

LAWYERS DIFFER ON MEANING OF JURY AMENDMENT

New Provision of Constitution Is Both Attacked and Defended at Meeting of the Bar Association.

Radical differences of opinion among leading members of the bar as to the meaning of the new jury amendment to the constitution developed at the meeting of the Multnomah Bar association at the court house last night.

James B. Kerr, A. E. Clark and Thomas O'Day defended the amendment, though not agreeing as to what it means, while Martin L. Pipes and Fred V. Holman made some cutting criticisms of the sweeping changes which they believe it makes in the jury system.

Kerr expressed alarm over the manner in which the initiative is used to change the state constitution, without, as he said, anyone knowing just what change is made. Clark who agreed with Kerr as to the probable beneficial effect of the amendment, disagreed with his criticism of the initiative and referendum and said:

"I am wholly out of sympathy with the slurs and jeers cast upon the initiative at some of the meetings of the bar. One reason why the members of the bar have the manager influence upon public opinion we have is that in the public mind we are regarded as ultra-conservative and opposed to progress. This view is not true, but we bring it upon ourselves by obstructive talk."

Pipes opens discussion. Charles J. Schnabel, president of the association, presided at the meeting and L. C. Mackey read the much disputed amendment for the information of those present. Martin L. Pipes then proceeded to a detailed discussion of its provisions.

While regarding portions of the amendment as contradicting each other, Judge Pipes reached the conclusion that cases appealed to the supreme court under the amendment are to be decided there upon the evidence and without regard to what the jury did in the circuit court. The basis of the judgment in the opinion of the supreme court as to what it should be, and not what the jury did.

Errors of law being eliminated and made insufficient ground for reversing a case, said the speaker, the matter becomes one of a new trial in the supreme court. Exceptions may be taken in the lower court and assignments of error made, as is now done, but they will be only so much waste paper, since the supreme court is directed to take the evidence, reexamine it, decide what should have been done, and affirm the judgment notwithstanding error, if there is any evidence at all to support it.

The speaker took the ground that no case will be found without some evidence to support it, and therefore the result would seem to be to prevent new trials. The changes, Judge Pipes said, would

place law cases in the same situation as equity cases in the supreme court, making it a trial de novo on appeal. As to criminal cases, he gave the opinion that the only change will be to permit the supreme court to enter a judgment finding a defendant guilty of a lesser degree of crime if the lesser degree is included in the charge upon which the man was convicted, as in the case of murder and manslaughter. Since the appeals from the justice court to the circuit court amounts to writs of review, it was the opinion of the speaker that no change will be made in such appeals.

James B. Kerr said he believed the supreme court should interpret the amendment in the sense in which the people voted for it and the sense in which it was drawn. The people are tired of mistrials and reversals on technical grounds, and they have just cause for complaint. Lawyers have been inactive in moving for reform, and the people have stepped in, not with the intent to revolutionize the jury system, but to shorten delays and do substantial justice.

Mr. Kerr disagreed with the opinion of Pipes that the amendment will permit the supreme court to pass on the facts previously tried by a jury. He thought it a fair construction to hold that the supreme court is made a court of errors, but given the right to affirm a judgment if it finds that substantial justice has been done. He admitted that to sustain this construction it may be necessary to strain the argument a little.

Amendment Is Defended.
Thomas O'Day rose to defend the amendment and announced he was the author of the particular section under discussion. He said the words "unless there is no evidence to support the verdict," were inserted to prevent the courts from setting aside verdicts of the jury on technical grounds. When a jury tries a case, it should mean something, he declared, and the judge should be controlled by the verdict.

Kerr, also defending the amendment, disagreed with O'Day's view in this respect. He said that if a jury awarded a man \$10 for the loss of his limbs in a case of negligence, the verdict should be set aside. O'Day retorted that verdicts are never set aside because they are too small.

A. E. Clark took the view that the amendment will not encroach on the jury as triers of the facts. He said the people did not intend to wipe out the jury system or to impair its efficiency, and he believed that if reasonably construed the amendment will be of inestimable benefit in saving new trials and preventing reversals on technicalities when substantial justice has been done.

