THE HADLEY CASE AGAIN.

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Attorney Nolan Makes Serious Allegations Which he Failed to Prove.

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The case of Mrs. Hadley vs. C. E. Hadley was again dragged into court upon a sensational affidavit filed by Attorney Oak Nolan, which accused Judge Webster Holmes of unprofessional conduct, which Nolan failed to prove when placed on the stand.

The affidavit is as follows:

I, Oak Nolan, being first duly sworn say that I am plaintiff's attorney herein, and make this affidavit in support of plaintiff's objection of Judge Holmes, and to the wrongful conduct of said judge in making the order of December 28, 1914, wherein the said judge undertook to dismiss the suit.

Sometime during the month of May 1913, and after it had been reported and generally known that Webster Holmes had been appointed judge of the court, the said Holmes came to me in the city of Tillamook, Oregon, and represented to me that the defendant C. E. Hadley would pay the sum of $10,000 if I would drop the said suit. He said I could have $7,500 and that he wanted to have the other $2,500 for himself. I suggested to him that the case might come before him as judge of said court in case we failed to agree and for that reason I did not feel at liberty to go into the matter with him. Then he informed me that he was representing the defendant C. E. Hadley and that he would have nothing whatever to do with the case as judge of said court, because he knew too much about the case, and that he would call on some other judge for that purpose. Thereupon I consented to talk and we fully discussed proposition of compromise and every detail of the case. No compromise was ever accepted, and afterwards Judge Campbell was called in and proceeded with the trial thereof. I make this affidavit with the greatest reluctance and with every respect for the Court, but I do feel that plaintiff is entitled to know wherein Judge Holmes was qualified to make the said order, or being disqualified at one stage of the case, what took place to remove the cause of disqualification.

Attorney Nolan was placed on the stand and gave evidence similar to that contained in the affidavit. On cross examination he said:

"I want to state publicly to the court to this bar and to everyone within sound of my voice that nothing in that record was intended to cast reflection upon Judge Holmes. It was not intended as a personal reflection upon his honesty or integrity and I have every respect for Judge Holmes and believe that the orders which he made were made in the best of faith, but I do think that any order he did make was made while he was disqualified and that if he had not been disqualified those orders never would have been made, and it is upon the ground of his disqualification alone that this attack has been made. No personal reflection was intended against him whatsoever."

Attorney Webster Holmes went on the witness stand and denied the allegations in the affidavit. His evidence placed a totally different light on the matter, for it was at the request of Judge Galloway that he approached Attorney Nolan. Part of his evidence is as follows:

I will first state that I read the affidavit, and that the statements made by Oak Nolan under oath and in the affidavit, are absolutely false, with with reference to this proposition, that he claims I made to him, claiming to have been representing C. E. Hadley. That no such conversation ever took place between Ook Nolan and myself, and furthermore I will state that we never had any conversation at the head of the stairs in the court house at any time about that affair. During the time Judge Galloway was holding court in this county, perhaps in the latter part of April or the early part of May, I disremember which, there were some motions or something with reference to the Hadley case being heard or presented to Judge Galloway at that time, but I was not interested in the case as attorney or otherwise and do not know the nature of it, and did not at that time. Judge Galloway, however, called me into his chambers one day and told me that he wished I would see Oak Nolan and see if he wouldn't drop the case, as a personal favor to Judge Galloway, as he didn't think he stood any show in his litigation as his client had settled with C. E. Hadley but that Nolan had been the means of getting her anything out of it and ought to be paid a little something, and if he would drop the matter he was prosecuting before this court presided over by Judge Galloway at that time, he would try and arrange it so that Nolan could get something like $500 for what he had d[illegible] he thought he ought to be [illegible] he asked me to com[illegible]lan and see if he [illegible] Judge Galloway [illegible]hadn't ought to do that as I wasn't interested, nor did not represent any of them and thought it should come from Hadley's attorneys, as I didn't like to intermeddle in it as he asked me as a favor to do it for him, so I finally told him I would communicate it to Oak. I returned to my office at noon one day and Nolan was in my office looking at some books. He frequently came into our office when he was here, and helped himself to whatever books Handley and I had, and I then told him in substance as near as I could repeat it, what Judge Galloway said to me with the excepton I didn't tell him the amount Judge Galloway mentioned he might be able to have paid. Nolan looked at me in a peculiar way as though he was suspicious of me and immediately asked me if I represented C. E. Hadley in this approach to him with reference to the subject, and I told him I did not, that I had never spoken to Clark Hadley about it. (I mean by Clark, C. E. Hadley.) I was simply doing this at the request of Judge Galloway and if he had any reply to make to it I would communicate it to Judge Galloway, or he could direct. It was a matter of indifference to me. I could tell from his manner that he seemed to think I was representing Hadley. Finally he told me he wouldn't consider anything of the kind, that if Hadley wanted to compromise the case with him that he would have to come direct to him and mentioned the fact that they had had some altercation, trouble of some kind, that he had no ill-feeling toward Clark personally on account of that, but that he had proof there was something, some vast sum over a hundred thousand dollars, and I think something like two hundred thousand dollars involved in the partnership estate between Clark Hadley and his father and that he had the goods on him and he had to come through, and he wouldn't compromise with him nor consider anything less than $25,000, that is what he told me. So I told him I wouldn't have anything further to do with it, and didn't have. So he told me if I could get Clark to compromise or pay on some such basis that he would be willing to do it, that is as I understood from twenty-five thousand dollars up, and I told him inasmuch as I did not represent C. E. Hadley nor any of the other parties in the litigation, if he wished to employ council to conduct his negotiations that way, he would have to talk business with me; that I didn't represent any of those people, wasn't coming from them, wasn't authorized; and that was all that was ever said and ever discussed and I dissmissed it from my mind.

