DOCTOR SEES COURT AS SCENE OF GAME; TRUTH OFT MASKED

Dr. Paul Rockey Tells Bar Association of Evils of Procedure.

LET JUDGE PICK EXPERT

Medical Testimony Too Many Times Juggled by Attorneys—Commissions Sometimes Prejudiced.

One of the interesting papers read before the joint meeting of the Washington and Oregon State Bar Associations, which was held in Portland the first three days of last week, was that by Dr. Paul Rockey on "Expert Evidence in the Courts From the Standpoint of a Physician." In part, he said:

"The physician comes from his private practice, where the effort has been to determine the truth about medical matters, and to explain it to those interested. He comes to the court in a medico-legal case, and is struck by the less efficient way of determining such truth, and of explaining it to judge and jury. He is familiar with the theory that a trial is a proceeding, and the best that human experience has evolved, to bring out the truth, and so to do justice. In practice, it often appears to him that a trial is a game to see which side can win, with the lawyers as players, the witnesses as pawns, the judge as referee and the jury as a wheel of chance. The physician, who has observed this matter, feels that the subject is one of great importance.

Proposals Not New.

"The proposals for remedy that I shall suggest are not original. As you know, they have all been made before. Those relating to a proposed medical commission, to be appointed by the court, were advocated, among others in Oregon, by Judge J. B. Cleland, in a paper read before the Portland City and County Medical society a couple of years ago, and among others elsewhere, I am told, by Judge Emery of Maine. The majority of physicians everywhere approve of this proposal.

"It is proposed that medical witnesses be appointed by the court, that they testify to the court, and that they be paid by the court.

"By what guidance could the court point desirable men as such witnesses? Every year the state, and county, or district medical societies could submit to the court a list of physicians. Such a list could be large enough to insure the selection from it of honest and able men, qualified to testify in the particular case, and impartial in the particular case. Such a list could also be small enough to exclude inefficient and dishonest physicians.

"It seems to me that no physician, or any way interested in or related to a given case should be a member of such a commission, for example a family physician or a company physician. If such a physician has any remarks to make about the case he could take them to the commission as part of the history of the case.

"The number composing such a commission in a particular case would be comparatively unimportant. It might be one or five, but it seems to me that generally it would better be three.

Sense of Duty Factor.

"The compensation of such witnesses, to be paid by the court, should be a fixed amount per case, or per day. In my opinion, that fixed amount should be small—only sufficient not to impose too great a sacrifice on medical witnesses in narrow financial circumstances. The expectation is that medical witnesses under the proposed system will act as a duty, entailed by their citizenship and their professional membership and not for monetary gain.

"As to the present legality, or legal stability of the proposed system, it is not within my province to speak.

"If it be objected by anyone that the proposed system might imperil the rights of some litigant, I can reply from my own knowledge that the rights of any honest litigant could hardly be more imperiled than under the present system. And I can suggest that an attorney might still call his own medical witnesses to testify in addition to the court's medical commission. But I believe that soon able and reputable physicians would be unwilling to act as medical witnesses except on the appointment of the court, and that their testimony would have overbearing weight. And I submit that the right of a litigant is not the right to the best chance to win his case, but is the right to justice.

"Any physician familiar with existing facts, and with the working of the present system, must realize that those who are advocating dishonest medico-legal claims, or profit by them, and who expect to advocate or to profit by such claims, will not wish to see the present system changed in the directions here proposed.

Indorsed by Leaders.

"In substantiation of the remarks I have offered on the present system, let me remind you that the majority of physicians indorse them, and also that prominent lawyers have confirmed them in private conversation.

"In private life many affairs of the greatest importance are dependent on the services of the able and honest physician. And in private life it is possible for anyone to secure such services. In medico-legal cases the same need exists, but under the present system of medical witnesses and medical testimony, it is not generally possible to obtain the same services.

"Under the present system there is too great a tendency toward partisanship on the part of the medical witness. This is true even where the witness is able and honest.

