

ANOTHER SUIT IS FILED BY STATE TO REGAIN LAND

Salem, Feb. 21.—Another suit to regain title to swamp lands in Lake county—the fifth in two days—was filed by the state Monday, according to Attorney General Van Winkle. This suit is directed against Ewing K. Henderson of Silver Lake and seeks to recover for the state title to 236.33 acres of land in Paulina marsh, adjoining holdings of the Chewascan Land & Cattle company, which is defendant in three of the suits filed by the state Saturday.

The land involved in this latest suit is estimated to be worth between \$300,000 and \$500,000, increasing the value of lands which the state is now seeking to regain to well above the \$4,000,000 mark.

As in the other suits the one against Henderson is brought on the ground that the deed issued to Henderson on March 2, 1876, is illegal in that the state board of land commissioners exceeded its authority under the act of 1873, which limited sales of state lands to one person to 320 acres.

STATE ACTS JUST IN TIME; STATUTE APPLIES TODAY

Lakewood, Feb. 21.—Attorney General Van Winkle who filed this suit here in behalf of the state to recover approximately 41,000 acres of fertile natural hay lands in different parts of Lake county, asked Monday in time, of the statute of limitations would have given holders of the land clear title after today.

Complaint proper covers 13 type-written pages, while exhibits and land descriptions cover 59 pages. According to attorneys here it will be the most complex case ever tried in the circuit court of Lake county.

In all, five complaints have been filed. One is against the Lake County Land & Livestock company which holds several thousand acres of swamp and natural meadow land in Warner valley, 35 miles east of Lakewood.

Three complaints are against the Chewascan Land & Cattle company, known locally as the EX outfit, to recover approximately 20,000 acres in the Chewascan basin near Paisley and a large area in the Spruce basin west of Paisley.

E. K. Henderson of Silver Lake also is a party to the complaints. He holds several thousand acres of land in the Paulina marsh, six miles north of Silver Lake, which the state hopes to recover.

Local agents for the attorney general sent the description of all the land involved in the five suits to the state board of land commissioners, but petitioners required to set up legal and just rights to the title of the land and also asks that the state of Oregon be declared the legal owner of such lands until a title has been established by the present holders.

The Chewascan Land & Cattle company is the largest land company in Lake county and runs about 12,500 head of cattle. The Lake County Land & Livestock company is the second largest cattle outfit, both concerns hold thousands of acres of land acquired from the state through the swamp act.

If the state officials are successful in establishing their claim of jurisdiction of the water of the Chewascan river will permit the construction of an irrigation project at Paisley and bring under cultivation 20,000 acres of sagebrush bench lands, it is said.

ADVANCE MADE IN FEBRUARY UPHELD

(Continued From Page One)

order met with a general protest from all sections of the state affected by the

increase and a petition for a rehearing of the order was filed with the commission by attorneys representing the city of Portland and numerous other Oregon cities, as well as farmer lines. The order granting the rehearing was handed down on May 11, 1921, and the rehearing was opened in Salem on July 15, 1921, sessions being held alternately in Salem and Portland for a period of six weeks, a total of 130 witnesses being examined, 136 exhibits being introduced and a record of some 5000 pages of testimony made.

CALLS IT STRANGE SPECTACLE

"The rehearing was asked ostensibly for the purpose of pointing out the errors in the conclusions reached by the commission in Order 683, but the attacks of the petitioners were directed, not against that order, but against the evidence by which the commission supported its claims at the hearing which led to that order," the commission declares. "We thus have the strange spectacle of a rehearing devoted chiefly to arguments against claims made by the company and already rejected by the commission. The maneuver could have had no other object than to divert the attention of the public from the fact that the commission had granted much less than the company asked."

HEARS COMPANY EXPERT

"The commission listened with interest to dissertations on technical matters by a telephone engineer of undoubted scientific attainments who dwelt on the advantages of equipment other than that used by the company. The responsibility, however, of prescribing the equipment to be used by the utilities of the state does not rest on this commission. The testimony of this witness was therefore almost wholly irrelevant and beside the issue.

"The petitioners presented through a public accountant, whose standing is known to carry weight with the commission, certain calculations purporting to be in excess of the amount of the company. On being questioned as to the basis of those statements, the witness replied that he had prepared them on certain hypotheses dictated to him by counsel and that he disclaimed any responsibility for their correctness. Yet we find counsel, in their brief, presenting these statements as the testimony and conclusions of the witness presented.

"UNREASONABLE TESTIMONY"

"A score of witnesses were put forward to say that they opposed any increase in rates. This was not necessary. Every man of reason knows that no one wants to pay more for service. The witnesses are not averse to paying higher rates than this commission is to ordering them paid.

"Much was said by counsel about poor service, but petitioners' own witnesses showed by test that calls were answered with a promptness possible only under efficient management.

"Hours of argument and pages of brief were devoted to assertions of gross inefficiency of management, but petitioners' only witness on this point testified that he had visited four exchanges in a single afternoon, and based his opinion on the fact that he found in use certain devices which he thought not the best for the purpose. Furthermore it was admitted by counsel that the stockholders of the company would be the first to profit by economy.