I took oath of office, (it is a matter of record, but in order to make this record complete,) I will state I took oath of office the 3rd day of June 1913, some time after this conversation with Oak Nolan, and the only reason I talked with him and the only thing that prompted me was a matter of courtesy to Judge Galloway, nothing else.

Q.—Did you communicate to Judge Galloway the result of the talk you had with Mr. Nolan?

A.—Yes the result of it, I told him Nolan wouldn't consider any compromise less than $25,000 and I disremember what Judge Galloway said, something to the effect that he wouldn't get anything."

Judge Belt promptly denied the motion of Attorney Nolan and dismissed the case.

The whole of the papers filed in the case by Attorney Nolan are couched in accusations, which he failed to prove at the trial or in this instance. Attorney Holmes, we understand will refer the matter to the State Bar Association with a view of having Nolan disbarred.

CIRCUIT COURT.

Judge H. H. Belt who was elected circuit judge for this judicial district, presided at a session of the circuit court for the first time in this county on Monday, which will continue the remainder of the week.

The grand jury was also in session, and returned several indictments.

Chris Sckulich was indicted for forgery, having raised a check for 45c. to $45.45, which Geo. Phelps cashed at Garibaldi. He pleaded guilty and was sentenced to two years in the penitentiary.

A "no bill" was returned against Frank Pearson charged with larceny of a suit case at the Mohler railroad station. He has been in the county jail since November.

Rudolph Zweifel vs. J. H. Turner was an injunction suit to restrain the defendant from moving hay from the plaintiff's farm, which the defendant rented. Judge Belt denied the injunction and gave judgment for the defendant.

Coast Driving and Boom Co. vs. Alma S. Johnson. Permission to amend complaint by intertineation granted.

F. R. Beals vs. J. W. Haskens et al. Action for money, motion to make definite and certain overruled and defendant given 10 days in which to answer.

Salem Hospital vs. Louis Albert. Action for money. Default and judgment.

Robert Osborn vs. W. L. Riefenberg et al. Quiet title. Default and decree.

Dennison Billings vs. Frank Dye et al. Foreclosure. Demurrer overruled.

Dan A. Alley vs. Mildred Alley. Divorce. This case caused some interest and the judge cleared the court of spectators, and after hearing the evidence the judge granted the divorce and gave the custody of the child to the defendant.

The case of Viola Mills vs. C. E. McAlpin is set for trial on Saturday, the judge having denied the motion of defendant to strike out parts of complaints.

Robert Carlson, of Nehalem, was indicted on a charge of selling liquor to a minor and pleaded guilty to the charge. He was fined $150.00 or 30 days in jail. The fine was paid. The Judge in passing sentence, said that while Carlson in this case appeared to be honestly mistaken in the age of the minor, he wished it to be known that violators of the liquor laws would have little sympathy in his court.

F. A. Flamboy, of Nehalem, indicted on a like charge pleaded not guilty, and his case will be tried at the next regular session of the circuit court. His bail was placed at $250.

JUDGES VOTED ON GET BUT FOUR YEARS.