"Medical testimony should be submitted as conclusions and as an entity, not as facts from which those untrained may draw technical conclusions. In present practice medical testimony submits technical matters to laymen, not for their acceptance nor for their acceptance or rejection but for them to pass judgment on; and this they are by training unqualified to do.

Method Is Explained.

"In practice, under the present system, medical evidence is submitted in fragmentary fashion. Along with the conclusions go more or less of the steps that lead up to the conclusions. The lay jury does not in practice accept or reject the conclusions, and it is not technically qualified even to do this; but it takes the fragmentary medical evidence and attempts to form technical conclusions of its own. Often the attorney assists the jury in so doing, and an improperly argumentative medical witness may assist the jury in so doing. Legal points are argued by lawyers before a judge trained in the law. The judge decides what is the law, and so instructs the jury. Sometimes the jury is sent out of the room, in order that it may not hear and be influenced by the arguments of the attorneys on legal matters. It is just as absurd to have the jury decide technical medical matters as it would be to have the jury decide technical legal matters.

"No layman is qualified to select a medical witness on the basis of ability. The medical witness has been chosen by the attorney. Most likely the attorney made this choice, knowing the particular evidence the witness would give. The witness was chosen then for his willingness to give this evidence, and not for his knowledge and ability to explain the truth in the case at issue. Sometimes otherwise proper litigants deliberately choose as medical witnesses men of known unscrupulousness, on the ground that such men's testimony, regardless of its lack of scientific accuracy, is effective before the jury, and that, being unjustly assailed by the same sort of improper but highly effective medical evidence, they must fight the devil with fire.

"In this connection it is of interest to consider the methods by which medical witnesses for the prosecution of personal injury suits are secured. In some cases the prospective plaintiff is sent from one physician to another until one is found who appears likely to give the kind of evidence the plaintiff is looking for. Consider the professional and personal average of the plaintiff's medical witnesses in personal injury damage suits, compared with the general average of the medical profession.

Plaintiff Most to Blame.

"In practice, such evils of the present system are more often seen on the part of plaintiffs; but the possibility for them exists on the part of defendants. Of course, they are as reprehensible wherever they occur. The proposed system would do away with them wherever occurring.

"Medical evidence, under the proposed system, should be given for the court and to the court. I wish it were possible for the judge only to question these witnesses, in order that the questioning might be fair and impartial, and in the interest of justice. If necessary, the attorneys must question and cross-question these witnesses. Such questioning in practice is not for the purpose of impartially promoting justice, but for the purpose of partially promoting the interests of one side.

"The medical witness is often asked hypothetical questions. Occasionally they serve their theoretical purpose of bringing out the truth; but generally they serve to conceal the truth. Often they are framed with the deliberate intention to deceive. The hypothetical question is one of the strongest weapons for deliberate deception in medico-legal cases. But even where the attorney asking the hypothetical question is honest, and the physician answering it is honest, the difficulties are usually great. Occasionally a question may be short and simple, truly describing the case, and susceptible of an easy and correct answer. More often it is long and complex. It is difficult in these long, complex hypothetical questions to truly describe the case, even where a physician, in an honest effort to do so, has prepared the question in advance for the attorney to ask. If it becomes necessary for the attorney to explain, or divide, or amend, or add to such a question, the result is likely to be particularly bewildering to the laymen who hear, and an absurdity from the technical point of view.

Honest Doctors at Disadvantage.

"Consider some of the difficulties in court of the able and honest medical witness. He has sworn to tell the truth, the whole truth and nothing but the truth. Between questions, and cross-questions, and hypothetical questions, and objections and orders, he may have great difficulty in doing so, and the technical truth he tells may go mixed and twisted to the laymen, who are to pass judgment on it. It is beneath the proper dignity of a worthy physician to be subjected to such a situation.

"Consider the difficulties of the able and honest medical witness before the trial. If a patient came to him in private practice, acting alone, or in consultation with other physicians, he would take a history of the case, make as extensive an examination as might be necessary, and, if necessary, observe the case for a time in his office or in the patient's home or in a hospital. Finally, he would draw his conclusions and present them. It would be possible for him to proceed in this same best way in medico-legal cases. In private practice the patient generally has no wish and no reason to deceive the physician. In medico-legal cases the patient often has reason and desire to deceive the physician.

