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# GOING OUTSIDE

BY

OMAR C. SPENCER

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## DEDICATION

Dedicated to the memory of my  
father and mother, pioneers of  
the upper Nehalem Valley.

## PREFACE

The valley of the upper Nehalem River lies in Northwestern Oregon. It is a fertile little valley, of which there are many on both sides of the Coast and Cascade Mountains. One of the first expressions heard in these little valleys in early days was "I have been outside" or "I am going outside."

The purposes of this book are threefold: first, to show that in these little valleys, which were settled in the 1870's, '80's and even the '90's, life and living conditions were just as primitive and pioneerish as in the Columbia, Willamette, Tualatin and other larger valleys which were settled in the 1840's, '50's and even '60's; second, to show how a young man could make his way from this little inside world to the big outside world; third, to show how one on the outside kept busy through the years.

"Going Outside" is written without chronology except each chapter is substantially complete in itself. It is not intended as an autobiography, although one cannot avoid being personal to a considerable degree. The life we lived and the events here recorded are portrayed with as much accuracy as human memory will permit. Except in rare instances, people's names are given as they existed. There is no fiction in this writing.

It is hoped that this book will tell a story that has heretofore not been told.

April 18, 1956.

OMAR C. SPENCER

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## PART I - INSIDE FROM 1881 TO 1897

### 1. THE BEGINNING

Any account of a region must begin with people. What was their background and whence did they come?

My father, whose name was Israel Putnam Spencer, was a son of Job and Weltha Elizabeth Spencer. He was a native of Deroyter, Madison County, New York, and was born on June 3, 1844. While still a young boy, he moved with his father, mother, brothers and sisters to a farm near Bolivar in Alleghany County, New York. There he lived until the war between the states. At the age of 18 he enlisted in the 136th regiment New York infantry on the 6th day of August, 1862, and was mustered out and discharged on the 13th day of June, 1865. During this entire period, he served as a private in infantry and participated in some of the more notable battles and campaigns of the war.

Father's regiment was at first with the army of the Potomac campaigning in Virginia and participated in such well-known battles as Fredericksburg, Chancellorsville and Gettysburg. He was wounded, but not seriously, in the battle of Gettysburg. In the fall of 1863 the 11th corps, of which his regiment was a part, together with the 12th corps, were transferred from Virginia to Alabama. This trip required six days and nights in box cars.

From that time on he was with the western army, participating in various battles, including Missionary Ridge and Lookout Mountain. The 11th and 12th corps were then consolidated into the 20th corps and under General William T. Sherman, fought the battles of Resaca, Kenesaw Mountain, Peach Tree Creek and Atlanta, as well as various others. He participated in Sherman's famous march to the sea between Atlanta and Savannah, Georgia, thence up through the Carolinas and Virginia until he was discharged at Washington, D. C.

After the war, he returned to his home in southwestern New York and worked there for two or three years. In 1868 he went to Michigan for the purpose of working in the lumber woods. On October 3, 1872, he married Elvira B. Skidmore. About a year later his wife died as a result of childbirth, leaving him with a baby girl named Emily, who grew up with her maternal grandparents.

Early in 1876 he closed his affairs in Michigan and started for Oregon by way of California, the only railroad to the west coast then operating to that state. Arriving in California, he took passage on the side-wheeler steamship AJAX bound for Portland, Oregon, there being no railroad into Oregon.

Upon arrival at his destination, he inspected the country around Salem and Albany and eventually reached Oregon City where the Land Office was located, convinced that it was not possible to secure a homestead on prairie land in the Willamette Valley. This was somewhat contrary to the

information he had received by circulars before he left Michigan.

While at Oregon City during the month of May, 1876, he met Clark L. Parker and Thomas L. Adams, who told him of the Nehalem Valley where they had taken homesteads. They were at the Oregon City Land Office for the purpose of perfecting their applications. As they expected to start home the next day, they invited him to accompany them and gave him a good account of the valley.

Since they had come from Cornelius on horseback to Oregon City, father was obliged to return to Portland with his baggage and proceed to Cornelius by train where he joined them. Leaving his trunk at Cornelius they went north with pack horses toward Mountindale, thence over the mountains and down Pebble Creek into the Nehalem Valley. There was no road, just a trail over logs and through brush and timber. Upon arriving in the valley, he heard of a man who wanted to sell his right to a claim and set about to locate him, returning over the mountains and finally finding him near Forest Grove. He bargained with the man giving him \$20 for a relinquishment of his claim, and went to Cornelius to find a justice of the peace to take the acknowledgement on the relinquishment. He then went to Oregon City and perfected his filing upon the northeast quarter of Section 4, Township 4 North, Range 4 West of the Willamette Meridian.

My mother, Sarah Ann Tindle, was a daughter of William and Lucinda Tindle, and was born near Fairplay, Cedar County, Missouri, on May 17, 1850. She lived there during her early years and during the war between the states. Fairplay was located in southwest Missouri near the town of Bolivar. Missouri was a border state during the war and the country was overrun with bushwhackers who preyed upon the people irrespective of whether they were Northern or Southern sympathizers. At the age of 21 she was married to Martin Gillihan on February 5, 1871, and immediately accompanied her young husband and his parents to Oregon. They came by way of California and once there took passage for Oregon on the side-wheeler steamship AJAX. Arriving in Portland, the Gillihan family took up residence below Vancouver, Washington Territory, on the Columbia River.

A short time after this, mother and her young husband settled on a homestead in Chelatchie Prairie, which is approximately twenty-five miles northeast of Vancouver. In the meantime a baby girl Bertha was born to this union, but in 1872 her husband died. After his funeral, she and her baby daughter went back to her original home in Missouri. However, something about the West beckoned her and she returned after about one year to her deceased husband's family in Clark County, Washington Territory, where she was made welcome. She spent her time between Clark County, Washington Territory, and Sauvies Island, Oregon, where a brother of her father-in-law resided. While on Sauvies Island, she became acquainted with Phineas Peck, who, with his family, lived on the Island.

Phineas Peck made application for a homestead in the upper Nehalem Valley and thus became acquainted with father. Phineas Peck was attracted to father and thought well of mother. While not given to the role of a matchmaker, he persuaded father to write to mother. Thus began a correspondence between them which lasted for about one year. Father's first letter to mother, dated June 2, 1879, read as follows:

"Mrs. Sarah A. Gillihan

Hoping that you will pardon me if I do wrong in presuming to address you, being a stranger, but I have heard your good qualities praised so much, that I make bold to write to you, to solicit your correspondence with the undersigned if agreeable to you.

You are requested to communicate with Mr. Peck's family in reference as to my character, condition in life and etc. I promise to answer all questions you may see fit to ask in letters as to the object and intention of this correspondence, should there be any, and to keep within the bounds of propriety. Hoping to hear from you after a reasonable time, I remain

Yours respectfully,  
Israel Spencer,  
Columbia County, Ogn."

I have often heard mother say that when she received this letter, her first inclination was to burn it in the fire-place, but some of the Gillihan girls told her that it was written in a very tactful vein and that she should answer it. After some delay, she did answer it as follows:

"Vancouver, W. T.

July 10, 1879

Mr. Israel Spencer:

In answer to your note dated June 2, I will now tell you that I never in my life have corresponded with a stranger, although I suppose that is a way to get acquainted. I have nothing to ask, only your age and whether you are a widower or not. I am not living near Mr. Peck's now. I have no objection to correspondence by letter awhile. Please excuse this note and write.

Yours respectfully,

Sarah Ann Gillihan"

Thus began a correspondence, interrupted by his two calls on the Island to see her, which lasted until after their marriage on June 3, 1880.

As heretofore indicated, father and mother had much in common. Each had seen the tragedies of the war between the states; both were Union sympathizers. While father had seen active service as a soldier, mother had gone through the horror of living in the border state of Missouri and had lost a brother in the Union cause. Each had suffered the loss of a marital companion and each was left with an infant daughter. Each had come from near a town named Bolivar, father from New York and mother from Missouri. Each had come West by way of California in the seventies and had come to Oregon from San Francisco by the same steamship. Father had settled on a homestead in the upper Nehalem Valley while mother had

settled on a homestead near Chelatchie Prairie, Washington. They were far removed from each other but a kindly fate brought them together.

They were married on the date heretofore mentioned at the National Hotel in Portland, Oregon, by H. W. Davis, Justice of the Peace. Immediately following their marriage they made plans to move to the homestead in the upper Nehalem Valley. The road was not completed, though as indicated by letters which passed between them, father had worked hard toward that end. Accordingly she remained in Forest Grove with her daughter Bertha while he, with the help of his neighbors, resumed work upon the road.

The last letter between them, written after they were married, tells about the plans for completing the road, which was finished in due time, and they arrived at the homestead located near what was to become the City of Vernonia, Oregon, on July 13, 1880.

The community into which they moved consisted of about ten families. The neighbors were strung out along the Nehalem River, or Rock Creek, and each was separated from the others by the ever present stands of old growth fir, cedar and hemlock with a dense growth of smaller trees and underbrush. There was no town called Vernonia, only a post office by that name situated where Rock Creek joins the Nehalem River and where the town of Vernonia later was established. There was no store or business of any kind in the entire upper Nehalem.

In this backwoods country-- 30 miles northerly from Forest Grove, Oregon, and 26 miles westerly from St. Helens, Oregon -- I first saw the light of day on April 18, 1881.

## 2. OUR FIRST BUILDINGS

The first home of father, mother and her young daughter, Bertha, was a mere cabin, 16 feet wide and 20 feet long, built of split cedar boards. The fireplace was constructed of dried mud and split sticks, or slats, on the two sides and back, with a base of flat rocks, which were secured from the Nehalem River. The chimney was made of split boards set up lengthwise to the top of the roof. This chimney would on occasions catch fire but was put out with a bucket of water and dipper and after a short time the boards would become charred and free from fire. Within a few years father built a lean-to kitchen, which also served as a dining room, on the south side of the main house. The house was papered with newspapers. Aside from the house there were a wood shed, a small dairy barn, hog house, chicken house and a building, most humble but useful, commonly called a backhouse.

The house and other buildings sat upon a high ridge overlooking the river bottom of the Nehalem River, but was completely surrounded by huge fir, cedar and hemlock trees. From the house and small clearing no other ranch could be seen. The nearest house was approximately one-half mile away.

Into this house father, aged 36, brought his bride, aged 30, with her daughter, aged about 8. Although it was not a mansion or even a house but a cabin, father and mother found it cozy and comfortable because they were accustomed to pioneer life and to them it was home.

Next came the building of a more pretentious barn, which was located up the ridge about 750 feet and west of the house. It, too, followed the same pattern as the house in that it was built entirely of hewed timbers, split boards for siding, pole rafters and a shake roof. The main part of the barn was about 40 feet wide and 60 feet long with a cowshed on one side and a shed for a wagon and other farm machinery and a chicken house on the other side. In the main barn was a section floored over with split boards and in this part grain bins were located. This barn was two stories high with ample room for the storage of hay and straw. Farm machinery and tools were never left out in the rain. There was a separate hog house north west of the barn.

In the early part of 1891 father sold the west half of the west half of our quarter section, which was platted into lots as the First Addition to Vernonia. The price paid to him was \$600. With the money so obtained, he bought all the materials, except shingles, for a new house, located farther up the ridge and west of and about 250 feet from the barn. This house was built entirely of sawed lumber which we obtained from a water-power saw and grist mill located 5 miles down the river at a place called Pittsburg. The cedar shingles were rived from shingle bolts which came from our place.

In preparing for this house, father had a small shed in which cedar bolts were piled up ready to be rived into shingles. The shingles, about 18 inches long, were rived to a width of one-quarter to one-half inch with a frow which was a heavy blade with a loop on one end in which was inserted at right angles to the heavy blade a stout wooden handle.

A shaving-horse was a handy home-made device; it consisted of a plank about eight feet long, three inches thick and three feet wide. It stood three feet high with two legs at each end, slanting outward as they approached the floor. Another plank about six feet long was fastened, one end to the first plank and sloping upward to a point about three feet from the first plank. This became the body and legs of the horse. Through both planks was inserted an upright timber with a head-like upper jaw hung between the two planks on a loose pin so arranged that the upright timber could be moved backwards and forwards. The front end of the horizontal plank was rounded so a man could sit astride the plank with both feet on the bottom of the fixed pin of the upright timber and by pushing with both feet the head of the timber or jaw which resembled the head of a horse, would clamp down on a shingle or other board like a vise. By means of a drawing knife these shingles were clamped down by the jaw operating as a vise and shaved on both sides to a fine point. A man would rive and shave about 800 shingles a day allowing for his chores day and night.

When father had made about enough shingles for our new house with a huge accumulation of shavings and a pile of loose shingles, my sister and I had a lot of fun burning the shavings, which were as dry as tinder. I was about 10 years old and she was about 9. We were engaged in burning shavings a sufficient distance away from the pile of shavings to avoid any danger of fire, so we thought. Mother was down at the house about 1000 feet away and father was down the hill some place at work. While we were burning the shavings, a sudden gust of wind came up and of course in our youthful glee we forgot that we had made a trail of shavings from the fire to the pile. The gust came up so strong that it caught up the fire and caused it to travel along the trail of shavings until the whole bunch of shingles, shavings and even shingle bolts caught on fire. Mother saw the smoke from the house and screamed for father and he came as fast as he could but to no avail. In the meantime I tried to beat out the fire while my sister screamed and yelled. By the time father got up the hill the whole mess was on fire and of course all the shingles and shavings were burned up. Even his little shed was burned down and the remaining shingle bolts were scorched. I never felt so badly in all my life; all my father did was to look sober and say "Don't you ever do that again." The thought of poor father having to do that work all over again was to me the bitterest lesson that I could have suffered; I think it was far worse than if he had tanned my jacket. But he did no such thing, on the contrary both he and mother were glad that we children were not burned in the fire.

