

## TWO ARE CAMPED OUTSIDE FLAG

Jimmie McKerron Wins American Hotel Purse in Straight Heats

KALAMAZOO, Mich., July 18.—The feature of the opening day at the Grand Circuit races was the dumping of the two favorites, Jim B. and Prince Roree, outside the distance flag in the American hotel purse for 2:11 pacers, the big event of the day's racing. Jimmie McKerron won the race in straight heats, while the favorites went to smash. Jim B. broke at the first quarter in the first heat and was given the flag, while Prince Roree received the same treatment in the second. The losers, because of their showing at Toledo and North Randall were top heavy favorites.

Peter Dieler, the favorite in the 2:18 trot, had no difficulty in winning that event in straight heats, with Allica and Princess Nedens trailing. Tommy Murphy piloted Brockway to victory in the 2:07 trot. In the opening heat the field was well bunched coming under the wire, but the Brock horse had the edge. In the following heats the favorite had no difficulty in finishing ahead of Wiki Wiki.

Best time: 2:07 trotting, 2:07; 2:11 pacer, American hotel purse, 2:05 1/4; 2:18 trotting, 2:07 1/2; 2:07 pacer, 2:06 1/4.

### NATIONAL LEAGUE

At New York— R. H. E.  
Pittsburgh ..... 10 15 1  
New York ..... 1 8 1  
Adams and Schmidt; Zinn, Ryan, Sallee, Benton, Causey and Smith.

At Brooklyn— R. H. E.  
Chicago ..... 3 13 0  
Brooklyn ..... 1 11 2  
Cheever, York, Martin and Daly; Smith and Miller.

At Boston— R. H. E.  
St. Louis ..... 2 5 0  
Boston ..... 3 9 1  
Walker and Clemons, Dillhoefer; Watson and O'Neill, Gowdy.

At Philadelphia— R. H. E.  
Cincinnati ..... 6 12 3  
Philadelphia ..... 4 9 3  
Geary, Luque and Hargrave; Winters and Peters.

### AMERICAN LEAGUE

At Cleveland— R. H. E.  
Washington ..... 4 10 3  
Cleveland ..... 6 7 1  
Erickson, Schacht and Pielnick; Maile, Hagley and Nunamaker, O'Neill.

At Chicago— R. H. E.  
Boston ..... 1 7 0  
Chicago ..... 0 9 5  
Bush and Ruel; McWeeney and Schalk.

At St. Louis— R. H. E.  
Philadelphia ..... 4 8 1  
St. Louis ..... 5 14 1  
Hasty, Rommel and Perkins; Morris, Bayne and Severed.

At Detroit— R. H. E.  
New York ..... 6 8 1  
Detroit ..... 5 9 1  
Hoyt and Schang; Daus, Holing and Ainsmith.

### GIRL LAWYER SCORES HIGH AT HEARING

(Continued from page 1.)

time is now here when we pay more."

Corey Challenges Cousin  
Mr. Cousin asked the witness if he remembered anything about the purchase of equipment of the Seufert & Condon company being dumped into the river. He replied that he did not.

Commissioner H. H. Corey challenged Cousin with the question as to what bearing on the "examination" present rates the history of things that happened before the commission came into existence in 1912 could have.

"The commission is to be guided by past experience in service to the public," replied Cousin. "We all admit that a telephone service to be properly operated should be a monopoly, but a monopoly must be regulated."

Tomlinson Sarcastic  
"It also has a bearing," added Mr. Tomlinson, "in that the company should not now be entitled to impose rates to recoup its early losses."

"Most assuredly not," replied Mr. Corey, "and the commission has no consideration."

Mr. Gavin was preceded on the stand by Mary Michull of The Dalles, who testified to the poor quality of present telephone service.

New York Experts Arrive  
For the first time in the history of controversies in Oregon between the Pacific Telephone & Telegraph company and the public, the telephone company has brought to the state experts from the general staff of the American Telephone & Telegraph company in New York. These will be introduced in the rate re-hearing now in progress here among no less than a hundred other witnesses with whom the company has fortified itself in Salem for this week.

Among the experts from Gotham is S. A. Rhodes, whose business it is to preach the doctrine of the 4 1/2 per cent tribute from cross receipts which the Pacific Telephone & Telegraph company is required to pay to the parent company in the east.

Advice Paid For  
As the rehearing progresses a big part of the battle will center about this 4 1/2 per cent tribute that is exacted from the subsidiary coast company and which is paid by the telephone users of Oregon and other coast states.

