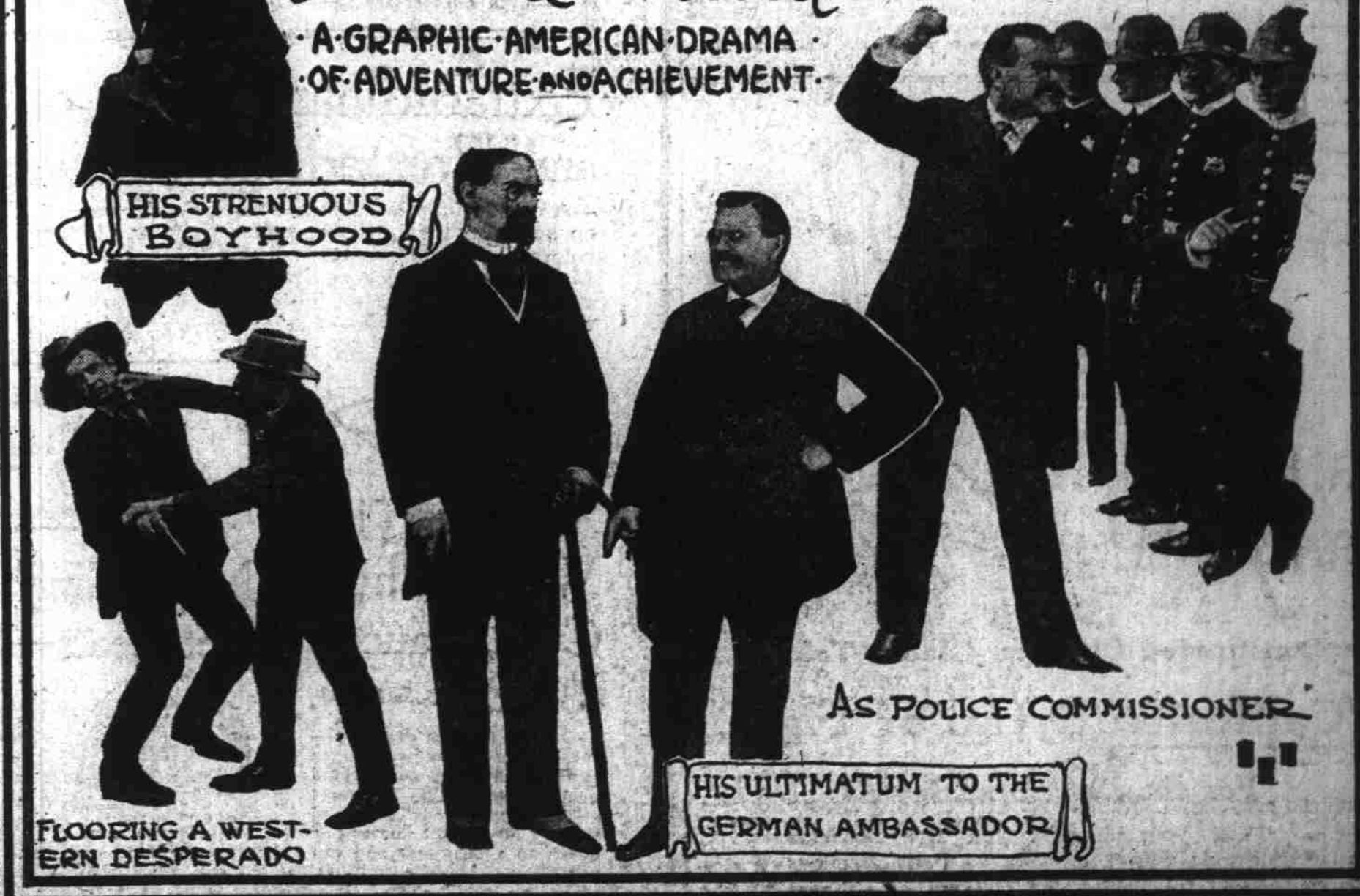


## The Famous Roosevelt Picture "OUR TEDDY"

A PERSONALLY AUTHORIZED MOTION PICTURE VERSION OF STIRRING EVENTS IN THE LIFE OF

Theodore Roosevelt

A GRAPHIC AMERICAN DRAMA OF ADVENTURE AND ACHIEVEMENT



FLOORING A WESTERN DESPERADO

HIS ULTIMATUM TO THE GERMAN AMBASSADOR

AS POLICE COMMISSIONER

IT WILL MAKE YOU SEE RED

WHITE AND BLUE

## Wear Good Clothes

Let your new suit be of good quality. It will give you the most for your money in faithful service, besides the satisfaction you will feel of being truly "dressed up."

Mathis' clothes are carefully hand-tailored—smart in style—up to the minute. You will feel exceedingly well dressed the moment you put them on.



Do you know we're specialists in Athletic Underwear?

Vassar, Cooper's, Rocking Chair B. V. D.

From the smallest to the largest size.

\$1.50 to \$7.50

Moderate Pricing

\$25 to \$65

All Wool Ready-to-Wear

See the New Dobbs and Mossant Hats. Quality that's in keeping with our clothes.

Mathis MEN'S WEAR

Corbett Bldg. Fifth and Morrison