Would Extend "Privilege."

"Where disability is dishonestly claimed, lay witnesses can sometimes testify to the claimant's physical activities during the period of alleged disability. Such evidence, while it might form part of the history of the case, might also be submitted separately, and not considered part of the technical medical evidence.

"I am in favor of the sacredness of the privileged communication between patient and physician, but where it concerns a matter brought into court by the patient I believe that the court is entitled to share in the confidence. Otherwise, where damages are asked or benefits claimed, the privileged communication may become a cloak for the perpetration of fraud.

"Any physician familiar with existing facts, who has seen dishonest medico-legal cases in the making, knows that many such cases would not be made, or would be made differently, if it were generally known that, if the case came to trial, the medical testimony would be able and honest, and would be accepted. So such a system as proposed, of a medical commission of able and impartial men appointed by the court and testifying to the court, would not only promote the doing of justice in court, but it would prevent the bringing of many dishonest cases into court, and it would prevent the threatening and compromising of many dishonest cases before reaching the court. The fact that under the present system he can put forward dishonest medical testimony and stifle able and honest medical testimony in court, is the foundation stone of the ambulance chaser's business. That that term of contempt is fairly applied must be realized by anyone conversant with his methods, which, from his paid and disguised runners all the way to his contingent fees, constitute a stench in the nostrils of justice.

View of Doctor.

"There have here been submitted to you some observations on medical evidence from a physician's point of view. The physician knows that the present system of medical testimony is bad, so bad that surely it must soon be remedied. The physician knows that medical testimony under the present system is largely responsible for the making of much dishonest litigation. He knows that in the courts the present system often results in the concealment of truth, rather than in its revelation. And he knows that many times it is responsible for injustice, rather than justice, being done. The physician submits to you that this is largely unnecessary, and might be remedied accordingly, and that the proposed system offers such a remedy."

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SEE MULTNOMAH FALLS

—Photo by Weister.

Members of Oregon and Washington Bar association on their visit to Multnomah Falls last week.

Ball Player Takes Bride; To Farm Now

Curtis Coleman, Professional, and Miss Irene Gearin, Wed at Clergyman's Home.

Curtis H. Coleman, baseball player and farmer, has joined the benedicts. Yesterday afternoon he and Miss Irene Gearin were married at the home of Father Hughes, Third and Sherman streets, by Father Neelon.

Coleman was a University of Oregon baseball star some years ago and from the varsity team he graduated into the Northwestern league, playing with Tacoma. Later he was taken by the New York American team and since has played with Atlanta in the Southern league and the Vancouver team in the Northwestern league.

Baseball days are now over with Coleman and with his bride he will go back to the farm near St. Paul, Or. Mrs. Coleman is the daughter of Mrs. Minnie Gearin, widow of Hugh Gearin, who was a prominent farmer of St. Paul. She is also the niece of ex-United States Senator John M. Gearin. Coleman is the son of James R. Coleman, a farmer of the Salem district. Mrs. Coleman is a graduate of St. Mary's academy of this city.

Perez Is Arrested After Gun Fight

Glendale, Cal., Aug. 28.—(U. P.)—Following a gun fight here, Gilbert Perez was arrested today on a charge of having marahuana in his possession. He opened fire with a shotgun on Police Chief Herold and Inspector Roy Jones of the state board of pharmacy when they tried to take him into custody. They returned the shots. The shooting continued until both sides exhausted their ammunition, whereon Perez hoisted a handkerchief on his shotgun and quit.

Jewels Worth $6000 Stolen.

Oakland, Cal., Aug. 28.—(U. P.)—A $6000 jewel robbery was reported to the police here today when Charles T. Rodolph declared diamonds and other jewels valued at this amount had been taken from his country home at San Leandro. The jewels are believed to have been taken on the night of August 16, when the Rodolph family was in Oakland.

