

3 REFEREES FILE FINDINGS

Disbarment of Joseph and Suspension of Mannix is Asked

(Continued from Page 1.)
 Develop this mining prospect and to pay Justice Rand the \$300,000 demanded by the option? Was it to come from the half million dollar endowment fund which Wickey and Mannix expected to win for themselves through litigation?"

Charge Declared To Be Very Serious
 "The only conclusion which the ordinary voter could draw from such language, if he believed the statements, was that this justice had entered into a corrupt bargain whereby it was intended that he should sell justice. It was evident from the words credited to Joseph and other extracts, that the respondent intended that such should be the conclusion he desired the voter to reach."

"Plainly and unquestionably the respondent charged the justice with a crime, and an offense which, if true, would require his immediate impeachment. That such was the respondent's intention and desire was strengthened by the language he used in a radio address. To the mind of the writer, there is no escape from the conclusion that the respondent charged the justice with not only a crime but a flagrant one, which involved a sordid financial transaction as well as the violation of a solemn oath of office."

Burden of Proof Laid Upon Joseph
 "The question now remains as to whether the accusations made by the respondent in his radio addresses and published in a pamphlet were true or false. It was claimed by the respondent that the burden of showing that the accusations were false lay upon the prosecution, and that there was failure to do so. But such, in the opinion of the writer, is neither the law nor the fact. Authorities show that this is not the law."

"The respondent made no effort at the hearing to substantiate the truthfulness of the accusations made against Justice Rand. The only evidence introduced by respondent, upon which a copy of the option entered into between Justice Rand and others with Thomas Mannix, Ethics of Legal Practice Noted."

"There is no law or ethical precept which prevents a judge from having business relations with an attorney, even though the attorney be continually practicing in the court over which such a judge presides, provided, of course, the business is not related to the litigation which the judge is passing on."

Referring to the charge that Justice Rand raided a trust fund, in connection with the decision in the first Wemme case, the findings read: "The most grievous charge against Justice Rand was that he openly raided a trust fund, the basis for such accusation being the decision of Justice Rand in the first Wemme case. This case was decided October 23, 1927, while the option complained of by Joseph was not given until January, 1926."

Option Held No Proof of Charge
 "Therefore, the introduction of the option in evidence in no wise establishes proof that the decision of October, 1927, was influenced by a statement given two years later. The decision of Justice Rand resulted in the Wemme case being kept intact. It was not openly raided, because it is still in a permanent form and in the hands of responsible men of high character and standing. It was declared to be a charitable trust for the benefit of an orphaned child forever. No other construction can be given Justice Rand's decision."

"The original decision of Justice Rand, against which the respondent made his charges, was considered by the late Judge Wolverton in a proceeding in the United States district court. From this silent witness comes the strong and cogent testimony as to the falsity of the accusation made against Justice Rand."

Wolverton Affirmed By Court of Appeals
 "The findings further set out that the case was appealed to the United States District Court of Appeals, with the result that Judge Wolverton was affirmed."

"This brings us," continued the findings, "to consideration of the claim made by respondent that whatever he may have said in radio addresses or published in pamphlet regarding a justice of the supreme court was privileged. In the opinion of the writer there was no privilege. The courts are unanimous in holding that the publication of false and scandalous matter, and particularly the imputation of crime, is not privileged."

"Respondent sought to make a distinction between the imputation of crime against the private character of a person and charges against his official conduct. There may be such a distinction in some circumstances, but when a justice of the supreme court is charged with a corrupt bargain and selling justice, it is most certainly against his private character, that such accusation is made. If it be false it amounts to moral turpitude, and under all the decisions, such conduct warrants disbarment or other punishment."

Charges Declared Absolutely False
 "We now come to the third, fourth and fifth charges. There remains not the shadow of a doubt in the mind of the writer as to the falsity of charges brought against Justice McBride. Neither is there any doubt but what little testimony there was in support of them was perjured. These charges made by respondent against Justice McBride were based upon the unsupported statements of one Condit. These charges involved the integrity and judicial honesty of a man

DEBATERS



These four men will represent Oregon State college in a dual debate against the University of Oregon Thursday night. Reading from top: LeRoy Swanson, Herbert Ewing (negative team); Gordon Winks and Cutler Rich (affirmative team). The question will be "Resolved, that world peace demands the mobilization of all armed forces except those required for police protection."

who, for nearly half a century, has occupied positions of the highest trust in this commonwealth. From that assault Justice McBride came forth vindicated and unharmed."

Charges that Justice McBride took automobile rides with Condit and drank liquor with Mannix again brought a statement from the referees that the charges failed and their falsity was clearly and unquestionably proved.

Check Charges Are Declared Established
 The referees, in referring to charges against Mannix which involved the issuance of checks to the Basket Brogroery company and

COUNTY CLERK PUT UNDER ARREST NOW

PORTLAND, Ore., March 3—(AP)—A. A. Bailey, county clerk, and C. S. Stowe, former chief deputy, were technically arrested today on indictments charging political activity while employed under civil service when bench warrants were read to them in Bailey's office by a deputy sheriff.

Morris Perkel, former marriage license clerk who was indicted on a similar charge, could not be located today by deputy sheriffs. Perkel and Stowe were ousted from the clerk's office recently when the civil service commission found them guilty of charges involving political activity.

WALES RECOVERING FROM HIS ILLNESS

NAIROBI, Kenya Colony, March 3—(AP)—The Prince of Wales is making good recovery in his bout with sub-tertian malaria. He is in bed in government house here, attended by physicians and nurses who have specialized in this curse of equatorial Africa.

With their care and his own strong constitution and optimistic temperament, it is believed that any danger of complications or a relapse is slight. It was even stated that he hopes to be able to leave his bed in a day or two.

His fever developed while the royal hunting party was in a train between Ku and Voi Friday night, and it was not until early Sunday that the party arrived at Nairobi.

The prince's future plans are naturally causing much speculation. He obviously will be reluctant to leave Africa without bagging an elephant—on which he has set his heart—but it is recognized that he will be ruled by the opinion of his medical advisers.

OFFICIAL IS DENIED USE OF WITNESSES

SAN FRANCISCO, March 3—(AP)—The right of a United States commissioner to subpoena witnesses as an aid to the search warrant process was denied here late today by Federal District Judge Frank H. Kerrigan in a far-reaching opinion in which he refused to order the Pacific Telephone & Telegraph company to disclose its confidential subscriber list as a basis for raids on bootleggers.

"A proceeding by which a judge of this court or a United States commissioner seeks to procure evidence of an incomplete showing made on application for a search warrant," Judge Kerrigan held, "is the exercise of a function reserved to the grand jury and is void."

Judge Kerrigan's ruling was said to be the first in federal court history in which a judge has passed upon the status of acts of a judicial officer which are inquisitorial and within the scope of the grand jury's powers.

to one Mazurosky and to others, which were not paid for want of funds, the referees held that these charges were true. "In the opinion of the writers," read the findings, "the issuance of checks and other matters enumerated violate the canons of the statute and the requirements as to qualifications and conduct of attorneys, both as to moral character and in dealings with the courts, and convicts the defendant of transactions involving moral turpitude and wilful deceit and misconduct in his profession."



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