

ROOT DECLARED UNFIT FOR JUDGE

Bar Committee Severely Condemns Him for Relations With Gordon.

BRIBERY NOT YET PROVED

Recommends Grand Jury Investigate Charges of Corruption. Dealings With Gordon Related to Money Transaction.

(Continued From First Page.)

Believing that its suggestion will be acted upon, the committee feels that it is fairer to withhold any other recommendation. When such an inquiry has been held, the Supreme Court and the State Bar Association will have the evidence before them upon which to base any further action or proceeding.

Mr. Bridges said today that a copy of the report would be forwarded to the Supreme Court, the body that requested the inquiry by the Bar Association. The report follows:

Could Not Get All Evidence.

To Hon. J. E. Bridges, President of the Washington State Bar Association—Dear Sir:

The committee appointed by you in pursuance of the written request of Honorable Hiram H. Hadley, Chief Justice of the Supreme Court of the State, to investigate rumors of improper conduct and corruption and matters incidental thereto on the part of Milo A. Root, then one of the Justices of that court, begs leave to report as follows:

The committee is compelled to report that it has been unable to make a complete investigation because of its inability to procure all the evidence bearing upon important matters subject to its history. The committee has spared neither time nor trouble to get all the facts and has had statements from all persons whom it could interview, and who, in the opinion of the committee, could probably furnish any information, and whenever it could find them, has come to all such persons who did not voluntarily come before it. Having no power to compel the attendance of witnesses or the production of testimony, the committee has been at some disadvantage in the prosecution of its work. Meetings have been held in Spokane, Olympia, Tacoma and Seattle. It is the opinion of the committee that no useful purpose will be subserved by a continuation of its efforts.

Could Not Prove Bribery.

All statements made to the committee have been taken down in shorthand, and the typewritten transcription thereof accompanies this report. A number of written documents have been produced to the committee, and copies should be made and the originals returned to the persons producing the same. All documents which have come into the possession of the committee or true copies thereof are herewith submitted.

As to the rumors of bribery and corruption, the committee bears to report that it has been unable to obtain any facts to substantiate the same, and its investigation for the reason above stated has not been sufficiently complete to enable it to make a finding on this point. Without implying that any facts exist which would establish such offenses, the committee is so convinced that an investigation by somebody clothed with legal inquisitorial powers might clear up this matter.

Charge Gordon Bribed Root.

One of the matters submitted to your committee was a rumor that Judge M. J. Gordon, formerly counsel for the Great Northern Railway Company for the district of Western Washington, had been found short in his accounts with that company, and that he had in his possession documents showing that he had used part of the money in question corruptly by paying it over to Judge Root, and that the same was accepted by Judge Root, while neither of them was a Justice of the Supreme Court, and that Gordon also had in his possession documents of some character showing that officials of the railway company were accessory to the crime, and that Gordon was making use of his possession of such documents to escape prosecution for his alleged shortage.

Used Gordon's Opinion Verbatim.

Mr. BOGE, pursuant to the request of Gordon, telegraphed to the latter that the draft of opinion prepared by Gordon was satisfactory and returned the same to Gordon in a letter dated the 8th day of June, 1908. Very soon thereafter Gordon delivered or caused to be delivered to Judge Root the above-mentioned draft of opinion, which draft opinion so prepared by Gordon was subsequently filed verbatim as the opinion of the court, except that there was the signature of Judge Root, and the opinion of the Supreme Court standing for affirmation of the judgment, but the principle of law announced was identical with the opinion of Judge Gordon and Gordon until after the appointment of this committee.

Root Unfit for Position.

We are constrained to conclude that the conduct of Judge Root and Gordon in the Harris case as above detailed was a violation of the high standards of professional propriety. Such conduct would be intolerable in practice, and would lead to abuses almost as serious as would corruptly influencing a judge. It is characterized by Judge Root himself as an impropriety, but in our opinion, it deserves much more severe characterization. The committee has no knowledge of the exact amount not being fixed, but being left to be fixed, subject to the approval of the entire court, by the Judge by whom the opinion in the case was to be written, after he should have examined the record.

