

Has Judge Thomas Speeded Up Justice?

The Better Government League is an organization composed of persons of all political parties. It has no purpose to elect any one party. It seeks to assist in the election of the best man for Circuit Judge.

In our two preceding articles under this heading we gave the titles and Supreme Court case numbers of 11 cases appealed from Judge Thomas' decisions, and which had seriously suffered from Judge Thomas' delays, even to the extent of the appeal being dismissed.

We understand that Judge Thomas now says that he was not responsible for his court reporter's inactivity and did not know of it. One of the numerous other cases that so suffered from such delays we here set out one with the dates of Judge Thomas' orders based upon his court reporter's neglect. And this ought to settle that question:

Yost vs. McGrew—Decided December 6, 1925

April 29, 1926, Judge Thomas made an order granting to June 1, 1926, to get out the transcript which depended upon his court reporter's work in typing the evidence:

May 19, 1926, Judge Thomas granted further time to July 1, 1926, for that purpose:

June 18, 1926, Judge Thomas granted to September 1, 1926, for that purpose:

August 30, 1926, Judge Thomas granted to December 1, 1926, for that purpose:

November 18, 1926, Judge Thomas granted to January 2, 1927, for that purpose:

December 20, 1926, Judge Thomas granted to March 1, 1927, for that purpose:

February 25, 1927, Judge Thomas granted to June 15, 1927, for that purpose.

It then ran the full limit of the law, and was dismissed by the Supreme Court April 9, 1927, because of inability to get from Judge Thomas' court reporter the transcript of record.

In April, 1926, the appellant had paid this reporter the \$50.00 required for this transcript which was never delivered.

SO JUDGE THOMAS CANNOT SAY THAT HE WAS NOT RESPONSIBLE FOR THE DISMISSAL OF THIS APPEAL. THIS IS ONE OF THE CASES FOR WHICH HE TAKES CREDIT FOR NOT BEING REVERSED.

What would you think if you were the appellant who paid your money for the transcript and lost your appeal because you could not get the transcript? The court reporter was under the immediate direction of the judge; was his private secretary; guardian of his locked door, and political agent.

Bar Association Seeks Relief

February 7, 1927, the Southern Oregon Bar Association convened. The Legislature was then in session. The Bar Association considered two changes in the law, to "Speed up Justice."

1. An act to cut off the salary of any court reporter who was more than 60 days behind in transcribing a record that had been ordered.

2. An act to give the Supreme Court power to compel the judge below to have the record transcribed within a fixed time in its order.

Judge Thomas Seeks to Block Reform

On the reading of those two bills Judge Thomas was immediately on his feet and angry. He said there were no cases being delayed because of the transcripts not being typewritten. Attorneys spoke up from all around the table. One lawyer had four; another two; various ones had one each. In all there were 19 appeals thus blocked by inability to get action in Judge Thomas' court.

Judge Thomas Changes His Attitude

Judge Thomas then said in effect: "If you will take out of the bill affecting my court reporter the provision stopping his pay, I will not object to the passage of these bills, but if you do not, I will fight them until the last." A committee of three was appointed to make the changes. The bill affecting the reporter was so changed and reported back to the meeting with the changes made. Both of these proposed laws were then read over carefully and adopted, paragraph by paragraph. Judge Thomas sat there and apparently had no objection. At least he made none.

Bar Association Acts

The Bar Association then passed by unanimous vote the resolution directing that these two proposed laws be sent to the senators and representatives of Jackson and Josephine Counties, with the request that they introduce these laws and push them through rapidly, as the legislative session was nearing its end. These proposed acts were forwarded to our senators and representatives February 8th.

Judge Thomas Again Blocks Reform

February 16, 1927, he wrote a joint letter to our senators and representatives at Salem, namely, to Senators George W. Dunn and E. W. Miller, Representatives Theo. P. Cramer, John H. Carlin and Wm. Briggs. In that letter Judge Thomas said that these two bills had just come to his desk. We quote from that letter:

"Preliminary to comment thereon let me say that the bills in no wise affect the first judicial district, from whence the proposal comes. Every transcript of every case on appeal has been completed and delivered to the attorneys, unless in two exceptions may be made, i. e., first in the Yost vs. McGrew case the transcript of testimony is complete but not delivered for the reason that the attorneys have stipulated to file a plat in connection therewith and the court reporter is awaiting the receipt of the

plat to attach his transcript. Second, in the case of State vs. ... the transcript of testimony was ordered partly finished, and then cancelled, with the result that the transcript is half done and at the request of the ordering party it is being held for further order."

NOTE THAT WHILE JUDGE THOMAS WAS WRITING THIS CONCERNING THE CASE OF YOST VS. MCGREW, HE WAS MAKING THE ABOVE MENTIONED ORDERS OF EXTENSION BECAUSE HIS COURT REPORTER WAS THIS BEHIND.