Our new house, which was built by two carpenters, consisted of eight rooms. It was built in shape like a letter T, with the sitting room and the bedroom occupied by mother and father in the T part of the house and the dining room and kitchen in the stem of the T. This made four rooms downstairs and four bedrooms upstairs. There was a spare room and my room upstairs in the T part and two bedrooms over the dining room and kitchen. The downstairs part of the house had a porch at the front and rear of the stem of the T.

The woodshed was built at the back of the house, but not attached to it. Alongside the south side of the woodshed was a root-house; at the north side of the woodshed was a small smokehouse, and between the smokehouse and the main house was a dairy, in which we kept articles of food. Between the

dairy and the main house was the well-house, which at first had an old-fashioned windlass and later a revolving wheel with a rope attached which descended into the well. On the side of the hill and north west of the house was a chicken house and lot surrounded by a huge picket fence and in an obscure spot was the ever present backhouse. During the entire life of our ranch the plumbing was always outside.

Some time after the new house was built we constructed to the north of the new house and down the hill another hay barn and sheepshed.

### 3. ROOM TO LIVE

The first step toward making a living in the forests after a cabin was erected was to clear enough land of trees and brush to enable the sun to get through in order to grow food. Fir, cedar, hemlock, alder, ash, and other trees and brush of various sizes had to be felled and removed. This was done with a crosscut saw or axe or, in the case of huge Douglas firs, by boring them with augers and burning them down.

White fir or broad fir, to use the technical term, cedar, hemlock and all of the smaller species were too wet to burn and had to be sawed or chopped down. After they were down and the limbs were cut off, the trunks of the trees were ready to be sawed into lengths about fifteen feet long for log piles or heaps and burned. Douglas fir logs of any size were generally bored from the top with a big auger one to two inches in diameter and to a depth of about one quarter the diameter of the log. With a smaller auger about one-half inch in diameter a hole was then bored from the side of the log to connect with the larger hole from the top of the log, thus creating an air passage. Embers of live charcoals were dropped into the top hole and, with a little encouragement by blowing with the mouth or with a small bellows, a fire would start. In time the log burned through.

Slash burning was full of danger. The sun dried the limbs and brush until they were like tinder. A sizable amount, say ten acres or more, of this material was called a slashing. Slashings were generally burned in the evening following a hot day. The danger of slash burning was not to adjoining timber but to fences and buildings of the homestead. No one cared how much damage was done to the adjacent timber; the more that was burned or damaged, the better, for it had no value. After the trees and brush were down and burned, there was a great quantity of trash and debris to be piled up and burned.

A comparison between the value of the timber on our quarter section seventy-five years ago and today, if it were still standing, will be interesting. Then it was worth nothing -- in fact, a liability -- whereas now it would be worth an estimated \$500,000.

The ground was then ready to be spaded or, in case the tract was upwards of an acre, plowed. The latter was done first with a yoke of oxen, and later, with a span of horses. There was no time to get rid of stumps. The land was worked up and ready for a harrow and planted or seeded.

Thus through infinite labor and toil the virgin soil was prepared and food was grown to sustain body and soul.

#### 4. FACTS LEARNED FROM MOTHER

While one cannot be expected to remember events from the day he was born, one can recall things his mother told him. There was no doctor within 26 miles, so my mother was attended by a midwife, Mrs. Pringle, who lived about two miles distant and across the Nehalem River. It was the practice in those remote regions for some woman to take the lead in such things as childbirth, sickness or death. Mrs. Pringle was the leader in her day; in later years mother was active in such community service.

Another fact heard from mother was that I learned my letters and to read from the newspapers with which the walls of our cabin were papered. When I was ready for school at about the age of five, learning to read was behind me.

Then there was the time when I got lost, or so mother thought. What happened was that I followed a cow on her trail in the dense woods, but apparently I kept on the heels of the cow until she returned. In the meantime mother became alarmed and had father searching for me, high and low, feeling sure that I was lost and would be devoured by wild animals. I later appeared safe and sound behind the cow. Mother cried and father was greatly relieved. It was a common occurrence for small children to be lost in the thick woods but generally they were found, safe from harm.

## 5. OUR FOOD

Most of our food was homegrown or came from the streams or the forests. We always raised a good supply of potatoes. They were planted in rows made with a shovel plow drawn by one horse. The rows were about two feet apart and the horse was ridden bareback by a small boy or girl of the family, without lines by the operator of the plow. After a field was plowed with a turning plow, harrowed and clodmashed, it was then ready to be laid out in trenches. The seed potatoes were then cut to size, leaving two or three eyes to each piece. The cut seed potatoes were dropped about eighteen inches apart in the trenches and covered over with mellow soil by a hoe. Potatoes were of two kinds, early and late. Early potatoes were generally Early Rose, while late potatoes were generally the time-honored Burbanks.

There was a garden near the house and part in a field farther away, which we reserved for late potatoes, turnips and rutabagas, sometimes called "beggies." In the garden near the house all manner of food was grown. This included early potatoes, sweet corn, popcorn, beans, peas, squash, onions, radishes, beets and parsnips.

There were also fruits in season, particularly apples, pears, plums, prunes, peaches and cherries. Part of these (for example, apples and prunes) were dried in the sun and kept for winter use. These trees were not native and since there was no nursery in the upper Nehalem Valley, we were obliged to purchase them outside, namely, in the Tualatin Valley, and transport them to our farm.

Berries such as wild black caps and wild blackberries grew in abundance. Sometimes when a patch of blackberries was found along the Nehalem River or in the deep shade, they were large and luscious and very plentiful. Berries made splendid food when canned in Mason jars or when boiled down and made into jam.

There were always enough chickens on hand so that when we had company mother would catch a rooster or a good fat hen and, after decapitating it with an axe on the chopping block in the woodshed, provide a dinner of chicken and dumplings. We had a few turkeys on hand to grace our table at Thanksgiving and Christmas.

In the early years and after we had a team of horses, father would drive down the river to Pittsburg, about five miles distant, with a load of grain and, if it was wheat, he would obtain a batch of flour or if it was oats a batch of oatmeal. This was a water-power grist mill and flour or oatmeal was necessarily quite coarse. In later years father would make a trip over the mountains and out into Washington County to secure a load of flour and oatmeal from some established flour mill. Then, too, sometimes father, and later I, would drive mother to Forest Grove for a load of staple supplies such as food and clothing. Generally we took along a couple dozen of turkeys which could be conveniently carried in a crate in the wagon box. These were sold to a merchant in Forest Grove and with the proceeds we would lay in a supply of sugar, salt, coffee, beans, syrup and enough dry-goods, such as calico, gingham, blue denim, and other staple articles to meet our needs.

On one of our trips to Forest Grove we had with us a load of turkeys and while unloading them at the merchant's store one of them, which was more active than the rest, escaped through the open slats at the top of the crate and started to run down the street. I was not to be denied my turkey and I took after him as fast as my long legs could run. Here I was chasing a turkey down the main street of Forest Grove until the turkey was completely exhausted and I was too, but I recovered my turkey and proudly presented him to the merchant.

We generally made at least two trips during the summer and, it being 30 miles away, we stayed at some farm house near Manning, Oregon, for the first night, then drove to Forest Grove over a road, which had about 12 inches of dust, to do our trading and then return again to the same farm house where we stayed the second night. Then the third day we would climb the hills and return home.

For meat we always had about enough hogs to supply the family; generally about one hog per person. They were butchered in the late fall. Hog-killing was quite an event. The hogs were generally fattened by feeding them potatoes, boiled wheat and other forms of fattening food. The hogs were shot, one at a time, with a rifle and for that purpose father owned a 40-70 Winchester, single shot. This was a breech-loading gun and used a bottleneck shell with black powder. We loaded our own shells with bullets, powder and caps. After each hog was killed he was pulled from the hog-house, which was close to the barn, about 250 feet from the house, with a single horse.

Arriving at the house we were all prepared for the hog. A sled about three feet high was used and against this was leaned a barrel which contained hot water; the water was heated in a big black kettle holding about 10 gallons. After the water was placed in the barrel, ashes containing plenty of lye, were put in the water. The hog was dragged up and down with a hog-hook containing a handle long enough for the two men to hold, into the barrel of hot water, first his rear end under and then he was reversed. Thus by dipping the hog four or five times his entire body would be covered with the hot water and he was then hauled up on the sled and the result of the dipping was tested to see whether the hair was easily removed. When the hog was dipped in the water at the right temperature the hair would pull out with great ease. Then began the work of scraping the hog with butcher knives and when we were through with the animal every hair was removed so that the body of the hog was slick and clean.

The hog was then hung up on a tripod with a block and tackle and dressed, which meant removing the entrails. About seven or eight hogs were thus killed, dragged up to the house, scalded, scraped and dressed, and the entire lot was ready to be cut up and salted down in barrels of brine.

After about two weeks in brine the hams, shoulders and sides of a hog were then ready to be hung up in the smokehouse and subjected to a slow-burning fire of hardwood; we generally used ash or maple since we had no oak in the upper Nehalem.

Aside from pork, which was our main food so far as meat was concerned, we occasionally slaughtered a mutton or beef animal but since we had no

refrigeration and particularly if they were killed during the summer time it was necessary to dispose, at the nearby village of Vernonia, about three-quarters of a carcass as fresh meat, which was done on some particular Saturday. The balance of the animal was covered with a white canvas or netting to protect it from the flies and hung down the well, thus keeping it fairly cool until it could be consumed. Occasionally we had fresh venison or elk meat, which was kept in the same way as domestic animals, except that in the case of venison or elk meat it was sometimes dried and consumed in the form of what was called "jerky."

Occasionally we had fresh trout or salmon caught from the Nehalem River or Rock Creek. The quantities of this were not so great so that we generally consumed them before they were kept long enough to spoil. The salmon and trout were generally found in the streams late in the fall so that the danger of spoiling from lack of refrigeration was not present.

## 6. WHEN BACKUS KILLED STODDARD

Backus and Stoddard had adjoining homesteads up Rock Creek about six miles from our place. Father was justice of the peace and ex officio coroner at the time. Backus and Stoddard got into a violent argument about a line fence and Backus, who had an ugly disposition, waylaid Stoddard, who was unarmed, on a trail and killed him in cold blood. This was the first case of murder in the upper Nehalem Valley.

At about 10:00 o'clock in the morning of the day in question a young man, whom we will call Art Baker, who also lived up Rock Creek, came to our place breathless as though he had been running. He was not too bright, generally stood around with his mouth open, and all you could get out of him was "yes" or "no." Father was busy in the woodshed, while I tried to play with Art even though he was 18 and I was only 8 years old. Art seemed to be worried about something. At noon came dinner time (as we called it) and Art was asked to partake of a meal and he did so, with gusto. After dinner father resumed his work in the woodshed. I still wanted to play but Art just stood around with his mouth open and said nothing. Finally, as the afternoon wore along and Art apparently realized that it was now or never, he mustered up courage and suddenly exclaimed "Stoddard's shot!" Father was stunned and shouted "What?" Then by a process of cross-examination, father got the story from Art and immediately took over and began to organize a coroner's jury.

The jury found this to be a case of willful and premeditated murder by Backus. Two local men were sworn in by the sheriff of the county as special deputies to take Backus dead or alive. They kept watch over his home for several days, knowing he would appear for food. He did appear and while trying to escape was ordered to halt, which he refused to do, and was thereupon shot and killed by one of the deputies.

We never knew which deputy killed him and the deputies never told.

## 7. TRIPS OUTSIDE

When about six years old, I had my first peek at the outside. Father was hired by the local merchant to take his yoke of oxen, named Bob and Bawly, with a wagon, and go over the mountain for a load of flour. Best of all, I was given permission to go along. We were to go over the Cape Horn road to a small warehouse located on the bank of West Dairy Creek on the very edge of Tualatin Plains. The merchant had a main general merchandise store at Cornelius and a branch store at Vernonia. He would bring a full load of flour from Cornelius to the warehouse and then store part of the load in the warehouse and proceed over the mountain with the balance or hire someone to bring in what was left.

It was a warm summer morning and we were up at daylight for an early start. Our destination was twenty miles away, which would make this a forty-mile trip. Since we had to travel mountain roads which were none too good, the best oxen could do was about thirteen miles a day. This meant three days with our sleeping out for two nights.

A grub box was made ready by mother. This contained home-baked bread, plenty of fried chicken, hard boiled eggs, raw eggs, strips of uncooked bacon and coffee for such meals as we were obliged to cook. We had a wagon bed with a spring seat from which father drove the oxen without harness or leadline, depending upon a few familiar words such as gee, haw, back, whoa and gid-up, which well-trained oxen were accustomed to obey.

In the back of the wagon we carried a jag of hay, just enough to feed the oxen for two nights, and a sack of oats. Our course took us up the Nehalem River for about three miles, where we entered a mountain road. This was a single-track dirt road through the timber, overshadowed by trees through which the sun never penetrated. The road crossed the Nehalem River and several other streams which at the time had no bridges. During the summer weather this was a convenience to the oxen for as they crossed unbridged streams, they were able to drink their fill of cool and refreshing water.

As we began to climb the mountain, the oxen were slowed down by the grade, for even an empty wagon is a noticeable pull. This mountain road was not all up hill for there were ridges to descend as well as to climb. There was Grindstone Hill, which we had to go down, so named because when they made the road in 1880 the men had a grindstone near the road. At last we reached Cape Horn, which was the highest point on the road, being about 2,000 feet in elevation. The road did not go to the topmost peak, but was graded around the east side. Cape Horn was so steep that the grade had to be built on top of cribbing made of small trees, grown near at hand, with dirt and rocks filled in. This grade was about 500 feet long and at the south end was an old log cabin and a mountain spring where we watered and fed the oxen and ate our lunch.

Once we were on top of Cape Horn, the road began a gradual descent. When we were about five miles from our destination, we came to a camp site under big fir trees, with plenty of wood and big rocks for a campfire and water from a fine mountain stream for the oxen and our cooking. We lost

no time in unhitching the oxen from the wagon and in removing the yoke from their necks. After leading them down to the stream for water, we tied them to small trees and fed them hay and oats.