AMERICAN HONORED BY GERMANY TO SPEAK HERE

Conspicuous Gallantry at Ypres Won Iron Cross.

Karl N. Llewellyn, an American, was with the German army, as a soldier, when it made its second drive against Ypres, which was declared one of the greatest battles of the European war. When the order to charge came his company was practically without officers. While the soldiers in his company were hesitating, he jumped ahead and led the dash for the British trenches. He was wounded and sent back to the hospital, and while there he received from the emperor an iron cross, awarded for "conspicuous gallantry."

Llewellyn is visiting in Portland at the home of his uncle, ex-Congressman M. C. George, and tomorrow night is going to relate his experiences with the German army in an address to be given at the German House. Dr. F. H. Dammasch will preside. Llewellyn is 22 years old and a graduate of Yale.

Karl N. Llewellyn.

Salmon Fail to Appear.

Seattle, Aug. 28.—The humpback salmon run which annually sets in on Puget sound and British Columbia waters about July 15, has so far not made its appearance this summer. These fish are taken each year by purse sein vessels several hundred in number.

BUSINESS VOLUME OF FEDERAL HEADS FOR OREGON SHOWN

Some Marked Gains Seen in Record of Present Administration in This State.

ECONOMIES ARE INDICATED

Journal Presents Array of Facts and Figures Relating to Various Departments.

For the purpose of acquainting the public with the volume of business being done by various federal departments in Oregon and the cost of conducting the offices under the present administration, in comparison with the preceding administration, The Journal has gathered facts and figures relating to these departments.

In the last year Postmaster F. S. Myers has effected economies in the postoffice department which aggregate $20,390. In addition to this he has made a saving in the custodian service for the postoffice building of $3280.

There are now employed in the postoffice the same number of clerks as were employed before the parcels post was put in operation and the postal savings bank was established. This is in spite of the fact that the postoffice department is now handling 22 tons of parcel post matter a day and there are over 7000 accounts in the postal savings bank.

Material Saving Made.

For the fiscal year ending June 30, 1912, when 202 clerks were employed in the postoffice, the total receipts of the office were $1,040,592. For the fiscal year ending June 30, 1915, when the same number of clerks were employed, the total receipts of the office were $1,189,755, an increase of $149,163.

In the matter of light and water for the postoffice building, material savings have been made. By changing the heating system a saving of $900 a year is being made, and a saving of $1000 a year is being made by turning off the electric lights when they are not needed and practicing economy in the use of water.

The cost of lighting the postoffice building in 1908 was $4281.77, for 1912 it was $2519.28, for 1913 it was $1787.62, for 1914 it was $1670.12, and Postmaster Myers says it will not exceed $1200 for 1915.

In 1908 the cost of the water for the building was $774.15; for 1914 it was $377.08, and for 1915 it is not expected to exceed $300.

In the custodian service two unnecessary employes have been dropped, making a saving of $1380. The total saving made in the custodian service amounts to $3280.

In the postoffice service 11 clerks were reduced from the regular to the substitute rolls, at an annual saving of $9700. Other savings were made, such as economies in the auxiliary clerk allowance, auxiliary carrier and vacation allowances, etc., which aggregate $6310, making the total savings in the postoffice for the last year amount to $16,010. In addition there was a saving in auxiliary carrier hire of $1000 and in overtime of clerks and carriers $2580.

The total payroll of the Portland postoffice for the year ending June 30, 1915, was greater than for the year ending June 30, 1914. This is due to the automatic increases in salary allowed to all clerks and carriers for each additional year of service, until the maximum is reached, and to the increase in the minimum salary at which all new clerks and carriers are started.

Salaries Are Advanced.

This change went into effect July 1, 1913. Before that time new clerks and carriers started at a salary of $600 a year. Now they begin with a salary of $800 a year. Their salary automatically advances at the rate of $100 a year until it reaches $1200.

There are now 202 clerks employed in the postoffice, which is the same number employed in 1912. As the business of the office increased the number of clerks were increased until the total reached 213, but on March 1, 1915, 11 clerks were reduced from the regular to the substitute roll, making the number of clerks the same now as three years ago. This number of clerks also includes those employed in the postal savings bank.

