

COURT SWAYED BY LUCK, NOT FACTS

Washington Supreme Bench Too Busy Properly to Sift Evidence Offered.

REALLY "ONE MAN" COURT

Members Hear Arguments, Read Brief, Express Tentative Opinion, Then Assign One Judge to Make Up Conclusion.

BY J. H. BROWN.

OLYMPIA, Wash., July 9.—(Special.)—Proof has been brought before the Legislature that the Supreme Court is investigating the Washington State Supreme Court, that in a number of cases the court has in its decisions seriously misstated facts. That the court has made similar errors in many cases is generally known to members of the bar, and that more similar errors are not made is a constant surprise.

To an extent, at least, it must be admitted that neither the law nor the facts determine the decisions of the highest court of the state. Where errors are made in assembling the facts it is natural the conclusions of law drawn therefrom are apt to be erroneous. That these errors are made wilfully or deliberately, no lawyer of prominence at the bar will assert. But they do occur admittedly shows that something is radically wrong with court procedure.

And there has been something radically wrong for a good many years. Every session of the Legislature these conditions are presented to the attention of the judicial committees, committees usually composed of attorneys who know court procedure and who know exactly what would be remedied.

One Judge Works for Seven. Until a few months ago, although the State Supreme Court actually has seven members, it was actually and practically a "one man" court. This is to say, the majority of cases disposed of by the court were read all of the evidence and the record, although a majority of all of the court made it a rule to let one judge hear and discuss the oral arguments, but brief arguments of counsel.

Lawyers Don't Want Change. But this plan has been defeated at every legislative session at which it has been advanced because the plan means additional work for the individual lawyers. The attorneys would rather take the chance that the court would not state correct facts in the case, than to assume the additional burden a change in the law would place on the bar. To explain: Last year there were 80 cases filed in the Supreme Court. With each case came all the pleadings, a transcript of the evidence, and the record. In addition the attorneys usually made an oral argument to the court.

Decide Case Then Cite Facts. Therefore, to accomplish anything it has been the custom for the members of the court to read the briefs and listen to the argument. Then, after private consultation, in which the Justices expressed a tentative decision, one of the Justices was assigned to write an opinion. He takes the files and wades through the evidence and makes up his conclusions. Sometimes frequently, in fact, he discovers something in the evidence vital to the case that has not been raised by the briefs nor in the argument. He then writes up a complete change from the original tentative decision. Then there is another consultation, or sometimes several of them. After the opinion is written up, handed from Judge to Judge. Each reads the opinion and if it coincides with his ideas of the facts and the law, he signs assenting. Otherwise, he draws up a dissenting opinion. So from Judge to Judge the opinion travels until all have signed their wish to, and then the decision is filed and becomes public.

With this system it is readily to be seen the whole court's decision depends upon the accuracy of one member in his reading of the pleadings and of the facts. When the evidence fills page after page error is easy, especially if the evidence is at all contradictory.

Month's Lumber Cargoes Large. ASTORIA, Or., July 9.—(Special.)—During the month of June there were 19 million feet of lumber shipped from the mills in the Lower Columbia River district. These vessels carried a total of 2,582,873 feet of lumber and 500,000 lath to foreign markets and 1,383,000 feet of lumber and 10,000 railway ties for the domestic trade. In addition, there were 3,900,000 feet of piling towed to San Francisco in a raft.

Chorus Given Ovation. Friday were crowded with Beaver State people, the hotels fairly bulged with them and familiar faces were everywhere. It was about 11:30 when the official band opened the official observance of Oregon's gala day. Immediately afterward President J. E.

Chilberg, of the exposition, delivered a brief address of welcome, to which Governor Frank W. Benson responded. The Governor was most happy in his speech and received many subsequent congratulations. In part he said:

Governor Benson Speaks. "I have listened with interest to the kind and sincere remarks of the president of this great exposition, and, speaking for the people of the magnificent State of Oregon, I assure you that his words find a resting place in our hearts, and that we appreciate this cordial welcome that has been extended. The State of Oregon is one of the first to assure the people of Washington of the hearty spirit of co-operation that has made this exposition National in its character. Our people, realizing the splendid results of the Lewis and Clark Exposition, and desiring to return, in some slight degree, the co-operation manifested by the State of Washington on that occasion, decided to have made this exposition National and make a proper display of the various products of our state.

The building is one of the most creditable state buildings on the grounds, and the Oregon exhibit speaks for itself. Our most able Commission, with painstaking care, has collected specimens of the products of our forests, fields, streams and factories, as well as an educational exhibit that compares favorably with anything of the kind within these gates. No Oregonian need feel ashamed of the Oregon building and its contents, but on the other hand should feel a pride and satisfaction worthy of the dignity of our great commonwealth.

With a due regard for all portions of our common country, we take a pardonable pride in the Pacific Northwest—the land of splendid opportunity.

"So Oregon does homage to Washington's splendid effort in showing to the world this great Exposition. This fair will take rank among the greatest ever held and will turn toward the setting sun the faces of thousands of homes and the overworked portions of the East and Middle West. It will excite the admiration of our whole country and bring to the minds of our whole country the prophetic vision of Lord Berkeley when he said: 'Westward the course of empire takes its way.'