We then began to prepare our own supper and a place to sleep. A fire was started between rocks arranged in a circle and between two vine maple branches driven in the ground with crotches pointing upward. From crotch to crotch was laid a green vine maple stick from which was hung a coffee pot by the bail. We then fried some eggs and bacon in a frying pan on the coals of the fire between the rocks. After our evening meal was finished, we made ready our bed. All we had to do was to spread a piece of canvas underneath the wagon and then get out our blankets. We slept with our clothes on, except for our shoes. There was not much dew under the big fir trees but the wagon kept off whatever dew might fall.

We were up early and after feeding and watering the oxen and preparing our own breakfast, we were on our way. After some time, we came to Cummings Hill which we descended, and crossed West Dairy Creek without benefit of a bridge. About a mile down West Dairy brought us to the little warehouse, which was our destination. A small clear stream which you could step across, with its bed full of smooth pebbles, ran across the road near the warehouse. As we came down out of the woods to West Dairy, there was more blue sky overhead than I had ever seen before and the horizon was more open. I found myself wondering what lay ahead and what the big outside world was really like. Time, work and opportunity were to furnish the answer.

Father had a key to the padlock which protected the warehouse. We took on as much flour as the oxen could pull up the steep hills and, after giving them oats and partaking of a cold lunch from our grub box, we were on our return trip.

Our first real test was Cummings Hill, which was just the other side of West Dairy Creek. Fortunately, the weather was good and the hill was dry, otherwise it would have been as slick as grease for it was of a soapstone formation and in the wet weather a yoke of oxen could hardly stand up without a load. In due time we reached our former camp site and went through the same operation as had been followed the night before. Morning found us ready for the third and last day of our trip.

We got underway at an early hour. When we were about half way between our camp site and Cape Horn, crawling slowly up the mountain grade, I looked back of the wagon in which we were riding and saw approaching us and going in the same direction a man with a span of horses and a wagon. As he came nearer I recognized him as Thomas L. Adams, our nearest neighbor.

Now ordinarily this would have presented no problem, but the difficulty was that father and Thomas L. Adams did not speak to each other because of some dispute which happened probably before I was born. It was inconceivable to me, even at my youthful age, that father would keep Adams behind us the whole day, and without some cooperation Adams could not pass for the obvious reason that this was a single-track road and oxen travel much slower than a span of horses. Adams' team were named Doll and John and he was inclined to be an excitable man with a habit of shaking the reins and saying, "Gid-up,

Doll, Gid-up, John," which he repeated over and over. My young mind began to wonder what would happen.

Evidently father saw Adams approaching from the corner of his eye and as we approached a place in the road where there was a little open space alongside and where, if father stopped his oxen, there was just room enough for Adams to pass and be on his way. Without any sign of recognition or looking back, father stood up in the wagon and waved his left hand about twice, beckoning Adams to proceed, which he did. Adams drove by without saying thank you, good-by or without any sign of recognition. Thus was accomplished a bit of cooperation often witnessed in the back woods between two men who did not speak to each other but who wanted to cooperate.

As a matter of fact, to his dying day I never heard father speak an unkind word against Adams. So far as he was concerned, Adams did not exist.

Adams disappeared in the road through the timber and when we heard the last of him, he was still shaking his reins and repeating over and over again "Gid-up, Doll, gid-up, John."

We finally reached Cape Horn, watered and fed the oxen and had cold fried chicken for lunch. We were now on the downgrade and except for Grindstone Hill which we had to climb, all was smooth sailing. We reached the store at Vernonia by 5:00 and we were home by 6:00 P. M. Adams probably got home three hours earlier.

My second peek at the outside was in 1889 when I was eight years old. Father had come to the end of his use of oxen so he decided to sell Bob and Bawly. Accordingly, a trip was arranged from Vernonia to St. Helens, which was about twenty-six miles distant. We drove the yoke of oxen without any sled or wagon in one day, which was quite a journey for oxen although they had nothing on but a yoke. We had one horse which, according to the old-time expression, we "rode and tied." As a matter of fact, I rode most of the time.

We followed the old Vernonia-St. Helens road which at that time went over Bunker Hill. We had to cross the Nehalem River and Milton Creek which had no bridges. We started early so got underway before daylight and were on the road until after dark. We carried a package of lunches for ourselves and a bag of oats for the oxen. As we approached what was later Houlton, still later W. St. Helens, now a part of St. Helens, we observed an abandoned box car located on the east side of the railroad track. This served as a freight and passenger depot, without any agent, for the Northern Pacific Railway Company. I witnessed for the first time a Northern Pacific train, which passed between Goble and Portland. We approached St. Helens by the old road which entered the town from the west or north and I there beheld the great Columbia River with its blue water, white steamboats and an occasional sailing vessel.

We put up at Blakely's Hotel, visited Dolman's general merchandise store and inspected Muckle's mill. Father sold the oxen for \$200 during the evening to a down-river logger. While the oxen had been our chief source of transportation and the backbone of our teamwork up to that time, I do not recall having any regrets over their sale. As a matter of fact,

when they were sold to a down-river logger, they were virtually put into slavery where they probably remained until the day of their deaths. After a night at Blakely's Hotel, where I saw my first Chinese cook with a pigtail and all that went with the old-time Orientals, we had breakfast and left the next morning for our long and tedious return trip through the forest and over the mountains to our home near Vernonia.

My third trip outside was taken when I was about twelve. I accompanied the Malmsten boys named Otto, Elon and Franklin to Portland where we spent three or four days. We came by wagon and team to St. Helens, where we stayed overnight at a hotel, thence by boat to Portland. The fare was twenty-five cents a piece. This was my first experience in what seemed to me to be a big city. This was about 1893 and Portland at that time had a population of approximately 50,000.

The Malmsten boys were good clean fellows and all older than I. We visited the old Oregonian Building, then located on the northwest corner of 6th and Alder Streets. At that time it had a tower and to go up in the tower and look out over the city was considered the last word in sightseeing. At that time Third Street was the principal thoroughfare in Portland and we ate in a restaurant on lower Third Street. We also slept upstairs in the same place, which was a rooming house; there were about 5 or 6 beds in the one room so that various people occupied the same room. I distinctly recall a big fat waiter who, when we sat down for meals, always said to us "Want soup." The meals were not too good and not too bad. After about 3 or 4 days of sightseeing we returned on the boat to St. Helens and journeyed over the hills to our home at Vernonia.

My fourth and last trip to the outside world before I came out to go to school was during the year 1896, when I was 15 years old. During the late summer and fall of that year, together with Franklin Malmsten, I came out to work in the wild hay on Morgan's Landing Farm located on Sauvies Island. One thing I knew how to do and that was to handle a pitchfork. We worked for about  $2\frac{1}{2}$  months at a daily wage of 50 cents, with board and room. We did not receive any pay until we were through with the job. When the work of making wild hay was entirely finished we all got our pay and took the boat and went to Portland. At that time, having a small amount of money in my pocket, I had my picture taken and purchased not a suit of clothes but a coat and a pair of pants. We did not stay long in Portland because we did not want to spend any more money than necessary and took the boat for St. Helens and in due time returned home.

## 8. FARM CROPS

The principal farm crops, other than garden vegetables and apples, were hay and grain. Hay was either timothy or some type of clover. The first seeding on virgin soil produced luxuriant crops but after a few years these stands became mixed with inferior grasses, particularly velvet grass.

In the beginning when the fields were full of stumps, hay was cut with scythes. After being dried and cured, it was thrown together with pitchforks and then built into round bunches called haycocks. In due time father hired a neighbor named Tom Tucker, who had a horse-drawn mowing machine. His horses were named Toab and Webb and when he was nearby you could hear him shouting at the top of his voice, "Gid-up, Toab, gid-up, Webb," as he whacked the horses with a long switch when they tried to eat the heads of the new grass. Tom Tucker always sharpened his mowing sickle after supper and it was my job to turn the grindstone for that purpose. It was a tedious job to sharpen a sickle for both man and boy. It seemed as though my arm would drop from the socket as I turned the grindstone for about one hour.

My only amusement was to watch Tom Tucker swat mosquitoes as they attacked his face, neck and arms and to hear him swear. There were plenty of mosquitoes on a warm summer evening and since he had to use both hands to hold the sickle, he was more or less a victim of these pests.

On the contrary I had one hand free with which to beat off or kill these pesky little insects. Despite my fun over Tom Tucker's whining and swearing I was glad to hear his final words, "Well, I guess that will do."

We always grew wheat and oats, sometimes from fall and sometimes from spring seeding. We had no grain drill but after the ground was prepared father would broadcast the seed. This was done through a gunny sack which was hung over the left shoulder by a piece of sack tied to both corners of the upper side of the main sack. With this arrangement father would fill the sack with seed grain and hang it on his left shoulder, supported by his left hand and arm while he walked across the field and with his right arm and hand would reach into the mouth of the sack and broadcast the grain.

When the grain was ripe and ready to be harvested we always cut it with a cradle. A cradle is a large scythe blade hung on a short snathe which had about four fingers running parallel to the blade. Swinging a cradle required some skill and father was very good at it; he would wade into a field of grain and swing his cradle with ease and lay the grain in regular rows with the heads all in the same direction. This he would do without undue effort and with a rhythmic swing, avoiding any jerks.

Ordinarily a man can follow a cradle with a woodentooth rake and after raking the grain into bundles could bind it and keep up with the cradler. I was too young and inexperienced to keep on top of this whole operation so all I could do was to rake the grain into bundles and bind a part of them leaving the balance for father. The grain was bound by taking a handful of straw by the heads, in the left hand, then with the right hand one would reach up to the left hand and divide the strands of straw into

two parts, then with something like a half-hitch with one's right hand he tied a knot into the strands of straw and then let go with his left hand while with the right he threw the band around the bundle and drew it up to his knees and with his left hand he tucked the two ends of the band together and shoved them through thus completing the knot.

After a field of grain was bound it was set up in shocks, generally two at a time leaning against each other, until a long row of perhaps 12 or 14 bundles was the result. Then came the hauling of grain, which was done with a team and wagon with a hayrack on it. One man generally pitched on bundles while the man on the wagon made the load.

Arriving at the barn or place where the grain was to be unloaded it was built in circular stacks, sometimes two stacks of wheat on one side and sometimes two stacks of oats on the other side. The grain remained in the stack for about a month while it went through a sweat, after which it was ready to be thrashed. In the early days when we did not have much grain it was generally beat out with a flail on the barn floor. A flail is made of a handle, generally of ash, at one end of which is fastened a short stubby piece of wood about three feet long fastened to the handle by buckskin or leather thongs. By flinging the flail with both hands on the grain it could be thrashed out on the barn floor, then it was run through a fanning mill in order to separate the chaff from the grain. Later, when we had more grain, it was placed in a circle and horses were run over it thus thrashing the grain from the chaff followed by a fanning mill operation as previously stated.

Finally we had enough grain to warrant calling a threshing machine, which was set up and staked down to avoid vibration. This machine was operated by horse-power and was connected with the main machine by a system of rods called tumbling rods; they were fastened together with knuckles. The horse-power machine was operated by five teams of horses, all attached to sweeps leading out from the centre platform on top of which stood the operator, who cracked his whip and drove the horses. The machine had a cylinder, which was fed by a man called a feeder, but there was not sufficient power to take a bundle without cutting the bands so they had to be cut by one who used a sharp knife. The straw carrier was attached to the other end of the machine, which conveyed away the straw, and the grain ran through a series of sieves and fans and came out clean.

## 9. CHORES

We were up at about 5:00 in the morning. There were fires to be built in the kitchen stove and in the cold weather in the sitting-room stove. Father always prepared shavings the night before for kindling these fires. The wood boxes were always kept filled from the woodshed which was near at hand and was filled to the eaves with wood each fall.

After the fires were built, we were off to the barn and the hog pen to look after the stock. On the way to the hog pen, we took two pails -- one of slop composed of kitchen refuse and the other of boiled potatoes. Then came feeding the cattle, of which two or three were fresh milk cows, and after the oxen were sold, one team of horses named Nell and Kate, and my saddle horse named Dan. All were fed hay and the horses were given a ration of oats. After the cows were fed, the calves were permitted to take their fill from them, and then the cows were milked by hand. The fresh milk was taken to the house and after being strained to eliminate any sediment that might have fallen into the pails, was placed in shallow pans about 18" in diameter. The pans were kept in a cool room in order to cause cream to rise to the top of the milk. Every milk pail was equipped with a wire mesh strainer for the purpose of straining milk. The feeding of the chickens was a simple job, so far as men were concerned. It was generally my job to scatter seed in the lot or pen which we called the "chicken park." Mother frequently gave the chickens an additional feeding of bread or even boiled potatoes.

Following breakfast, the cattle had to be turned out, the horses had to be watered and curried, after which the stables were cleaned out with manure forks or shovels. If the horses were to be worked, they were then harnessed.

One job which was afterwards assigned to me was the taking of the horses down to the river for water and this, particularly in the summer time, was to be done three times a day. Our buildings were on a ridge and we never had any adequate water system or well. It was about a quarter of a mile from the barn to the river. I generally rode one horse bareback and led the other by a halter rope. On one occasion -- it was the Fourth of July -- after shooting all the firecrackers I could spare and enjoying a community picnic lunch and drinking all the lemonade I could take, we had to go home because the chores had to be done. It was my job to take the horses down to the river for water.

While seated on the back of one of the horses and firmly grasping the other by the halter rope the brilliant idea came to me to light a firecracker and throw it off in the river. There was no road on the other side of the river so needless to say quietness reigned supreme. The river was about 100 feet wide and about one half of it was soapstone and the other gravel with the water about 8 inches deep on the gravel side. The horses were quietly taking their fill of water and without a sign of disturbance to their quietness I lit the firecracker and threw it away from me in time so that it would explode before it hit the water. With the explosion of the firecracker I got the shock of my life because the mare on which I was riding leaped in the air as if she were shot, and the other horse did

likewise, throwing me into the river. One impression I had as I went down was a picture of the mare on which I was riding jumping on me. However, the mare was very careful of her steps but they both ran across the river and got up on the bank and snorted like they were shot. I waded across the river, got my horses, mounted one, led the other and returned home. My firecrackers were all wet and spoiled. I learned never to explode a firecracker when all was peace and quietness, especially with two farm horses.