Under the present administration free delivery service has been extended to St. Johns, East and Westmoreland, Alameda, Errol Heights and several other districts, necessitating an increase in the number of carriers from 179 in 1912 to 201 in 1915.

The following table shows the postoffice payroll for the fiscal year ending June 30, 1912, and for the year ending June 30, 1915, and the receipts of the office for the two years:

Fiscal Year Ending June 30, 1912.	
Postmaster	$ 6,000.00
Regular postoffice clerks	194,337.32
Substitute postoffice clerks	4,387.30
Postoffice laborers	3,913.96
Regular letter carriers	160,293.76
Substitute letter carriers	7,175.26
Total	$376,007.60
Receipts of office	$1,040,592.00
Fiscal Year Ended June 30, 1915.	
Postmaster	$ 6,000.00
Regular postoffice clerks	242,303.85
Substitute postoffice clerks	9,936.60
Postoffice laborers	5,351.44
Regular letter carriers	216,095.54
Substitute letter carriers	14,570.35
Total	$494,287.88
Receipts of the office	$1,189,755.00

One of the conspicuous features of the administration of T. C. Burke as collector of customs for the Oregon district is his fight to regain for the Port of Portland its diminishing prestige and to remove obstacles to shipping entering the Columbia river.

Collector of Customs Busy.

Owing to the reduction in import duties under the new tariff bill and conditions arising as a result of the European war, the receipts of the port have bees materially reduced in the last two years, and the expenses have also been reduced. The number of employes has been reduced 20 per cent.

One instance, which illustrates Collector Burke's efforts to improve the service of the port, is seen in connection with the inspection service at the mouth of the Columbia. An inspector is sent out to meet all foreign boats entering the port. The government had been maintaining a boat and a crew of four men to convoy the inspector back and forth.

One day Mr. Burke made an investigation. He found it was costing the government $41 for each trip the inspector made, and besides the delay in getting the boat under steam and ready sometimes was as much as two and three hours. All this time the ship would be outside the harbor waiting for the inspector. Mr. Burke made a deal with the pilot boat operator, who also always made a trip to each incoming boat, to carry the inspector out for $3 a trip. A saving of $38 a trip was made. It amounts to about $4000 a year. And besides a more satisfactory service is rendered.

In 1913 there were 51 employes on the payroll of the collector of customs, and for the year ending June 30, 1915, there were 41. The following list shows the number of entries, the receipts and the expenditures, including all salaries, for the customs district of Oregon for the last four fiscal years:

List Is Submitted.

Fiscal year ending June 10.	Entries.	Receipts.	Expenditures.
1912	2,477	$670,193.92	$78,340.65
1913	3,635	704,867.91	77,725.69
1914	7,184	597,735.98	72,366.74
1915	4,291	401,901.56	64,425.46

The income tax and the emergency war tax have materially increased the work of the department of internal revenue, the head of which is M. A. Miller.

Since Mr. Miller went into office, the number of employes in his department has been increased from 14 to 25, and the aggregate salaries have been increased from $24,939.21 for the fiscal year of 1913 to $35,438.67 for the fiscal year ending June 30, 1915.

Collections Are Shown.

The total amount collected by the department for the fiscal year of 1912 was $893,921, for 1913 it was $822,730, for 1914 it was $956,309, and for 1915 it was $1,160,496.

The cost of collecting the internal revenue, from a percentage standpoint, is not considered large. In 1912 it cost 1.2 per cent to collect the tax, in 1913 it cost 1.5 per cent, in 1914 it cost 1.6 per cent, and in 1915 it cost 2.5 per cent.

Collector Miller says the increase in the cost of collection during his administration is due to the fact that the individual income tax and the emergency war tax involves so many small items, while before the bulk of the internal revenue was from tobacco and cigars and beer and spirituous liquors, which was collected in larger lump sums.