LA GRANDE WOMEN PURCHASE PARK SITE. LA GRANDE, Or., July 9.—(Special.)—Riverside Park, including 14 acres of choice land on the banks of the Grand Ronde River, one mile from the city, has been purchased by the women of the local Park Association for \$1400. The site has magnificent possibilities from a landscape architect's point of view. The women are negotiating with Landscape Architect Olmsted with a view to getting his services in laying out the park as soon as possible.

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Chapman Discusses Ibsen. Canby had a walkover in the baseball game with Oswego this afternoon. The team won by a score of 11 to 0. Canby won one game and lost one. The game tomorrow is between Gladstone and Eagle Creek.

W. C. T. U. Leaders Active. In the biology lecture Professor Sweetser used his stereoscopic slides with good effect this morning. The hour in the W. C. T. U. headquarters was one of inspiration, as the White Ribboners and friends came together for the consideration of the evangelistic phase in which they are deeply interested. Mrs. Badger, state superintendent of that department, presented a splendid programme. Mrs. Woody, Mrs. Addison, Mrs. Weber, Mrs. Harford and others took part in the discussion. Roses and sweet peas decorated the headquarters. The state president, Mrs. Henrietta Brown, and the state recording secretary, Mrs. Ida Marston, are at the Ashland Chautauqua.

ROSEBURG MASONRY BUILT. ROSEBURG, Or., July 9.—Roseburg Masons have awarded the contract for their new four-story building to C. D. Maynard for \$20,675. The structure is to be completed by November 1. This building will be the first four-story building in Roseburg.

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SALT LAKE MOTOR POPULAR SPEAKER

Dr. Elmer I. Goshen Delights Big Audience at Gladstone Chautauqua.

CHAPMAN AGAIN LECTURES

Compares Writings of Shakespeare and Ibsen—W. C. T. U. Workers Present Programme—Cartoonist Parker Does Stunts.

CHAUTAUQUA GROUNDS, Gladstone Park, Or., July 9.—(Special.)—In a masterly address, Dr. I. L. Goshen, the "little giant" of Salt Lake City, awayed the audience here last night.

The Costly of Liberty. Full of courage and fire, Goshen is one of the most popular of the Chautauqua lecturers. He said that we today must write our chapter in the gospel of liberty as Lincoln, Darwin and Throft." by Dr. F. A. Kiehle, of Portland. This department is open to men and women and the lecture tomorrow is of special interest to school teachers. Programme tomorrow: 8-11—Chautauqua Summer school. 11-12—Chautauqua Forum, "The Paramount Issue in American Politics," Dr. Thomas Burgess Ford, Pendleton. "Congressional Morality," Mrs. Margaret Dye, Gladstone. Head of National Department of Legislation, W. C. T. U., followed by a reception to Mrs. Ellis and Dr. Ford.

2-9—Concert, Chemawa Indian School band. 9-10—Bartone solo, Thomas Pennell. Sketch lecture, "Fun and Fancy in Form and Color," Arthur Packard. 10-11—Concert, Chemawa Indian School band. 11-12—Recital by Montaville Flowers and the Misses Keller, of Cincinnati, O.

STRANGER DIES BY HANGING. Unidentified Body Found by Officers Near Vancouver. VANCOUVER, Wash., July 9.—(Special.)—A man whose name may be R. Emmet hanged himself from an apple tree in Ernest Olson's orchard, about 14 miles down the Columbia River from Vancouver, some time last night. There was nothing on his person to identify him save the fact that on his left arm below the elbow there is tattooed a picture of a colonial soldier and directly beneath this the name "R. Emmet." The body was found this morning and brought to this city by the Sheriff and Coroner.

The suicide tied a small rope around his neck, made the other end fast to one of the highest branches in the tree, and then jumped, breaking his neck. He was about 40 years old, 5 feet 10 inches in height, had light sandy mustache, wore heavy loggers' shoes, black coat and striped trousers.

SAYS TRAIN SERVICE POOR. Cello Man Writes Railroad Commissioners About O. R. & N. SALEM, Or., July 9.—(Special.)—Hugh Ritchie, of Celio, has written a protest to the State Railroad Commission against the train service of the O. R. & N. at Celio. He says that the trains are from 40 minutes to 10 hours late and some days do not arrive at all. He cites numerous instances of alleged poor service and says that it is too much to stand in a "civilized country." The Commission will investigate at once.

TACOMA MARINE NEWS. TACOMA, Wash., July 9.—The steamer Buckman arrived in port this evening to load cargo for San Francisco. The steamer Sash Maro arrived this morning to load general freight for Alaska. The steamer Pleiades cleared this afternoon for the Hawaiian Islands with general freight. The island liner Teucer will arrive in port late tonight from Liverpool and Kohama. She is bringing a large and valuable cargo, including a large shipment of silk. The schooner A. B. Jones, with her cargo of lumber today and will leave tomorrow for Guaymas.

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Vals. as High as \$35 Some \$30 and \$25

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