

ENDED IN BANQUET

The Oregon Bar Association Closes Annual Meeting.

FINE ADDRESS BY D. M. DELMAS

Judge J. B. Cleland Elected President, C. J. Schnabel Treasurer, and A. F. Fiegel Secretary—Committee Sustained.

The Oregon Bar Association ended its annual meeting yesterday. The session of two days was the most successful ever held by the organization. The attendance of members was not large, owing to the full amount of legal business on hand. All the addresses were unusually interesting, and from the viewpoint of sociability the gathering was supremely satisfactory. The programme yesterday included addresses, election of officers and transaction of unfinished business. In the evening at 8 o'clock the members of the association and its guests sat down to an informal dinner at the Hotel Portland.

THE DAY IN DETAIL.

Association Stands by the Grievance Committee.

The morning session began at 10:15 o'clock with about 50 members present. The question which the report of the grievance committee had raised the day before in regard to the signing of the St. Rayner certificate was immediately after the call to order. Zera Snow stirred up the question by saying that he thought the grievance committee was entitled to an expression from the association as to whether signing of the St. Rayner certificate was a proper act for members to take. The grievance committee, he said, should have its opinion, so that it might feel that in carrying forward the proceedings before the Supreme Court it had the support of the association. The duties of the grievance committee are disagreeable enough, in the opinion of the speaker, without further embarrassment. He added that he merely threw out the suggestion as a member of the committee and would not embody it in a resolution.

Mr. Mallory desired to have some action taken, and moved that the report adopted the day before be lifted from the table for reconsideration.

S. B. Huston hoped the motion would not prevail, for he argued that if it did so, the association would have either to certify or approve their action. The association in his opinion should do neither.

Judge Bellinger thought the motion ill-advised. He said nobody should be censured, for the action conformed merely to an American habit of signing certificates of good character. An accused person in this country is thought to be innocent until proven guilty. Mr. Mallory should withdraw the motion.

Mr. Mallory said he did not make the motion because he approved the suggestion of Mr. Snow, but because he could not see any other way of attaining a result in the matter. He, therefore, consented to withdraw the motion.

Mr. Snow, however, persisted. He said he did not mean to censure anybody. But the committee, he said, was entitled to the moral support of the Bar Association. He had been asked to sign the certificate, and he thought it was his duty to do so unless he received support from the association.

F. V. Holman interjected the remark that the motion was a Chamberlain of the day before, to have the names of the signing members put into the report, had been voted down and the report adopted as it stood. He thought this action was enough.

Mr. Snow objected that this did not amount to indorsement of the report. A colloquy between Judge Bellinger, Mr. Snow and Mr. Holman followed.

C. J. Bright rose to a point of order. He thought the discussion out of order because the report had been adopted and the matter settled. The report could not be taken up again except by motion for reconsideration, and reconsideration so soon after adoption was out of order.

Judge Benton quitted the dispute by proposing a motion that the association had the fullest confidence in the action of the committee, and gave its support to all the work of the committee. The resolution was adopted unanimously.

The association, thus composed, then listened to the address of Dr. W. T. Williamson on "Expert Testimony." At its conclusion the speaker received the thanks of the association.

J. T. Morgan then spoke on "The Lawyer in Public Life—A Layman's Tribute to the Legal Profession." He also received a unanimous vote of thanks from the association.

At 12:15 the meeting adjourned.

Afternoon Session.

In the afternoon the association reassembled at 2:15 o'clock. A full attendance was present and the courtroom was crowded. Mr. DeLmas was introduced and made the occasional address. At its conclusion he received a vote of thanks. A recess of 15 minutes was taken and the association then proceeded to elect officers for the ensuing year. The elections were all unanimous, without a dissenting voice. The following are the new officers: President, J. B. Cleland.

Vice-President, E. H. Benson, first district.

E. R. Skipworth, second district.

Oscar Hyster, third district.

Q. F. Paxton, fourth district.

T. M. McBride, fifth district.

W. L. Bailey, sixth district.

J. M. Bradshaw, seventh district.

T. H. Crawford, eighth district.

M. D. Clifford, ninth district.

Secretary, A. F. Fiegel.

