

DR. MORRISON WINS LAND CASE DECREE

Circuit Judge Gatens Rules Against Episcopal Board.

DECISION CREATES SCENE

Court Tells "Christian Gentlemen" Precepts of Confucius Must Have Given Them Wisdom.

In a decision which declared that some of the parties to the suit had been laughing at the teachings of Jesus Christ to scorn, and suggested going to the heathen to learn Christianity, Circuit Judge Gatens handed down a decree for the defendant yesterday morning in the suit brought by the board of school trustees of the Episcopal diocese of Oregon against Rev. A. A. Morrison, D. D., rector of Trinity Episcopal church of Portland.

Announcement of the decision was accompanied by what was characterized as one of the most dramatic scenes in the history of court proceedings in this city. The courtroom was crowded with prominent men and women who had taken an interest in the case, and many of them, especially the women, during the reading of the decision gave vent to their emotion with tears.

The announcement of the decree for the defendant was met with cheers from many present and the crowd swept forward overwhelming Dr. Morrison and Dan J. Malarkey, who, with E. R. Seabrook, had defended Dr. Morrison, with congratulations. Judge Gatens escaped to his chambers, but was sought out by friends of Dr. Morrison who wished to thank him for his decision.

Appeal Will Be Taken. Following the decision, Charles E. Cochran and W. T. Slater, attorneys for the plaintiff, announced that they would appeal the case. In his decision Judge Gatens characterized the action brought against Dr. Morrison as in the nature of an appeal from Bishop Scadding, dead, to Bishop Sumner, alive. He referred to the fact that Bishop Scadding apparently was satisfied with the transaction involving the purchase of the farm for the site of the academy, which transaction was the basis of the action.

The board of trustees in 1908 and 1917 deferred to the wishes of the bishop, as head of the church, and a court of equity should not lend its aid by decreeing that the judgment and wishes of Bishop Sumner were superior to those of Bishop Scadding," said Judge Gatens.

Judge Gatens also declared that there was no evidence that Dr. Morrison acted in a secretive manner as to his interest in the property sold for the academy site.

"There is no evidence to show that Dr. Morrison acted other than any honest man would have acted under all the circumstances and conditions," he said.

Confucius' Precepts Injected. The judge referred to the fact that the parties to the suit profess Christianity and are officials of one of the most influential churches in the Christian world.

"The practical application of these Christian precepts have been noticeably absent in this case," he declared.

"The court commends to some of these Christian gentlemen the words of one who often has been referred to as a heathen—Confucius—who was born 500 years before the time of Christ, as their future guide. This heathen said: 'A heart set on love will do no wrong.' Again he said: 'To breed no wrong in the state and breed no wrong in the home; not to do unto others what we would not they should do unto us.'"

Mr. Malarkey expressed satisfaction at the vindication of Dr. Morrison. He said that Dr. Morrison, naturally, was greatly relieved that the strain was over.

"Dr. Morrison never doubted for a moment that he would be vindicated when this decision came," he said, "but the hearing, naturally, has been a strain to him."

Dr. Morrison and his children, besides many of his parishioners and friends, were present when the opinion was read.

Text of Court's Decision. This is a suit brought by the plaintiff against the defendant for an accounting. In 1908 the defendant was one of the trustees of the plaintiff board and sold the plaintiff 100 acres of land in Yamhill county for the sum of \$25,000. The plaintiff claims that defendant made a profit in the sale of the land to the board, which he should not, in good conscience, be permitted to retain.

Prior to and in 1908 the then board of school trustees were looking for a site for the purpose of reopening Bishop Scott academy. They desired to locate the school away from the city and Bishop Scadding had requested his co-trustees and others to keep a lookout for such a place. The defendant's attention was called to the 100-acre farm of Blaind Herling in Yamhill county. Dr. Morrison proposed to Mr. Herling that he sell to the board 100 acres of his farm which were located valuable improvements. Mr. Herling refused, for the reason that he would not sell either the whole farm or none at all.

