

PRESENT JUDGES HELD SUFFICIENT

Charge Is Made Court Docket Is Padded So as to Appear Crowded.

ALL BUNCO, SAYS M'GINN

Little Hope Remains of Creating Additional Offices With Members on Bench Opposing Bill in Legislature.

That all the cases now congesting the docket of the Circuit Court for Multnomah County might readily be crowded into a small space and disposed of in a short period is one of the charges to be made in the Legislature during the coming week by those opposed to the creation of two additional judges. That the docket has been virtually padded so as to make the work appear more voluminous than it really is, will be another charge. The docket itself, or many pages copied from the docket, may be shown to the Legislature by way of substantiating the claim that five judges are sufficient to handle all the legal business of the county—and with time to spare.

Defeat of the proposed increase, coupled with rigid reformation of the rules under which the court now operates, and has operated for some time, will follow the present agitation for an increase of judges provided the predictions of the opponents come true. And with Presiding Judge McGinn and Circuit Judge Gatens fighting the proposed increase, even friends of the increase bill have all but lost a hope.

Crowding Only Apparent.

Examination of the docket at the Courthouse yesterday revealed that the crowded condition, while really existing, need not exist. For instance there was nothing for the judges to do yesterday. Acting in emergency, Judge McGinn heard a brief divorce suit and Judge Kavanaugh disposed of a vagrancy appeal—the work of half an hour. The other three judges had nothing to do. The docket leaves Saturdays blank.

Tomorrow, as the crowded docket indicates, is a busy day for the five judges. But careful examination of the day's work spoils the impression. For of the dozen cases docketed but three come into court and these are trivial city cases that can be disposed of very shortly. Many other pages show a similar condition. For example the page dated February 1 is jammed with cases. But minute margin notations show that all but three have been recited, already disposed of or passed over page after page showing a similar condition.

The system now in vogue has been devised simply to fool the public, eye opponents of the proposed increase of judges. The judges have been accustomed, under the present rules, of working in a leisurely way and living very much of the time as gentlemen of leisure is the further charge. Judge Gatens has already drawn up a set of new rules intended to remedy this condition. Judges Gatens and McGinn favor new rules and harder work. Judge Kavanaugh, however, and Kavanaugh are standing by the present rules.

Overwork All "Bunco"—McGinn.

"I dislike to discuss the matter at this time," said Judge McGinn when pressed for a statement yesterday. "But the idea of trying to impress the public that we are overworked is all bunco. We are not overworked. What we need is not more judges but a change in the rules so that we may become masters of our work and not slaves to it. The responsibility now rests upon one man. It is a divided responsibility. Authority should be given the clerk to assign a case the moment a defendant makes an appearance so that the judge upon whom the duty falls of making up the papers shall be the judge to try the case. The system we are now working under impresses me as intended more to prevent work than to expedite it."

"Let the five judges work from 9 o'clock in the morning until noon and from 1:30 until 5 P. M. each day, with Saturday afternoon off, and all the work can be handled under a system of rules which are very often wasted owing to postponements and unfiled dockets. Not even the presiding judge has a case the day the docket and if a lax day rolls around the judges are free to visit or do as they please until the next day when another flood of cases occurs and the scores of important cases awaiting trial. One of the changes provided in Judge Gatens draft of new rules is elimination of a present rule, it falls to the lot of that jurist, under the present rules, to make up pleadings hear motions and assign cases. It is contended that much more work could be effected with all five judges continually in the harness operating under a system requiring a set number of hours work each day."

\$2000 EACH PAID FOR DEATHS

Charges That Railway Promoted Men to Influence Testimony.

Charges that the United Railways Company has promoted two of its trainmen to influence their testimony in prospective damage suits are made by implication in three petitions filed yesterday with the County Court.

The petitions ask permission to settle with the company, out of court in behalf of the estates of three men killed in a wreck several months ago. John Halkios, Nick Allison and G. Soyas were killed aboard a work train which parted in the middle on a steep grade. It is asserted that the conductor of the train, A. L. Ryan, and the engineer, F. J. Stevens, have since been promoted by the company and in the petitions this fact is emphasized in asking that \$2000 be accepted from the company for the estate of each of the three victims.

In the event of a suit, the petitions allege that testimony submitted by the railroad company the better of the argument might be introduced. The petitions were allowed by County Judge Cleaton.

M'GINN PAROLES EX-CONVICT

Old Man Is Not Criminal, Only Weak, Judge Believes.

John Hardigan, an ex-convict, who recently pleaded guilty to a charge of breaking into and robbing the home of Dr. Robert Holt, in East Portland, was released by Circuit Judge McGinn on probation yesterday afternoon. Hardigan, who is 60 years old, begged piteously for another chance when taken into court for sentence two weeks ago. Judge McGinn said at that time he could not parole the old fellow unless some one would stand sponsor for him.

