

Law Department Has Important Cases Pending

Recent statements of the law department who have sat on this bench are more respected or abler than Lord. He is still a prominent figure in Salem, honored and respected by all who know him. He has retained as counsel in many important cases.

Watson served four years on the bench in 1854. He returned to the active practice of law in Portland, where he has since been one of the prominent lawyers of the city. He is engaged in many cases of great importance, an untiring worker, a zealous advocate and a good record as supreme

B. Waldo was born in Oregon of honored pioneer parents. He served on the bench for many years, learned in his profession, a student of nature, a philosopher as well as jurist, a statesman and a reformer. After his retirement in 1886, owing to the condition of his health he lived mostly on his farm in the Waldo Hills, where he died last September.

Thayer was elected to the bench in 1884, served six years. He was a learned man in his profession, he had previously served the state for four years as a legislator and made a good record on the bench.

S. Strahan was elected in 1884 and served for six years. He returned to the bench in 1885, where he was chosen prosecutor in 1885. In 1870 he was elected to the state senate but resigned at the time of his appointment to the supreme bench. As a jurist, Judge Strahan was much more than ordinary. He had a keen, analytical mind and his written opinions on the bench commanded attention. At the close of his term he located at Portland and died in 1895.

Robert S. Bean was elected to the supreme court and has been on the bench since and next July will complete a term of eighteen years on the supreme bench, the longest term on this bench. Previous to his election Judge Bean had been for many years a circuit judge in the second district and had two more years on the bench. Judge Bean is a native of Oregon, educated at Monmouth at Eugene. He is a student in the law of earnestness, great industry, steady of purpose, quick in formation and strenuous in the execution of his opinions. That his opinions on the bench have been satisfactory to the people of the state is evinced by his successive reelections.

Frank A. Moore was elected to the supreme bench. Judge Moore is a native of Maine, that grand state of which it is said produces "gentle and men." and Judge Moore is no exception to this rule. He was educated in Iowa, and came to Oregon in 1876, settled at St. Paul, Columbia county, Oregon, and has been actively engaged in the practice of law. In 1882 he was elected county judge of Columbia county and served four years. In 1884 he was chosen state senator. Judge Moore is a hard worker, a good lawyer with a pleasant personality, and is in contact with all with whom

Judge is told which would bear repetition: Some time since going into the state house about half past seven in the morning he met a gentleman looking around. The jurist politely spoke to him, when the stranger said he was from a distance, and would like to look through the state house. The jurist replied that some of the folks would be around after a while who could show him the building. The stranger replied that he was obliged to go away at an early hour, whereupon the jurist said: "All right, I will show you through." And he took him from the basement to dome, all through, carefully explaining everything about the building. When through, the stranger expressed himself very much gratified, and asked if he was the janitor. "No," was the reply. "Are you employed about the building?" was asked. "Yes sir," was the reply. "Might I ask where or in what department you work," asked the stranger. "I am chief justice of the supreme court." The astonishment of the visitor can better be imagined than described. Judge Moore is also serving out his third term as justice of the supreme court and with Judge Bean gives promise, if their present popularity continues, of remaining on the bench as long as they so desire.

Charles E. Wolverson was elected in 1894 and re-elected in 1900 and continued to serve on the bench with great acceptability to the state and the bar until his appointment as United States district judge two years ago. His promotion to this important post is ample evidence of his worth.

In December, 1905, on the resignation of Judge Wolverson Thomas G. Halley was appointed by the governor to succeed him. Judge Halley is an Oregon boy, raised in Oregon and Idaho, is a good lawyer, and his work on the bench was quite satisfactory. On retirement from the bench he resumed the practice of law in Portland, as member of the well known firm of Chamberlain, Thomas & Halley.

Judge Robert Eakin, of Union, Oregon, was elected in June, 1906. Judge Eakin came to Oregon in 1866 from Illinois, where he was born in 1845. He received his education at Willamette University, studied law with Geo. B. Dorris of Eugene, and in 1874 was admitted to practice law. He shortly afterward established himself at Union, Oregon, where he built up a large practice by close attention to business, and conscientious work. In 1895, he was appointed circuit judge for the eighth judicial district by Governor Lord, and continued in that position until his election to the supreme bench, having been twice elected. Judge Eakin is a man of pleasing address, well equipped for his position and gives promise of a long life of usefulness in this place.

The increase in business in this court has kept pace with the growth of the state, and the three judges being unable to keep up with the work, the last legislature passed an act authorizing the governor "by and with the consent of the supreme court to appoint two persons of legal learning and personal worth to act as said commissioners of said court. It shall be the duty of said commissioners, under such rules and regula-

tions as said court may adopt, to assist in the performance of its duties and in the disposition of numerous cases now pending and which may hereafter be pending in said court." Under this act the governor appointed Woodson T. Slater and Will R. King as such commissioners, who are now engaged in their duties. They sit with the court in the hearing of cases, participate in the consultation held and prepare opinions.

