GOING TO ST. LOUIS

City Council Appoints Committee to Prepare.

LICENSE ON BALL GAMES

Fee of $10 a Game Imposed, Though Fans Object--Oratory Wasted on Crude Oil--House-Numbering Scheme Is Buried.

At the Council Yesterday.

St. Louis Fair trip—Committee was appointed to arrange details together with Executive Board and Lewis and Clark Exposition representatives.

Baseball—Passed an ordinance requiring license of $10 a game.

Tanner Creek damages—Filed petitions without comment.

New house numbers—Shelved McMillen petition.

Crude oil—Referred to health and police committee ordinance providing for proper construction of storage tanks.

The first open step toward the proposed trip of Portland officials to the St. Louis World's Fair was taken at yesterday's Council meeting when Mayor Williams appointed Councilmen Albee, Zimmerman and Rumelin to arrange for the tour in conjunction with the Executive Board members and the Lewis and Clark Exposition directors.

Though in the rush of business the tour was not discussed except by Mr. Rumelin in presenting the resolution for the appointment of a committee, not the slightest objection was raised, and the general sentiment was strongly in favor of every official taking the trip if at all possible. The purpose of the tour is to advertise the Lewis and Clark Exposition, to officially represent Portland at the St. Louis Fair, and to learn of municipal affairs as conducted in other cities. The expenses will be borne by the members of the party, and not by the city.

The petitions for damages growing out of the broken Tanner-Creek sewer were not even referred, through they aggregate over $11,000.

"I move that the entire batch be placed on file," said Mr. Rumelin soon after the session opened. The courts must be the resort of the petitioners.

License on Baseball.

The joker of the day's proceedings was an ordinance passed by a vote of eight to three, requiring a license fee of $10 for each paid-admission baseball game. It came from Mr. Sharkey. On the first reading "no" votes came from Sigler and Whiting, the fans. Fred Merrill blew back into the room a minute later and learned what had been done during his temporary absence. He moved for a reconsideration, but as Mayor Williams ruled him out on account of absence, Mr. Bentley did the moving for him. "I was out, Foeller didn't know what he was voting for, and Rumelin didn't have time," said Merrill.

"I can't see why Merrill is interested; only one player has a vote in Portland," said Mr. Sharkey, the leading comedian. When the vote was on Mr. Merrill found that Messrs. Sigler and Whiting, as before, were the sole opponents besides himself.

Crude Oil Causes Oratory.

Crude oil occupied much time. From Mr. Bentley came an ordinance regulating the construction of crude-oil tanks. It provides that the Fire Marshal and the Council shall control the construction, which shall also be under the rules of the insurance companies. The Fire Marshal could have great powers under the ordinance. Now, to all intents and purposes, W. R. Roberts, of the Fire Underwriters' Inspection Bureau, is the Fire Marshal of the City. Mr. Flegel protested against so much power being given any one not an actual city official. When he was through with a glowing peroration, Mr. Roberts arose and reminded him that the Chief of the Fire Department was the Fire Marshal, that he—Roberts—was only a deputy. The ordinance was referred to the committee on health and police.

The Portland Cordage Company was granted a permit to construct two storage tanks under the sidewalk at Thirteenth and Northrup streets. Three separate remonstrances against the petition of the Union Oil Company for the vacation of a portion of Portsmouth avenue and Bluff street were presented, and definite action was postponed.

Permit for Carnival.

The Federated Trades Council and 30 fraternal orders presented a request for a permit to hold a carnival on the Multnomah Field in June and July. No use of streets was asked for.

"Is this an aquatic performance?" asked Mr. Rumelin. "I thought the Multnomah Field was a lake." He was informed that the Tanner Creek waters had subsided, so he did the same. The permit was granted.

Resolutions and ordinances providing for the improvement of many streets were passed. The total amount involved was nearly $500,000. The largest of these was that for Fifth street from Irving to Jefferson, which is to be paved with bitulithic pavement.

The sum allowable for the construction of the Grand-avenue bridge across Sullivan's Gulch was increased from $25,000 to $27,000, as City Engineer Elliott reported the probable cost would exceed his first estimate.

The ordinance discussed at the last meeting of the ways and means committee providing for an additional $3000 to be expended upon the City Jail was passed. Mr. Bentley voted a solitary "no" most emphatically.

From the license committee came an ordinance licensing telegraph companies at $75 a quarter. This will do away with the license fee per pole, said to be excessive. It was passed.