Treasurer, C. J. Schnabel.

Executive committee, S. B. Huston, W. L. Bradshaw, F. P. Mays, T. G. Greene, T. J. Haller.

George H. Burnett declined nomination for election to the executive committee.

F. V. Holman, chairman of the auditing committee reported the statement of the treasurer, as submitted for adoption, was correct. The statement was accepted and placed on file.

The committee on new membership appointed the day before, recommended nine candidates for membership. The candidates were elected. They were: L. E. Lacombe, G. W. Phelps, E. B.

Skipworth, G. C. Stout, L. J. Adams, A. Prasad, G. C. Fulton, C. C. Brower and J. H. Bailey.

On motion the chair appointed a committee of three members to confer with other bar associations in the interest of uniform legislation. The chair named O. J. Kramer, S. H. Gruber and E. C. Bronaugh.

MR. MORGAN'S ADDRESS.

A Layman's Tribute to the Legal Profession.

J. T. Morgan spoke on "The Lawyer in Public Life—A Layman's Tribute to the Legal Profession." His remarks were entertaining, and he attained several high climaxes. The discourse was an outline of the part lawyers have taken in the constitutional and historical development of the United States since independence from England. Mr. Morgan was listened to with attention throughout. Several times his auditors interrupted with applause. His references to James Otis and Patrick Henry were especially captivating.

Mr. Morgan, in his exordium, said that he would attempt to refute a frequent assertion that lawyers have contributed nothing to progress. He showed that the nation, though of the Nation has always been moulded, mostly by lawyers. His peroration had a highly oratorical effect, and at its conclusion the members of the Bar Association, including Judge Williamson, Judge Bellinger, Judge George and many others showered congratulations.

Mr. Morgan mounted a high climax of oratory in his tribute to James Otis for opposition to the mother country in the matter of writs of assistance. Patrick Henry was also called forth to characterize the spirit of the legal profession in Revolutionary days. Mr. Morgan said that men of the bar, as represented by these two patriots, had stirred the spirit of the fathers of the Republic to resist the tyranny of England. These two men were young lawyers. "Young lawyers," said the speaker, "have always been foremost in times of action or danger. All hail, therefore, to the young lawyer."

The speaker then reviewed the first Continental Congress and its momentous influence on the future. Of the 56 delegates more than 20 were spoken of as lawyers. The most active spirits of the Congress belonged to the legal profession, and to them is due the great work of that assembly. The second Continental Congress, which proclaimed the Declaration of Independence was directed by a similar body of men. Of the committee which framed the document, every member except Franklin was a lawyer. Jefferson Adams, its great champion, was of the legal profession. Mr. Morgan said the Declaration of Independence has not yet expended its force. It is still a storehouse of fundamental principles, an oracle to which the Nation looks for guidance in disputes touching the rights of man. As lawyers were its formulating agents, so great credit is due to lawyers for its enforcement.

The good of the Articles of Confederation and the experience gained therefrom Mr. Morgan attributed to lawyers. The creation of the present Constitution to take the place of the Articles was largely the work of members of the bar. Of the 55 delegates to the Constitutional Convention, more than 20 were lawyers. Of these the most prominent names were Hamilton, Jay and Madison, all lawyers. If Madison may be regarded as such.

The speaker then cited history from that time forward in terms of lawyers. Of 25 Vice-Presidents, 18 or 19 have been lawyers. Of 33 speakers of the House, 24 have been lawyers. Of 54 presidents pro tempore of the Senate, 40 have been lawyers. Of 25 Secretaries of State, 23 have been lawyers. Likewise have been members of the bar 27 out of 41 Secretaries of the Treasury, 27 out of 41 Secretaries of War, 27 out of 38 Secretaries of the Interior, 28 out of 28 Postmasters-General. Of the 53 Congresses, 10 per cent were lawyers, and of the 181 Congresses 50 per cent.

Thus from the foundation of the Government lawyers have filled from one-half to two-thirds of the chief offices of the Nation. And what is true of the Federal Government is true also of the government of the states.