Woodson T. Slater was born at Corvallis, Oregon, Nov. 15, 1858. Graduated at University of Oregon, 1883. Studied law with L. Bilyen, while acting as principal of the Eugene public schools, was admitted to practice in 1885, served as deputy state treasurer from 1887 to 1891, and from that time practiced law in Salem until his appointment as commissioner. Judge Slater is a hard worker, a vigorous writer, and his opinions bear the stamp of a well cultivated, able lawyer.

Will R. King was born in Walla Walla in 1864. Came to Oregon when 7 years old, was educated at Oregon Agricultural college, graduated from the law school of Danville, Indiana, and was admitted to practice in 1892. In 1892 he was a member of the legislature from Malheur county, from 1894 to 1898 was a member of the state senate, in 1898 was a candidate for governor, but was beaten by Governor Geer

in matters of litigation that are pending before the courts of this state and the federal courts in which the attorney general upholds the honor and the dignity and in most cases the exchequer of the commonwealth. That he is a hard-worked official no one can deny after going over the following list of important litigations:

State of Oregon vs. Portland General Electric company, a corporation. Suit commenced in the circuit court to compel an accounting and collect the 10 per cent of the net proceeds from tolls collected at the locks at the Willamette falls at Oregon City under the law of 1876 granting \$200,000 for the construction of said locks on the condition that 10 per cent of the net proceeds of tolls should be paid to the state for the benefit of the common school fund. The defendant is the successor in interest of the corporation which constructed the canal and locks, and refuses to make any statement of receipts and disbursements or to pay the 10 per cent. Nor has any statement or payment ever been made except for the first year the locks were operated. The case is now on appeal and ready for trial in the supreme court.

State of Oregon vs. United States. This is a suit in the court of claims of the United States at Washington, D. C., to establish the claim of the

defendant and its predecessors in interest. In the meantime, numerous settlers had established their homes on a considerable portion of the lands under the homestead and other laws of the United States, and have offered proof to the state that the lands were fraudulently obtained through the state by the defendant company and its predecessors. Accordingly a suit was brought to set aside the state deeds, but the supreme court held on demurrer that the complaint did not show a sufficient interest in the state to enable it to maintain the suit, and another suit was commenced more fully setting out the state's interest. This complaint has been held good by the circuit court and the testimony is being collected to support the charge of fraud said to have been perpetrated on the state.

R. L. Stevens vs. F. W. Benson, Eugene Palmer and Cyrus H. Walker vs. F. W. Benson, and John F. Logan vs. F. W. Benson, were cases involving the sufficiency of referendum petitions filed against certain acts of the last session of the legislature. They were all tried together, and the supreme court sustained the sufficiency of the petitions.

Two actions had to be brought in the circuit court to secure lands for the purpose of the institution for feeble minded, directed to be erected by the last legislature. The board of trustees of said institution was unable to purchase from all of the owners, and, therefore, it was found necessary to condemn the lands under the power of eminent domain.

State of Oregon vs. Christ Nielsen, is a prosecution for violating the fishing laws on the Columbia river and involves the doctrine of concurrent jurisdiction. The defendant was convicted in the circuit court for Clatsop county and appealed to the supreme court, where it is now pending. Since it involves the construction of the U. S. statutes conferring concurrent jurisdiction over the Columbia river on the states of Oregon and Washington, it will in all probability be taken to the supreme court of the United States.

State of Oregon vs. Three Sisters Irrigation company, et al., is a suit brought by the state against the defendant corporation and two other corporations, successors in interest, to cancel a contract for the irrigation of certain lands in the Deschutes country under the Carey act, on account of the failure of the company and its successors to furnish water for the reclamation of the lands or to comply with the requirements of the state land board as to the disposal of the lands; and also to compel an accounting of moneys received from the settlers. It is still pending in the circuit court at Portland.

State of Washington vs. state of Oregon, is a suit brought in the United States supreme court to determine the boundary line between the two states at and near the mouth of the Columbia river. The testimony was, by stipulation, taken before two commissioners, one appointed by each state, and the hearing is set for January 6, 1908, at Washington, D. C. This is considered of great importance on account of the fishing industry in the Columbia and the revenue which the state succeeding in holding the disputed portion of the sands and islands will receive from fishing licenses, etc., and has entailed a great deal of labor upon the attorney general in defending Oregon's interests.

