# LEGAL PROCEDURE SAID TO BE RUSTY

Judge Carey Declares Public Confidence in Integrity of Bench Well Founded.

**NEWER METHODS FAVORED** 

Revision Willingly Made by Experts Urged in Preference to Forced Action by Incompetents as Result of Public Clamor.

The law and the way it operates from The law and the way it operates from the lawyer's point of view was the theme of an address of Charles H. Carey, president of the State Bar Association, in opening the session for consideration of the report of the judicial revision commission in the Federal courtroom, Postoffice building, Friday, Judge Carey declared that there exists public confidence in the integrity of the courts, but insisted that many statutes and modes of procedure are rusty and out of date and must be revised. This revision, he contended, had better come from men skilled in the law than from other sources. from other sources.

The address in part was as follows:
"Judges must follow the law as they find it, and generally American Judges have been worthy of the trust imposed in them. Not that I think Judges are made of different stuff from other hu man beings, or that an unjust or cor-rupt Judge should be immune from criticism. But, the stability of our re-public depends upon the fact that our Judges can be trusted and are trusted.

Impartiality Is Necessity. It is the function of the courts not "It is the function of the courts not only to act as the impartial arbitrators between private litigants, but they must at times perform the solemn duty of determining whether a statute adopted by the law-making branch of the Government is or is not authorized by the Constitution. Sometimes they are mistaken, but rarely are they intentionally wrong. And the confidence of the people and their acquiescence in the general rightness of court decisions saves as from anarchy or resort to barbarous

and their acquires of court decision of the free anarchy or resort to barbarous a frem anarchy or resort to barbarous a frem anarchy or resort to barbarous or corce.

"It is the part of good citizenship to discourage indiscriminate abuse of the courts. But it is none the less the duty of every good citizen to assist in improving the methods by which courts administer the law, and the intelligent would have added the proper location and told that his ship, the Rosscrans, I know the world over where seafaring men gather as the ocean graveyard of the mouth of the Columbia River.

The actual cause for the wreck of Rosscrans perhaps will go down for those conjectured assorting the mouth of the Columbia River.

murrers and motions are no longer used in England. And the new equity rules as adopted by the Supreme Court of the United States, and which go into effect at the end of this month, abolish demurrers and exceptions to answers in equity suits in the Federal courts. This is a reform that would greatly improve the system, if adopted in Oregon.

"If the proposed workmen's compen-sation act goes into effect, personal in-jury actions will diminish in number, to the great relief of the courts; and that under the new water code, the

One of the most noticeable reatures of the American system is that the courts here are held to such strict accountability for error in the acceptance or exclusion of evidence in a trial. Much of the time of the courts is taken up with the consideration of the technical rules and their application to trial evidence, whoreas unless it is manifest.

nical rules and their application to trial evidence, whereas, unless it is manifest that the error is prejudicial, it undoubtedly should, and would in any proper system of jurisprudence, be treated as inconsequential.

"Speaking for myself, I most earnestly hope for improvements in the system of practice and procedure in Oregon. I think that it is not enough to express regret that the system is indequate, or to assume that the failure of the courts in many cases to do justice because bound by precedent is a necessary condition. On the other hand, it is well to keep in mind the saying of Lord Chief Justice Hale that 'consid-Lord Chief Justice Hale that 'considerations touching the amendment or alteration of laws is a choice and tender husiness.' Too much haste may make confusion, and unsettle the practice without bringing real reform.

"Experts have drafted revisions, and many minds are engaged in the study of the comparative jurisprudence of various countries for the purpose of discovering the best methods in use

Hiawatha Utah Cosl, \$9.50. Ediefsen."

### ROSECRANS DISASTER SHOWS NEED OF WIRELESS PLANT ON LIGHTSHIP

Needless Peril and Long Delay in Locating Scene of Wreck Laid to Lack of Communication From Bar to Shore Rescued Man Cries as Life Crew Leader Leaves.



Point Adams Life-Saving Crew, Which Saved Two of the Rosecrans' Ill-Fated Crew Last Tuesday. Captain Wicklund Stands With His Hand on F. L. Allen's Shoulder. The Members of the Crew Arc: No. 1, Charles Pierson; No. 2, B. C. Anderson; No. 3, R. A. Pageman; No. 4, F. L. Allen; No. 5, Carl Peterson; No. 6, Pat Nagel. Standing Next to Left and Rear: No. 7, O. Erlekson; No. 8, Leonard Pierson. The Two Cther Men Shown in the Picture at the End of the Rear Row Are Not Members of the Crew

TION, Jan. 11 .- (Special.) - "We are rapidly breaking to pieces on the bar. Good-bye.'

whom they had faced 1000 dangers to went overboard be carried away a son, No. 7; L. Pearson, No. 8."

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believed to be cared, rather than by holding the strengest hand, seems perfectly right, so long as our client is something the strengest hand, seems perfectly right, so long as our client is more than the state of the court that so much importance be given to the purely technical questions of practice and procedure? Is it not possible to simplify and get at the heart of the controversy more directly?

