

# WEST'S CRITICS DO NOT UNDERSTAND THE PAROLE LAWS

Legislature Gives Governor the Power to Use His Own Discretion, Declares Former Supreme Justice King.

Failure to understand the provisions of the state parole law is the blame for much of the criticism aimed at Governor West. Such is the conclusion of Will R. King, former justice of the state supreme court, in discussing the policy of the governor.

"The last legislature established a parole board," he said, "and defined the manner in which prisoners serving indeterminate terms may be placed on good behavior. This board reports to the governor and the governor is given discretion to grant a parole on such conditions as may be deemed proper.

"The governor is being blamed by many for using the discretion which is placed in his hands and which it becomes his duty to use, if he believes he can thereby benefit the state and the prisoners themselves. The fact that Governor West has not used this power just as some of the rest of us might have used it is another matter.

**Acting Within Law.**

"The idea of many people has seemed to be that the governor is acting outside of the law, and is doing something unheard of or unauthorized. As a matter of fact, he is only doing what the law makes it his duty to do. He has been given the discretion to act or not to act, and he would be something less than the right kind of a governor if he failed to exercise the discretion vested in him and which the law contemplates he should use, in such manner as he may deem best for the state.

"By declining to exercise this power he would exempt much responsibility, but it will not be seriously contended that he should, in face of the law, shirk his duty in this manner.

"At the session of 1911 the legislature passed the parole board law. Its provisions apparently are not generally understood. It is found on page 172 of the session laws, chapter 127. It creates a parole board of three, one of

whom shall be the superintendent of the penitentiary.

"It is made the duty of the board to investigate cases where prisoners are confined in the penitentiary under indeterminate sentences, and to report to the governor with recommendations for parole when such action is deemed proper.

"It is made the duty of the judge and district attorney in the district where the prisoner was convicted, to furnish data to the parole board on request. It is provided that the courts shall, unless they impose a sentence other than a penitentiary sentence, pass an indeterminate sentence.

"The governor may grant a parole upon his own motion or upon recommendation of the parole board, and fix such terms and conditions as may seem expedient. No argument or petition of attorneys for a prisoner shall be considered in the parole of a prisoner, but the governor shall consider the prison record of the man and the recommendations of the parole board, and make such further investigation as may aid him in the matter.

**Revocation of Parole.**

"The governor may revoke the parole at any time, and no parole may be granted until the minimum sentence has been served. No prisoner sentenced twice before shall be entitled to parole, and if sentenced once before the prisoner must serve twice the time of the minimum sentence before he can be entitled to its benefits. The pardoning power of the governor is not changed by recent laws.

"In addition to parole by the governor, parole may be granted in the circuit court in the case of a person not previously convicted of a felony and who is sentenced not to exceed 10 years. The prisoner may be permitted to go under supervision of the court or any prisoners' aid society.

"Some question has been raised as to the right of the trial judge to parole in a case where the law provides a minimum penalty of say two years, and a maximum of 20 years. The circuit judges in Multnomah county have held that where a person is not actually committed to the penitentiary a determinate sentence of say two, five or 10 years may be given.

"This is because of the construction given under the last section of the parole law, which says, 'Nothing in this act shall be construed as impairing or restricting the power given by law to the judge of any court to parole any person who is convicted of a crime before such person is committed to serve sentence for the crime.'

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## ASKS ACTOR WHEN HE DONNED LONG PANTS



Harry Puck.

When Harry Puck stepped through the gate at the Grand Central station Monday morning he momentarily imagined he was being assaulted by a wild and woolly western holdup man. After his grip had been yanked from the hand of the young Orpheum performer, his traveling cap tossed back over the iron fence, and he had experienced a bear-like hug Puck heard somebody shout:

"Say Harry, when did you get into long pants?"

When the actor got a glimpse of the hugger he recognized Lew P. Roe, an employe of a local hotel. The boys are cousins, and it was their first meeting after nine years' separation. Mr. Roe has been at the Oregon during the past two years, coming to Portland just after Puck and Puck, the latter a sister of Harry Puck, made their first appearance in this city. Harry Puck has since discarded knickerbockers, and Miss Puck has retired from the stage as the wife of a prominent New York theatrical agent. Just now Harry is said to have his ear glued to the ground for news from the big burg on the Hudson that may indicate that Father Stork is not taking a Christmas vacation. The cousins are planning a great Christmas dinner for next Monday afternoon and the table decorations will consist of cherubs, and figures of uncles, cousins and grandmas.