During the early spring of 1908, before leaving for Europe, Bishop Scadding visited the property and was much impressed with its beauty and its apparent availability as a school site. There is evidence tending to show that he became enthusiastic regarding it and prior to his departure for Europe directed some of the trustees to secure the same.

Board Enters Into Contract. Accordingly on June 23, 1908, the board entered into a contract with Street & Morgan for the purchase of 100 acres of the 100-acre tract upon which were located three large barns, four small barns, one grain mill, a modern 14-room dwelling house, an electric power plant with dynamo and full equipment for electric lighting, including a large engine, one steam boiler, an adequate sewer and water system, a concrete dam with necessary piping, a blacksmith shop and other improvements, together with a 12-year-old English walnut orchard of about 20 acres and an orchard of assorted fruits, for the sum of \$25,000.

The defendant then organized, together with E. E. Morgan, the Walnut Grove company, which took over the entire tract of 100 acres, paying therefor the sum of \$40,000. It then sold and conveyed to the plaintiff the said 100-acre tract for the sum of \$25,000. It is contended by plaintiff that the defendant withheld the fact that he had any personal interest in the sale of this land to the board. There is no evidence to support this contention. On the contrary, all of the trustees testified that they had some information to the effect that Dr. Morrison had some personal interest in the sale of this land, with the exception of Mr. Gatens, who was advised of same within a short time after his return from the orient.

Property Worth Price Paid. The testimony shows that Bishop Scadding said that the property was worth \$25,000 and to go ahead and buy it. Rev. Y. K. Hammond, one of the trustees, testified that the first information he had as to the exact amount paid by Dr. Morrison and his associate for this land came from Bishop Scadding, who informed him that

Dr. Morrison and associates had paid \$40,000 for the property.

The board then followed the advice and wishes of Bishop Scadding in the procurement of this property, he being head of the church, more than anyone else in carrying out the purchase, and for 13 years no one has questioned the good faith of the trustees who in 1908 purchased this property at his instance and request, or Dr. Morrison's connection therewith.

It is contended by the defendant that the present board of trustees, as the best of Bishop Sumner, directed this suit to be brought for the purpose of humiliating and degrading him in the eyes of his parishioners and the public generally. On March 20, 1918, the present board of trustees adopted the following resolution: "Resolved, That this committee recommend to the bishop of the diocese that he submit conclusions of counsel to Dr. Morrison for his consideration and in the event that Dr. Morrison falls within a reasonable length of time to make reparation in a manner satisfactory to the bishop, then legal proceedings to recover damages should be instituted and prosecuted vigorously."

Bishop Made Sole Judge. From this resolution it is apparent that Bishop Sumner made the sole judge as to what reparation should be demanded of defendant in order to prevent the institution of legal proceedings against him. At the time this resolution was adopted Bishop Scadding was deceased and was succeeded by Bishop Sumner, who was pleased with it and was anxious to secure the same. It seems to be a direct opinion between Bishop Sumner and Bishop Scadding as to the desirability and value of the land for school purposes. In 1908, when the property was purchased by the board, it was in excellent condition. It had been well cared for and undoubtedly presented a superior appearance. When Bishop Sumner viewed the property in 1915 it had been sadly neglected and presented an entirely different appearance. Bishop Scadding had voiced the opinion that the property was worth \$25,000. Bishop Sumner does not think that the property was worth what was paid for it and the present board of trustees has delegated to him the sole power to say what reparation, if any, Dr. Morrison should make in order to satisfy, not the board, but Bishop Sumner. This is an appeal from Bishop Scadding, dead, to Bishop Sumner, alive. The board of trustees in 1908 and 1917 deferred to the wishes of the bishop, as head of the church, and a court of equity should not lend its aid by decreeing that the judgment and wishes of Bishop Sumner are superior to those of Bishop Scadding.

Dr. Morrison Is Absolved. The evidence is conflicting as to whether the property is worth the sum paid for it. There is no evidence in the case to show that Dr. Morrison acted in a secretive manner as to his interest or fraudulently withheld from the board or any other person information as to his real interest in the land or deeded the trust fund of the plaintiff to his own personal benefit. Had Dr. Morrison and his associate purchased the 100-acre tract for \$25,000 and sold the 100-acre tract for the same sum to the board, an entirely different situation would have arisen; but such is not the case. There is no evidence to show that Dr. Morrison acted other than any honest man would have acted under all the circumstances and conditions.