W. G. McLaren, of the Portland Commons, appeared in court yesterday and said he would stand sponsor for Hardigan. Mr. McLaren said he had written to former employers of the old man and that they had spoken highly of him. Mr. McLaren assured the court that he would secure Hardigan a position.

"I do not believe Hardigan is a bad man, even if he has been in the penitentiary," said the judge. "He is merely weak, and with some one to look after him will keep out of trouble, I believe."

OLD MAID FAILS AS WIFE

Widower Says He Was Tractable, but Spouse Was Not.

William P. Mann, an elderly man who says he married an old maid five years ago, told a narrowing story of his married life in Judge McGinn's department of the Circuit Court yesterday. Mann related a tale of fearful domestic cruelty which included several violent assaults and an attempt on his life. During the later part of their married life Mrs. Mann acquired the habit of sleeping with a loaded revolver under her pillow, he said.

TREASURER OF HELLIG THEATRE TO ENTER REAL ESTATE BUSINESS HERE.



Fred E. Bailey, for six years treasurer of the Hellig Theater, has resigned his position and will enter the employ of a local real estate firm as salesman. During his service with the Hellig ticket office, Mr. Bailey has earned the good will of the theater-going public by reason of his geniality and unfailing courtesy.

Mr. Bailey is a native of Iowa and came to Oregon 17 years ago, settling with his parents in the then little-known Hood River Valley. Prior to coming to Portland, in 1904, Mr. Bailey owned and operated one of the best orchards in that section. His knowledge of fruit-raising and land values peculiarly fit him for the new work he has just entered and in which his many friends will wish him success.

aid, thereby causing him to suffer from a species of insomnia and nervous wakefulness.

They were married at Vancouver, Wash., in 1905, and no sooner was the ceremony over than his wife developed a violent temper. Mann testified. He had been married before, had grown children and was quite tractable. But she, while well along in life, utterly failed to adjust herself to the married state.

One day, during the course of an argument, she emphasized her remarks by striking him over the head with an iron hasting spoon. On another occasion, as he sat tranquilly smoking his pipe, she became enraged and announced him in the face with a bread pan, the blow driving the stem of his pipe down his throat and badly lacerating his tongue.

His son, H. P. Mann, went to call on him some time ago, taking along his wife. They had been in the house a short time when the step-mother-in-law decided she didn't want any of her husband's relatives about and called two policemen to throw the couple out of the house. Mann got his divorce.

FRAUD IS NOT ESTABLISHED

Suit Aver Tide Lands Near Rainier Is Dismissed.

Following six days of tense legal contest, the suit of Elizabeth A. Sperry and Mrs. Lucile Lemcke against Parker Stennick and L. S. Thomas was dismissed by Circuit Judge Kavanaugh yesterday. The court holding there was no evidence of fraud having been used in the transfer of tide lands near Rainier.

Stennick and Thomas were charged in the complaint with having disposed of property to which they had no clear title. It was alleged that \$2000 paid down on the land was to be returned by the two in the event clear title was not given. The land was originally taken over by the Lemcke Company, since insolvent, and which assigned the claim to the two women. Comparatively little testimony was taken during the six days of trial, but long arguments were heard for the women and E. B. Seabrook and W. A. Cleaton for Stennick and Thomas. Sixty days were allowed Judge Pipes in which to file a bill of exceptions.

TAZWELL'S DECISION REVERSED

Man Convicted as Vagrant Set Free in Circuit Court.

John Soteros, recently sentenced by Municipal Judge Tazwell to spend 10 days in jail for vagrancy, was freed by Circuit Judge Kavanaugh yesterday afternoon. The Circuit Judge, after hearing the evidence against Soteros, held there was not the least basis for a vagrancy charge and summarily dismissed the case.

Soteros, it was shown by police officers, was arrested for hanging about gambling games. The officers said they thought he was a "booster" for the games, as they never saw him doing any work. It was in this showing that Judge Tazwell imposed the sentence of 10 days imprisonment. Judge Kavanaugh remarked that gambling and vagrancy are two different charges and that if Soteros was spending his time in gambling he should have been charged with that offense and not with vagrancy.

Sawmill Useless Without Logs.

Alleging that a sawmill which he bought for \$25,000 in Douglas County is of no value because of the failure of the Oregon-Idaho Company to live up to a contract for supplying logs, F. F. Williams brought suit in the Circuit Court yesterday to recover the amount paid against the Pacific Surety Company, the Oregon-Idaho Company, now insolvent, and A. H. Ford. Ford purchased the mill with Williams and is named as a defendant because he refused to bring suit. It is asked in the complaint that he share in the court's judgment for return of the purchase price.

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fuses to bring suit. It is asked in the complaint that he share in the court's judgment for return of the purchase price.