State of Oregon vs. R. D. Hume, is a case commenced to enforce the law imposing a license upon canners,

packers and dealers of salmon. Mr. Hume opposes the license as unconstitutional and is making a test case to test it. The case will be ready for trial in the supreme court early in the new year.

N. Coy vs. Title Guarantee & Trust company and its officers was a proceeding brought in the United States circuit court at Portland by the plaintiff, a non-resident stockholder for the appointment of a receiver, and Geo. H. Hill, the vice president of the corporation was appointed as receiver. Large sums of money belonging to the general fund and school fund of the state of Oregon were on deposit in the bank of said company, and the attorney general, on behalf of the state, together with other creditors, petitioned for the removal of Mr. Hill and the appointment of a disinterested receiver. After hearing the matter, the court granted the petitions and removed the receiver Hill and appointed Mr. Mears instead. In the meantime, the American Surety company, the surety company which had gone on the state treasurer's bond for the safe keeping of the state money, assumed and settled the state's claim against the bank and succeeded to all of the state's rights and claims against it.


This list does not include the ordinary criminal cases appealed to the supreme court in which the attorney general has appeared for the state, nor all of the cases in which he has appeared in the various other courts upon the request of state officers and otherwise.

One of Oregon's Most Successful Manufacturer of Cigars.

A. Huckstein established the Salem Cigar Factory in 1889, and started up with two hands—himself and partner. At present he is working eight hands, and whoever calls at the shop upstairs next to the Capital National bank, will find the proprietor at his bench rolling out the most famous Oregon-made cigar—the La Corona—the first brand which he placed on the market, and which holds its place as the most popular high grade article made on the coast. A still more expensive cigar is the Tashmo brand, and that and the La Corona, and the Bon Ton, are the big three sold by nearly every dealer in western Oregon. These goods are in the hands of the local trade generally, and give steady satisfaction to the consumers, who know what to expect when they get hold of these brands which have become the great staple in the trade. Mr. Huckstein has a fad which he airs on many public occasions, a hobby of which he is the persistent champion—the support of home industries and the patronage of the home merchant in all lines. He recently made the round of Salem stores and asked for an article of Salem manufacture, and finding one or two merchants did not keep it, he got the manufacturer a customer by insisting on the right to have the Salem article in preference to the same quality of goods made elsewhere. The principle enters into his daily conduct. He is not only an expansionist in theory but he is a booster in practice, and his success in building up his own trade shows that he is acting upon a sound principle of business. He says: "If a business man would have the support of the people of his own community he should give that support whenever there is an opportunity. It is the golden rule of business success."

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The idea embraced in the federal constitution of appointing judges for life or during good behavior, is rapidly becoming part of the unwritten law, that a judge who performs well his work shall be continued in office. For with every added year of work he can render better service.

Since the state government was organized in 1859, 48 years ago there have been 12 clerks, as follows: Joseph G. Wilson, Lucien Heath, Richard Williams, C. G. Curl, Chas. B. Bellinger, P. H. D'Arcy, T. B. Odeneal, J. A. Stratton, W. H. Holmes, E. R. Skipworth, J. J. Murphy and J. C. Moreland, the present occupant.

The Attorney General's Office is No Longer a Sinecure.

Hon. A. M. Crawford, the attorney general of Oregon, was one of three state officials who have saved to this state over \$400,000 of public funds that were deposited in a suspended Portland bank. He is one public official, who to say the least, has earned his salt. The Christmas Journal has taken the pains to collect a brief synopsis of the more impor-

state of Oregon to repayment for expense incurred in equipping and paying troops for United States service during the civil war. The suit is prosecuted on authority granted by congress to establish the claim and the amount due thereon.

State of Oregon vs. Pacific States Telephone and Telegraph Co., and state of Oregon vs. Sunset Telephone and Telegraph Co. Actions to collect the gross earnings tax under the laws enacted by popular vote at the election in June, 1906, imposing a tax of 3 per cent on the gross earnings of express companies and 2 per cent on the gross earnings of telegraph and telephone companies, and a tax of 3 per cent on the gross earnings of sleeping car, refrigerator car, and oil companies. By stipulation the two cases have been combined. The larger companies, including the Standard Oil company and those named in these cases have, combined to make this a test of the validity of the acts above mentioned, and have attacked the validity of the initiative and referendum amendment of the constitution and all laws enacted under it. The result will be far reaching whichever way the matter is decided, and a final decision cannot be expected short of the supreme court of the United States.

State of Oregon vs. Warner Valley Stock Co., a corporation. This is a suit to set aside certain deeds issued by the state to land in Lake county, on the ground that they were fraudulently obtained. The lands were represented to the state as being swamp lands and were selected by the state under the swamp land grant of congress, and afterward sold to

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