Mr. Morgan paid a high tribute to the judiciary. He said he had long since come to the conclusion that the judge is the most exalted character among men. In this connection, as in several others, the speaker released himself in strong and highly evocative metaphors. He said that in some of the lawyers have played an equally important function. As authors they have given us many standard works on political and constitutional subjects. As writers of current articles they have contributed to the thought of the day. In political campaigns they have influenced by their argument and swayed by their oratory.

Mr. Morgan concluded as follows: "Of the lawyer in our country I may therefore say: He has been the defender of human freedom. He has been the champion of the rights of the weak against the organizer of governments, he has been the framer of constitutions. He has graced the bench in the administration of justice. He has frequently held the Chief Justice of our great Republic. With his learning and genius he has enriched the discussions of the lower House of our National Congress. He has given dignity and respectability to the United States Senate. He has cut an important figure in our consular and diplomatic service. He has often filled the gubernatorial chair of our several states. He has been a potent factor in the forming of our state governments, in moulding their legislation and in the execution of their laws. In times of public peril he has been a tower of strength to our people. They have found help in his advice, and in his counsel have they found safety. During our several wars he has been among our bravest and our best. Whenever the occasion required he has been among the first upon our fields of battle. With dauntless courage he has bled defiance to the gleaming sword. He has led and cheered his comrades amid the fire and smoke of conflict. Fearlessly he has listened to the cannon's awful roar. With dauntless courage he has bled his brow to the deadly sword. He has led and cheered his comrades home he has freely shed his blood. In defense of country he has freely offered up his life. He has proudly worn the civic wreath, and on his noble brow has often placed the crown of martyr glory. What the lawyer has been in the past is prophetic of what he will be in the future. Whenever usurpers are to be removed from place and tyrants freed from power, the lawyer will be found on hand to assist in the undertaking. Whenever Liberty herself, fair Queen of peace, sweet goddess of joy, shall be assailed, he will by open enemy or secret foe, the lawyer will be found at her side, ready to plead her cause, ready to fight her battles."

THE OCCASIONAL ADDRESS.

Masterly Orator on Capital and Labor by D. M. Delmas.

The address of Mr. D. M. Delmas before the Bar Association lasted an hour. He was admitted to the bar of California, and in which I have practiced for now over a third of a century, runs the inscription, "Justitia Dedicata." And thus fittingly and appropriately thus—the edifice in which lawyers and lawgivers, just as Judges, were destined to meet, and have already so long met, is dedicated to justice. The consecration is not to any achievement of man, but to an attribute of God—not to any privilege and high of the human hand or mind, but to that principle which by immutable and universal decree is made inherent in human nature to constitute everywhere and for all time the norm of man's conduct, the source of all his laws, and the origin of all his systems of jurisprudence.

"Though, during the course of my life, my mind has often reverted to that inscription, it never recalled to me vividly than when, in consonance with the terms of your courteous invitation, which accorded me entire freedom in the matter, I cast about for the subject of the discourse which I hold a great privilege and honor to have been asked to deliver before you. The city in which I live and from which I have come among you had then just passed through a peculiar and memorable phase of its history. Several months before, some 15,000 or 20,000 workmen, members of various labor unions, having, under orders of their leaders, declared a strike, had quit work. The march of trade, industry and commerce was thus brought to an abrupt halt. Ships outward bound rode sailless at anchor in the streams, while those which had made port were moored at the docks, powerless to discharge their cargoes.

"In the tributary country, the newly harvested products of agriculture lay stacked in the open fields, exposed to the inclemency of the elements. It was idle to transport them to the seaboard; no one was there permitted to receive them. Factories were closed, and vast mechanical power and appliances were at rest, the hands accustomed to set them in motion and control them had been condemned to inaction. Local transportation and dis-

DR. WILLIAMSON'S ADDRESS.

"Insanity and Crime" From Standpoint of an Expert.