SWEET-PEA LOVERS MEET

Society to Hold Flower Contest in June—Officers Named.

The second annual meeting of the Oregon Sweet Pea Society in Woodstock Hall Friday night was attended by a large number of growers. Officers elected were: President, George Pope; overseer, Mrs. E. J. Ladd; secretary-treasurer, Mrs. A. J. Andrew; corresponding secretary, Miss Hanz Petrie.

It was decided to hold the contest between June 15 and 20. For the encouragement of commercial growers blue ribbon premiums will be awarded and for amateurs and school children money prizes will be given. President Pope announced that he would donate 200 pounds of selected Spencer sweet pea seeds to school children of the Woodstock district. It was announced that arrangements had been made so that growers of sweet peas can secure seeds at any of the seed stores of Portland this year at half the usual prices. It was decided that planting should be begun February 15. To increase the membership of the society it was announced that membership books will be left at all the seed stores of Portland, the membership fees being \$1. Out-of-town growers who desire to enter the contest can do so.

CITY SEEN BY ARC LIGHT

British Columbia and Seattle Excursionists Pause, En Route.

A special train of 11 coaches, bearing 158 residents of Puget Sound bound for a trip through California, arrived in the city at 5 P. M. yesterday, dined at the Portland Hotel and left for the South at 9:30 o'clock. All of the passengers wore badges urging the Panama-Pacific Exposition for San Francisco in 1915. The train is made up principally of residents of Seattle and Vancouver, B. C. Other cities represented are Victoria, B. C., Calgary, Alberta; Red Deer, Alberta; Bellingham, Tacoma, Olympia, Mount Vernon, Wenatchee, Hoquiam, Vancouver, San Juan Islands, North Yakima, Snohomish, Auburn, Chehalis, Renton, Blaine and Ellensburg, Wash., and Valdez, Alaska. After dining at the Portland many of the excursionists viewed the city by arc light until train time.

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Milwaukie-Street Owners Up in Arms Against Company.

CEMENT BAD, 'TIS SAID

Taxpayers on Thoroughfare Urge Forfeiture of Contract—Place Is Mess Nearly Year—Advice of Lawyer Asked.

Owing to losses sustained by delays in completing paving of Milwaukie street between Hawthorne avenue and Holgate street, property-owners on the street have started a movement to have the contract forfeited. A meeting of the property-owners was held Wednesday night in the hall on Milwaukie and Powell streets to discuss the situation and consider what action to take to secure relief from present conditions.

A committee of three was appointed to investigate, and another general meeting of property-owners will be held next Wednesday night. Then the committee will report and an attorney will be present to advise the property-owners as to their rights.

It is held that the Hassam Paving Company violates the contract, complainants saying that the pavement laid on the west side of the street between Beacon and Holgate streets contains inferior cement. The street has been torn between Hawthorne avenue and Holgate street for nearly a year, and property-owners say they are suffering serious loss. Business has fallen off, they complain, and houses cannot be rented. It is impossible, it is said, to take wood and other material to houses along Milwaukie street.

Grocer Up in Arms.

"I don't know what other business men on the street intend doing, but I am not going to submit tamely to the loss caused by the failure of the paving company to complete the improvement," declared J. C. Heckman, who conducts a grocery store on Milwaukie avenue and Brooklyn street. "I have not paid my running expenses for months and might just as well close my doors. What right has any business without making good the loss? Somebody will be made to pay for my losses. I will join with other property-owners on the street, or go it single-handed, against the paving contractors. We are entitled to something for our losses."

"I think that there are good grounds for forfeiting the contract," said a property-owner and business man yesterday. "For the reason that it is admitted that part of the pavement is defective and that inferior cement was used, the same as laid on East Twenty-first street. The work will not be accepted. We want to know how long it will be before we shall get out of this mess, and whether there are to be more delays. We don't object to Hassam pavement. It is really one of the best pavements we have, but we cannot be held up indefinitely and have our business destroyed."

Legal Advice Asked.

H. L. Belarte said that the property-owners had decided to take some action, but would proceed only with legal advice. "Conditions are about as bad as they could be," said Mr. Belarte. The Milwaukie-avenue contract is an important one, extending for nearly a mile south from Hawthorne avenue and costing \$100,000. It has been graded in readiness for the pavement, and a section of the pavement was laid south from Beacon street. The gas company, sewer contractors, the street railway and the paving companies have all had a hand in tearing the street.

TAKE THE EUGENE FLYER

This new Southern Pacific train leaves the Union Depot at 6:30 P. M. daily, East Morrison street at 6:40, and stops only at Clackamas, Oregon City, Canby, Aurora, Hubbard, Woodburn, Salem, Albany and Junction City. Arrives Eugene 10:45 P. M. A strictly high-grade local limited train.

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