Back Broken, Yet Lived

Bellingham Contractor Dies When Apparently About to Recover.

(Signed) JOHN H. POWELL.

"I. L. STILES."

"G. H. HUDSON."

"HAROLD PRESTON."

"GEORGE E. WRIGHT."

was unable to obtain any facts to substantiate any of these rumors, except so far as is detailed in this report. Upon this matter, the committee interviewed Judge J. W. Robinson, who had made certain charges of this character on the stump during the late campaign, but he declined to give the committee the sources of his information, if he had any, and disclaimed any personal knowledge in the premises.

In the case of Lucy Richardson vs. Tony Richardson, which was one of the cases in which advance information was rumored to have been given out, the committee obtained some information which it desired to refer to specifically. This was a divorce case, and the chief contest was over the division of property. On the last hearing in the Supreme Court the main question was whether or not the property should be divided in fee on whether substantially all the property should go to the husband, charged with the lien of a money judgment in favor of the wife. The husband contended that the property should go to him in its entirety, charged with such a lien in favor of the wife, and the wife contended for a division of the property in specie. Immediately after the case was finally submitted the judges who heard the case all agreed in consultation to give the property to the husband and a money judgment to the wife for between \$15,000 and \$20,000, the exact amount not being fixed, but being left to be fixed, subject to the approval of the entire court, by the Judge by whom the opinion in the case was to be written, after he should have examined the record.

Offer to Fix Decision.

"Some time before the final decision was rendered, the committee called on one of his attorneys, Mr. Seabury Merritt, of Spokane, and informed him that E. B. Palmer had told him (Richardson) that as the case then stood in the Supreme Court the property would be divided in specie, that Judge Root had the case, and that if he (Richardson) would pay him (Palmer) \$2000, he (Palmer) would get the judgment so modified as to give the property in its entirety to the husband and a money judgment in favor of the wife for \$18,000 or \$19,000. Merritt refused to countenance any such proceeding. Judge Root, who gave the wife a judgment for \$19,000 and substantially all of the property to the husband.

Gordon and Harris Case.

"Fourth.—One of the rumors which has gained wide currency concerns the case of W. H. Harris vs. Great Northern Railway Company, while the same was on appeal to the Supreme Court of the State. The committee believes that it has all the essential facts concerning this matter. M. J. Gordon was attorney for the Great Northern Railway Company in that case. The case was brought by Harris to recover damages for the loss of freight in transit from Somers, Mont., to Spokane, Wash. The judgment of the lower court was in favor of the plaintiff, and the railroad company appealed. The opinion of the Supreme Court was for an affirmation of the judgment. Four of the seven judges of both houses met to canvass the vote, in that opinion. There was a dissenting opinion by the other three judges. Thereupon a petition for a rehearing was filed by Gordon on behalf of the railroad company.

"Thereupon Judge Root dictated a draft of a proposed per curiam opinion of the Supreme Court upon the petition for rehearing. He did not submit this draft of opinion to any of the other Judges of the court, but sent a copy of the same by mail to Gordon at Spokane shortly prior to the 14th day of May, 1908. Gordon on that day wrote and mailed at Spokane a letter to Judge Root, vigorously complaining about the opinion, which had been filed as the opinion of the court. On the 18th day of May, 1908, Judge Root replied in this letter to Gordon, informing the latter that the supposed opinion had not been filed and expressing a desire to see him. Soon thereafter after Gordon went to Olympia and saw Judge Root, and they discussed the case, and Gordon says that Judge Root suggested that he (Gordon) 'reflect' his views of the case. Prior to this time, however, in filing his judgment, had been in full and Gordon says he so informed Judge Root in the above interview, but Judge Root denies this.

"The committee says Gordon sent a letter to W. R. Boge, of St. Paul, general solicitor of the Great Northern, endorsing his draft opinion and saying:

"It is important, however, in a case of considerable magnitude, which is on trial on the 9th, that we get the law of this question settled in advance. If you are satisfied with this memo, which is the single word 'Satisfactory.' If there is any additional change you wish made, let me have a list of changes, so that I may take that, although this is typewritten, it is my handwork."

(Signed) GORDON.