We further quote from Judge Thomas' letter:

"I attended the bar meeting at which the committee was appointed to propose some remedial legislation. No definite bill was proposed to the association, and the result is that any recommendation comes from the committee of three only and does not represent the view of the bar."

He then analyzed the bills, and criticised them and objected to them.

It is beyond comprehension how a man occupying the Circuit Bench could write our senators and representatives that these proposed bills in no way affected his judicial district and that every transcript on appeal had been completed except two. Take our last two articles upon this subject and trace back on the 11 appeals there covered and draw your own conclusions.

Copies for Your Inspection

There are on file for your inspection at the office of the President of the League copies of the following:

(1) Of proposed bill to enable the Supreme Court to compel Judge Thomas to send up transcripts of testimony.

(2) Proposed bill to cut his reporter's salary during the time such reporter should be more than 60 days behind in such transcripts. This provision was taken from a similar law affecting Circuit Judges when more than three months behind in their decisions.

(3) Copy of resolution asking (a) That these proposed statutes be sent immediately to our senators and representatives, etc. (b) That they be requested to use their best efforts to pass these laws immediately. (c) Reciting "that the passage of the proposed measures is urgently needed to prevent great injustice and to enable appeals to be taken and perfected to the Supreme Court of the State of Oregon." (d) That a copy of these resolutions be sent to our said representatives.

(4) A copy of Judge Thomas' letter of February 16, 1927, to Senator Dunn et al.

When the Senate committee had before it the resolutions of the Bar Association, copies of the two bills, and Judge Thomas' letter quoted from above, it at once ordered the Supreme Court Clerk to bring before it the Supreme Court records of appeals from Judge Thomas' decisions. This senate committee then learned from the record produced that Judge Thomas was mistaken in his statement that only the two cases mentioned by him were thus behind because of delays in his court, but that there were some 17 additional cases in that condition. We think Senator Dunn was present at that meeting of the committee.

League Refers Voters to Senator Dun

We have not spoken to Senator Dunn concerning this matter. But we have great confidence in his ability, honesty and integrity. The fact that he is a Republican senator representing us will perhaps keep him from making any public statement. But we believe that if his mind is refreshed as to this matter he would not hesitate to advise the public of the truth. We do not have his permission to make this statement.

Reversals in the Supreme Court

Judge Thomas has given out through the press that the average percentage of reversals is 31 per cent. That is, that the judges over the state are reversed in 31 per cent of their cases that are appealed. The statement was also made to the effect that Judge Thomas' reversals were only between 4 per cent and 5 per cent.

Mr. O. C. Boggs, in connection with several other lawyers, counted the cases appealed from Judge Thomas' decisions, and figured the percentages. The reversals were in excess of 43 per cent. In other words, he was 12 per cent worse off than the average Circuit Judge of the state.

But in the figuring of Judge Thomas' reversals he was given credit as having been affirmed in all these cases that we have mentioned as dismissed, because they could not get the record out of his court. These counted in, would undoubtedly have brought his reversals in excess of 50 per cent.

Fools the Editors

Judge Thomas, during his term as judge, has let no opportunity for publicity pass unused. Editors and reporters get their knowledge of his reversals, affirmances and of "speeding up justice" largely, if not entirely, from him or from sources of information emanating from him. They do not have the information from which to determine the facts themselves.

WE ASK THE PEOPLE NOT TO BE FOOLED BY THIS ADVERTISING THAT JUDGE THOMAS IS RESPONSIBLE FOR HAVING SPEEDED UP JUSTICE.

In our next statement we will point out to you the facts from the record upon which Judge Thomas bases his claims for having speeded up justice. The facts are indeed interesting.

HELP US ELECT A MAN WHOSE HIGHEST AIM IS TO SERVE THE PEOPLE ACCORDING TO THE REQUIREMENTS OF THE LAW AND WITHOUT REGARD TO HIS POLITICAL FUTURE.

BETTER GOVERNMENT LEAGUE.

ALL ODD FELLOWS INVITED TO PARTY TUESDAY EVENING

The program outlined by the committee in charge of the entertainment to be provided for Odd Fellows and their guests at an open meeting on next Tuesday evening gives promise of an interesting affair.

There will be a number of specialties followed by a supper, after which the crowd may hold out the evening in card playing and other amusements. An invitation is being cordially extended to all visiting Odd Fellows (those who are affiliated in other places than Medford) and to all who have been members of the order, but who have allowed their membership to lapse. It is hoped that all who are thus invited will be present and get acquainted with the Medford branch of sociability and hospitality. No special invitation is necessary. All Odd Fellows and associates will be welcome.

MEDFORD CLUB TO AID OBSERVANCE SCHUBERT WEEK

Schubert week, occurring the latter part of November, and organized to commemorate (through the 100th anniversary of the Master of Melody, through a nation-wide civic effort, will be observed locally by the music and drama department, Greater Medford club, it was announced yesterday by Mrs. H. Clyde Williamson, chairman of the department.