"The 4% per cent license revenue paid to the American company was constantly referred to as exacted from the patrons of the company and paid to the parent company for no consideration whatever, notwithstanding that it was well known to counsel for petitioners that less than one-half of this percentage was allowed by the commission and that this allowance was based on the actual cost of service rendered by the American company, Washington, Idaho, Arizona, Colorado, Utah, Wisconsin, Michigan, Missouri, Arkansas, Louisiana, Alabama, Georgia, South Carolina, Virginia, West Virginia, Ohio, Illinois, Pennsylvania, Maryland, District of Columbia, New Jersey and the Dominion of Canada have allowed the 4% per cent or an equivalent. Oregon, California, Indiana, Kansas, Oklahoma and Vermont allow it in part. None reject it.

AFTER ACCORD CONTRACT

"The Western Electric contract has been accepted by every state which has passed on it. In their brief, petitioners abandon the claim that Western Electric prices are higher than those of other supply houses, but maintain that they ought to be much lower, and that

all relief should be denied the company until the operations of the Western Electric, which covers the entire nation, have been investigated in every detail and its rate of net earnings ascertained in order to determine how much lower it might be compelled to sell. It is of no consequence to the public that such an investigation would cost a half million dollars and would require two years or more time.

ATTACK ALLOWANCE

"The commission's allowance for depreciation was attacked as unscientific on the ground that no such calculation could be reliable unless based on the historical records of the property involved. Order 499 shows that this principle was recognized and adopted by this commission two years before it was discovered in the Chicago case quoted by counsel.

"Petitioners' principal expert admitted that 4% per cent for depreciation was a reasonable average rate for telephone properties in the United States, and that 4 per cent was carried by the companies with which he was connected. This commission has allowed an average of only 4% per cent.

CONTENTION NOT SUPPORTED

"Seven authorities are cited and quoted in the brief of the city of Portland in support of the claim that a depreciation reserve cannot rightly exceed a certain percentage. Not one of these authorities supports that contention.

"The depreciation reserve has been constantly represented as a burden on the ratepayers. On the contrary, it consists of funds withheld from the stockholders for the protection of the property. It has been contributed by the ratepayer, and is and always will be the property of the ratepayer. The company is obliged to account for it as such. The claim that the reserve is too large is equivalent to a complaint that the company has withheld from its stockholders too large a proportion of its past earnings in order to put them into a fund for the benefit of its patrons.

"At the same time that the reserve is said to be too large, it is asserted that the plant is obsolete, and that it cannot be too large.

AS TO WAGE REDUCTION

"Petitioners allege that telephone employees were receiving higher wages than ever before. They introduced exhibits purporting to show that wages could be reduced without injustice. They presented calculations to the effect upon net earnings by a reduction in wages; yet, they claim that they have not advocated such a reduction.

"Petitioners have presented nothing worthy of serious consideration or justifying the suspicion and agitation which they have aroused. Their failure to support their contentions was so obvious, even to themselves, that they repeatedly fell back on the excuse that the commission ought to investigate the subject and, by inference, ought to supplement the evidence which they had promised to produce.

"SUBLINE, RIDICULOUS"

"The descent from the sublime to the ridiculous is not often better illustrated than by the transition from the grandiloquent announcements at the opening of the case to the feeble excuse that the commission 'ought to look into it.' Verily, 'parturient montes, nascetur ridiculus mus.' Expense and waste of time are not the only losses suffered through this needless agitation. The immense resources of the state need money for their development. For the necessary capital, we must compete with a world in need. The reputation of a community for fair dealing is a factor taken into account by all prudent investors.

RIGHT SCARE CAPITAL

"If a great and indispensable state-wide public utility is denied even the earnings possible on a savings bank deposit, it is to be expected that new capital will seek this field. If bitter and prejudiced agitation is followed by the denial of bare justice, we shall inevitably be driven to state municipal ownership of all public utilities.

"There must be a definite acceptance of the principle that the true welfare of the public is best served by the maintenance of such rates as will enable the

utility to pay reasonable wages to its employees and to expand as required by our growing communities. Temporary measures will no longer avail. The duty of this commission is plain. Nothing adjoined at the rehearing would justify the commission in a course other than sustain the original order."

TOMLINSON IS SUBMITTED

"JAMES BULLOCK BOX ACTION

"The decision made as a complete surprise to Mr. Tomlinson, who denied the telephone rate hearing for the city.

"The only recourse the people now have is to hot box and the big stick. The people are entitled to lower rates."

Tomlinson added that appeal to the courts would be made only on the showing that the hearing was conducted irregularly, or that the decision was not in accordance with the ordinary rules of procedure in the public service commission. No appeal may be made, he said, on the merits of the case.

MRS. SANGER IS OFF FOR ORIENT

San Francisco, Feb. 21.—(I. N. S.)—Undaunted by her failure to secure a visa to her passport from the Japanese consul here, Mrs. Sanger is making every effort to overcome the edict of the Japanese government that she will not be permitted to speak on birth control in Japan, Manila and Cebu.