YARD ENGINE HITS FREIGHT

Two Boxcars Demolished and Engine Derailed at Albany.

ALBANY, Or., Jan. 9.—(Special.)—The switch engine of the Albany yards backed into the side of a northbound freight on the main line at Albany today, striking the first car and the engine, smashing up two boxcars and tearing the side of a third.

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PROCURE SQUARE DEAL FOR DEFEAT

Illinois State Committee Will Try to Tame Bolters in Legislature.

CANNOT ORDER RECOUNT

Supreme Court of Nebraska Held Members Only Act as Witnesses, While Speaker Declares Official Count.

SPRINGFIELD, Ill., Jan. 9.—(Special.)—Efforts to break the deadlock in the Assembly on terms that will insure Governor Deneen a square deal on the recount contest will be made by the Republican state committee. A call for a meeting of the committee to be held at the statehouse in Springfield Tuesday morning was issued today by State Chairman Roy O. West, after a conference with Mayor Buse, and by the time the two houses open their sessions the big party leaders will be on the scene to tame the caucus bolters.

Shield Deneen From Surprise.

The Senate committee, to which was referred the House resolution for the joint session, will meet in Chicago Monday to perfect its plans for protecting the Governor from any attempt on the part of his enemies to spring a surprise when the two houses get together to canvass the election returns.

Shock to Half-Breeds.

Mr. Deneen's political enemies among the "half-breeds" in the Legislature got a shock today when it became known that a decision of the Nebraska Supreme Court protects him from being counted out without a fair plan of action. Under this decision the Governor is protected by both the constitution and the statute against any alleged trickery that might be attempted when the Joint Assembly meets to canvass the vote cast for state officers at the election November 2.

Members Only Witnesses.

The Nebraska case is similar in essential points to the Illinois situation, as it affects Mr. Deneen. The Supreme Court of that state held that, when a majority of both houses met to canvass the vote, it was not in reality a joint session and that no other business could be attempted.

SOLONS ALMOST IN FIGHT

Senators Bryan and Booth Separated in Car by Friends.

OLYMPIA, Wash., Jan. 9.—(Special.)—Senator J. W. Bryan, of Kitsap County, and Senator Robert P. Booth, of Seattle, came near coming to blows today in the Senate chamber, when they were only prevented from mixing by the intervention of Senator Will G. Graves, of Spokane, and other passengers.

INCORRIGIBLE WEIGHS 250

Heavy Young Man From Vancouver Sent to State Reformatory.

VANCOUVER, Wash., Jan. 9.—(Special.)—Cromwell, from this county, having located in a car of stolen horses at this afternoon to the State Reformatory at Monroe, Wash., for incorrigibility.

STOLE CARLOAD OF HORSES

Klamath County Officers on Track of Men Who Shipped Animals.

KLAMATH FALLS, Or., Jan. 9.—(Special.)—Officers from this county have located a car of stolen horses at San Francisco, shipped recently, and are now on track of the men who drove the horses to the shipping point and collected the payment for the animals.

Buried by Grand Army Comrades.

MHINNIVILLE, Or., Jan. 8.—(Special.)—The funeral of Isaac Pomeroy Root, a veteran of the Civil War, occurred here today, under direction of the local Chapter Post of the G. A. R. The deceased was born in Catawagus, N. Y., nearly 82 years ago. He emigrated from his native state to Iowa, where he enlisted and served through the war as a member of the Eighth Iowa Infantry. With his family he came to this county 35 years ago, during which time he has been engaged on his farm, about five miles northwest of town. Mr. Root's wife, whom he married in Iowa, died 20 years ago. He leaves two sons here, besides a daughter. Mrs. A. C. White.

\$25 NICOLL'S SPECIAL OFFER

A black or blue cheviot, Thibet or worsted Suit, with an extra pair of Trousers of same or striped material. \$25

SUIT AND EXTRA TROUSERS \$25 to \$50

Satisfaction guaranteed in all cases. Garments to order in a day if required. Full Dress and Tuxedo Suits a specialty.