Councilman Sherrett presented an ordinance requiring registration of plumbers and other plumbing regulations. The health and police committee will tackle the question.

No Change in House Numbers.

The petition of D. J. McMillen for authority to renumber houses was referred to the special committee appointed months ago to consider a similar project. As the committee has never done anything in particular, the reference simply meant that the McMillen petition was put in a coffin. Mr. Albee, as chairman of the committee, is the head undertaker.

The various communications of the Taxpayers' League were read while the Councilmen moved about the room and talked of other subjects. The one telling all about asphalt streets was referred to the street committee.

The improvement of Heights Terrace had been vetoed by Mayor Williams because the resolution was passed when overdue.

Prince Injured in Auto Accident.

BERLIN, April 6.—Prince Frederick Leopold, of Prussia, suffered severe injuries to his feet today as the result of a collision between an automobile in which he was riding and a drag near Berlin.

WHAT ADVICE WILL BE OFFERED IN MAY?

AGAINST JUDGE FRAZER

ATTORNEY DUNIWAY STATES HIS GROUND OF OPPOSITION.

Partly Based Upon Action Alleged to Have Been Taken in the Case of W. I. Reed.

PORTLAND, Or., April 6.—(To the Editor.)—In The Oregonian of April 6, 1904, there appears an article in the news columns headed "Enemies of Judges at Work—Delegates to State Convention Urged to Defeat Cleland and Frazer."

In the article some one is quoted, without giving his name, as saying:

"Let the lawyers who don't like Frazer say so. Let them go on record. Let them hire a hall. We'd like to see the color of their hair; so would the public."

Then your article states: "The leaders of the movement against Frazer are Wallace McCamant and Ralph R. Duniway."

As the friends of the Judges have rushed into print, and as my name is published in such a way, I deem it proper for me to make a statement of my individual views upon the matter, as I am not afraid to say that I do not like Judge Frazer; nor am I afraid to go on record and state by the records why I do not like Judge Frazer, as a Judge; nor am I anxious to hide "the color of my hair" from either Judge Frazer, the public or any member of the public.

I do not claim to be a "leader"; I speak as a citizen and a lawyer, for myself alone. If others wish to speak or write or keep silent, that is their privilege.

However, all know that it is a dangerous thing for a lawyer to tell the truth against a cowardly tyrant when he is a Judge on the Circuit bench, and most who will speak will praise him until he is deposed from power; then the truth can easily be learned from all but his friends, who have profited by his friendship when he was on the bench.

I am opposed to Judge Frazer's renomination and election as Circuit Judge, because a Judge should not, in the trial of a case, espouse one side or the other of the case. If, with reason or without, he has feeling for or against a lawyer who practices before him, or for or against a party who has a cause before the court, his conduct while on the bench should not disclose his feeling.

A Judge occupies a place of great power. It is easy for him, in ways which are hard, or impossible, to reach on appeal, to let a jury know what he thinks their verdict should be and thus greatly influence the jury.

Judge Frazer has the temperament of an advocate, and he did not put aside that temperament upon his elevation to the bench. Hence the opposition to him.

Even Judge Frazer's intimate friends do not deny that he is a good deal of a partisan, even while on the bench. And nothing more disables a Judge from balancing evenly the scales of justice than partisanship.

Should you care for instances of this partisanship and consequent disregard of law, many atorneys can furnish them. Whether they will do so or not will depend upon whether they stand in fear of Judge Frazer or not.

Judge Frazer acts in many ways as if he was above the law. I believe that no one is above the law. If any man should obey the law, a Circuit Judge should obey the law. Judge Frazer does not obey the law when it is profitable for him not to obey the law. For instance, Judge Frazer has acted as administrator of the estate of Richard Tabor, deceased, for years, when under the law he is not qualified to act as an administrator because he is Judge of the Circuit Court.

I am opposed to Judge Frazer's renomination and election as Circuit Judge because Judge Frazer got so angry at a litigant before his court, W. I. Reed and his (Judge Frazer's) inability to force the litigant, W. I. Reed, to consent to and thus waive his right of appeal, from Judge Frazer's unlawful and arbitrary conduct and decrees against said litigant, W. I. Reed, that Judge Frazer, with his own hand, at the noon recess of court on February 16, 1904, wrote in and inserted in a decree which Judge Frazer had previously signed about 9:30 A. M., February 16, 1904, a false recital, as follows:

"And both parties having agreed in open court to execute quitclaim deeds to all said property and deliver them to the clerk of this court in escrow, to be delivered to the purchaser at said sale in order that such purchaser may be assured of a perfect title."