"These are the questions that the people are asking the bench and with all deference to the superior means of knowledge that lawyers have in these matters. But the questions must be given attention, or less skillful men and women will attempt changes, designed to correct what are popularly believed to be the unnecessary evils of the present system.

Engilsh Practice Cited.

"If our courts yere saved the necessity of wasting time over demurrers, and motions and trilling matters of practicists the regions of the present system.

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County Court Endeavors to House Oregon Historical Society.

The County Court has offered George H. Himes, of the Oregon Historical Soclety, the use of three rooms in the

"If the proposed workmen's compensation act goes into effect, personal injury actions will diminish in number, to the great relief of the courts; and that under the new water code, the long and tedious water suits, that have taken so much time in many of the circuits and in the Supreme Court, will be rensered comparatively simple and of easy disposition.

Technicalities Held Accountable.

"One of the most noticeable features of the American system is that the courts here are held to such strict accountability for error in the acceptance or exclusion of evidence in a trial but this tidea does not meet with favor around the corridors, as at the City Hall, but this idea does not meet with favor from the County Court. Negotiations have not been complet-

County Needs Being Listed.

within a few weeks the County Court will call for hids for the furnishing of books, stationery and other similar supplies for the various departments or to assume that the failure ause bound by precedent is a necestary condition.

Women to Enter Politics.

POINT ADAMS LIFESAVING STATON, Jan. 11.—(Special.) — "We are apidly breaking to pieces on the bar. food-bye."

This was the last earthly message aptain Johnson flashed to the wireess telegraph station Tuesday morning. It was the message which sang hrough the air and which sounded the hirge of 33 lives. Evidently had Cap-

one of Captain Wicklund's crew consented to tell the story of the rescue, provided his name be withheld. In his recital he tells of the disaster which befell the Fort Canby life-saving boat and the loss of this boat. He says of Captain Riner, like Captain Wicklund, that he is a man of creat and under

administer the law, and the intelligent of the law in the l

save had found a safe refuge on the handful of the railing. It gut his hand and when he came to the surface he must have stabbed his face, for this was the blood which Captain Wick-lund saw when he hurried to their res-cue. When he was picked up/he still firmly grasped the broken brass rail-

"I don't hesitate to say that I think the man on the bridge of the Rosecrans took his bearings after he was around Tillamook Head and got in too close. Thismook Head and got in too close. One of the rescued men says that Captain Johnson had not intended to pass over the bar until daylight in the morning, which was undoubtedly the truth. Then, beyond question, this chap mistook the lights of North Head light. But what's the use of speculating. The men are dead."



MAUD POWELL, WHO WILL GIVE RECITAL AT HEILIG JANUARY 15.

# Moving-Day Prices

On Everything in

# The Moyer Stores

at First and Morrison and First and Yamhill

# **Great Reductions**

on All Clothing and Furnishings

## Take Advantage Now While We Are Still Here

All Clothing Reduced All Overcoats Reduced All Underwear Reduced All Furnishings Reduced

# MOYER

WHEN YOU SEE IT IN OUR AD, IT'S SO

An instructive programme of stereopticon views of prominent places and
events was presented Thesday afternoon by Rev. Father Smith, of the
Paulist Society, assisted by the Sisters
of the Holy Names, in the large diningroom of Mount Saint Joseph's Home
for the Aged, where 110 of the aged,
infirm and helpless live.

Archbishop Christle, several priests

tractions, was given the stamp of approval in New York yesterday by reason of its size. The production of
"Ben Hur," which is to be staged by
Klaw & Erlanger here for the week beginning January 27, was the cause.
In transferring his attractions to the
former Baker Theater Calvin S. Hellig was well aware of the coming of
"Ben Hur," but took it for granted that
others knew the great stage possibility

Archbishop Christie, several priests nd visitors were present in addition immates of the Home who were able

The Sisters of Mercy wish to extend their sincere thanks to the following kind benefactors: Mrs. Devlin, Astoria. \$50; Miss Frances Harrington, \$20; Mrs. Mary Cremens, \$10; a Friend, \$20; Cash, \$5: a Friend, \$5; Mrs. J. P. O'Brien, turkeys; Albers Brothers, 20 sacks of flour; a Friend, three tens of flour and two barrels of meat; Dunning & Mo-Entee, six turkeys; Commission Men of Front street, turkeys, vegetables and fruit; St. Ann's Society, clothing for both men and women.

Thanks are also given for the following donations to the St. Agnes' Baby Home, Park Place; Mr. Edwards, apprice to New York for in the respective to the supported to the source at the beginning of last week in order to make complete advance arrangements for this massive production. He wrote the company of the change and they wired back to know the exact measurements. evidently thinking the Baker Theater not so large as the old Heilig.