Fred V. Holman said the amendment in his opinion overturns the precedents of centuries and makes the supreme court the new high jury to try out all cases carried up on appeal. He held its effect would be confusing and destructive of the jury system.

AT THE THEATRES

At the Picture Theatres.

Two interesting dramas, a satirical comedy, a late musical offering, music by the orchestra, and travelogues comprise today's new show at the Star theatre. Programs at the Oh Joy, Odeon, Arcade and Thrill also change today.

Marvelous Griffith at Orpheum.

One of the subtleties features of this week's bill at the Orpheum is the offering of the marvelous Griffith. He does some wonderful things in multiplication and memory. His performance

savors of the remarkable and mysterious.

"King of King Kong."
The New Lyric Musical Comedy company is making a hit this week by the clever production of Dillon and King's screaming comedy "The King of King Kong." The chorus presents some clever and novel numbers.

Forty-Five Minutes From Broadway.
The same big hit as ever—"Forty-Five Minutes From Broadway"—is drawing the same big crowds to the Baker this week. The popular songs, "So Long Mary," "Mary Is a Grand Old Name," etc., are all introduced.

"Via Wireless" at Bungalow.
"Via Wireless," at the Bungalow, is a great scenic melodrama which ran six months at the Liberty theatre, New York, two seasons ago. The scene shows the wireless in full operation during time of storm at sea.

Max Figman at Hellig Tonight.
Tonight at 8:15 o'clock and continuing every night this week with a special price matinee Saturday, the attraction at the Hellig theatre will be the famous and favorite actor, Max Figman, in his latest comedy drama success, "Mary Jane's Pa."

Seat Sale Friday for "Madame X."
The advance seat sale will open next Friday, December 2, for "Madame X." Henry W. Savage will present this widely discussed dramatic success, at the Hellig theatre, for four nights, beginning next Sunday, December 4.

Great Bill at Pantages.
The best vaudeville bill of the season is offered at Pantages this week. Toppled by Shepp's dog, monkey and pony circus, the program is completed by Miss Marceva in her classic pantomime "The Hawaiian Saramanders" and five other all-star acts.

Wizard of the Violin.
Roman, the wizard of the violin, is a great success this week at the Grand. This is one of the finest instrumental acts to visit Portland in months and the selections of Roman are of the kind best appreciated.

COAST MANAGER OF WIRELESS UNDER BOND

(Special Dispatch to The Journal.)
Seattle, Nov. 30.—R. H. Armstrong, Pacific coast manager of the United Wireless Telegraph company, whose testimony resulted in the indictment of C. C. Wilson, president of the concern, on a charge of using the mails for fraudulent purposes, was yesterday placed under a bond of \$100 by Judge Hanford of the United States district court to insure his appearance at the trial in New York next June.

SISTERS OF HOSPITAL SUE CONSTRUCTION COMPANY

The Sisters of St. Francis, of Pendleton, Or., have begun suit in the circuit court against the Pacific Coast Construction company for \$246, alleged to be due for hospital services furnished for the defendant company.

Jimmie Dunn's Anniversary Sale starts tomorrow, December 1. Men's overcoats, cravettes and suits. Room 215 Oregonian building.
Roller skating, a healthful exercise.

RAINCOATS AND OVERCOATS

\$15

Just as good in every way as those you pay \$20 and \$25 for in other stores. WE HAVE FIVE STORES WE BUY MORE CLOTHING WE SELL MORE CLOTHING Than any other store and are satisfied with smaller profits—These are some of the reasons why we give BETTER values than any other store.

MOYER

30 and OAK
1st and YAMHILL
1st and MORRISON
2d and MORRISON
89 THIRD

Buy a Willamette Sewing Machine for the Wife or Mother—You May Pay for It on the Club Plan—\$2 When Purchased, \$1 a Week

Every Visitor to the Store Tomorrow Receives a Free Ticket to the Apple Show at Majestic Building, 5th and Washington Sts.