In 1912 there were 12 employes in this department; in 1913, 14; in 1914, 17, and in 1915, 25.

Collector Miller says his office has been enlarged and well equipped to handle the work of the department. He says the correspondence during the last two years has increased at least 1000 per cent.

Attorney Gives Report.

The work of the United States district attorney's office runs about the same during the last two years, during the incumbency of Clarence L. Reames, as it did the previous two years. There has been no change in the number of deputies or clerks nor in the salaries paid, with the exception of the salary of the third assistant, whose salary was increased from $1200 to $7800 a year shortly before the close of the 1915 fiscal year. There are three assistants and two clerks in the office. The following table shows the number of cases begun and terminated, and judgments entered, etc., during the last four years:

	1912	1913	1914	1915
Pending at beginning of fiscal year	101	88	57	51
Commenced during year	17	25	28	19
Terminated during year	34	56	42	33
Judgments for United States	9	45	31	25
Judgments against United States	3	7	3	2
Dismissed or discontinued	22	4	8	6
Judgments in favor of U. S.	$5,382.82	$2,168.03	$10,069.14	$1,033.20
Collected on such judgments	205.75	2,168.03	6,503.25	350.00
Criminal Prosecutions.				
Pending at beginning of fiscal year	56	112	116	88
Commenced during fiscal year	205	154	164	167
Terminated during same period	152	150	193	151
Convictions	116	113	124	120
Acquittals	9	6	9	8
Pleas of guilty	96	102	97	98
Trials by jury	29	16	33	27
Fines imposed during the year	$10,752.75	$15,933.04	$10,508.03	$12,918.00
Realized on fines	4,119.13	15,136.78	4,438.03	4,450.50

There were 37 civil cases and 104 criminal cases pending at the close of the 1915 fiscal year.

Disbursements Have Increased.

The disbursing officer for the federal courts, the district attorney's office and the marshal's office, is United States Marshal John Montag. The disbursements of the office have increased from $83,308.86 in 1912 to $124,097.90 for the fiscal year of 1915.

For the year 1913 the office disbursed $82,615.13 and for 1914 it disbursed $103,244.20. The jump in the amount disbursed for 1915 is explained by Marshal Montag by the fact that since October 1, 1914, his office has been drawing the warrants for the salaries of the men in his own department, and the district attorney and the federal judges, which were formerly sent direct from Washington.

In the marshal's office are seven deputies, the same number employed by his predecessor. There have been no changes in salaries.

Disbursements of the office for the two-year period of 1912 and 1913 as compared to 1914 and 1915 fiscal years were as follows:

	1912-13	1914-15
Salaries and expenses marshal's office	$20,876.32	$22,625.84
Witnesses	76,182.30	87,397.05
Jurors	38,670.80	50,743.40
Care of prisoners	5,589.80	18,498.96
Bailiffs	6,353.20	7,452.55
Miscellaneous	14,268.57	19,918.17
*Salary and expenses district attorney	2,414.50	9,851.33
*Salaries regular assistant attorneys		4,050.00
*Salaries district judges		9,000.00
*Salaries circuit court judges		5,250.00
Rent of court room at Pendleton	2,567.50	1,554.80
Totals	$165,923.99	$237,342.10

*Payment of salaries through marshal's office began October 1, 1914.

Surveyor's Work Indicated.

In the office of E. G. Worth, United States surveyor general for Oregon, are 10 employes which is the same number employed by his predecessor in office. There are 40 field men, which is an increase of seven. Reporting on the work done by the department during two periods, period one covering the time from July 1, 1911 to June 30, 1913, and period two from July 1, 1913, to June 30, 1915, the following is shown:

	Period one.	Period two.
No. of ac. surv'd	1,007,200	785,840
Amount expended for surveys	$57,306.00	$46,852.00
Cost per acre	5 7-10cts	5 1-10cts
Note: Expended in addition to above, 1913-15, for surveying O. & C. state line and fragmentary surveys		$12,250.00
No. of full and fractional tps in this office not worked up at close of	43	16
No. of full and fractional tps accepted by the commissioner of the general land office	90	56
No. of mineral surveys to be worked up at close of	6	0
No. of mineral surveys worked up	20	22
Expended for working up mineral surveys	$1,902.00	$1,144.00
Amount deposited for office fees for mineral surveys	$2,134.00	$1,573.85
Amt. refunded to claimants, mineral surveys under act. of Feb. 24, 1909	$ 87.50	$2,170.41
No. of homestead entry surveys in forest reserves worked up	10	65
Deposited for office fees for H. E. surveys	$ 200.00	$ 0.00
Refunded to entrymen	$ 0.00	$ 40.00
Amt. collected from individuals for copies of records	$ 516.50	$ 549.25
Paid for office salaries U. S. surveyors general and his clerks	$30,953.69	$31,346.17

New System Adopted.

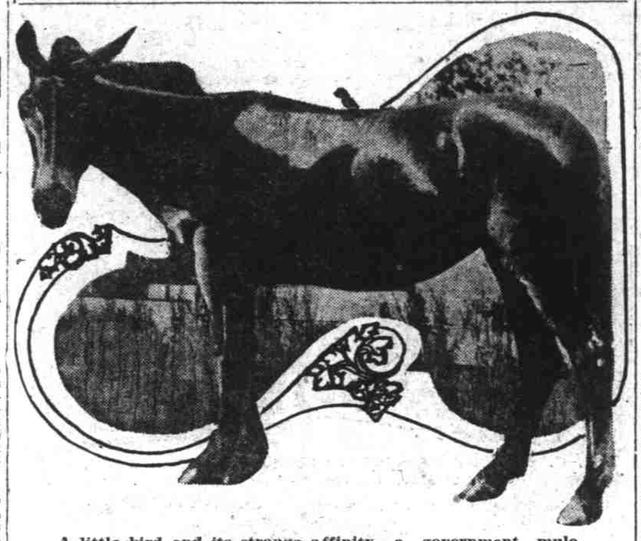
When Mr. Worth went into office he opened a complete set of double entry books, while previous to that time the only records of accounts kept were the vouchers and check stubs. A card index record of all mining claims has been completed during the last two years, 75 volumes of old defaced field note books have been copied and bound, a set of indices has been prepared covering agricultural surveys through all stages, and a set of indices covering 134 homestead entry surveys have been prepared.

No change has been made in the expenses of the land office for the Portland district. The office force consists of N. Campbell, register; George I. Smith, receiver, and H. F. Higby, chief clerk.

Visiting Minister Will Preach.

Rev. Curtis R. Stevenson, D. D., general young people's secretary of the United Presbyterian church in North America, will preach twice tomorrow at the First United Presbyterian church, East Thirty-seventh street and Hawthorne avenue. His subject will be "Value of Vision" in the forenoon and "A Good Man" in the evening.

AN UNUSUAL ATTACHMENT



A little bird and its strange affinity—a government mule.

By N. L.

Ilwaco, Wash., Aug. 28.—As Al Jolson says, "What's grammar among friends?" The mule says "Hee-haw-aw-aw-aw!" and the little brown bird says, "Tweet, tweet," and they understand each other perfectly.

I never saw such a case in my life as that little brown bird (which is a little smaller than a robin) has on the big, long legged government mule. He (the mule) is a retired soldier from Fort Stevens, pensioned on a grass diet at Fort Canby. It is a dull place at best for man, mule or bird, and it is no wonder that they struck up the strange friendship.

The old mule grazes solemnly all day long in the fields overlooking Baker's bay, his long ears flopping about lazily; Miss Brown Bird trips along with stilted little hops, right beside his soft old nose, buried in the grass, and eats daintily her worm diet. At times she will tilt her head to one side and look long and adoringly at her friend, who in turn fastens a century old and wise look at her.

When the trespasser intrudes she flutters her wings in annoyed exasperation and calmly perches herself on his back and surveys the world with scorn.

O. A. C. HENS LEADING ALL COMPETITORS IN EGG LAYING AT FAIR

Six Months of Contest Is Gone With White Leghorn Pen Ahead.

