

RETURN TO LOWER TELEPHONE RATES HITS LEGAL SNAG

Withdrawal of Answer to Duncan Suit Will Not Clear the Deck, Says State Attorney.

Salem, Aug. 12.—Restoration of the old telephone rates in Oregon is evidently not going to be accomplished by merely crawling out from under the suit filed by Robert G. Duncan of Portland, attacking the reasonableness of the present rates.

Certain legal procedures and requirements must be satisfied before the public service commission, guardian of the interests of the telephone subscribers, can relinquish its position in the Duncan litigation, regardless of how strongly it may desire to get out from under.

This was indicated in a letter directed to the commission today by Attorney General Van Winkle, asking for more specific instructions as to the procedure to be followed by the legal department in carrying out the wishes of the commission as expressed in the resolution sponsored by Commissioner T. M. Kerrigan and supported by Commissioner Newton McCoy early this week.

LAW NOT SATISFIED

Under the terms of this resolution, apparently designed to pave the way for the restoration of the telephone rates in effect in this state prior to March 1, 1921, the attorney general is requested to withdraw the answer filed by the old commission to the Duncan suit, attacking the reasonableness of the present rates charged Oregon subscribers of the Pacific Telephone & Telegraph company. While a withdrawal of the commission's answer may sound simple enough to the layman patron of the telephone company, who sees in the commission's resolution a prospect for an early restoration of lower telephone charges, legal requirements cannot be satisfied so easily, according to Attorney General Van Winkle.

"In connection with the law and rules of procedure in the courts of this state, it is not entirely clear what is the exact procedure to be followed in complying with your request," the letter of the attorney general to the commission reads.

NEXT MOVE ASKED

"In order for me to do this intelligently and effectively it would seem advisable for me to request of your commission information as to the nature or contents of amended or substitute answer to be filed in said case. As I understand the procedure in such it would be necessary for me, in compliance with your request, to apply to the court for leave to amend or withdraw said answer and substitute another. This should contain a statement of the facts which you wish to be set forth in said amended or substitute answer.

"I wish to assure you that it is my desire to comply fully with the requirements of the law and to cooperate with you in every way I can or in which I am authorized in the execution and exercise of the important powers and wide discretion vested by law in your commission, in the establishment of just and equitable rates of public utilities and in all other respects relating to the lawful discharge of your duties, leaving to you, of course, the full exercise of such discretion."

The Kerrigan resolution is regarded here as compliance with the implied

MAZAMAS ENJOY DIPS IN THREE SISTERS' LAKES



THUNDER, LIGHTNING ACCOMPANY RAINFALL

(Continued From Page One)

generally fair weather was in prospect for Sunday.

A warm sun is expected to repair the slight damage which might have been done in harvest fields by the heavy downpour. The additional rain Saturday, after the heavy fall Thursday night, resulted in placing the forest fire danger for the remainder of this season still farther in the background.

KLIKITAT IS BENEFITED BY RAIN; BARGES FRESHEN

Goldendale, Wash., Aug. 12.—The most extreme dry season ever experienced in the Klickitat country was broken Thursday night by a general steady downpour lasting 12 hours. Harvesting operations were entirely halted. The much needed rainfall will eliminate the forest fire hazard, start the grass on the open stock ranges, settle the dust on dirt roads and make harvesting operations much better for the balance of the season. No rain had fallen since April and many cattle had begun to leave the mountain pastures for home ranches in the Klickitat valley where heat on account of the extreme dry hot weather burning up the forage.

mandate of the voters of the state in recalling Commissioners Fred A. Williams and Fred G. Buchtel and replacing them with Commissioners Kerrigan and McCoy.

THRESHING STOPPED

Shedd, Aug. 13.—A four months' drought was broken yesterday by a general rain over this section. Late sown grain and gardens had begun to deteriorate and in some instances had failed entirely. The rain has caused threshing operations to discontinue, but has not otherwise damaged the grain. The precipitation has amounted to .50 of an inch, and the showers continue.

DROUGHT DAMAGES CROPS

South Bend, Wash., Aug. 12.—From the lumbermen here place the value of the present rains at several hundred thousand dollars. The dry spell here this summer was the earliest and longest in the history of South Bend. Crops were largely a failure, and hay is extremely short, affecting the many dairymen in this county.

HARVEST IS DELAYED

Stayton, Aug. 12.—With about two days of threshing remaining, rain halted the harvest operations in this section. Yields have been reported far in excess of expectations.

Sunday Radio Will Be Given Tonight; Program Classical

So urgent have been the requests for a specialty radio program for Sunday evenings that the Hallock & Watson Radio Service finally decided to hold one tonight. Ordinarily the station is closed Sunday but Ralph E. Walker has volunteered to operate the set so the program of classical music may be sent out to the air.

The program will consist of a series of phonograph records that have been specially selected during the past week. The records have been furnished by the Reed French Music company.

The established program will not be interfered with by the concert. The selections will be played between the hours set aside for other stations. Walker said Thursday night that as far as he knew the records would be played for the transmitter between 7 o'clock and dark.

A SPECTACULAR SHOW OF THE EARLY WEST ON THE GROUNDS OF THE LAST FRONTIER!

SEPTEMBER 2, 3, 4, 1922

THIRD ANNUAL Lakeview Round-Up Lakeview, Oregon

\$4,000.00 IN PRIZES

Bucking Contest, \$600; Relay Race, \$325; Bare-back Horse Riding, \$125; Bull Riding, \$100; Automobile Race, \$100; Horse Races, \$1500; together with many other events and prizes.