One of my chores which had to be done three times a week before leaving for school was to churn butter. This was done on the back porch in an upright churn made of earthenware. It had a round cap through which was inserted a round handle at the foot of which was fastened a four-pronged bottom, all of which was called the dash. The cream was skimmed from the top of milk pans and placed in the churn, the dash was placed in the cream and the top was laid on the churn.

My job was to raise and lower the dash until the cream was formed into butter. On cold days the butter was hard to form and it seemed as though the cream would never turn to butter. Around my waist I always wore a white apron to keep the cream from spattering on me. Mother once taught me a rhyme, the words of which were

Churn butter churn  
Jack and Paul  
Waiting at the gate  
With a hot pancake

This I would repeat over and over again until I was almost exhausted. By that time the butter had formed. Mother then took charge of the butter and after getting rid of the apron I was ready for school.

## 10. ROADS TO THE UPPER NEHALEM

The first entrance to the upper Nehalem Valley was made between the years 1860 and 1877 by way of Westport Trail. Westport was on the Columbia River and was settled as early as 1850. There never was a wagon road over the mountain ridge between the Columbia and the Nehalem Rivers although that was about the nearest approach of the Nehalem to the Columbia. The mountain ridge was very steep and a trail was the only means of access.

The second entry into the upper Nehalem Valley was made between the years 1874 and 1880 by way of East Dairy Creek through Mountaindale across the divide called Green Mountain and down Pebble Creek. At the beginning this was more of a trail than a road, although by 1880 a wagon road of sorts was cut through. Father entered the valley by this route in 1876. Hardly had the wagon road been cut through when in 1880 a violent windstorm blew down enough trees to completely block this means of access. It was estimated that there were as many as 400 trees across this road and it was decided by the early settlers not to attempt to reopen it.

The third road into the upper Nehalem was called the Clatskanie sled road which was built in 1877. This road ran from Clatskanie to Mist and was later developed into a substantial wagon road.

The fourth in point of time was a road from Pittsburg to St. Helens, which was built about 1879. The high point on this road was called Bunker Hill. This road was built by the settlers living in the vicinity of the mouth of East Fork, which was five miles below Vernonia. They decided that they wanted a wagon road to St. Helens, which was the county seat of Columbia County. Peter Brouse and son had already located a mill site for a combination saw and grist mill at the mouth of East Fork and they wanted a road upon which they could get in the necessary machinery. All the settlers began to work on this road commencing at Elk Horn Springs about 7 miles west of St. Helens. The men were at work for about six weeks in order to complete the road to Nehalem River. The men furnished their own provisions and camped in the rain and it rained a good part of the time. It was all volunteer labor without any county surveyor or county aid.

The last pioneer road was laid out over Cape Horn, already mentioned, and was built in lieu of the earlier road over Green Mountain. A new route was followed up the Nehalem and over the hills connecting with a road on West Dairy Creek in Washington County. A crew of men took their blankets and axes and started for the field of operation. From the time the work began, being all volunteer labor, until it was finished some one was camped and at work all the time. Provisions were supplied by various settlers living on Dairy Creek in Washington County. As the men approached Cape Horn which as heretofore indicated was about 2000 feet high, snow was from 4 to 6 feet deep. This had to be shoveled out of the way before any dirt could be moved. They did not go quite to the top of Bunker Hill but graded around the east side.

This being the principal pioneer road from Vernonia all of the settlers of the upper Nehalem Valley contributed varying days to this work. Father spent 52 days and except for three others his was the most volunteer labor contributed. Provisions were not very plentiful at the homes of most of these men. The only way to get a supply was to pack it in on one's back, the snow being too deep for a horse to get through. However, no one suffered for want of food. Flour was the scarcest article and a good many meals were eaten without bread. Five different camps were established during the winter's work but the Cape Horn road was finished in due time.

A few things need to be said about early pioneer roads. They were all constructed by volunteer labor. Pioneer roads generally ran over the tops of the highest hills because a road constructed over the top of a hill was at a grade sufficient to permit the water to run off and furthermore grading was laborious and time consuming and a graded road was more likely to have mud than an ungraded road. Those who built these pioneer roads were men of imagination. For instance, the road up East Dairy and down Pebble Creek crossed what was called Green Mountain, the road from Pittsburg to St. Helens crossed Bunker Hill, and the road from Vernonia to West Dairy crossed Cape Horn.

In subsequent years a road was built from Timber, Oregon, down the Nehalem River to Vernonia, one went up West Dairy and down Beaver Creek to Vernonia, and a road was constructed from Pittsburg up East Fork and across the divide to Scappoose, Oregon. This, together with a road down the entire length of the Nehalem River, all improved and hard-surfaced, make easy access to the upper Nehalem Valley.

## 11. OUR ENTERTAINMENT

From the earliest days in the upper Nehalem Valley we made our own entertainment and I always did my part. In the beginning there were home-made programs in which, as a young boy, I gave recitations commonly called "speaking a piece." I always enjoyed the enthusiasm with which the country folks rewarded my "pieces", but best of all, I felt a real pleasure in the general satisfaction which father and mother showed in my efforts. They never said much but their feelings were quite evident.

At an early age I took part in the Vernonia Literary Society which met each Friday night. It featured a debate and literary program. People would walk as far as four or five miles to attend those weekly meetings of the Society and then walk home again after dark. This was particularly true during the depression and political activities in the early nineties.

We always had a program on Christmas, Fourth of July, Easter Sunday, Decoration Day and Thanksgiving, which consisted of music, both vocal and instrumental, and various other numbers calculated to entertain the folks who attended the proceedings from far and near. Our place was generally the headquarters for the practices. We had an upright Estey organ and my sister, who was about one year and a half younger than I, could play. Young people who could sing would come to our place and with three or four times of practice we would be good enough to perform. Then occasionally we had a school entertainment at which recitations were in order and various numbers were given. On one occasion we gave a minstrel show at the school, and we used a copious quantity of black cork without any grease paint, with the result that we gave a show which was enjoyed by all present but we who participated suffered untold misery in getting rid of the black cork.

## 12. MORE ABOUT OUR FAMILY

Father and mother were plain country folks, with a meager education as far as schools were concerned, but they were loyal citizens and good neighbors.

In early years father was the first Justice of the Peace and ex officio Coroner in the upper Nehalem Valley. Later in 1887 he was appointed as the first Notary Public in the Nehalem Valley and served in that capacity until 1917. Furthermore, he was the first County Commissioner for Columbia County from the upper Nehalem Valley and served for four years from 1888 to 1892.

He was very serious-minded. Many people came to him with their problems and troubles and he always lent a patient ear and gave a modest bit of advice. He did not presume to advise people as a lawyer would do but gave them the benefit of his honest judgment as a good neighbor. He could not speak a word in public. He was not a member of any church, although he liked to go to church and hear the music or listen to a good sermon; he was not a church hater and many preachers were his good friends.

His advice to me which I shall never forget was written in very legible handwriting in my little autograph album under date of December 24, 1889, and read as follows: "Omar - do nothing while a boy that you will be ashamed of when you grow up to be a man. (Signed) Your father."

His two ambitions were to get rid of the stumps, big and little, on the cleared land of our ranch and to live long enough to see the railroad come. He lived to see these ambitions accomplished, the first by his hard work and the second by his patience.

Mother was most amiable and of a cheerful disposition. In many ways she was the very opposite of father. Having been born in Missouri and lived there most of her young life she was always reminded of something that had happened or of people who had lived in Missouri. Her fund of stories, mostly of actual experiences, was unlimited.

She had been a member of the Methodist Church before she came to upper Nehalem Valley but since there was no Methodist Church in that community, when they organized the Evangelical Church, which was very similar to the Methodist Church, she joined that and remained a member as long as she lived. In her later years she was known throughout the entire community of the upper Nehalem Valley as Aunt Sally. Whenever a band of young people were going to attend a football or basketball game or any other school contest, she could always be counted on to accompany them and have a good time.

She was very liberal-minded. On one occasion they were organizing at Vernonia for a Fourth of July celebration and in her earlier years mother had participated in what they called a Liberty Wagon, which consisted of a hayrack pulled by two horses, on which was stationed a girl called Miss Columbia, wearing a crown, and other girls in home-made

costumes representing various groups of states. They were to have the same kind of wagon, which was to take its place in the parade, and mother selected for Miss Columbia a very beautiful Rumanian girl.

Before the celebration took place some women of the neighborhood approached mother with the story that her Miss Columbia was a Catholic girl and they thought a change should be made. According to mother's report she said with great indignation - "Suppose she is a Catholic; isn't she an American?" and with flashing eyes she told the meddlesome women to go mind their own business and her selection of Miss Columbia remained.

As I have said, father and mother lived to see the railroad built, which was in 1922. A grand celebration called Vernonia Day was held on September 9, 1922, celebrating the completion of the railroad and the coming to Oregon of the big sawmill, the Oregon American Lumber Company, at Vernonia. Two special passenger trains were run from Portland and Mayor George L. Baker, State Senator Will G. Hare and Judge Charles H. Carey made speeches and I spoke. The Committee asked me to represent the railroad company, which built the road, but I declined saying that Judge Carey could speak for the railroad and that I proposed to speak on behalf of the people of the upper Nehalem Valley.

Father died a short time after the railroad was built, at the age of 79. Mother died in 1932 at the age of 82. Both are buried in the cemetery about a mile up Rock Creek from Vernonia.

I had two half-sisters - one now living in Chicago, named Emily, who was my father's daughter and is about 82 years old; my other half-sister, Bertha, who was my mother's daughter, died some years ago. She grew up with our family and was about 10 years older than I and gave me one bit of advice which I shall never forget. She occasionally said to me, "Omar, for goodness sake never get the big head," referring to an uncle of hers, who was a brother of her father.

Aside from these two half-sisters, I have two full sisters - one, named Oral, now living in Portland, Oregon, who is about a year younger than I, and another sister, named Margaret, now living at Dayville, Oregon, who is about 6 years younger than I. Aside from these sisters I have one brother, named Robert L., now living at Vernonia, who is about 10 years younger than I.

### 13. OUR SCHOOLS

The first schoolhouse to serve the Vernonia community was located across and east of the Nehalem River just off the northeast corner of our homestead. Its location was determined by the number of children living near at hand. It was a one-room log cabin. Later a larger log schoolhouse was built west of the Nehalem River about one mile from our homestead and where the road forked between the Rock Creek Road and the road down the West side of the Nehalem. It was about one-half mile below the future city of Vernonia. It consisted of one room, 20' x 40', with hewn fir logs, flat and smooth and notched at the ends so that the side logs would fit snugly with the end logs. It had fir pole rafters and a hand-split, unshaved shake roof. The floor was made of planed split boards. The spaces between the logs were chinked or caulked with moss, of which there was a great quantity, particularly on maple trees.

There were three windows on each side, a door with a wooden latch at the front, a huge blackboard on the wall at the back end and a tall, round stove in the middle of the room. About one dozen homemade desks of all sizes and descriptions with detached seats were placed in two rows, and the teacher's table in one corner, faced the pupils' desks. Across the room between the desks and the blackboard was a backless bench upon which the pupils sat as they were called upon to recite.

In this schoolhouse was held about three months' school each year, generally in winter months because the boys and girls old enough were required to spend their time during the summer months working on the various ranches. This was my first school at the age of five and the teacher, who boarded and roomed at our house, was seventeen years old. Her name was May West.

There were no report cards. The parents bought the school books, slates, slate pencils, ink and copy books for their own children. The more fastidious bought sponges with which to clean their slates, but most of us just spit on our slates and rubbed them clean with the palms of our hands. Scratch paper with pencils were unknown. Our textbooks included Barnes' Readers Nos. 1 to 5, Barnes' History of the United States, Fish's Arithmetic Nos. 1 and 2, Montieth's Geography, Watson's Speller, and the Spencerian type of copy book. Pupils progressed by advancement in their readers.

The log schoolhouse was used not only for school but also for Sunday School, church service whenever there was an available preacher, an occasional revival meeting, school district and road district meetings, funerals and whatever else came along of a public nature. In the event of church services, particularly funerals, the bench upon which the pupils sat when reciting was used for the mourners.

On one occasion a young man living up Rock Creek had been accidentally killed as a result of a hanging vine maple which caught on the wagon his father was driving and flew back and hit him on the head, causing some kind of skull injuries. The only preachers available for a funeral were two revivalists, then holding meetings in the local school-

house. At the appointed hour for the funeral his crude coffin was brought in and the revivalists took over. Needless to say, the whole community was present because this death had been unexpected and tragic. A revivalist, after giving a "hell fire and brimstone" sermon, pounded on the coffin, which gave forth a hollow sound, and urged everyone present to "Come to Jesus and be saved." After the funeral and on the way home I overheard father and mother discussing the proceedings and they agreed that never in their lives had they heard of such doings as these revivalists carried on that day and they did not like it.

In about 1890 the old log schoolhouse was abandoned for a new school in the town of Vernonia, which was incorporated on February 18, 1891. The school was first conducted in a schoolhouse built of green lumber and was located on what was then called Rose's Hill. The school began to put on airs although it was the same old school in many respects. It had the same blackboard at one end and the same homemade desks with backless seats, but the building had at least four windows on each side, four rows of seats, a box heating stove, a double front door and separate outhouses - one for the boys and one for the girls. Up to that time we had women teachers, but the school board began to hire men teachers. That was because the school was becoming larger and the older pupils were inclined to get out of hand. We soon outgrew this schoolhouse and moved to the town hall, which was larger and had a stage. In this building I completed the major part of my public school training in about 1896.

