

MAJORITY REPORT NOT REACTIONARY, SAYS JUDGE O'DAY

"What President Taft Said About Procedure Did Not Refer to Oregon," Declares Jurist; Law Is Quoted.

Portland, Jan. 8.—To the Editor of The Journal—In your leading editorial of the 5th inst., commenting upon the action of the supreme court of Idaho in fining for contempt the newspaper man, you refer to the majority report of the judicial committee and criticized it as reactionary. I am not defending the supreme court of Idaho in the case referred to. I think that the court, in that case, is most palpably wrong, but I naturally take a different view as to the majority report of the judicial committee. By inference, if not by direct statement, the Journal seems to endorse the minority report made by Mr. Clark. So far as the writer is concerned the minority report submitted to the committee at any meeting where I attended and I do not think it was ever submitted to the committee at all; and therefore the committee had no opportunity, so far as I know, to either adopt

or reject some of the matters referred to therein. I believe, however, that the Journal cannot endorse the entire minority report as a reform measure. The Journal has heretofore referred to excerpts from statements made by President Taft, Justice Brewer and other eminent lawyers, in criticism of the law's delays and the law's methods, and with the statements referred to "I concur."

Not a Reactionary.
"I am not a reactionary, and while I had considerable to do with the preparation of the majority report of the judicial committee, I beg to say that this report is not reactionary. What President Taft and others said about the procedure did not refer to the Oregon procedure; it referred to the common law procedure—the very thing that the Oregon system of practice has abolished. The Oregon code of procedure is more progressive than any code in existence. It is practically the code that was prepared by the code commission in the state of New York, and I think David Dudley Field was a member of it. It was too radical for the New York legislature to adopt, but Judge Deady adopted it and had it enacted as the first code of procedure of this state, and the other codes referred to have been gravitating towards the Oregon system and not away from it. It is not claimed in the Oregon report of the judicial committee that the Oregon code is perfect. What is claimed for it is, that it is more perfect than any other code called to our attention and more nearly perfect than any suggestions submitted to us for adoption."

Oregon Law Quoted.
"For example, take the minority report of Mr. Clark; at page 44 of the printed pamphlet he has proposed a bill, provided in effect, that in a trial of a case no exception need be taken to any

error made, or instruction given by the court during the progress of the trial, and providing further that every ruling made by the court "at any time from the institution of the action to the close of the trial hereof," may be assigned as error on appeal. Let me call your attention to the law of Oregon as it now stands, for the purpose of comparing the proposed law with this proposed reform statute.

"First: By the constitutional amendment passed by the people no case can be reversed by the supreme court for any error that does not affect a substantial right, and under the law at the present time the supreme court has held repeatedly, commencing in the Sixth Oregon, and on down, that where it is proper for a court to instruct a jury upon a matter which is at issue at the trial, that the mere fact that the court in its instruction uses defective language, or even erroneous language, is not sufficient to reverse a case on appeal unless the attention of the trial judge is called to the erroneous language and the court is requested to give a proper instruction.

"Under this ruling a case can be determined at some time and if no exception is taken, or no request to give a proper instruction is made, under the rule now in vogue in this state the error of the court is waived, but under this proposed statute all this is to be done away with. It is not necessary to make any exception at all. It is not necessary to call the attention of the court to the fact that the language used by it in instructing the jury is erroneous. It is not necessary that an instruction in proper language be requested of the judge. This can be silently passed by. A party has a right to speculate on his chances and if he loses he may assign these things for error before the supreme court, and according to the tenor of this statute, the case must be re-

versed and retried again. Under this reform statute no issue will ever be determined. It means, re-trials, expensiveness, clogging of the courts, and everything that the majority of the judicial committee undertook to prevent.

SPEAKER URGES HIGHER "WAGES FOR VIRTUE"

"You cannot successfully attack the problem of prostitution until you make the wages of sin lower and the wages of virtue higher," said Professor W. T. Foster of the Reed college in addressing the Transportation club at luncheon at Multnomah hotel yesterday on the topic of the economic relation of social problems.

"Investigation has demonstrated," he continued, "that a vast number of girls and women in Portland are employed in shops and stores at wages that compel starvation or sin, and unless conditions be so changed that these girls may earn a fair living, so long will these women furnish recruits for the ranks of prostitution."

work and to work for the enactment of a bill that will make it criminal for any industry to pay less wages than are necessary for proper living. He held that, contrary to the belief that such a bill would increase the cost of living, it would decrease it, as it would relieve the community of carrying the burden of vice.

Charles A. Hart spoke on "Reciprocal Demurrage," and held that from the decision of the supreme court of the United States yesterday declaring the reciprocal demurrage law of Minnesota invalid it would probably follow that this law will become inactive throughout the country and without any harm to shippers, as in his opinion the law never filled the purpose for which it was intended, that of solving the car shortage problem.

"In the common law," said Mr. Hart, "the shipper has a much more formidable weapon against the railroads than a law that prescribes a fine of \$1, \$2 or \$3 a day for cars not furnished promptly. This was demonstrated a few years ago when a certain railroad failed promptly to move a crop of apples at a time when cars were practically impossible to get."