During this week, schools and colleges will take leadership in observing the Schubert centennial in testimony of the spiritual and educational significance of the message of Schubert. The local society will devote its November meeting to a program of Schubert's music, vocal and instrumental.

Featured at this time will be Harold Flynn-Anderson, well known the youngest member of the school of music, McGill University, Canada, and a pianist and composer who is well known for his interpretive knowledge of the literature of music, as well as a concert pianist who has received prominent notice in western Canada and the Pacific coast.

A recent reviewer wrote of him: "Mr. Harold Flynn-Anderson addressed an interested group of musical patrons on the subject, 'Music and its Contribution to the Enrichment of Life.' This was the last lecture in a series which has been sponsored by the Greater club, each lecture of which has tended to show the effort of the fine arts and science upon the enrichment of the human existence. He closed his lecture musically by playing a selection from Wagner's 'Tristan and Isolde,' much to the delight of his audience."

Mr. Anderson will be heard in a group of Schubert numbers.

Radio Program KMED

Mail Tribune-Virgin Station

- ◆ ◆ ◆ ◆ ◆
- ◆ Thursday, Oct. 25
- ◆ 6:15 to 6:25 p. m.—News and market reports.
- ◆ 6:30 to 7 p. m.—Cont. Disc. play Adv. Co.
- ◆ 8 to 9 p. m.—Earm Bureau.
- ◆ 9 to 9:30 p. m.—Modern Plumbing & Sheet Metal Co.
- ◆ 9:30 to 10:30 p. m.—Pomona Grange in session.
- ◆ Friday, Oct. 26
- ◆ 10 to 10:30 a. m.—Southern Ore. Elec.
- ◆ 10:30 to 11 a. m.—M. M. Dept. Store sacred concert.
- ◆ 11 to 11:30 a. m.—Jacque Lomax Millinery Shop.
- ◆ 11:30 to 12 p. m.—Brophy.
- ◆ 12 to 12:30 noon—Jewellers.
- ◆ 12 to 12:30 noon—Sanderson Motor Co.
- ◆ 12:30 to 1:30 p. m.—Palmer Music House.
- ◆ 6:15 p. m.—News and market.
- ◆ 6:30 to 7 p. m.—Cont. Disc. play Adv. Co.
- ◆ 8 to 9 p. m.—Medford Realty Board, sponsored by Walter Lovellette.
- ◆ 9 to 10 p. m.—Columbia Home.
- ◆ ◆ ◆ ◆ ◆

Modern Plumbing & Sheet Metal Company

9:00-9:30 p. m., Oct. 25. Mrs. James C. Collins, soprano, Carleton James, violinist and Mrs. James, accompanist.

- (a) Sing! Break Into Song. Mallison
- (b) October's Bright Blue. Whelpley
- (c) Waltz. Mrs. Collins
- (d) Entr' Acte. Massenet
- (e) Serenade. Pleyel
- (f) The Spring Has Come. Maudie Valerie White
- (g) The Swing. Liza Lehmann
- (h) The Swing. Mrs. Collins
- (i) Cradle Song. Alford
- (j) Second Mazurka. Wieniawski
- (k) Mr. James

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- 9-4 Premium Sheeting 2 yds. for \$1.00
- Ruffle Curtain Scrim 2 yds. for \$1.00
- \$1.25 Drapery 2 yds. for \$1.00
- A. B. C. Percales 4 yds. for \$1.00
- LrRoss Hair Nets 12 for \$1.00
- Kotex 3 pkgs for \$1.00
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- \$1.25 Girdles \$1.00
- Cotton Batts 3 for \$1.00
- 29c Half Socks 4 pr. for \$1.00
- 59c Three-Quarter Socks 3 pr. for \$1.00
- 25c Bath Towels 5 for \$1.00
- 59c Bath Towels 2 for \$1.00
- Fabric Gloves 2 pr. for \$1.00
- \$1.49 Radium Silk \$1.00
- Violets \$1.00
- Krinkled Spreads \$1.00
- Sheets 81x90 \$1.00
- \$1.50 Rugs, 27x90 \$1.00
- \$1.25 Men's Dress Shirts \$1.00
- 39c Men's Socks 3 pair for \$1.00
- Men's Wool Socks 4 pr. for \$1.00
- \$1.35 Men's Broadcloth Pajamas \$1.00
- Men's Outing Night Gowns \$1.00
- Men's Wool Socks 3 pr. for \$1.00
- Men's Bib Overalls \$1.00
- Big Indian Shirts \$1.00
- Men's Ties 2 for \$1.00

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- Wool (foot) Socks 4 pr. for \$1.00
- Fancy 36-inch Outing 7 yds. for \$1.00
- Rayon Vests \$1.00
- Fancy Gingham 7 yds. for \$1.00
- Curtain Net 6 yds. for \$1.00
- Fancy Printed Underwear Crepe, 4 yds., \$1.00
- Women's Handbags \$1.00
- Cotton Ribbed Hose 6 pr. for \$1.00