"The plan for Mrs. Sanger's three-month Oriental tour for lectures at five of Japan's leading universities, several in China and addresses in Manila. The younger members of the Japanese parliament believe that birth control is a question Japan can discuss for their good, but the older members are opposed to it."

"The entire thing is a misunderstanding which I am certain will be properly cleared up when I reach Yokohama," she said.

Big Day at Hand for Princess Mary

DESCRIPTION OF ROYAL GOWN GIVEN TO PAPERS

By Gertrude Lady Deedes

London, Feb. 21.—The first and only official description of Princess Mary's wedding dress was approved last night at Buckingham Palace and will be published in London today.

As befits a daughter of the king the gown is an all-British creation. For many weeks clever girl workers employed by Reville had been busy making and placing thousands of seed and baroque pearls and the minute diamonds of silver bullion and sparkling crystals that have helped to create the dress.

PEARLY WHITENESS

"In selecting the materials particular emphasis has been laid on the pearly whiteness of the silk to be employed and the result is a dress of pearly whiteness, the exquisite lustrous surface which is shot with the finest silver thread, subtly interwoven with silken warp.

"As a general rule the patterns on which are symbolical, are apt to be somewhat formal if not frankly stiff. But this characteristic is happily absent in the brocade made for Princess Mary's gown.

"Rose, shamrock and thistle are there. So too is the lotus of India, the Wattle of Australia, the maple leaf of Canada, the tree fern of New Zealand and other emblems representing outlying portions of the British empire.

Takes Groundhogs' Advice; Wears First Straw Hat of Year

Oregon City, Or., Feb. 21.—All the almanacs in the world which declare that spring starts officially on March 20, don't make any difference to John J. Cook, postmaster of Oregon City.

For 21 years, John J. has been the first in Oregon City to break out a straw hat. J. J. says he has an agreement with the ground hog that is an unfulfilling means of forecasting the weather.

Big Bag Plunges in Mass of Fire

try aboard ship after the disaster to the higher 224th purchased from Great Britain, over the city of Hull, England.

EMPTIES HELIUM GAS

The Roma had just been emptied of helium gas which is non-explosive and non-inflammable.

BALFOUR DECLINES HONORS FROM KING

London, Feb. 21.—All the offers of special honors that have been tendered to him for his work at the Washington conference have been rejected by A. J. Balfour, who headed the British delegation.

Save Gorge Hotel As Scenic Asset, Is Slogan of Ad Club

A special train trip to save a hotel is the Portland Ad club's program for Washington's birthday.

JAPAN DECLINES TO DEAL WITH RUSSIANS AS TO SETTLEMENT

(Special Cable to The Journal and Chicago Daily News)

Cuticura Soap Imparts The Velvet Touch

WHY GIRLS LEAVE HOME

MONSTER DANCE CELEBRATION

Grand Jury Fails To Hold Head of Bank That Closed

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ASK INCLUSION IN BASIN RATE ZONE

That grain growers producing some 5,000,000 bushels of wheat a year in the vicinity of Lewiston, Idaho, intend to petition the interstate commerce commission for inclusion in the zone of lower rates to Portland, was announced by E. E. Holcomb of Craigmont, Idaho, manager of the Union Warehouse & Mercantile company, today.

INCLUSION IS ASKED

"We believe that the north shore of the Snake river should be included in the zone. Wheat shipped from Penticton may be moved outside the zone in order to be handled by the S. P. & N. but it takes the lower rate. We believe the wheat growers who have to ferry their wheat across the Snake and then carry it higher rate are discriminated against."

HUDSON MEETS BODIES

Under the guidance of H. L. Hudson, traffic manager of the Port of Portland, Holcomb Monday interviewed the Portland Traffic & Transportation association and the Portland Chamber of Commerce.

Balfour Declines Honors From King

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Check Victim Sees Culprit in Prison

Astoria, Feb. 21.—When Max Strahl, Astoria merchant, went to the police station Monday to report that he had been victimized by a man passing worthless checks, the desk sergeant thought he recognized the description of the man. Strahl had no difficulty in picking Julius Henry from among a dozen other prisoners in a cell. He had been arrested on another charge. On being questioned Henry admitted that he had passed the check which the bank refused to honor. A similar check was found on his person. He will be prosecuted for obtaining money under false pretenses.

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This age-old, yet ever new question, is powerfully presented in

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THE WOMAN

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THE WOMAN

THE WOMAN

THE WOMAN

THE WOMAN

Advertisement for 'The Night Rose' play, featuring 'Blue Mouse Theatre' and 'Mary Carr'.

Advertisement for 'The Woman' play, featuring 'The American Abroad' and 'Cuticura Soap'.

Advertisement for 'The Song of Life' play, featuring 'Lucky Strike' and 'Cuticura Soap'.

Advertisement for 'The Woman' play, featuring 'The American Abroad' and 'Cuticura Soap'.

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