A boy in our neighborhood named Guy Mills and I rode our horses down the river for about three miles to a log schoolhouse where a four-month term of school was conducted by a teacher named J. E. Dow. From down the river about three miles there came by horseback two girls, one named Bertha Detrick and the other named Myrtle Powell, both from five to seven years older than I, and, together with a boy by the name of Albert Parker, who lived close by, we joined forces in taking some advanced work under this most excellent teacher. There were other pupils in the school but they were much younger.

In 1897 I took a teachers' examination in St. Helens, passed a third grade teachers' examination and thereafter, at the age of 16, taught a four-month term of school located up Beaver Creek about three miles from my home. This school was conducted in the same log-cabin type of schoolhouse such as I had attended in my early days. About eight pupils attended, one being a girl who was 19 years old.

I rode horseback from my home to school and back each day and received \$20 a month for my services.

## PART II - INSIDE AND OUT FROM 1897 TO 1905

### 14. GOING OUTSIDE TO PREP SCHOOL

How I happened to go outside to school was not so much a matter of choice as to my going as it was the school I would attend. There was some talk of Philomath because some neighbor had moved there for the purpose of educating his children. Then Pacific University at Forest Grove was considered because I had a public school teacher from that University. It had a picturesque campus among the oaks and it was the nearest to my home.

These tentative plans all came to naught as a result of what happened in 1897. During the late summer of that year I attended the Columbia County Teachers' Institute at Clatskanie, Oregon. There were present May Reid, who taught in the Clatskanie School; Robert Carey (both students at Portland University), and Prof. W. A. Wetzel, a member of the faculty of that school. Of course, they talked Portland University, which was a Methodist School located at University Park. In some way they learned that I could sing and Carey and Wetzel had me join with them in singing some trios. All in all, they were a friendly lot. Needless to say, they made a real impression on me and I went home convinced that Portland University was the school for me.

The big question was where was the money to come from. I had laid up about \$150. Father shook his head and said he did not see how we were going to make it but mother said "Where there's a will there is a way and if necessary we can sell our best cow." Father and mother left the decision up to me as to whether I should go outside to school and I decided to go. We did not have to sell our best cow but in the fall of 1897 we scraped together all the money we could find, which was meager enough.

In the meantime when I went home from the Teachers' Institute at Clatskanie I talked Portland University so much that a family consisting of Mrs. Detrick, her daughter Bertha, and her son Lloyd, also became sold on Portland University and we decided to join forces and go together. Accordingly we set out for University Park in the fall of 1897. Father took us to St. Helens with a wagon and team of horses and we rode up the river on a steamboat. We landed at Lovers Lane, which was a canyon running down to the river just north of the bluff at University Park.

It was arranged that I should room and board with Mrs. Detrick. She rented a tall house which stood across the road and just east of the University grounds and I roomed and boarded with her for \$8.00 a month.

## 15. GETTING ALONG AT PORTLAND UNIVERSITY

Once I was registered and had paid my initiation fee I was ready to embark upon my studies. I took a classical course, which consisted of Latin, Greek, Algebra, Geometry and Ancient History. In Latin I began to study Caesar's Gallic Wars and in Greek, Xenophon's Anabasis. Aside from my studies I had to make a living and there were lots of students who were similarly situated. Certain class rooms in West Hall, owned by the University, were assigned to me and my job was to sweep and dust these rooms, erase blackboards and once a week mop floors. Another job always available was putting in wood for some resident. For this work I was paid 25 cents per hour. This work furnished considerable variety in that at some places you had to carry the wood up steps and down into the basement; other places you could throw the wood directly into the basement. Then the wood had to be stacked in the basement and after you were all through, the trash and debris, where the pile of wood had been, had to be cleaned up.

Early in my work at Portland University I began the study of voice culture. Mrs. W. A. Wetzel was then giving lessons to students who desired such training. She had a studio in the Abington Building, was director of the choir at Taylor Street Methodist Church and had charge of the voice training department of the University. After I began to study under her, she told me that I had a good baritone voice, placed my tones very well and showed some promise as a singer. I went to her studio in Abington Building about once a week and she soon got me into the Taylor Street Methodist Church choir. I paid for my lessons by keeping her musical library in the choir loft in order. I did considerable solo work at various churches and social gatherings without any charge. Of course, I had to have an accompanist and employed one at a small rate of pay, which was all my meager funds could stand.

## 16. SOME UPS AND DOWNS

Making one's way from the inside to the outside furnished many problems, some of them humorous and some more serious.

Illustrating the difficulty of living on the inside without the services of any doctor or dentist is an experience which I had. It was in the summer of 1898 and I was home from school helping father with haying and harvest. I developed a violent toothache in my lower left jaw. After about two days of this and not being able to get any relief and there being no doctor or dentist short of 26 miles to St. Helens, I was quite beside myself. Father suggested that old Doc Ray, who lived about 4 miles below us on the Nehalem River might be able to pull my tooth.

Doc Ray was not a physician or dentist but he was able to do various things, including holding a revival meeting occasionally and getting warmed up to a high pitch. He was a big man with a heavy growth of beard and was quite emotional. I saddled my horse Dan and started out for Doc Ray's place, arriving there about 4 o'clock on Sunday afternoon. He announced that he could pull my tooth but his forceps were down at his lower place, which was still about 4 miles distant down the river. I told him to have his son John take my saddle horse and go down to his lower place, get the forceps and return. This he did and having to go about 8 miles it was almost dark when he returned.

He had about 4 or 5 different forceps and he immediately poured the rusty forceps out on the floor from a rusty flour sack. By this time it was quite dark and Doc Ray announced that what we would do was to have me lie down on the floor on my back and he would put his knee on my chest and one hand on my forehead. A coal oil lamp was placed on the floor, there being no electricity in the whole neighborhood. I got in position and Ray proceeded to adjust one of his rusty forceps to my tooth when he announced he would have to cut the gum. Whereupon he produced a jack-knife with a blade covered with tobacco stains and dug around the tooth until he was satisfied that he could adjust the forceps.

He then shoved the forceps down around the tooth until he had a firm hold and with his knee on my chest and his hand on my forehead he gave a mighty heave ho and out came the tooth. This was all done without any antiseptic or other deadening drug because he had none. I immediately stuck my tongue into the cavity, which felt as large as Columbia River Gorge, and of course blood spurted out profusely and probably saved me from any infection. After spitting copious quantities of blood I was on my horse and away for home. The only remark Doc Ray made as I left was "I'll say one thing for you young feller you've got the best nerve I ever saw."

A second occurrence which happened to me was in 1902. After I had returned home from Stanford I knew there was a job waiting for me in the hay fields at Morgan's Landing Farm. Being anxious to save money I rode my saddle horse Dan all the way from Vernonia to Morgan's Landing Farm, being a distance of about 60 miles, in one day. I started before daylight and went through St. Helens and Scappoose up to a point just above

the present Sauvies Island bridge and crossed at Innes's Ferry. I made my way around the head of the island, arriving about supper time. This was a real journey for a saddle horse and man to make in one day. As I climbed the mountain between Vernonia and St. Helens I rode the horse up hill but on the long down grades, of which there were many, I would put my saddle horse Dan in front of me and make him trot down the hill while I followed on a dog trot after him.

Thus we made much time and reeled off mile after mile. It is almost impossible to ride a horse down hill at anything over a walk because this is hard on the horse and much harder on the man. The fact that there were no crossroads made it easy because there was no place for the horse to go but to follow the road. On arriving at Morgan's Landing Farm I turned my horse out to pasture and sat down and enjoyed a bountiful dinner, and both horse and man had a good night's rest. The next day I was ready to do whatever was necessary toward making hay.

In 1904 a fellow student at Stanford by the name of Frank Smith and I got a job about 30 miles east of Chico, California, and worked in a sawmill and logging camp operated by the West Branch Lumber Company. We arrived at Chico by train and went to a place called West Branch on an old-fashioned stage with seats above and below, drawn by four horses, arriving at the camp, which was situated on one fork of a stream called West Branch of Chico Creek. We were assigned to a bunkhouse and given blankets.

The next day we were ready for work. Our first job was working on the logging railroad which was about 10 miles long above the mill, and as log trains would come down this grade by gravity many times Smith and I would climb up on the bank to avoid the possibility of logs falling off the log train as they came down the grade. After a while we became used to that sort of thing and eventually the crew working on the logging railroad was cut down until there was no one left but the section foreman and myself. I was always anxious to be doing something and after one job was completed I would say to the section foreman "What next?" and he would reply "Now let's sit down a while and just figure." We would rest about 15 minutes and figure and then proceed to the next job, which might be putting in a new tie or some other simple piece of work.

In the course of time my buddy and I became brakemen on the logging railroad. Since these cars came down the grade by gravity one brakeman stood between two cars operating both wheel brakes and hand brakes and the other brakeman took the other two cars, there being four in the string. Sometimes a grade would drop off suddenly and unless the brakemen were accustomed to this they would feel as though the cars were going to jump from under them. Having served my time as a brakeman I became a fireman on the little shay engine which pulled the empty cars up to the end of the track where they were loaded and operated down the grade as heretofore explained. We worked on these various jobs all summer.

There were unusual characters in this camp because the camp was not only home for the men who worked in the mill but track men, railroad men, loggers and even bridge crews boarded and slept at the same place. Smith and I generally worked every day in the week and also on Sundays, getting time and a half for Sunday work. I worked every day during my summer

vacation. While in that camp I did not draw my pay until the end of the summer. At the end of the summer I came down on the stage to Chico, got cleaned up including a bath, haircut and shave, new clothes, and then came home for about a week returning to Stanford for the fall term. During the entire time I spent at Stanford I always returned home in the summer time, mostly for the entire summer, except for my experience in the logging camp above Chico.

Most of my summer work consisted of working in the hay fields either at home or on Sauvies Island - the one exception was my work above Chico.

## 17. SINGING

I was always interested in singing, particularly where there was money to be made. As previously stated, my solo work at various churches and social gatherings was without pay, but in 1898 I was adopted, so to speak, by a group of older men calling ourselves the Multnomah Male Quartet. These men were Professor W. A. Wetzell, Robert Carey and Henry J. Faust.

I was only 17 at the time and we got a job for the Republicans singing in the political campaign then being waged. The candidate for Governor was T. T. Geer. Among other songs we had one to the tune of "There's Music in the Air", which went something like this -

"They're for you in every town  
Theodore Thurston Geer  
Oh it's hard to keep them down  
Theodore Thurston Geer  
When you're in the Governor's chair  
And you bet we'll put you there  
We'll shout your name both loud and clear  
Theodore Thurston Geer."

Songs such as these created much enthusiasm. For our services in singing two or three songs, some patriotic and others of the variety listed above, we got \$1.50 a piece. Later in 1899 I became a member of another quartet consisting of Roy Glass, who sang bass, Harold Shaver, lead, Arlen Miller, first tenor, and myself, baritone. We had a variety of songs - some medlies, some popular at the time, others spirituals, and the like.

One time we gave concerts up and down the Columbia River, beginning at Scappoose and winding up at Seaside, for which we charged 25 cents admission. We had songs, lectures, monologues, instrumental music, and so on. I played the fiddle and Miller played the zither. We did not make much money but we had a lot of fun.

All of these singing activities had to be concluded in a day or so because we could not be away from school too long.

## 18. DEBATING

From my earliest days I was interested in debating and debating societies. Somewhere I had acquired the idea that debating would be good training for me as a lawyer. Accordingly I belonged to the Debating Society at Portland University and engaged regularly in a weekly debate. I also entered the debating contests with other schools and tried out for the debating teams.

In the spring of 1900 I engaged in a debate against Portland High School, which was to bring unexpected results. Portland University was then occupying makeshift quarters in a hospital building at Sunnyside, Portland, Oregon. The University had lost its land at University Park and was struggling to keep its head above water but without avail. One day a committee, consisting of Ben C. Dey and others, waited on a committee, of which I was one, to arrange a debate between Portland High School and Portland University. Ben, with his early business acumen, and after we had arranged a debate on England's attitude toward the Boers, suggested that inasmuch as the debate was to be held in the High School Auditorium, they should take three-quarters of the gate receipts and we should take one-quarter. That seemed all right to us, not knowing any better, so that split was finally agreed upon.

Our team, of which I was a member, selected the Boers' side of the English-Boer question. The question was "Resolved that the British are justified in their action against the Boers." Having the negative side of the question it became our duty to study all the available magazine articles and literature on the Boer side and I worked myself up into a high pitch of enthusiasm in favor of the Boers.

The debate was held on a certain Friday evening in the auditorium of the Portland High School, which stood facing Morrison Street in the block between 14th and 15th Streets. There was considerable enthusiasm on the question because the British attitude toward the Boers was a live issue in 1900. The Portland High School team was coached by Edward Maslin Hulme but so far as Portland University team was concerned we had no coach at all so it was every man for himself. I was so thoroughly aroused in making my speech that I got carried away with eloquence and largely because of my speech we won the debate from the judges. This was my first thrill of real victory in a debate and many people congratulated us saying to me "You will make a success wherever you go."

Finally a quiet man approached me and said "Where are you going to College?", knowing that Portland University was about through. I replied that I did not know. I might go to Pacific University, but I was not certain. He proved to be this same Edward Maslin Hulme, a graduate from Stanford University, who taught English at the Portland High School. He said to me "How would you like to go to Stanford?" I was so dumbfounded that I hardly knew how to answer him except to say "I would like it very much but I do not know about my grades and furthermore I have no money."

He replied "If you are interested, come around next Wednesday to the High School building after school hours and see me," and I was there.

He inquired as to my credits; I did not have enough to get in on full standing but he explained that one could be admitted on recommendation as a special student. He further said that he would arrange to get me various jobs at the University, waiting on table and the like, so that I could work my way through college. With that opportunity I finished my year at Portland University, the old school closed, and the next fall saw me on my way to California.