See Program of Events, Etc., at This Office

DANCING EACH EVENING Commencing Friday, September 1, 1922

MUSIC BY TONY'S JAZZ ORCHESTRA OF RENO

BASE BALL GAMES AND BAND MUSIC

For further particulars write Dan F. Brennan, Secretary-Treasurer, Lakeview, Oregon.

GARLAND LINKS HALL AND KLAN IN DAMAGE SUIT

Lawyer Whose Name Was Posted as "Illegal Voter," Demands \$52,500 Balm.

Fifty-two thousand five hundred dollars is the amount which Thomas L. Garland, a well known attorney of Portland, demands in a suit filed in the circuit court Saturday against Charles Hall, R. R. Coester and the Ku Klux Klan, "a political partnership," according to the wording of the complaint.

Garland asks for \$50,000 general and \$3500 exemplary damages from the defendants on the ground that he has been defamed and deprived of the confidence and esteem of his neighbors, friends and clients and the public by reason of the charge in the Hall recount suit that he had been an illegal voter, that he is a direct descendant of Patrick Henry, one of the signers of the Declaration of Independence, and that he is a "100 per cent American."

Garland, who is a direct descendant of Patrick Henry, one of the signers of the Declaration of Independence, and that he is a "100 per cent American," is a citizen of Portland and during all of such time was, and is now, a Republican.

He sets forth in detail the facts of his registration and his advocacy of the nomination of Ben W. Olcott for the governorship and that his vote was cast for Olcott.

Garland's complaint alleges, "on information and belief," that the Ku Klux Klan, or Knights of the Invisible Empire, "are a secret political partnership, who by intimidation and mob rule and by working upon the emotions and superstitions of a certain class of patriotic voters, attempt to do violence to the nomination and election of, and to vote for, certain candidates, that may meet with the approval of the inner circle, or political bosses of said secret political partnership, which is commonly known as the K. K. K."

SAYS HALL KLAN CANDIDATE

He charges that Hall was the avowed candidate of this organization and that Coester is the servant and agent of Hall and filed the petition contesting the nomination of Olcott, in which Garland was accused as one of the number who balloted illegally. "The plaintiff considers his right of suffrage as the greatest privilege he possesses," says the complaint, "and to say that he balloted illegally or is an alien and not entitled to vote, is the most humiliating accusation that could be placed against him as an American citizen."

Garland's complaint says the K. K. K. is a secret organization that has not filed any articles of incorporation in Oregon, and asks permission of the court to insert the names of the co-partnership and members thereof as defendants in the suit. "The suit is filed in 'persona propria,' meaning that Garland will appear as his own attorney.

Wife Hunts in Vain For Missing Doctor

Salem, Aug. 12.—Acting upon information that Dr. R. S. Smith, Oregon City chiropractor, who disappeared from home Thursday evening, had been seen in Salem, Mrs. Smith came to this city today in an effort to locate her husband. Officers believe that the doctor had left before Mrs. Smith reached the city.

MAN, 84, IS MISSING

Salem, Aug. 12.—Salem officials have been asked to locate George Fitzpatrick, 84, who disappeared from his home in Turner Tuesday.

Hall's Attorney to Present Claims of Illegal Balloting

Evidence tending to show that many Democrats, Independents and Prohibitionists, registered as Republicans on election day for the purpose of voting in the Republican primary, May 19, will be presented in the circuit court of Marion county at Salem Monday, according to W. S. U'ren, attorney for Charles M. Hall of Marshfield, who ran second to Ben W. Olcott in the race for nomination as governor. Hall and his attorney will attempt to show that the nomination of Olcott was illegal because many of his supporters registered "in bad faith" as Republicans on election day.

U'ren stated that he had evidence to show that many Catholics, who were normally allied with the Democratic party, registered as Republicans on election day because their priests had told them that the Catholic church would be endangered by the nomination of Hall. The attorney stated that undue influence of the Catholic priests was especially evident in the five Mt. Angel precincts, where Olcott received 543 and Hall 23 votes. A recount of the votes cast in the Mt. Angel precincts, instituted at the request of Hall, failed to show any irregularities.

No further attempt to show fraud in the election would be made through a recount of ballots, U'ren stated, though only about one-half of the precincts named in Hall's petition had been gone over. The last precinct recounted was No. 201, in Multnomah county, where investigations showed that 18 votes for Olcott had not been counted while Hall had been credited with 15 votes in excess of what he was entitled to. This was the only precinct in which attempted fraud was apparent and U'ren averred that he and his associates were satisfied that the people of the state had conducted an honest election.

ONE ACCIDENT FATAL

Salem, Aug. 12.—S. E. Myers, Albany electrician, was the only workman to lose his life in an industrial accident in Oregon during the week ending August 10, according to reports submitted to the state industrial accident commission, of 567 accidents.

Boys Buried Under Wall; Bones Broken

Roseburg, Aug. 12.—A few broken bones and bruises were casualties, when Con Snyder and John Wilson, Riddle boys, were buried under 15 feet of brick and debris from a wall which caved in as they were tearing it down. The accident occurred at a mine near Riddle. The boys were rescued by other workers and taken to their homes.

The Public Is Becoming Skeptical

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