During the concluding arguments of this trial counsel for the respective parties quoted holy writ, applicable to their respective opponents. All the parties in this suit profess Christianity; they are officials of one of the most influential churches in the Christian world—the Protestant Episcopal church—teaching brotherly love, humility and charity toward all. The practical application of these Christian precepts have been noticeably absent in this case.

Sayings of Confucius Cited. The court commends to some of these Christian gentlemen the words of one who has often been referred to as a heathen—Confucius—who was born 500 years before the time of Christ, as their future guide. This heathen said: "A heart set on love will do no wrong." Again he said: "To breed no wrong in the state and breed no wrong in the home; not to do unto others what we would not they should do unto us." Speaking of Tao-te, he said: "His own life was modest; he honored the man whom he served; he was kind in teaching the people; he was just in his dealings upon them." And again, this heathen said: "There are three things which a gentleman prizes—in banish from his bearing violence and levity; to turn his face to the truth; to purge his speech of the low and unfair."

If some of the parties here had followed the precepts of this heathen and had entered into the consideration of their present troubles with a "heart set on love" and had been "just in their dealings upon others," this case would never have been brought into court and much of the ill will now apparent among the parties as well as lay members of this good church would have been avoided.

Teachings of Christ Emphasized. They would have been following as well the teachings of Jesus Christ. Some of the parties have failed to practice that which they have been preaching, and in this case have been laughing at the teachings of Jesus Christ to scorn; and as the Christian people throughout the world spend millions of dollars annually to Christen the followers of this heathen, Confucius, in conclusion permit the court to say to you to the heathen and learn Christianity.

Decree for defendant.

SEATTLE, Wash., July 1.—(Special.)—Intention of taking early steps toward reorganization of the municipal government along city manager lines, centralizing authority over the city's huge utility enterprises, was announced yesterday by Mayor Caldwell, who returned to his office after a month's sojourn in the east.

Mayor Caldwell said he intended to have charter amendments prepared providing for a commission form of government of Seattle, along the lines proposed by him in his annual message to the city council recently. He characterized the plan proposed by Councilman Fitzgerald of making the mayor a voting member of the council without veto power, as a compromise between his own proposal of five commissioners and what he called the existing cumbersome form of government under which the city's business is now operated.

"The city has gone into the utility business on a large scale," the mayor said, "and someone should be the executive head of our various municipal enterprises. Authority over the several utilities should be centralized and someone should have authority to make needed changes if it is found that any department is not properly operated."

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gotten along equally well since that number was reduced to nine. Reduction of the number to five commissioners would be so much better."

Gold Hill Farmhouse Burns. GOLD HILL, Or., July 1.—(Special.)—The farmhouse of W. J. Smith on

Sardine creek, six miles from Gold Hill, burned early this morning. The loss is \$1500 and no insurance. Origin of the fire has not been learned.

Electric Rates Advanced. COTTAGE GROVE, Or., July 1.—(Special.)—Advanced electric lighting

and power rates went into effect today, the city having withdrawn its protest against the new schedule upon an agreement with the Cottage Grove Electric company that it will return to patrons any amount above that which the public service commission at the approaching hearing upon the

application for the rise may determine to be just. The advance is made necessary, the electric company states, because of the increased cost of fuel.

Hen Pats Two Eggs Together. COTTAGE GROVE, Or., July 1.—(Special.)—Mrs. Isaac Taylor has a

White Leghorn hen with an unusual record. On one day it laid an egg measuring 8 1/2 inches by 6 1/2 inches. On the next day it laid an egg of normal size and on the third day laid an egg measuring 7 1/2 inches by 6 1/2 inches. It is quite evident that the mammoth egg of the first day was

an afterthought with the hen, for markings on the shell show quite plainly where she took two regular eggs and put them together, doing a unusually fine mechanical job of cementing the shells together and dressing down the rough spots.

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