## 19. A FRESHMAN AT STANFORD

Going to Stanford was to me like entering upon another part of the world. The trip from home to Stanford was made up of three parts; first, going from home to Portland, Oregon, second, going from Portland, Oregon, by train to San Francisco, California, which required 36 hours, there being a train that left in the morning and one that left at night, and third, a trip from San Francisco to Palo Alto and the University, which was by Southern Pacific train leaving Third and Townsend Street station in San Francisco. Aside from the length of the journey, I was going to a strange place that I had never visited before. My baggage consisted of a trunk and a piece of luggage made so that one part would telescope in the other. It was constructed of straw matting and held together by two straps.

My meals on the train consisted of cold lunches made up of sandwiches and fried chicken. I walked from the Ferry Building in San Francisco up Market Street carrying my telescope luggage to Third and Townsend Streets, where I took the Southern Pacific train for Palo Alto.

Arriving there I took a carriage, pulled by two horses, up Eucalyptus Avenue to the University grounds, where my destination was the Camp, which was a long low wooden building consisting of one story with rooms on both sides of the hall which led down the center. There I engaged a room for \$1.25 a month.

I arrived a short time before the registration date so that I had time to look around and get myself adjusted. My first job was to interview Miss Gardner, who ran a private dining room, where I was to work as a waiter. This took care of my meals but I had other expenses. I soon learned that gardeners' jobs were open to any one willing to work so I got a job hoeing weeds and working around the lawn in what was then called the "Bachelors' Quarters", where several professors who were bachelors lived together. This was early in September and the weather was very hot in Palo Alto at that time of year so that hoeing weeds in a garden was not much of a job but it paid twenty-five cents per hour.

I soon found that there were plenty of jobs available if one was willing to work. My roommate in the Camp was A. D. E. Elmer, who was taking a post-graduate course in Botany and Biology, having been graduated from Washington State College at Pullman, Washington. Our accommodations in the Camp were limited because the room was about big enough for two desks, a small coal stove, and enough space for two iron bunks, one above the other. Elmer occupied the lower bunk and my place was in the upper one. Elmer was very tall and thin and he could reach up with his feet and bounce me up and down, especially if he thought I should get up before he did.

After a short time Elmer got me a job in the Botany laboratory, preparing and mounting botanical specimens which he had collected in the field the summer before. He soon taught me how to do this. First of all, the specimens came in from the field packed in blotters and in cases so that my job was to break open the cases and soak the specimens in a pan of convenient size in a solution of corrosive sublimate, wearing rubber

gloves for that purpose. After the specimens had been given a thorough soaking they were re-packed in blotter paper so they could dry and were then put under a press. After that was done and the specimens were thoroughly disinfected and dried they were removed and pasted on white cardboard sheets by means of small white strips of adhesive tape, after which they were labeled with the correct botanical names.

I did not know anything about Botany but learned how to prepare and mount botanical specimens. I could work on this job day or night and kept my own time, for which I got twenty-five cents per hour. Other jobs available were working in the stacks in the general library, handing out books and putting them away again. There were various other jobs to be done as my time from University work and debating allowed.

During my Freshman year I took various courses including English, History, Logic, German, all counting toward a preliminary preparation as a law major. In fact I signed up for so many hours and my High School training was so inadequate that I had trouble in making my grades. Before the end of my Freshman year I took counsel with various professors and dropped one or two courses, particularly German. I got far enough, however, to memorize "The Lorelei" in German.

## 20. FOUR MORE YEARS AT THE STANFORD FARM

During 1901-1902 I really learned to adjust myself to my new conditions. I continued to take various preparatory courses leading to law but thus far took no law. In the meantime I graduated from my job of waiting on table and got a job washing dishes at the University Inn, which was privately conducted for the benefit of students who had money enough to pay for their board. The principal difference between this job and waiting on table was that now I could work behind the scene even though it was dishwashing.

In 1901 I also graduated from the Camp to Encina Hall, which at that time was occupied by students from all classes. My particular reason for taking a room in Encina was that the Senior who had waited on table with me in my Freshman year had a laundry agency and since he was finishing college he was willing to turn over the agency to me and an appropriate partner. He had had a partner who was a football player but he, too, graduated so that I had to think of some one who would make a suitable combination with me for the agency.

We accordingly hit on Ralph J. McFadden who was a Varsity tackle. I being a debater and Ralph being a football player it was thought to be a good combination for the San Jose Laundry Association, which was turned over to us and which we represented. The idea of a laundry agency was that we solicited our customers at the beginning of the year, collected their laundry bags furnished for that purpose, on Mondays, assembled these bags at our room, which was on the first floor, and the following Friday the laundry would be returned from San Jose and we would distribute it to the various rooms, collecting our bills at the end of the month, for which we got 20 per cent discount.

We had some competition with other laundries but this proved to be a lucrative job because each of us would collect about \$50 per month for commission. I continued this agency with various partners during my succeeding years in college. One of the amusing things about a laundry agency was that we met all trains as they came in during the fall of the year and the usual greeting to all returning students whom we knew would be "How are you old man? Glad to see you! How about your laundry?"

I was continually finding new jobs which would produce more money. For example, a few of us could always be counted on to do any kind of a job that paid something. In 1904 a few of us from Portland, Oregon, conceived the idea that for the time being at least we were residents of California and therefore were entitled to vote. Residence being a matter of intention, it did not require any particular length of time to establish this intent. Accordingly we registered as voters in California and got on the election board, from which we made as clerks and judges several dollars a piece.

During the year 1904 there occurred a general election and one of the candidates on the Republican ticket from Santa Clara County, which extended north through San Jose to South San Francisco, was a man by the name of Everett Anson Hayes, who was a candidate for Congress.

Having had some experience in quartets and particularly political quartets, I conceived the idea of organizing the Stanford University Male Quartet and getting a job with Mr. Hayes, who had plenty of money. Accordingly I approached two men from the University, one of whom was named R. S. Kellogg and the other Ralph L. Lachmund. Lachmund was to sing second bass, I was to sing baritone, Kellogg was to sing the lead. We looked over the University and could not find anybody qualified to sing high tenor, consequently we went down to Palo Alto where we got a dentist by the name of D. B. Little, who sang tenor in the First Presbyterian Church in Palo Alto. We made a proposition to him to join us and since the money was quite attractive he agreed. I then took the matter up with Arthur Free, later himself a member of Congress, who was then managing Hayes' campaign in the University and Free agreed that we should come around and try out. This we did and apparently made good because Hayes took us on at \$5.00 a piece per night plus expenses.

We sang with Hayes during the whole campaign, sometimes three or four times a week, and out of the money thus collected I opened a bank account in the Bank of Palo Alto in which I deposited all of our receipts and checked out all our distributions. Hayes was elected, whether as a result of our singing or not - who will say? Whenever Hayes spoke he always asked us to sing a particular song called the "Flag Song", which is a stirring patriotic piece and had baritone and tenor solos. Then we generally sang about three or four pieces with encores and one of our choice selections was "My Own United States", which is sometimes repeated over the radio today. I wrote the words to a second installment which I participated in in Portland in 1898. It too was set to the tune "There's Music in the Air" and ran something like this:

There's Music in the Air  
Everett Anson Hayes  
You can hear it everywhere  
Everett Anson Hayes  
Over mountain, hill and dell  
Hear the boys all shout and yell  
Won't we give the Democrats hell  
Everett Anson Hayes

I never tried out for the Glee Club because there was no money in that and furthermore I had no dress suit.

## 21. MORE DEBATING

From the time I entered Stanford in 1900 and during my entire time there I was actively interested in debating. In my Freshman year I joined what was then called "Euphronia Debating Society", there being several in the University but Euphronia was considered the oldest and best. We met each week on Friday evenings and the program consisted of an extemporaneous debate and a regular debate. The subjects for the regular debates were assigned a week in advance but the extemporaneous debates were had on subjects announced at the time.

In the fall of 1900 I entered the tryouts for the Freshman debating team and after working my way up through the preliminary, semifinal and final debates won a place on the Freshman team. Our job was to win over the Sophomore team, which we succeeded in doing.

During my Sophomore year I tried out for the Sophomore team, which was handled much in the same way as the Freshman team, and succeeded in winning a place on that team. Our job was to win over the newly arrived Freshman team, which we succeeded in doing.

The subject for the Freshman debate when I was a Freshman was "Resolved that the President's Cabinet should have a seat and voice in Congress." The subject for our Sophomore debate when I was a Sophomore was "Resolved that the extinction of the Boer Republic is for the permanent interests of civilization."

Having progressed thus far in my debating activities, all of which I regarded as important in my preparation for law, made me a candidate for the Intercollegiate debating team between Stanford and the University of California. I entered tryouts for this debate and found there were approximately 60 men preparing for this contest and ready to go through with the various tryouts. This was in my Junior year and I succeeded in winning a place on what was regarded as the big team because we were going up against the University of California. My team mates were Howard M. Lewis and Frank Roehr. The question for debate was "Resolved that the United States should not attempt under all circumstances to prevent the acquisition of territory in South America by European powers."

The debate was held on April 18, 1903, in the Alhambra Theater in San Francisco, California. The judges were William Thomas, Peter F. Dunn and Henry U. Brandenstein. I was on for the first negative speech consisting of 20 minutes. Of course each of our speeches was carefully prepared and committed to memory. The work of preparing for that or any debate was tremendous and was good experience in briefing and writing. We won that debate, thus winning the first of a series of three consecutive debates, for which Mrs. Phoebe Randolph Hearst had offered a cup. While I did not try out for the Intercollegiate teams in 1904 and 1905 I assisted in coaching the teams and we won all three debates in succession, thus winning the cup.

The preparation work for any one of these debates was very exacting. Aside from our University work and in my case in making a living we would

spend all of our spare time in the library or elsewhere in research and writing our speeches. One of the great difficulties I had in the first Intercollegiate debate between Stanford and University of California was in harmonizing the differences between Howard M. Lewis and Frank Roehr, for they were very jealous and suspicious of each other. Each one used me as a father-confessor and would complain that the other was stealing his notes, but by patience and perseverance harmony was won and through all outward appearances everything was peaceful and quiet.

## 22. FINISHING LAW SCHOOL

At the conclusion of my Junior year, which was in 1903, unexpected circumstances required my decision. As previously indicated I entered Stanford as a special student with eleven approved entrance credits, but since thirteen were required to give me full standing I had planned to take examinations in Science and Physiology.

The rule in the University Catalogue said that the deficiency in entrance requirements might be supplied by taking certain courses. I construed this rule as providing for a voluntary submission of these courses and not mandatory. Much to my surprise I found at the end of my Junior year that I had taken some courses which were automatically applied against my deficiency in entrance requirements so that without my knowing it I was in full standing so far as entrance requirements were concerned but with that many more hours to make in order to graduate with a degree of Bachelor of Arts. I petitioned the Faculty Committee for leave to take examinations in Science and Physiology and thus relieve myself of the mandatory application of the rule, but to no avail. Thinking that I could spend only two more years in college the question was whether I should take courses in the next two years which would lead to a Bachelor of Arts degree or whether I should forget the degree and devote myself during the last two years to law courses only. I spent some time thinking this over because I wanted a degree, if it were possible to get it. On the other hand I felt it important that I come out of Stanford with as many law courses as possible and by changing over to law in the last two years I would thus be able to get in all thirteen law courses.

I finally consulted with Dean Nathan Abbott and after due consideration of my problem he advised me to forego the degree of Bachelor of Arts and confine myself to law courses, which I did. The result is that I have no degree whatsoever from Stanford University, not having sufficient hours that counted towards a Bachelor of Arts degree and not having enough law courses to win a degree of Doctor of Jurisprudence.

In 1904 and 1905 taking five law courses in each year gave me all the work I could handle, which was the reason for my not entering the inter-collegiate debates for those years. My law work proceeded in due course; I made all my hours and took many valuable courses, including Property 1, 2 and 3, given by Dean Nathan Abbott. I continued working at various jobs in order to make a living, including among others Librarian in the Law Library, which paid \$100 per year. One of the pleasant tasks which I volunteered to perform was going to the Post Office each day and getting the mail for the Library and Dean Abbott. He was a very fine man and when I had finished Stanford he presented me with a valuable book from his library called "Hawkins on Wills."

In the midst of my final examinations I decided to take the Bar examination in California, and had to work towards that end. The best book then available was called "Owens' Law Quizzer", which had specimen questions on various subjects and was frequently used by students undertaking to pass the Bar. I studied this Law Quizzer almost to the extent of memorizing it word for word. The Bar examinations were held in

San Francisco, California, and took place some time before the final examinations at college.

Between studying for the Bar examinations and preparing myself for the final examinations in college and making a living I was driven to my wit's end. Finally the Bar examinations were held before the first session of the District Court of Appeals of California and we were all ushered into a room and subjected to an oral examination by three judges. Fortunately my questions were all about Real Property Law and I was fairly good on that subject and succeeded in answering the quiz satisfactorily. In due time I received notice that I was a member of the California Bar. This left my final examinations at college to be undertaken, which I succeeded in passing.

Armed with a certificate from the California Supreme Court and with a record of success in my final examinations at college I took the train for Portland, Oregon, prepared to embark upon the practice of law.

## PART III - OUTSIDE FROM 1905 TO 1956

### 23. BEGINNING THE PRACTICE OF LAW

My arrival in Portland, Oregon, in June 1905, was without a ripple in the life of the community. Portland at that time was busy with the Centennial Exposition celebrating the One Hundredth Anniversary of Lewis and Clark's journey to the Pacific Coast.

In order to explain my start in the legal profession a little background is necessary. Father, living at Vernonia, Oregon, was called on the trial jury at St. Helens, where Colonel Schuyler C. Spencer of the Portland Bar had a case in the Circuit Court of Columbia County. Being an affable fellow and I suppose wanting to have a friend on the jury, he made himself acquainted with father because they both had the same name. They were not related but Colonel Spencer created quite an impression with father. This was in 1903 and father told Colonel Spencer that he had a son who expected to be a lawyer and who was then at Stanford. Colonel Spencer told father to have me come around and see him when I was finished, all of which father related to me. At that time the firm name was Spencer and Davis.