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Supreme Court Says Initiative Measure only Effective After Proclamation

Salem, Or. Feb. 9.—The Supreme Court held that the initiative law which was adopted by the people at the general election in 1910 did not take effect till it was proclaimed by the Governor on December 3, 1910, and that it was not retoractive but applies only to officers elected subsequent to its adoption, and that the County Judges who were elected to office at the 1910 election do not hold office for six years, as provided in the initiative measure.

This is the opinion given in the case of J. F. Phy vs. Ed Wright, County Clerk of Union County, in which the applicant is granted a writ of mandamus for a certificate of election. This will operate to oust County Judge J. C. Henry from office, who was holding over under the contention that his term was extended to six years by the 1910 law, which would entitle him to hold to January 1917.

Judge Cleeton Not Touched.

The decision affects all counties where an election for County Judge was held last November. In all of these the candidates who received the highest vote is the County Judge for the next six year term. If in any county where the term of the County Judge expired in January, 1915, there was no election, the incumbent will hold over, as this is in line with the opinion of the Supreme Court today.

In Multnomah County there was no notice of election for County Judge, but about 19 votes were written in for L. C. Garrigus. There may be a question arise as to whether this could be held as constituting an election. But unless it is held as an election Judge Cleeton would hold over.

The opinion was written by Justice Eakin. Chief Justice Moore and Justice Burnett dissented from the majority opinion.

In another opinion today the Supreme Court holds that the Legislature has no authority to legislate a constitutional officer out of office and held that F. S. Ivanhoe, who was the District Attorney of Union County when the 1913 law went into effect, providing for appointment of County Attorneys, was wrongfully deprived of his office by the appointment of John S. Hodgin, by ex-Governor West. By this Mr. Ivanhoe is entitled to the office.

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A. M. Hare is County Judge.

By the decision of the Supreme Court this makes A. M. Hare county judge for the next six years. He obtained the nomination at the primary election and was the Republican candidate at the general election in November, receiving 1984 votes. In Mr. Hare's home precinct, Maple Leaf, the judges and clerks of election failed to count the vote cast for the candidates for county judge, where Mr. Hare received about 100 votes. His opponent was G. W. Proctor, Socialist who received 293 votes in the county.

Mr. Hare's name came near being left off the ballot on account of the decision of the lower court stating that county judges would hold over for another two years. A few days before this decision was given, some of the ballots were printed and a question arose whether it was legal to have Mr. Hare's name on the ballot, and whether to reprint them with the name left off. As it was thought no harm would be done by leaving the name on, all the ballots were printed that way. Some counties, however, did leave the nominee for county judge off, and in that case, it appears the judge holds over, which would have been the case in this county had not some of the ballots been printed.

Mr. Hare will not ask for his certificate of election until the first of the month, when he will take over the duties of the office.

Bayocean Buyer Recovers in Full.

Gentlemen,, there isn't an honest thing in this case excepting the hard dollars the engineer boy earned in working for the O. W. R. & N. Co. and that these people stole from him. That is the plain English of it."

This was the stinging rebuke delivered by Circuit Judge McGinn in deciding the suit of Frank C. McNurlen against the T. B. Potter Realty Co., who had sold McNurlen a lot in Bayocean Park on alleged false representations. The Judge awarded McNurlen the full amount he had paid, expenses incurred in looking over the lot after he had paid for it, and told the engineer's attorney that had he asked for $250 exemplary charges he would have granted it.

According to the allegations in the complaint McNurlen purchased the lot with the understanding that it was in the center of the growing business section of Bayocean, that it was close to a new dock, and that the streets were paved on all sides. When he looked at the lot he found it situated in a stretch of sand dumes and brush, far from the nearest habitation, and almost inaccessible. He sued for $525 and for $60 expenses incurred in going to look over the lot.

Especial significance is attached to Judge McGinn's decision in view of the fact that a petition for receivership in the T. B. Potter Realty Co, formerly the Potter-Chapin Realty Company, is now pending in Circuit Judge Gatens' court, and is scheduled for hearing this week. Numerous purchasers of lots in Bayocean Park have joined together in asking for a recever for the company.

S. B. Vncent, of the State Corporation Department, was called to the stand and testified that the pavement laid in some parts of Bayocean was of the flimsiest sort and would not stand heavy traffic. The conracts for lots called for 28 miles of pavement, whereas only three and one half miles had been laid he said.

In deciding the case, Judge McGinn said:

"Photographs and pictures of Bayocean were turned over to this boy for one purpose and that was to catch the unwary, those who were not posted, those who were not informed. It was done to fool him. It was done to catch him.