H. H. Keck, chairman of the day, introduced the speakers.

GAME RESERVE POACHER PARDONED BY GOVERNOR

(Special to The Journal)
Pendleton, Or., Jan. 8.—Governor West has issued a pardon to J. L. Edmiston, a local barber recently sentenced to 30 days in jail and \$50 fine for disturbing birds on a game preserve. It was the first offense of its kind in the state, which was the reason for the pardon.

Clearance Sale of Pianos

Slightly used and discontinued styles at Great Savings to Purchasers:

- 1 Emerson, dark case...\$135
- 1 Marshall, mahog. case \$155
- 1 Kimball, mahog. case, fine condition...\$189
- 1 Stoddard (Circassian walnut).....\$199
- 1 Sohmer (mahog. case, fine).....\$210
- 1 Cambridge (good as new).....\$175



Kranich and Bach Grand, also Upright damaged by railroad. An opportunity not presented often.

Graves Music Co.
111 FOURTH STREET

A BIG DEPARTMENT STORE WITH A GREAT CAREER CLOSES ITS DOORS FOREVER

The Golden Eagle, Formerly at Third and Yamhill Streets, Is a Thing of the Past

We were fortunate enough to secure this large stock at our own price and have placed it with the large stock of N. & S. Weinstein, 165 and 167 First Street, and will, starting

THURSDAY, JANUARY 9TH, AT 9:00 A. M.

start one of the largest COMBINATION SALES ever pulled off in the northwest, at prices that will sell these two large stocks quick.

Stock consists of Ladies' Misses' Men's, Boys' and Children's Ready-to-Wear Garments, Ladies' and Men's Tailored Suits, Underwear, Stockings, Corset Covers, Shoes, Hats, and everything that can be found in a Ladies' and Men's Ready-to-Wear Store.

LADIES'

- 40c Ladies' Handkerchiefs cut to2c
- 25c Ladies' Hose cut to8c
- 50c Ladies' Drawers cut to19c
- 50c Ladies' Kimonos cut to19c
- 75c Ladies' Corset Covers cut to39c
- 50c Ladies' Underwear (fleece) cut to...24c
- \$1.00 Ladies' Union Suits (fleece) cut to...49c
- \$1.00 Ladies' Petticoats cut to39c
- \$1.00 Ladies' Petticoats (Flannel) cut to...49c
- 50c Ladies' Hose (embroidered) cut to...12c
- \$2.00 Ladies' Shirtwaists cut to98c
- \$3.00 Ladies' All-Wool Sweaters cut to...\$1.49
- \$3.50 Children's Caracul Coats cut to...\$1.98
- \$5.00 Children's Coats, all sizes, cut to...\$2.98
- \$2.00 Ladies' Combinations (emb'd) cut to...89c
- \$2.00 Ladies' Cambric Gowns (lace trim'd)...89c

- \$5.00 Ladies' Skirts (all wool) cut to...\$2.49
- \$7.50 Ladies' Skirts (fancy trim'd) cut to...\$3.98
- \$10 Ladies' Dresses (all wool serge) cut to...\$4.98
- \$15 Ladies' Dresses (silk and messaline)...\$5.98
- \$25.00 Ladies' Dresses (velvet) cut to...\$9.98
- \$10.00 Ladies' Coats (black only) cut to...\$3.98
- \$12.00 Ladies' Coats (trimmed) cut to...\$4.98
- \$15.00 Ladies' Coats cut to\$7.98
- \$25.00 Ladies' Coats (fancy mixtures or plain) cut to\$9.98
- \$20.00 Ladies' and Misses' Suits cut to...\$7.98
- \$25.00 Ladies' and Misses' Suits cut to...\$9.98
- \$10.00 Ladies' and Misses' Raincoats cut to...\$3.98
- \$15.00 Ladies' and Misses' Raincoats cut to...\$5.98
- \$17.00 Ladies' and Misses' Raincoats cut to...\$6.98
- \$2.00 Ladies' Comfort Shoes\$1.15

MEN'S

- Men's \$10.00 Suits go at.....\$6.98
- Men's \$15.00 Suits go at.....\$9.98
- Men's \$20.00 Suits go at.....\$10.98
- Men's \$12.50 Slip-on Raincoats.....\$6.99
- Men's \$20.00 Slip-on Raincoats.....\$9.99
- Men's \$15.00 Overcoats\$7.89
- Men's 15c Hose17c
- Men's 35c Wool Hose12 1/2c
- Men's \$1.50 Wool Underwear39c
- Men's \$1.50 Union Suits89c
- Men's \$1.50 Sweaters69c
- Men's \$2.50 Wool Sweaters98c

- Men's \$3.00 Flannel Shirts.....\$1.39
- Men's 50c Suspenders19c
- Men's 75c Mount Hood Overalls19c
- Men's \$1.00 Dress Shirts.....49c
- Men's 75c Work Shirts39c
- Men's \$3.00 Shoes\$1.89
- Men's \$6.00 Hi-Top Shoes.....\$3.19
- Men's \$2.50 Hats98c
- Men's \$3.00 Hats\$1.39
- Men's \$3.50 Pants\$1.89
- Men's \$2.50 Corduroy Pants\$1.49
- Men's \$5.00 Dress Pants\$2.49

FAMOUS CLOTHING CO.

165 AND 167 FIRST STREET

BETWEEN MORRISON AND YAMHILL

We Give Gold Bond Trading Stamps, Redeemable in Cash or Merchandise