Upon finishing at Stanford in 1905 and after passing the Bar examinations in California I came to Portland, as already related, prepared to practice law in whatever location seemed desirable. In the meantime my future father-in-law, W. H. H. Morgan, asked me in 1904 what my plans were when I finished law school and I said that I intended to return to Portland and begin practice. He told me there were two men in Portland that he knew quite well. One was Judge Charles H. Carey and the other was Judge Charles B. Bellinger.

I knew that Judge Bellinger was then Federal Judge so there was no chance for me to practice law with him, leaving Judge Carey as my only choice. I was so certain in my last year in college of entering Judge Carey's office when I had finished Stanford that when asked where I was going to locate when I had finished my response was, without hesitation, "I am going to be in Judge Carey's office," never having spoken to him or having met him. In fact I gave as my forwarding address at the Stanford Post Office Judge Carey's office in Portland.

Upon my return to Portland in due time I was taken by Mr. Morgan to meet Judge Carey, who was then located at 410 Chamber of Commerce Building. I was then 24 years of age and Judge Carey told me that he would be glad to have me in his office but he had only two rooms besides the reception room and the room he occupied. One room was that of Thad S. Potter and the other was occupied by a lawyer named Robert Bell, who while a good lawyer was very uncertain as to his habits. Judge Carey suggested that I share the office with Robert Bell but feeling that would be imposing on Mr. Bell, I thought of Spencer and Davis, who were located on the 7th floor of the Chamber of Commerce Building.

I immediately interviewed Colonel Spencer and Mr. Davis and both were quite agreeable to my having an office with them. Colonel Spencer remembered father well and told me that I could share one of the inside offices, without any pay from them, but I might have all the practice I could pick up on the outside. With that humble beginning I began the practice of law in June 1905. In the same suite at that time were Calvin U. Gantenbein, a long time dean of the local law school and later a Circuit Judge, and A. L. Veasey. About the same time Walter H. Evans, Sr., later District Attorney of Multnomah County, Circuit Judge, and still later one of the judges of the United States Customs Court, who was admitted to practice in 1905, began his legal work as secretary of the local law school, then located in Portland. I remained with Spencer and Davis for about four months. During that time I became more and more acquainted with W. M. Davis or Pike as he was called, and he was inclined to throw little cases to me, in which I could pick up a few dollars. Pike Davis was very kind to me in many ways.

Finally, after about four months Judge Carey met Mr. Morgan on the street one day and inquired of him "Where is that young fellow Spencer?" Of course, the Morgan family were quick to get word to me that Judge Carey wanted to see me and I was down there in no time. Judge Carey told me in substance "Now Robert Bell has gone and I have that extra room for you to occupy and I want you in here with me. You realize that you are not worth very much to me because you hardly know your way around." All of which was true. He inquired whether I had any independent source of income and I told him "No." He said he would guarantee me enough to live on and asked me how much it would take to pay my expenses.

I was so anxious to get started with Judge Carey that I replied "I think I can make it on \$15.00 per month." "Why" said the Judge "that is not enough. I'll make it \$25.00 and you can have all your own practice." I immediately returned to Spencer and Davis' office and discussed with both of them my going with Judge Carey and they both agreed that they did not want to stand in my way and I should go because, as Colonel Spencer said, Judge Carey was attorney for the Northern Pacific Railway Company and one of the leading lawyers of the town, and he could give me more of an opening than they could. Pike was also enthusiastic about my going, so I went.

I began practice with Judge Carey and Thad S. Potter, who was the husband of Martha H. Potter, chief clerk and stenographer in our office for thirty years. Judge Carey increased my compensation from time to time until it got to be by January 1, 1907, \$65.00 per month plus what I could earn on my own account.

## 24. SPENCER, DEY & HAMPSON

This was a firm which came into existence about July 1, 1906. Ben C. Dey, who had finished Stanford in 1906 and was then an employee of William D. Fenton, Oregon Counsel for the Southern Pacific Company, came to me with a proposal that we establish a law firm of our own, which we could operate during the evening hours to be located, as Ben suggested, out somewhere near Waverley-Woodstock in or near the outskirts of Portland, Oregon. Ben's proposal was that we name the firm Spencer, Dey & Hampson. Alfred A. Hampson had also finished Stanford in 1906 but had not yet been admitted to the Oregon Bar. The idea appealed to me and I told Ben so, but said "The idea is a good one but you do not have the right place." St. Johns was then a separate municipality and I thought that we should set up an office in that town. Hampson was at that time employed by Frederick V. Holman, who was attorney for the Street Car Company. The idea was that we should retain our positions in Portland and take turns each night, a week at a time, in opening and closing the office in St. Johns.

Accordingly we rented a little shoe-box office consisting of two rooms on the main street of St. Johns. The back room was for consultation and the front room was for interviewing clients. The office was to be opened at 7:00 P. M. every week night and closed at 9:30. Those not on duty could stay around as much as they pleased and they generally did.

Hampson kept a book of accounts, which was opened on July 1, 1906, and was meticulous in its accuracy. As of July 1 each of us deposited in the firm account \$25.00, making a total capital of \$75. The book shows that we paid \$16.00 a month for rent and incurred various expenses and took in various fees. Apparently we had no petty cash account because there are entered in the book various items, for example, one broom 25 cents and screws 5 cents. On the second page of the account book is an item which appears more frequently than any other, namely, 3 items for fly paper at 5 cents each and we subscribed for the St. Johns Review at a cost of \$1.00. Our little account book, which is bound in leather, is listed at a cost of 30 cents. On page 6 of our account book it shows that a dividend was paid to each one of us of \$34.00, so that we got back our investment of \$25.00 and made a profit of \$34.00. This was a fairly good return for the time I spent with the firm.

We also rented living quarters in the upstairs of a man's house nearby, where we had ample rooms and a common bathtub. I retained this connection with the firm for six months.

Needless to say this was a pleasant undertaking. We were all unmarried and enjoyed living and associating together as well as exchanging problems arising in our respective offices. We did not have any common eating place but each got his breakfast according to his own desires and as cheap as he could. We did the same thing for lunch, generally paying about 15 cents for breakfast and 25 cents for lunch. For dinner we undertook to eat together and I was always insistent on finding a place where they served jelly. Sometimes we would indulge ourselves in a sumptuous repast for dinner, paying as much as 75 cents a piece.

Aside from our experiences in this nocturnal venture and the reasonable amount of fees which we were able to collect we had many good times together.

One evening Ben C. Dey, who later became General Counsel for the Southern Pacific Company, with General Offices in New York, entertained us, much to our amusement, by relating his talk with William D. Fenton, his boss. We began the party over portions of "hot scotch", which Hampson knew how to prepare. After Ben was sufficiently organized he related his conversation as follows: "Mr. Fenton, on the 31st day of December, 1906, I will have been in your office six months." He then proceeded to relate the scale of compensation then being paid by Fenton. His proposal was that Mr. Fenton increase the scale paid to each man approximately \$10 to \$15 a piece and wound up by saying: "And now, Mr. Fenton, if you agree with me and see fit to put into effect the scale which I suggest then each one in your office will be receiving a living wage." This recital met with howls of laughter because Ben had undoubtedly learned of a living wage in some economic course at Stanford.

On another occasion I had walked down to the end of the peninsula below St. Johns and borrowed a boat from a farmer living near the old lighthouse. I then rowed across the Willamette, where I borrowed a second boat from the Gillihan family and rowed back to my starting point, pulling the second boat behind me and leaving the first borrowed boat in its proper place. Then I returned across the river in the second borrowed boat, thus crossing the river three times in order to cross once. This I did Saturday afternoon and also Sunday afternoon because I had to get back, so in all I rowed across the river six times in order to cross twice. After arrival on Sauvies Island I had a mile's walk to the Morgan Landing Farm, where my intended wife lived.

After returning one Sunday evening in more or less gay spirits, having spent the time with my girl, I was rudely shocked with what was presented to me. It seems that Dey and Hampson had cast up the figures on my intended marriage. They had put down on one side of the ledger all my income, knowing I was getting \$65.00 per month from Judge Carey and probably \$35.00 from outside sources, making a total of \$100. On the other side of the ledger they set down various expenses which I would have to incur. It was explained to me that I would have to pay rent, buy groceries for two, clothes for two, and when it came to a newspaper, Dey, who was spokesman, said I couldn't afford a newspaper, and also that I could not afford the expense of laundry - that my wife would have to do all my washing.

They later told me that they began this calculation as a joke but the more they cast up the figures the more serious it became. The figures came out \$25 more expenses than income. Ben in his ponderous way explained "Here are the figures and you can look them over at your convenience and give them grave consideration; it looks to us that you are going to be in trouble." He said "Aside from having your nose to the grindstone all the time your wife has got to live like a 'damn Chinaman', referring to the laundry situation. I was so bothered about the picture they had drawn that I was provoked and embarrassed and told them they could all mind their own business because I was going to get married in spite of hell and high water.

Another story of this early firm will bear repeating. At one time a violent argument broke out as to whether a certain man could hold the office of Postmaster, being a Federal office, and that of Mayor, being a municipal office. The argument became hot and heavy and waged backwards and forwards with much vehemence. Spencer, Dey & Hampson were employed by the man holding the two offices to investigate the question and make a report. We did so and Dey was to be our spokesman. At a given meeting of the Council the question was up for discussion as to whether the one man could hold both offices and at an appropriate time Ben cleared his throat and began. Said he "Mr. Mayor, we have been employed to investigate this question and we have given serious thought and study to it." The room was full of people and just at that moment somebody at the back of the room said in a clear voice "Who in hell is we?" which nearly took Ben off his feet.

However, he regained his composure and proceeded with his report, which was that both offices could be held by the same man. The man resigned as Mayor a short time after so that ended the controversy.

Since my intended marriage was to take place on January 1, 1907, and my wife and I did not relish the idea of living in St. Johns, I withdrew from the firm, which continued for about three years thereafter. The other two boys found that their business in Portland had increased to such an extent that they could not spend time in St. Johns, hence the firm was discontinued.

## 25. GETTING MARRIED

As previously indicated my plans were to get married to Laura V. Morgan on January 1, 1907, and these plans were consummated. We were married at the Morgan home, which was located at 22nd and Hawthorne Streets in Portland, Oregon. This was to be a joint wedding since my wife's next older sister, Louella, was married at the same time to Winfred S. Copeland.

The wedding ceremony took place about 8:00 P. M. and was performed by Reverend E. Nelson Allen, a Presbyterian minister who had a church on 12th Street and was about the nearest minister that we could locate. Father and mother were present as well as my wife's father and mother, together with various relatives on both sides of the families. After the wedding ceremony refreshments were served, consisting of sandwiches, a nonintoxicating drink and a wedding cake. At about 10 o'clock each couple took their departure from the Morgan family home in a carriage drawn by two horses which we had each arranged for in advance. Taxicabs were unknown at that time. We spent our wedding night at the Eaton Hotel, which was a modest family hotel, and the next day we were surprised to learn that Mr. and Mrs. Copeland had taken space in the same hotel.

Mrs. Spencer and I had our breakfast at the Jewell Restaurant, then located at 343 Morrison Street, after which I gave Mrs. Spencer half of all the money which I possessed and she went her way. I returned to Judge Carey's office at 410 Chamber of Commerce Building and resumed work.

We immediately began to look for quarters which we could rent and found a modest place at a low rental on the Willamette River near the east end of the Steel or Railroad bridge. This we occupied for several days until an opportunity arose for me to buy a modest home on East Main Street, which was about three blocks from the Morgan home at 22nd and Hawthorne. A man's wife had died leaving him alone in this small cottage and he advertised it for sale. I borrowed \$2400 from my father-in-law and paid for the small house on Main Street, which was painted red. In the course of about 30 days we moved in. This meant that Mrs. Spencer could be near her mother and we lived in that house until about 1914.

In the meantime my daughter Helen and my son John Alfred were born there. Dr. Robert H. Ellis attended my wife in the birth of our daughter Helen. He was assisted by Dr. Otis B. Wight. I also assisted in the delivery since this was an instrument baby and it was necessary to hold my wife's head while the doctor gave her an anesthetic. In the meantime I paid the debt of \$2400, with interest, to my father-in-law.

We occupied this location until 1914, when we rented and later bought a house on Ravensview Drive on Portland Heights, where we now live.

## 26. MORE LAW

In the meantime I was continuously occupied in the practice of law. The first case which I tried was before Waldemar Setcn, a Justice of the Peace on the East side of the Willamette River. This was a case involving the foreclosure of a Mechanic's lien, and I represented the defendant. The principal fact about the case was that I lost it, which was probably a good thing for me. The case did not involve very much and the loss to my client was to be expected.

I had the advantage of beginning the practice when clients were inclined to litigate small cases. Accordingly I was at once thrown into the trial of many cases involving small amounts. For example, in the first five years of my practice I tried many livestock cases involving the killing of one or more animals by the Northern Pacific Railway Company, cases involving the loss of an overcoat or a single piece of baggage brought against the Pullman Company, and various other small cases. Judge Carey was attorney for these various companies and it seemed to be a policy of their management to deny all liability, no matter how plain the liability might seem to be, in order to discourage litigation.

I tried many cases involving \$50 or less for the defense and would as a general rule lose the case in the Justice Court. Then I would appeal to the Circuit Court and if the case was lost there I would appeal to the Supreme Court. All this was an excellent proving ground for me as a young lawyer because each one of these cases involved work and more work.

However, my practice was not confined altogether to small cases because I wrote the brief on appeal to the Supreme Court of Oregon and argued the case of Goss v. Northern Pacific Railway Company, 48 Or. 439. That was in 1906 and I won the case.