"The testimony of the last witness on the stand was enough, and nothing else is needed to show the character of this transaction from beginning to end. This boy was a long way from the property and he had a right to rely upon the representations of those who had peculiar knowledge of it. They fooled him and they fooled him to the top of his bent. He is entitled to every dollar he sued for, and the return of the expenses he incurred in going to view the property at Bayocean. He is entitled to it all.

PATTI STOOD PAT.

She Wanted Her Money Before She Sang, and She Got It.

One of Adelina Patti's peculiarities was that she never sang a note until she had her salary either paid or so fully assured that there was no doubt as to her getting it. When she sang at the Academy of Music, in New York, at one time the manager was sorely put about to find money to pay her, but she always stoutly refused to sing until she had her salary.

One night at a quarter past 8 her representative went to him and said: "Madam is all dressed except her shoes. She will put those on when she gets the money."

The manager, half distracted, rushed about the house and succeeded in raising one-half the amount due the prima donna, which he hastily sent to her. But another quarter of an hour passed, and, though the audience showed great impatience, there was no Patti, whereat the manager ran to her room.

"My dear madam, why do you not go on? I have sent you half the money, and the rest will reach you before the end of the first act."

Patti smiled dolefully, exhibited the tips of her feet and said: "You see, I have only one shoe on. I cannot go on the stage without the other. It would be quite impossible."

Almost crazed, the manager rushed out and discovered that the other half of the money could be raised.—New York Tribune.

NERVES AND WATCHES.

When They Don't Agree There Is Sure to Be Poor Time.

One of the troubles of watchmakers is the man who gets on his watch's nerves. There are lots of customers on whom a good watch is wasted. A good second hand watch that has kept perfect time for other people will with certain other people go irregularly when it is not standing still. It is common knowledge in the trade that watches are greatly influenced by their owners.

Nobody knows the reason, but two explanations have been offered. One is that watches are sensitive to personal magnetism, the natural electricity that human beings contain in varying quantities.

The other is that a watch may be disturbed by the vibrations set up by a footstep which is heavier than the ordinary. The man who puts his heels down heavily usually needs to set the regulator toward slow to keep it from gaining.

One of the mysterious sides of the subject is that watches seldom keep good time on people of nervous, excitable temperaments.—Pearson's Weekly.

Gestures Part of Talk.

There is a man who from a very early age has lived in countries where Spanish is the almost universal tongue. From force of this training he speaks Spanish perfectly. He has not the slightest trace of an English accent, and persons who do not know that he is or American parentage are willing to believe he is a Spaniard merely from hearing him talk. He is so perfectly bilingual that it shows even in his gestures. When talking with English speaking persons he sits quietly and does his conversing with his mouth alone. Only in case of making a point most emphatically does he use a gesture. But the moment he drops into Spanish his every word is accompanied by a movement of the hands or arms. It is interesting to watch the change from the English to the Spanish side of him, because it comes so suddenly. He really can't speak Spanish without gesturing.—New York Sun.

Training a Dog.

It may surprise some people to be told that dogs have a strong sense of justice, so, unless you want your pup to gain a poor opinion of you, be careful when you punish him. Never punish unless the pup can associate the punishment with the offense. The circumstantial evidence may be very strong, but you had better wait and catch him in the act. Common sense is about all that is required to rear a puppy into a dog which will be a faithful, useful, steadfast companion—common sense and consideration. Whenever I find one of those "anything will do for the pup" kind of people I can see in my mind's eye what the humans in that family look like.—Outing.

A Unique Cross.

In the heart of the Rocky mountains may be seen the Mountain of the Holy Cross, which is 14,000 feet in height. It derives its name from a gigan[illegible] cross on one side, near the [illegible]ic formed by fissures in the [illegible] summit, be seen for many m[illegible] rock. It can tinctness and [illegible]es with great disperstitious [illegible]s looked upon with such [illegible] fear by the natives.—Exchange.

All Right.

"That girl's all right," said the blond girl in the dressing room after she had looked everywhere for her overshoes. "The one who has just left, she's gone off with both the right overshoes and left me the left ones."—New York Times.

His Mistake.

"I cannot live without you!"

"You have evidently got me confused with my cousin. It is she who is wealthy."—Houston Post.

Some Traveler.

"Has he traveled much?"

"He must have. I understand he's gone through two fortunes already."—Detroit Free Press.