Washington Street Public Market open Friday evening till 9:30 o'clock.

## WOMAN WITNESS IN COLE'S DEFENSE

Former Wife of "Mysterious Billy" Smith Star in Civil Service Inquiry.

Mrs. A. B. Loomis, former wife of "Mysterious Billy" Smith, the pugilist, who is suffering in a hospital from four bullet wounds inflicted by A. B. Loomis in a gun duel over the woman, jumped into the limelight yesterday afternoon again as the star witness for the defense in the hearing of former Police Sergeant E. W. Cole. The first session of the city civil service commission on the Cole appeal lasted from 2 o'clock yesterday until long after dark. It was featured by numerous attempts of Cole's attorney, J. Hat Hitchings, to introduce what he called court procedure in conducting the appeal.

Cole is charged with having violated one of the rules of the police department in asking Mayor Rushlight to abrogate an order of Cole's immediate superior, Chief of Police Slover, the order having transferred Cole from his beat in South Portland to a less congested one on the east side.

**Cole Testifies.**

Cole testified yesterday that he visited Mayor Rushlight at the suggestion of David E. Otis, a close friend of the mayor's. "I met Otis one day after I had been transferred," said Cole, "and he told me to 'see' Mr. Rushlight. I called on the mayor and asked him why my beat had been changed. The upshot of the conversation was that the mayor told me he had been informed that I was a grafter and that he had decided to dismiss me. I asked him when the dismissal would become effective. He said 'right now.'"

Cole, in attempting to prove that he was not dismissed "for the good of the service," seeks to show that his removal was brought about by a woman named Allie Bell, who conducted a lodging house at 328 Front street.

Mrs. Loomis testified that Allie Bell called her upon the phone and told her that she had caused the removal of Sergeant Cole from his beat and that she sold \$40 worth of beer the first night after Cole had been transferred.

**Lie Is Passed.**

Mrs. Loomis said that Allie Bell told her "I have got Al 'Somebody' back and am doing a fine business."

Mayor Rushlight, who presided over the commission when the hearing began, resigned the chair to P. L. Willis and requested Attorney Hitchings to cut out his nonsense and submit his evidence.

"Such evidence as this is not relevant," declared the mayor, "but it would not be ethical on my part to rule it out, because I have been attacked. I want to give the defense all the latitude in the world."

Attorney Hitchings in the course of his remarks, made the statement that Allie Bell had been living with a brother-in-law of the mayor's. Mayor Rushlight interrupted him by saying "that's a lie."

The hearing was not concluded yesterday. The commission will hold another session to permit the defense to make its arguments.

Afternoon skating popular, Oaks Rink.

## MULTNOMAH GRANGES HOLD A BIG MEETING

Two hundred and fifty members of the granges of Multnomah county met yesterday at Woodlawn in the semi-annual Pomona grange. The program opened at 10:30 o'clock and closed after a very interesting night session. A class of 20 was initiated in an exemplification of the floor work. Literary programs interspersed among

the papers and addresses furnished variety to the entertainment. A paper on the "Alaska Coal Situation" by J. J. Johnson was an able elucidation of a problem that is of intense interest at this time. A. P. Davis delivered an able address on "Grange Cooperation."

Features of the literary program were a "colored" quartet, consisting of Mesdames Patton, Green, Foster and Stout of Woodlawn grange; two songs by Miss Lola Foster; readings by Mrs. David Nelson and Mrs. George Hall; songs by Mrs. J. Pollock and Miss Virginia Hyatt.

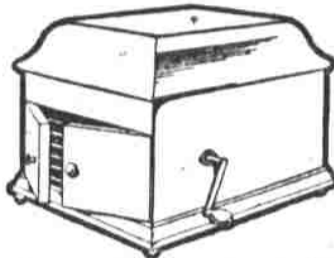
At noon luncheon was served to all delegates and visitors in the banquet room of the Woodlawn hall. At 5:30 supper was served to 300.

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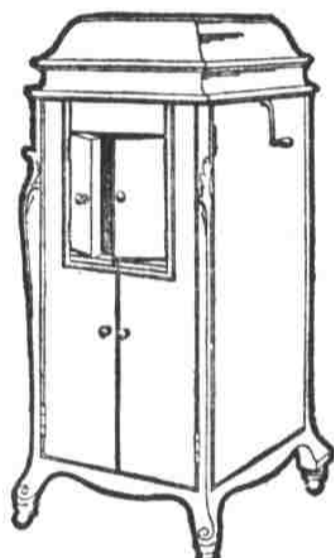
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