Dr. W. T. Williamson, of Salem, made a highly entertaining address before the Bar Association on "Insanity and Crime." The facts set forth were of unusual value, inasmuch as the speaker drew them from experience in the Reform School, the Penitentiary and the insane asylum at Salem. He insisted that many criminal acts are the result of insane motives which cannot be resisted by their subjects, and which the legal profession

Lawyers Who Permitted Themselves to Be Heard by the Bar Association.



should not be too harsh in punishing. He said that criminality can often be resisted no more than involuntary twitching of the muscles, which it would be absurd to punish. The speaker mentioned the influence of civilization, which tended to preserve degenerates, whereas in a state of nature these are eliminated by natural process. It is not surprising, therefore, that there is an increase in crime and insanity. The speaker adduced interesting statistics showing the percentage of stigma of degeneration of inmates of the Reform School, the Penitentiary and the Insane Asylum. He also dwelt upon the weakness of the judicial standard in Oregon, which determines responsibility by the intellectual ability to distinguish between right and wrong. Many insane persons can distinguish between right and wrong, but cannot overcome the incentive to criminality.

Dr. Williamson's conclusion was as follows: "From the preceding, the following are formulated: First, there are persons who by heredity or environment are atrophied, or otherwise affected physically, morally or intellectually, whereby they have attenuated or absent responsibility for the commission of crimes; second, besides the conditions of full responsibility and total responsibility, there are all intermediate degrees, rendering existing classification and legal rules of responsibility of application and even unjust; third, society, defense and criminal reform should be the guiding principles, rather than the infliction of punishment, as such; and the character of the individual as well as the crime should determine the quality and duration of the sentence; fourth, the knowledge of right or wrong, as a test of responsibility for crime, should be enlarged by the criterion that the accused must possess the power to do, or forbear doing, the alleged criminal act; fifth, experts as witnesses should not be allowed to either the prosecution or defense, but should be called by the court when necessary, thereby removing any possible partisan prejudice or bias in the opinions of experts; sixth, a separate asylum for the insane should exist, where they should be detained sufficiently long to amply safeguard community interests; as also criminals who develop insanity subsequent to notable crime and should be treated as insane in ordinary asylums, who thus commit crimes."

tribution was brought to a standstill, save where a dray, truck or wagon, driven by inexperienced men, moved under armed escort. As the struggle lengthened, the ultimate power was still theirs, elected, upon a distinctly labor ticket, their own Mayor. They might have done more. Had they chosen, they could have elected all the municipal officers from their own ranks. But, with noticeable magnanimity and public spirit, they preferred to cast their ballots for the re-election of better men, selected from the tickets of the other two regular parties, of whose capacity and worth their past services had given proof.

"It was while the memory of these scenes was still green, while the reflections to which they gave rise were still agitating my thoughts, and while my mind was straining its energies in efforts to grasp the broad significance of these events, the consequences they portended and the lessons they impart, that the old-fashioned inscription, Justitia Dedicata, kept haunting my mind, and that I determined to employ the moments which your considerate patience now accords in an attempt to inquire what part justice is destined to perform in the great social movement of which this episode in the City of San Francisco is but a local and transient manifestation.

"After months of suffering, after the scant and precarious resources of the revolted masses had been exhausted and the point of starvation had been reached, the employers achieved at last their wished-for triumph. The spectacle of a famishing child, gaunt wife and desolate home broke down the workman's fortitude, and famine drove the laborer back to his toil. Capital then abandoned itself to the possession of the world's stage, reckoning the defeat of its adversaries complete and the fruits of its own victory secure.

But the end was not yet. Another act of the drama was still to be played. A

few weeks after the strike was declared over, a municipal election was held, and the strikers and their sympathizers, as a reminder that, though defeated, the ultimate power was still theirs, elected, upon a distinctly labor ticket, their own Mayor. They might have done more. Had they chosen, they could have elected all the municipal officers from their own ranks. But, with noticeable magnanimity and public spirit, they preferred to cast their ballots for the re-election of better men, selected from the tickets of the other two regular parties, of whose capacity and worth their past services had given proof.

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But the end was not yet. Another act of the drama was still to be played. A

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"After months of suffering, after the scant and precarious resources of the revolted masses had been exhausted and the point of starvation had been reached, the employers achieved at last their wished-for triumph. The spectacle of a famishing child, gaunt wife and desolate home broke down the workman's fortitude, and famine drove the laborer back to his toil. Capital then abandoned itself to the possession of the world's stage, reckoning the defeat of its adversaries complete and the fruits of its own victory secure.