The Meier & Frank Store
Santa Claus Is King From Now Until Xmas -- Bring the Children to Meet Him



The Meier & Frank Store
Demonstration 'Mysto Magic' Tomorrow 5th Fl.--Clever Tricks, Skill, Amusement

The Meier & Frank Store Offers Tomorrow Dress Goods Remnants at Half The Meier & Frank Store Offers Tomorrow \$1.60 Silver Bread Trays at 99c The Meier & Frank Store Offers Tomorrow 75c, 85c, \$1 Cups, Saucers 59c

Demonstration "Mysto Magic" On the Fifth Floor
See Mr. Richardson of New York City perform the most clever tricks in sleight of hand, daily, in our Fifth-street window and on the fifth floor in the Toy Department. Call today. Every trick Mr. Richardson does, you can do. All these tricks for sale here, and full directions go with each trick.
See the escape from the famous Keller trick trunk in the window daily at 10, 12, 2 and 4 o'clock. Don't miss it.
COME TO PORTLAND'S LARGEST AND BEST TOY DEPARTMENT TO SUPPLY YOUR NEEDS IN TOYS FOR XMAS.

Red Cross Stamps For Sale, 1st Floor
Help eradicate the white plague in Oregon.
See that there is a Red Cross stamp on every package you send out for Christmas.
Red Cross stamps are for sale at the Meier & Frank store in a booth on the First Floor, presided over by Mrs. David Honeyman, Miss Kathryn Burns, Mrs. Chauncy Winslow and Miss Edith Gordon.
—Amount collected up to last night in this booth was \$51.20.

At the Sign of the **Bargain Square**
In the Basement Annex Today and Tomorrow Men's Ties **25 cts.**
Four - in - Hands, Band Bows and Band Tecks and String Ties in all the very best of styles and colors.
Our regular 50c, 75c and \$1.00 values. Choose your Xmas gifts from this great sale of 20,000 Fine Ties.

Take Lunch in 7th Floor Restaurant
Hear the Hellig Theatre Orchestra play while you enjoy one of the best lunches you've ever eaten.
This popular section is in charge of Mr. W. B. Martin, formerly of the Hotel Portland.
Luncheon daily from 11 to 2:30.
Saturday evening Table d'Hote Dinner from 5 to 8.
Special elevator service direct to tea room. No waiting.

Appropriate Xmas Gift Suggestions for the Young Daughter
Child's fur set.
Crocheted slippers.
Child's sweater suit.
Child's silk kimono.
Huntley's and Palmer's imported animal crackers in fancy tins.
Initial handkerchiefs in novelty boxes.
Pair of gloves in holly boxes.
Music roll; scrap book.
Six yards of challis for a dress.
Bead necklace; bracelet.
Wash sets (tubs, boards, tin buckets, etc.).
Doll trunks, tables, beds and chairs.
Doll furniture set.
Tricycle; doll go-cart.
Doll china closet; dressed doll.
Mechanical dolls.
Mechanical fur animals.
Sewing box; toy piano.
Paint box and paint book.
Toy carpet sweeper.
When in doubt purchase a Merchandise or Glove Order for any amount you wish. They are always acceptable gifts.

Tomorrow--Sale Women's Crepe Waists
Reg. \$12.50 Values, Special at \$7.45
Made of Tuscan crepe and trimmed with hand-embroidered and crochet medallions. Very stylish models, nicely made and finished. They are regular \$12.50 values, but are offered to you special at only \$7.45

Semi-Made Embroidery Corset Covers
\$2.00 Vals. at 98c
Tomorrow, in the Embroidery Section, first floor, Appenzelle, ribbon trimmed. Each one in a pretty individual box.

Tomorrow--Men's Suits and Overcoats
Reg. \$25.00 Values, Special at \$15.00
Best models and materials. Come with Military, "Presto" or convertible. Some are made of the Priestley cravenetted materials. They are regular \$25.00 values, but offered special at this low price \$15.00

Remember the Great Apple Sale in the Basement—Choice Varieties at 97c, \$1.37, \$1.47 and \$1.57 Box—Take Advantage