The tribute is for the use of certain telephonic mechanism patented by the parent company and for so-called expert advice which it is claimed to furnish from the staff of engineers and statisticians of the parent company in New York to the officials and engineers of the subsidiary company in the west. Attorneys here who are representing the public are inclined to scoff at this so-called advice for which the Oregon public is said to be paying in the form of advanced telephone rates.

They declare that more expert advice is furnished by the western telephone men to the easterners than is coming in the other direction.

San Francisco Sends Men  
Also among the 50 or more witnesses who are here to appear for the telephone company is a large group from the head coast offices in San Francisco. All are expected to appear and a large part of the week doubtless will be taken up with an examination of these witnesses. The retinue of witnesses is said to be far greater in number than ever has been assembled at a previous hearing.

Yesterday was largely taken up with the testimony of witnesses representing the farm element, users of suburban and farmer line phones. These will also be heard today. When the testimony of these is concluded will come that of the city of Portland and the hotel men's association. Also the reply of the telephone company must be heard. It is possible that the telephone company will have its inning immediately after the city of Portland. This has not yet been determined.

More Time Needed  
Assistant City Attorney Tomlinson of Portland has stated that

he expects that two days at least will be taken up with technical testimony put forth by the city. Since the telephone company has manifested a desire to have its technical testimony heard in Salem, it is conjectured when the re-hearing will be taken to Portland, if at all.

Jazz Is Expected  
E. M. Cousin, who is the stormy petrel of the rehearing, was engaged by Attorney John H. McNary of the telephone staff in a set-to yesterday morning that injected some welcome jazz into the proceedings.

Interrupting Cousin, who was quizzing A. C. Cochran of The Dalles, McNary objected to the commission that cousin was cross-examining his own witnesses.

"An attorney," said McNary, "under the rules of evidence can only cross-examine the witnesses of an adverse party. Mr. Cousin is representing the same side in this case that the city attorney of The Dalles is representing, yet he is cross-examining one of her witnesses. In the interest of time and economy I protest."

Miss Gavin Explains  
Cousin explained that he was questioning the witness at the request of Miss Cecilia Gavin, The Dalles city attorney, and the only woman attorney in the case.

"I have three witnesses," explained Miss Gavin. "One is Mr. Cochran, who comes under the petition presented by Mr. Cousin, and the other two are under the petition presented by Mr. Tomlinson, so my position is that it is proper for these men to question them."

Tomlinson objected to the rules of ordinary court procedure as too restricted, declaring such rules would hamper progress and justice.

"There are two sides represented here," said Tomlinson, "the public and the telephone company and I want the benefit of this witness' testimony."

### Heated Words Used

"The commission will not object to your questions," said Chairman Williams of the commission, "we only object to the long questioning that is being used to cross-examination."

At this point Tomlinson and McNary exchanged heated words. "I want to insist," Tomlinson said, "that this is not cross-examination."

"It is cross-examination," retorted McNary, "for he is not your witness. He is Miss Gavin's witness."

"He is my witness," declared Tomlinson, "for I represent the public."

"What I want to know," said Cousin, "is whether I am to question all my witnesses and they stay out of the case, or whether they will be permitted to work with Mr. Tomlinson and these other attorneys."

"Your question is far-fetched," replied Chairman Williams. "Of course anyone in the house will be permitted to ask questions if he desires."

Cochran Strong Witness  
Mr. Cochran was on the stand for an hour and a half, and proved a strong witness with ready answers. At the outset he averred that although rates had been increased 114 per cent the service had decreased in quality.

Cost of Phones High  
Mr. Cochran told the commission that the subscribers of the farmers' line represented by him purchased their instruments from the Western Electric company, out of two alternatives, at a cost of \$12.50 for each instrument, and that this did not include batteries which were an additional cost. Or cross-examination he told Attorney J. T. Shaw that the Pacific Telephone & Telegraph company co-operates with the farmers' line in maintenance, meeting the farmer at the city limits, Shaw pursued with other questions to bring out the fact that every call on a farmer line from neighbor to neighbor, although it is not necessary to call central, involves an operation at the central office in restoring the signal so the farmer line will not show busy after the conversation.

Cochran protested at the tardiness of the central operators in answering rings.

"Sometimes I have to wait 15 minutes or half an hour," said Cochran, "and I get so nervous I forget the number I want."

"I want your opinion," said Shaw, "as to why the service is poorer since your rate was increased from \$4.50 to \$9 a year than it was before. You know don't you, that during the war period the cost of labor and materials went up?"