Said recital was and is unqualifiedly false and was inserted so that if it was obeyed by said litigant, W. I. Reed, he would convey by deed what the court could not convey by the decree, and he, W. I. Reed, would give up valuable property which the court could not compel him to give up, and he could not hope to appeal successfully from the decree so long as it appears of record as a consent decree. This false insertion, made by Judge Frazer, was not served upon the litigant or his attorney, as the original order was, and as any additions should have been under the rules of the court.

That false recital was not in order as prepared by the attorneys who drew the order. That false recital was made in the face of the affidavit of W. I. Reed made February 15, 1904, and filed in the case on February 15, 1904, and stating:

"Under no circumstances will I consent to the sale of said receiver's right, title and interest upon sealed bids. If court should order a sale of receiver's right, title and interest upon sealed bids, I do not consent that said sale shall carry any of my property rights not heretofore vested in the said receiver by the decree of this court."

That false recital was made by Judge Frazer when he had before him an order prepared by me as attorney for W. I. Reed asking the court to sign an order stating the objection of W. I. Reed, that it was not by W. I. Reed's consent and allowing W. I. Reed an exception, which order Judge Frazer refused to sign.

That afternoon, when the false recital made by Judge Frazer was discovered by me, and Judge Frazer was applied to as Circuit Court to set a time when one of said litigants' attorneys, Ralph W. Wilbur, could be heard to make a statement, which statement would be made to try and obtain a correction in said recital and insertion, Judge Frazer got angry and said he was "not going to take any more time with this matter nor try to compel parties to put up quitclaim deeds; if parties to said suit did not consent to recitals in insertion, sale would not take place; property could stay in hands of receiver for five years and be eaten up by receiver's charges; the court can stand it if the parties can; I know the property is in Washington."

W. I. Reed did not consent, did not put up the deeds, and sale was advertised; no one would bid; sale did not take place. The court has not tried to compel compliance with the said false order and court is eating up the property with receiver's charges. As property is worth about $7000, it will take some time to eat it up.

Let any one who thinks that the acts here stated are proper judicial acts speak up. If all who think that the acts here stated are improper judicial acts will speak up, few will advocate Judge Frazer's renomination and re-election.

The question is not whether the law as to administrators ought to be different, or whether W. I. Reed ought to have consented. The question is, What is the law? The question is, Did W. I. Reed consent?

I am ready and able to prove these statements at any time or place.

Is it not a nice judicial record? Judge Frazer wants to be re-nominated and re-elected Judge of the Circuit Court of the State of Oregon. He has time during the noon hour with his own hand to write a false judgment entry. He has not time during court time to try to make said judgment entry conform to the truth. He threatens an American citizen, a Union soldier, who is unfortunate enough to have a lawsuit pending before him, and who has aroused his wrath, that he must consent to his (Judge Frazer's) unlawful acts or he will cause his half of the property, worth $3500, to be eaten up with receiver's charges.

Such a man is not a safe Judge. He lacks the qualifications of a Judge, viz.: respect for law and a judicial temperament.

There is no politics in the opposition to Judge Frazer. The opposition is purely on account of his non-judicial record and wrongful acts as a Judge.

Why is it that friends of Judge Frazer always talk about the re-nomination of Cleland and Frazer? Why do they not talk about the re-nomination of each Judge on his own merits or lack of merits as a Judge?

It is because Judge Cleland has made a good, able, fearless Judge and Judge Frazer has not. Judge Frazer wishes to be carried into office on Judge Cleland's coat-tails, and on other improper considerations. I am and always have been in favor of the re-nomination of Judge Cleland, because I have never known of Judge Cleland acting as a partisan on the bench or trying to falsify the records of his court, or trying to deprive a litigant of the right of appeal, or trying to strain the law and his decisions to please either of the parties. Judge Cleland has made a fearless and honest Judge and deserves a re-nomination and election.

It is important that fit men be placed as Judges on the Circuit bench. The delegates and the public should investigate these charges and other charges of misconduct on the part of Judge Frazer.

I have no candidate for the office. Any able, honest, judicial-minded lawyer will please me, regardless of what he believes on political questions.

RALPH R. DUNIWAY.