TRIUMPH FOR DRYDEN

Hens From College in Champion Pen Have Laid 1269 Eggs to Date, Pen of "Oregons" in Second Place.

San Francisco, Aug. 28.—Unless death overtakes one of the prize hens of Professor James Dryden of the Oregon Agricultural college, the title of world's champion egg layer goes to a "biddy" hailing from the Oregon Agricultural college.

As the closest competitor to these hens is also from Oregon, the state seems due for more honors in the way of medals anyway the contest goes. Six months of the contest are now passed and the final stretch lasts until November 15.

The pen of white leghorns, owned by Professor Dryden is 172 eggs ahead of a rival not from Oregon, and 133 eggs ahead of a pen of "Oregons" also exhibited by Professor Dryden. Third place is temporarily occupied by some white wyandottes owned by George D. Adams of Victoria, B. C.

Remarkable Egg Laying Record.

Professor Dryden's white leghorns have to date put away 1269 eggs. The "Oregons" have laid 1133 eggs, Mr. Adams' Wyandottes, 1097, and Professor Dryden's Barred Plymouth Rocks, 1088. The last family is coming stronger all the time and bids fair to displace the invader, reserving the first three places in the contest for Oregon hens. There are many representatives from Japan and China and Europe but they have not as yet approached the records of the American hens.

The Oregon first pen is still gaining as shown by the July records in which the hens again have the best improved score. They laid a total of 191 eggs which is 19 better than a competitor who is bringing up the rear.

The "Oregons" and the Plymouth Rocks are not immediately following the leaders but also show better cards for July.

Mrs. Five-six-three-seven, of Mr. Dryden's best flock, still has the best record for the term of the contest, or rather is tied with a competitor in her own family, Mrs. Five-Six-Four-Oh, also in pen 16, is tied with 156.

Third in the contest is tied by Hen 4578, with 153. The place is disputed by Hen 5644, an invader into the order of Mr. Dryden's family, whose hens have the next two places as well as the first three.

Lebanon Hen Is Busy.

The invader is a Barred Plymouth Rock exhibited by F. H. Sherman of Lebanon, Or. Mr. Sherman is the same man who won so many awards for Oregon in the Palace of Agriculture.

T. C. Quisenberry, director of the state poultry experiment station of Missouri and superintendent of the exhibit at the Panama-Pacific exposition, thinks the Oregon hens will have no trouble in keeping their places.

"This showing must be very gratifying to Professor Dryden," said Mr. Quisenberry. "The pen of white leghorns, the barred rocks and the one produced by a cross of the leghorns and the Plymouth Rocks are three of the highest pens in the contest.

"These have all been bred according to the methods of Professor Dryden. He has learned a great deal about breeding for egg production as the result of his many years of experimenting at the Oregon Agricultural college.

"He is to deliver a lecture on the selection of layers and on his experiments at the Oregon Agricultural college."

Entry of Birds Urged.

The Panama-Pacific exposition is now urging the entry of birds for the big show which opens the latter part of November. This will be one of the greatest ever held as have been all other things held in connection with the Panama-Pacific.

The winning of an award at this exposition will mean accordingly much to the poultry breeder. The entries close on October 15. Oregon breeders are taking advantage of the show and advance inquiries indicate a good enrollment of Oregon hens.

Paraiso Arrives From North.

Seattle, August 28.—The Pacific Coast Steamship company's freighter Paraiso, Captain Fred Landstrom, with a 1400 ton cargo of Alaska products, fish oil, fertilizer, gold ore, marble and canned salmon, the latter shipment consisting of 26,000 cases, arrived from the north this morning. The Paraiso is owned by Swayne & Hoyt.

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Sample and booklet sent on receipt of 10c. "Brownatone" is sold by leading drug stores, in two sizes—25c and $1.00. Order direct from The Kenton Pharmacal Co., 581 Pike St., Covington, Ky., if your druggist will not supply you. You will save yourself much annoyance by refusing to accept a substitute. No samples at dealers.

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