"Certainly," replied the witness, "and I know it has come down since."

Increase Too Big  
"Don't you think it reasonable that there should have been some increase in rates?"

"I don't think any of our subscribers would have objected to a reasonable increase," retorted the witness, "but when it comes to an increase of 114 percent we object."

Shaw asked further questions leading to an assertion on his part that the commission has not guaranteed the company a profit, and that the company does not make a profit although it has been trying to get to the profit making point for six years. He mentioned 8 percent as a reasonable profit.

Phones May Be Ousted  
"I don't make 8 percent; I don't even make 2 percent on my farm," replied Mr. Cochran, and besides, I was informed in a letter that my telephone rates must be increased to help the telephone company pay its taxes."

In reply to a question by Miss Gavin, Cochran said that many of the farmers would take out the phones if the high rates are continued.

Grange Leader Heard  
C. E. Spence, master of the state grange, was the main witness of the afternoon yesterday in the telephone rehearing and attracted a series of questions which caused the session to adjourn at 5:15 o'clock in a row with Attorney Shaw of the telephone company on one side and on the

other Deputy City Attorney Tomlinson of Portland and E. M. Cousin, who is conducting the case for the farmers and a number of other elements.

Attorney Shaw was cross-examining Spence and was offering a number of questions bearing on alleged decreased earnings of the company until the year 1919 was reached when Shaw said the company actually lost over \$36,000 in Oregon. Spence said he was unable to comment on the company's revenues, not knowing valuations or other necessary data for the basis. Shaw replied that the basis was a valuation placed as a result of an actual count of every pole, piece of glass and other equipment in the system.

Tomlinson Interrupts  
"I want to challenge that statement," interrupted Attorney Tomlinson, "there never has been such a count."

"I want to challenge your statement verbatim," returned Shaw. "I am astounded that the attorney here to represent the city of Portland should make such a statement. He knows there has been such a survey for valuations. It is shown in the files of the commission."

"It is not in the files," shouted Tomlinson and Cousin almost in unison.

"Go on, both of you together," said Chairman Williams, "so we can have a duel."

After the adjournment members of the commission confirmed Shaw's statement that the valuations as detailed by the telephone company's attorney are on file with the commission.

Farmer Handicapped  
Mr. Spence went into much detail regarding costs to the farmers, declaring that the farmer is not allowed to "mark up his stuff as some other people are and make a profit regardless of conditions."

He cited many illustrations to support his statements about the high price of articles the farmer buys and the low price he receives for the things he has to sell. He averred the order of the service commission was designed to make the farmer rest down into his pocket and pay for the telephone company's losses. He averred the farmer, in telephone costs, "gets it coming and going," because of the basis whereby he is charged according to the number of parties with whom he may connect on a line. This, he said, was valuable to the business man, but not necessary to the farmer, and also that the business man could make the farmer pay the business man's end of it including it in his overhead charged off on the farmers' accounts.

Would Cut Big Salaries  
Relative to savings that might be made by the corporation, Mr. Spence opined that a cut in the salaries should begin at the top. "Some of those who manage and own the telephone company should be made to take their loss along with the merchant, the business man and the farmer," he said.

Mr. Spence branded as unjust any law that would make it possible to guarantee a reasonable return to a corporation. Under present conditions he facetiously said that a reasonable guarantee to the telephone company would be a guarantee that it should not lose more than 50 percent.

"I don't think that even a reasonable rate should be guaranteed under present conditions," Spence said in reply to a question by Mr. Shaw.

"Then," replied Shaw, "on the basis of all the return the telephone company has under the commission's order, you should be heartily in accord with that order."

Operators' Pay Low Enough  
Spence was not in favor of cutting telephone company salaries at the bottom. Reminded by Chairman Williams that the industrial welfare commission watches the salaries and working hours of the girl operators, Mr. Spence said:

"I don't think any of them get too much for the work they do—or the work they should do."

Early in the afternoon session a sharp tilt took place between Tomlinson and Shaw. In the process of cross-examining John Gavin of The Dalles, Mr. Shaw went at some length into the cost of extensions, underground cables, etc.

"Are you cross-examining the witness, or testifying or giving a lecture?" asked Tomlinson.

Shaw replied that he merely was discussing conditions with the witness.

Oswego Witness Called.  
"You are telling him all this stuff," answered Tomlinson, "he isn't telling you, and moreover, he has said he knows nothing about it. I object to your speaking this matter into the records."