The exact measurements were then taken by Mr. Coeke, and they were found to be 80 feet from wing to wing, 51 feet from stage to rigging-loft, 57 feet width between girders and 37 feet from footights to rear wall.

These measurements evidently caused apprice to New York for in the respective to New York for I to attend.

The Sisters of Mercy wish to extend

Home, Park Place: Mr. Edwards, chairs: Mr. Mack, chairs: Thomas Kindred, a chair; Mrs. Anna Crowley, \$20; Mrs. Michael O'Brien, \$5. In addition a tea which was given by the Catholic Cathedral Ald Society recently and which is considered a large theater. realized \$250 for the furnace at the

TAZWELL TO SHOW FIGHT

Pardon for John Davis Will Be Bitterly Opposed by Judge.

Application to the City Council for a pardon for John Davis, a youth who House. New York, and who led the has been in almost continuous trouble music on the occasion of the first apfor nearly three years, will be hotly pearance of Madame Tettrazini in San for nearly three years, will be hotly pearance for nearly three years, will be hotly Francisco. resisted by Municipal Judge Tazweil, partly upon the ground that a velled offer to bribe him was made in a pre-liminary effort to procure the boy's liminary effort to procure the boy's common opening of the numbers who fully expected that the numbers who liminary effort to procure the boy's release. The offer was made, says Judge Taxwell, by an unknown man of allen birth, who approached him in his office with a plea for a reopening of other points will be greatly exceeded. Davis' case, and twice remarked that there would be "a handsome present in it" for the magistrate. The emissary was ejected without his name being learned.

Davis, after enjoying the elemency, of the court time after time, was sentenced in November, to be confined at the rockpile for 90 days and to pay a

BEN HUR" TO BE PRODUCED AT NEW LOCATION.

Army of Actors, Score of Horses and Camel Will Easily Be Accommodated at the Old Baker.

hifting of the various theaters, the old Baker, now the home of the Heilig at-tractions, was given the stamp of ap-

others knew the great stage possibili-ties of the theater as well as he did, E. G. Cooke, the cilief business repre-sentative of Klaw & Erlanger, came up

recently and which is considered a large theater.

Though "Ben Hur" has been here three times before, this will be the first time that the full display has

There are 200 people, 18 horses and a camel in the play and in addition a special orchestra under the direction of Professor Gustaf Hinrichs, who wielded the baton during the long en-gagement of the German Grand Opera Company at the Metropolitan Opera

NEW COMMITTEE IS NAMED Bar Association Representatives to

Confer With Legislature.

control time after time, was sentenced in November, to be confined at the rockpile for 98 days and to pay a fine of \$200. The charge was that he had been drunk. Prior to this he had been drunk. Prior to this he had been drunk and prior to this he had been drunk and prior to this he had been drunk. Prior to this he had been drunk. Prior to this he had been drunk prior to this he had been drunk. Prior to this had been drunk. Prior to this he had been drunk. Prior to this head to the committee was selected purface to motion to the Legislature at its session to must revision of judicial proc

one who was anxious that the meeting should show some tangible result, after a day passed in discussion of needed changes. The committee will do business direct with the Legislature, the time being too limited to permit of a report being made to the association first.

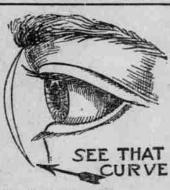
Aaron Fox Gets County Contract.

Aaron Fox yesterday was given, at his bid of \$2016.75, the contract for fur-nishing food supplies for the County poor farm for the next six months. dated at the Old Baker.

Other firms which submitted bids were:
The Meier & Frank Company, \$2246.93;
Everding & Fairell, \$2285.96; Olds,
Wortman & King, \$3451.15.

Vegetarianism Will Be Discussed.

"Vegetarianism from All Points of View" will be the theme for discussion at the meeting of the Vegetarian Con-versazione, at 511 Yambill street, Tues-day night, at 8 o'clock.



## Look Upward and Stop Headaches

A thin, weak neck is a frequent cause of headache. With such a neck the blood supply to the brain is poor, with the result that the latter is saidly fatigued, and then you have headache.

Then, when the neck muscles are weak, the head is rarely carried in its proper position. It is allowed to droop forward, or to one side, the proper circulation of the blood being interfered with, and headache is again the consequence.

and headache is again the consequence.
Further, when the head is not held properly, there is far when walking or taking other exercise, and once more headache is the inevitable result.

The two best exercises for the neck are head bending and head lifting.

In the former the head is bent backward and forward and to one side or the other, the under jaw being thrust out when bending backward, and forced down into the chest when the head comes forward.

omes forward. Head lifting is really neck treiching, the nock being treiched as far apward as pos-

able.

Brain workers who feel fatigue coming on will find that a few minutes of head bending and head lifting will clear their brains and wonderfully restore their energies.

With our modern methods of sight testing we can determine whether your eyes are the cause of your headache and will not recommend glasses unless absolutely necessary.

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