PARALYZED BY SURPRISE

O'BRIEN'S SENTENCE HEAVIER THAN HE EXPECTED.

Another Indictment for Land Frauds --Palmer Goes Free Because Jury Can't Agree About Him.

Thomas O'Brien, the mailcarrier from Eastern Oregon, who was indicted by the grand jury for stealing a number of valuable articles and some stamps from a mail sack and who pleaded guilty, appeared before Judge Bellinger for sentence yesterday. The prisoner evidently expected to be dealt with leniently as a result of pleading guilty, but he was completely surprised when the court sentenced him to a term of four years in the penitentiary for his offense. The prisoner listened to the sentence in blank amazement, but did not utter a word. He will be taken to the penitentiary today in all probability.

Frank and Ernest Barnes, two young men who are accused of destroying a mailbox at Eugene, were fined $200 each and in default of the cash were remanded to the County Jail until it is paid.

It developed yesterday that Frank Walgamot was another of those indicted by the grand jury in connection with McKinley, Ware and Puter for alleged land frauds. Walgamot, it is said, was used by the alleged conspirators as one of the claimants to secure the land and entered into a conspiracy with the "land ring" to use his name for the purpose of defrauding the Government. Walgamot appeared in court yesterday for arraignment, but waived the reading of the complaint. He was placed under $4000 bail and his case will be called when the other land-fraud cases come up for trial.

The case against A. C. Palmer, accused of impersonating a Government official by representing himself to be a United States Commissioner after his term had expired, was dismissed. Palmer was indicted by a grand jury some time ago and tried, but the jury disagreed and no verdict could be secured. As a consequence it was decided to dismiss the charge entirely.

The case against John R. Franklin, accused of selling liquor to Indians, was also dismissed. The grand jury adjourned without investigating his case, so the District Attorney asked that he be released.

It is expected that Mrs. Emma L. Watson, indicted in connection with McKinley and Puter, who was arrested in Chicago a few days ago, will arrive in this city today.

Half a Million Is Willed Church.

NEW YORK, April 6.—One of the largest endowment funds ever created for a church in this city has been formed by the will of Smith Lafayette Russell, a retired business man, who died March 10. It will amount to $500,000, and the testator's desire is along the line of several recent moves to keep alive church interest in the downtown district, from which many old religious institutions have been removed in recent years.

The Duane Methodist Episcopal Church in Hudson street, on the lower West Side, is the beneficiary. During the life of Mrs. Russell a portion of the income from the fund is to be paid her. At her death the entire sum will be placed in trust, and the income, estimated at $25,000, will be expended in building up the church. Several Methodist charitable institutions also will receive sums of $5000.

Little is known of Mr. Russell and his wife outside of their friends and neighbors in Washington Place, where they have lived many years, devoting much of their time to works of charity.

Will Not Interrupt Traffic.

VICTORIA, B. C., April 6.—Advices just received here by cable from the headquarters of the Nippon Yusen Kaisha line of steamers, between Puget Sound, Victoria and the Oriental ports, notify the representatives of the company that no interruption to the company's regular service will be permitted, notwithstanding the war. The company will dispatch steamers regularly from Japan to the American ports and maintain the service henceforth as soon as the question of alien bottoms is settled by the Japanese Government.

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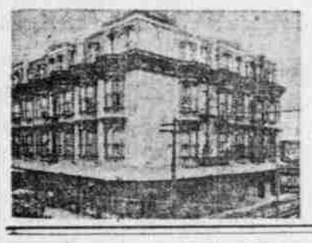

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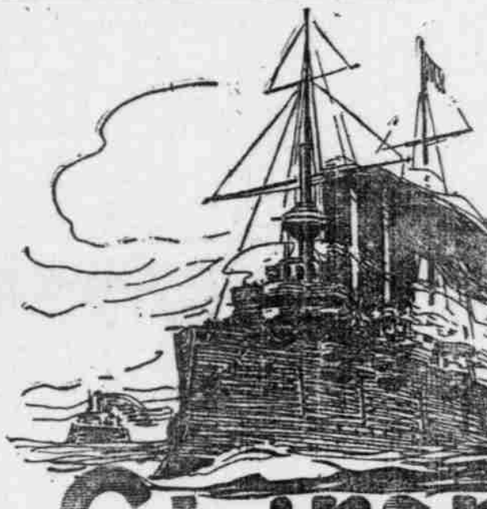

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