WILLIAM JERREMS' SONS. 108 THIRD STREET

lingering a month with his back broken and his spinal cord completely severed. His lower limbs were paralyzed, but aside from this his condition was perfectly healthy and hope for his recovery was entertained until within a few minutes of his sudden demise.

The case is declared by attending physicians to be unique. Kavanaugh was injured while superintending a blast. A heavy timber, dislodged by the shock, fell on him, splintering the spine just above the waist. A delicate operation was tried, an effort being made to knit together the broken ends of the spinal cord and relieve the pressure of the broken vertebrae, but it was unsuccessful.

PROTESTS ON YOUNG SENT

Baker City Republicans Say That Bourne's Appointment Is Populist.

TO REOPEN CASE

Washington People Dispute Court Boundary Decision.

FALLS EXHAUSTED IN GOLD

Charles Strong, Timber Cruiser, Picked Up Unconscious.

SEEK TITLE TO ISLANDS

Case May Be Carried to Supreme Court of United States if Oregon Persists in Claiming Disputed Land in River.

BREWER IS ARRESTED

Sold Retail Lot of Liquor to Saloon and Test Case Will Follow.

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Sacrifice Sale

BOYS' OVERCOATS AND RAINCOATS

Every Garment in the House

MARKED DOWN

MOTHERS

It Will Pay You to Investigate

BEN SELLING LEADING CLOTHIER

Falling in the effort to secure a re-hearing in the case, Mr. MacDonald will present a petition to the court for the appointment of a survey board to determine the location of the boundary line, in accordance with the opinion of the court, extending along the entire length of the river where it divides the two states.

At the conference this afternoon it was also proposed that a resolution should be submitted to the Legislature by action by the United States Supreme Court. That Washington's interests in the matter are seriously involved by the uncertainty of the decision was claimed by Senator Stewart, of Pacific County who exhibited a blueprint, prepared by the Oregon Fish Warden, which traces the boundary line to the north of Puget Island, which has heretofore been considered a part of Washington County, and which has a population of 250. The line as drawn on this map also places on the Oregon side several minor islands further up the river.

The legislators and officials present pledged themselves to secure an appropriation to pay for Mr. MacDonald's trip to Washington. The Attorney-General's office will turn back into the Treasury \$1000 left out of the \$2500 appropriated two years ago to pay the expenses of the boundary suit, but a new appropriation will be necessary to carry proceedings further.

Churches Indorse Hanson Bill.

VANCOUVER, Wash., Jan. 9.—(Special.)—At a union meeting of the congregations of the Presbyterian, Methodist, Baptist and Christian churches last night, resolutions favoring Ole Hanson's anti-gambling bill, which is to be presented to the Washington Legislature, were passed.

PERSONALLY CONDUCTED

An important fact to be remembered in connection with the

Special Midwinter Excursion

CALIFORNIA

Which will leave Portland 10:30 P. M. Saturday, January 16.

An Experienced Excursion Agent

Will have complete charge of the special train from the time it leaves until it arrives in Los Angeles, Friday evening, January 22, who will give his personal attention to every detail of the trip and relieve excursionists of all anxiety. The interesting features of a wonderful country will be described en route, and the party insured every comfort and delight than can be imagined in a six-day journey. The rate, \$84.25, includes berth in Pullman sleeper and all meals on going trip; side trips in and around San Francisco, Palo Alto, San Jose, Del Monte, Paso Robles, Santa Barbara, and numerous entertainments by enthusiastic Californians. Tickets provide for stop-over on return trip, which may be made at pleasure, within 90 days. Call at City Ticket Office, corner Third and Washington streets, for itinerary of excursion, sleeping-car reservations and tickets.

Wm. McMurray

General Passenger Agent. Portland, Oregon.

Hair on Face, Neck and Arms

Removed by the New Principle De Miraculo

De Miraculo is the only scientific preparation for the removal of hair. It is the only preparation that does not irritate the skin, and it is the only preparation that is guaranteed to remove hair from the face, neck, arms, and legs. It is the only preparation that is guaranteed to remove hair from the face, neck, arms, and legs. It is the only preparation that is guaranteed to remove hair from the face, neck, arms, and legs.

De Miraculo

For sale at all good stores and LIPMAN, WOLFE & CO.