H. C. Chapin of Oswego went at some length into the cost of toll charges between Oswego and Portland. He said the increased rate of \$2.25 a month for phones was not so objectionable, but that the toll charge of 10 cents for the first five minutes and a certain amount thereafter would run the amount in tolls up to \$5 a month under normal usage. This was avoided, he said, by the patrons making very little use of the lines into Portland.

Attorney Shaw asked the witness a question intended to show that the local merchants of Oswego should be gratified that the use of phones into Portland had been curtailed for the reason that it would help their own business. Mr. Cousin objected to the question and was upheld by the chairman.

Shaw Overruled.  
"We have been two days listening to some person telling what his neighbors say," retorted Shaw. "What kind of a record are we going to have here?"

"Two wrongs won't make a right," answered Williams.

"Well, it's hardly fair for one side to get the advantage of the wrong," replied Shaw.

Henry Chappelle of Woodburn, who appeared in the introduction of a telephone system there, said

that when he established his system in 1905 the Pacific States Telephone & Telegraph company had only 13 phones in the town. He claimed to have done well charging \$1 for party phones and \$1.50 for private phones, with no extra charge for desk sets. Another independent operator named C. E. Carlos came in, Chappelle said, and later the latter sold Carlos his system for \$4000, the price at which it was appraised by an engineer of the public service commission. Carlos then sold the consolidated system to the Pacific Telephone & Telegraph company. Chappelle operated his system about 10 years.

Small Man Froze Out.  
Asked why he quit, he said:

"It was a case of getting in the way of two big companies scrapping for the field, and I had to get out."

T. A. Logsdon, a Benton county farmer, declared there is grave probability that the farmers in his district will organize their own independent systems if the high rates are continued. As compared with service prior to the increase, he said the people of his section are paying a 200 per cent increase for about 75 per cent less service.

Logsdon introduced a new angle to the situation, declaring that not only is it necessary for the farmers to pay the increased rate of \$9 a year, but that they have to maintain their lines which brings the cost up to about \$25 a year.

Testimony of similar purport was given by H. C. Wheeler of Pleasant Hill, Lane county. He gave the history of the telephone experience in that district, from the time the farmers organized their independent system many years ago until ultimately they were induced to connect with the Pacific company at Springfield and Eugene. They built a switchboard in Eugene, he said, but soon found they had built it for the Pacific company.

Farmers Crowded Off  
"If any of the farmers started a conversation," said Wheeler, "and the big company wanted the board they simply cut us off and used it."

Relating the proceedings of a recent mass meeting in Eugene Mr. Wheeler said some of the patrons wanted to take their phones out while others wanted to recall the public service commission.

"The recall petitions were there," he said, "but I didn't sign. Neither do I want to quit the Pacific Telephone & Telegraph company, but I do not want to be robbed by staying in. He declared that he had induced a number of patrons to keep their phones until after the present rehearing has been finished and the commission's next order handed down."

Ford's Offer is Under Government Scrutiny  
WASHINGTON, July 19.—Government action on Henry Ford's offer to take over the nitrate plant at Muscle Shoals, Ala., for conversion into a fertilizer plant may await conference between Secretaries Weeks and Mellon, it was said today.

## WESTERN PARKS MOST BEAUTIFUL

J. W. Maruny Makes Interesting Comparison With Show-Places of East

"We haven't any manufactured and kept-up parks like they have in the east, but we have a variety of park growths here in the northwest that makes us altogether superior to the best they can ever know," is the testimony of J. W.

Maruny, gardener and florist of Salem, who has just returned from a trip to Chicago and other points east.

"The big Portland parks would be a revelation to the gardeners back there. They have only a few varieties of plants that make real parking shrubbery—practically only three things: suck brush, lilac, and barberry. Out here we have many green things that can be used. I've been visiting the parks wherever I go, and it's a fascinating study."

Mr. Maruny visited his mother at Oubaque, Ia., after which he attended the meeting of the National Nurserymen's association at Chicago. He made a talk before this organization that made a great hit. On his way home, he

attended the Pacific Coast Nursery association meeting at Seattle. The national association is to meet in Portland in 1922.

Mr. Maruny, who was for several years horticulturist at the state hospital, is responsible, perhaps more than any one else, for the wonderful roses in Salem. He grew on the hospital grounds practically all of the more than 5000 rose bushes that adorn the county, city and state capital squares of the Salem civic center, and thousands of the same standard varieties that are scattered all over town. The example of the wonderful display on the public property, has so greatly encouraged rose-growing all over Salem, that Mr. Maruny might well be called the rose-father of the capital city.



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