An interesting sidelight of this case was that at the conclusion of the argument in the Supreme Court I was introduced to Justice Frank A. Moore, then a member of the Supreme Court, who had known father while Moore was County Judge of Columbia County and father was County Commissioner. A short time after the argument Justice Moore sat down and wrote a letter to father, who lived in the upper Nehalem Valley, saying in effect "Your son argued his first case in our Court the other day and I must say that he did very well." Of course father lost no time in communicating to me what Justice Moore had said because the fact that Justice Moore would think enough of him to write that brief message made father very proud and gave me a bit of encouragement.

My first case in the Supreme Court of Washington was argued in the year 1908. James B. Kerr, who had been successful in litigating and winning cases for the Portland and Seattle Railway Company, as it was then called, had one case which he had tried in the Superior Court of Washington involving a conflict in surveys between the Portland and Seattle Railway Company, which was our client, and the Columbia Valley Railroad Company, which was then known as the Harriman Road.

This case involved surveys for a tunnel through Cape Horn, which is a narrow, basaltic point on the Columbia River in Washington. The lower court had decided in favor of the Portland and Seattle Railway Company and the Columbia Valley Railroad Company appealed to the Supreme Court of Washington. For some reason Mr. Kerr was busy on the day of the argument and he called on me to go to Olympia and argue the case. This was early in 1908. I was successful in winning that case on appeal. This means that by March 28, 1908, I had successfully appeared in the Supreme Courts of Oregon and Washington and had won both cases.

## 27. SOME INTERESTING CASES

The first important case and the biggest in terms of money which I tried was Louis Lavro v. The Pacific Telephone and Telegraph Company. Lavro was a lineman working with a crew near Roseburg, Oregon, and while on top of a pole it broke throwing him violently to the ground. He was a man of splendid physique and after recovering from the shock of the fall he finished his day's work. The next day he was found crying on the job and was taken to a Roseburg hospital. After a few days he was moved to a hospital in Portland. He was X-rayed from head to foot and the doctors for The Telephone Company could find nothing wrong with him except a little chip from one of his vertebrae.

In due time he got into the hands of Pike Davis, by that time a well-known personal injury lawyer, who sued the company in the Federal Court for around \$75,000, claiming that Lavro's back was broken. In the course of time the case came on for trial in 1911 and Lavro appeared in court wearing a steel jacket around his body. I was the only lawyer representing the company in the case. W. T. Teague, then plant superintendent for The Telephone Company in Oregon, sat with me during the trial. There was no question as to the break in the pole and that Lavro fell. The only question was the extent of his injuries and on that subject I had the best medical testimony that could be secured, all to the effect that there was nothing functionally wrong with Lavro.

One question was put to Dr. George F. Wilson, an eminent doctor who was at the time General Surgeon for the Southern Pacific Company. After Dr. Wilson had testified that he could find nothing functionally wrong from the X-ray pictures, Pike Davis asked him this question: "Then Doctor you think this man is a faker?" Dr. Wilson's answer was substantially as follows: "No, Mr. Davis, I would not say that this man is a faker, but I will say that he is either deceiving himself or he is deceiving the world." That was too much for Pike and he subsided. This was a very dangerous case for me and it went to the jury. One old juror from around Silverton, Oregon, hung the jury, and this old man would not agree on anything. I understand that the jurors varied in their views for a verdict from \$50,000 to nothing.

The case was on the calendar for a new trial which was to come up in several months. In the meantime Pike Davis had invested a lot of money in Lavro paying for his board and room. He was indebted to Pike for several thousand dollars so I settled the case for around \$7500, which gave Lavro about \$2500 after reimbursing Pike Davis for his expenses and paying him his fee.

The aftermath of this case was that about three months from the date of the trial Lavro shot himself and thus ended the case of Louis Lavro.

The case of Holmboe v. Morgan, reported in Volume 61, Oregon, p. 395, was one which came close to home and illustrates the slogan of my long deceased partner James B. Kerr as follows: "There's a way to win every lawsuit if you can just find the way."

As previously indicated W. H. H. Morgan was my father-in-law. He bargained with C. S. Howard, doing business as Howard Automobile Company, for a new Buick but one of the conditions was that they would teach him how to run it. He was at the time 73 years old. In 1913 on the day when delivery of the car was to be made the salesman, who was also a demonstrator of the car, came over to the Morgan residence and took him for a drive. He knew nothing about running a car and had never driven one before. The salesman-demonstrator took him across the river to the west side and down the St. Helens road, thence up the Germantown Road to the top of the hill, where he turned over the wheel to Morgan. Morgan got along fairly well for a beginner until about noon when they reached the head of Washington Street down which they drove with Morgan still at the wheel.

The parties were in substantial agreement as to what was then said. The salesman-demonstrator said "Don't you think I had better take the wheel?" to which Morgan replied "Oh, I don't know." He remained at the wheel until they got to 10th and Washington Streets, where pedestrian traffic was particularly heavy at the noon hour. Stop signals were more or less unknown at that time and Morgan, while driving the car, ran into Holmboe, who was a pedestrian crossing the street, and severely injured him. I had returned to my office about 1:30 P. M. when the Morgan family called me saying that Morgan had had an accident. I immediately found out that Holmboe had been removed to the hospital and remembered that on that very morning I had inquired of Morgan as to whether he had any liability insurance and his characteristic reply was "Oh no, I'll wait till I hit somebody."

The upshot of this accident was that Holmboe employed John F. Logan and Isham N. Smith as his attorneys to bring a lawsuit against Morgan, which they did, for approximately \$50,000. Morgan insisted to me that part of the deal was that Howard would teach him how to run the car, which he never did. I immediately wrote a letter to Howard calling his attention to this agreement and demanding that he take over the defense of the case brought against Morgan. No answer was received to this letter.

In the meantime I met John Logan on the street and said to him "You have brought an action for damages against my father-in-law, W. H. H. Morgan" and he replied "I know I have and I guess he can respond to any judgment", which was true. I then said to him "Why don't you join C. S. Howard as a defendant?" He replied "Show me where he is liable and I will do that very thing." I then recited the facts, including the agreement to teach him how to drive and the fact that the salesman-demonstrator had permitted him to drive down Washington Street in the middle of the day without attempting to control the car other than Morgan's control and he replied "I will return to my office and make C. S. Howard a party."

In the meantime I was to investigate the question as to how he could get service when lo and behold I found out that C. S. Howard lived in California. I was still puzzling over what to tell John about the service when he became impatient and lodged an amended complaint with the Sheriff and instructed him to serve Howard Automobile Company at its Portland office. As I got the story the Sheriff delivered the amended complaint to the Howard Automobile Company in Portland and it in turn sent the papers

over to the attorneys for its insurance company with instructions to take care of the case. The attorneys for the insurance company filed a general demurrer and thus made a general appearance. Thus began a chain of lucky events which was to follow me all through the case.

I had Holmboe examined by a physician and his report showed a broken rib or two plus a broken arm. I then approached the attorneys for the insurance company, which carried the Howard Automobile Company's insurance, with a suggestion that Holmboe was badly injured and we ought to get together and settle the case. I found out that the case could be settled for \$10,000 and offered on behalf of Morgan to contribute \$5,000 towards that settlement. The insurance company got into an argument with C. S. Howard as to the respective amounts that the insurance company would pay and Howard might contribute. It was reported to me that they were unable to agree on this division and it looked like we were going to be forced to trial.

I was desperately anxious to avoid a trial of the case with Holmboe as plaintiff and Morgan and Howard as defendants because I knew that the verdict might be more than \$10,000 and that Morgan might be held for all of it. Accordingly a stipulation was worked out between the attorneys for Holmboe, Morgan and the insurance company that Holmboe should have a judgment for \$8,000 and that we would try before a court and jury the question as to whether Morgan should pay it all or whether Howard should pay it all or whether there should be a joint judgment.

The case came up for trial before the late Judge Henry E. McGinn. By that time the matter was getting too close to home for me to handle so I called on my partner, Charles A. Hart, to try the case and we went to trial on the question of which defendant or both were liable. We took evidence, including Morgan's statement. The jury retired and brought in a verdict for \$5,250 against Howard and \$2,750 against Morgan. The court was still in session, not having discharged the jury, and instructed them that they could not apportion the verdict in that way and that they must either find Morgan responsible for the whole amount or Howard responsible for the whole amount, or render a verdict against both, which would be a joint and several judgment. Thus instructed the jury retired and in due time returned with a verdict for \$8,000 against Howard and nothing against Morgan. This was a victory because Morgan was actually driving the car at the time and while he was 73 years old he was not too old to be aware of his responsibility, yet the jury placed the entire loss on Howard.

But this was not all of the case. Once the verdict was returned the attorneys for Holmboe as well as the attorneys for the insurance company joined in an appeal to the Supreme Court claiming that the first verdict in effect resulted in a joint and several judgment against both. I wrote the brief and had to argue that question before the Court. The Supreme Court upheld the verdict but apparently thought I was very fortunate to escape any part of the loss and let each party pay his own costs. Thus ended a case fantastic in its ramification but again illustrating the slogan of James B. Kerr - "There's a way to win every lawsuit if you can find the way."

Another case to be mentioned was Crossett-Western Logging Company v. Larkin-Green Logging Company.

This was one of the first big fire cases. Crossett-Western owned a large body of green timber and a large amount of logging equipment. Larkin-Green had an adjoining logging operation, both operations being in Oregon on the lower Columbia River. Larkin-Green had logged a 40 acre tract of timber immediately adjoining the operations of Crossett-Western. A fire broke out in this unburned slash and spread to the south and west and burned a huge amount of green timber and all of the logging equipment of Crossett-Western.

Crossett-Western accordingly sued in the Circuit Court of Multnomah County for approximately \$500,000 for its loss in timber and equipment. Jack Larkin, who was president of Larkin-Green Logging Company always told us that the superintendent of Crossett-Western had requested that this 40 acre tract remain unburned until after Crossett-Western had finished its logging in the immediate vicinity and moved away. It was anticipated that the superintendent of Crossett-Western would deny making such request so that it would be one man's word against another. In the trial I was assisted by my partner, Charles E. McCulloch.

In preparing for the trial I had the file of the State Forester examined and found that the superintendent of Crossett-Western had engaged in a heated controversy with the State Forester as to the policy of the slash burning before all parties had finished their logging operations in the vicinity and moved away. He said to the State Forester, among other things, "Now, for example, last fall you sent a notice to my neighbor Larkin-Green Logging Company demanding that they burn a certain 40 acre tract which they had logged and I told them if they burned that tract before we were through on our side of the line I would hold Larkin-Green responsible for the timber and all damages which we might sustain." I was able to get the file of correspondence, including that letter, in evidence. The letter was, of course, direct confirmation of what Jack Larkin had told me. In other words, the superintendent of Crossett-Western was now in court suing because Larkin-Green had not burned this 40 acre tract whereas in the letter he had demanded that they refrain from burning and threatened dire reprisals if they did. In the argument of the jury I called attention to his testimony and to his letter and simply quoted these lines from the "Rubaiyat of Omar Khayyam":

"The moving finger writes, and having writ  
Moves on, nor all your Piety nor Wit  
Shall lure it back to cancel half a Line,  
Nor all your Tears wash out a Word of it."

We won the case, and it was not appealed.

The next case which I would mention is that of Silverton Lumber Company v. Silver Falls Timber Company.

This was a case involving a claim for damages growing out of the sale and delivery of logs by the Silver Falls Company to the Silverton Company. The Silverton Company was an old and established mill at Silverton with an

adequate log supply and a logging railroad running up into the Cascade Mountains. The head of the Silverton Company was a man well along in years by the name of Ralph A. Cowden. The Silver Falls Company was a newer company headed by a younger man by the name of Myron C. Woodard. The Silver Falls Company purchased a large amount of timber including the timber of the Silverton Company and its logging railroad. As a part of the consideration paid to the Silverton Company the Silver Falls Company agreed to sell and deliver to the Silverton Company at its mill pond in Silverton a specified amount of logs to be "woods-run", which meant the logs were to be logged and delivered without any reference to quality. At the same time Silver Falls Company was to supply its own needs from the logs and log trains which were made up in the woods and brought down each day by the log trucks going to the pond of the Silverton Company, the larger portion going to the pond of the Silver Falls Company. Cowden, the president of Silverton Company, complained bitterly as the contract was performed that his logs had been hand-picked and that he was getting the worst end of the deal. Woodard, president of the Silver Falls Company, claimed this was not so and that he was giving the Silverton Company the number of cars to which it was entitled and that was all there was to it. The contract was to be performed over a period of years and expired on a given date, after which Silverton Company sued the Silver Falls Company for about \$100,000 claiming that Silver Falls had hand picked and given Silverton Company inferior logs. On the other hand Silver Falls Company counterclaimed against Silverton Company claiming damages of \$110,000 because Silverton Company's pond was too small and it was guilty of unreasonable delay in unloading its logs from the cars thus creating a shortage of log trucks and throwing the whole operation out of gear.

The case was all the more bitter because there was more or less jealousy between Cowden, president of the Silverton Company, and Woodard, president of the Silver Falls Company.

The case was tried on behalf of the Silver Falls Company by James B. Kerr, one of my associates, John H. McNary, then an attorney of Salem, Oregon, and Custer E. Ross, of Silverton, Oregon, and myself. On behalf of the Silverton Company the case was tried by Richard W. Montague, Huntington and Wilson, all of Portland, Oregon, and Rollin K. Page of Salem, Oregon. We required about ten days to try this case and lived in the Marion Hotel at Salem, Oregon. We had various rooms including a work room where we would assemble each night and review the case and study the various angles of it.

When it came to the argument of the case Kerr, who was Senior Counsel on our side, insisted that John H. McNary and I argue the case. In the course of my argument I mentioned the fact that this was merely a lawsuit between Cowden on the one hand and Woodard on the other, and I undertook to pay high tribute to Myron C. Woodard. I warmed up and got eloquent in my tribute so that when I sat down the spectators broke into a wild applause which caused the Judge to rap for order and declared that if there were any more demonstrations like that he would clear the court room. However, the jury left us where they found us - neither side won.

I understood later that the jury wanted to give us on our counterclaim a substantial amount but since our counterclaim was largely defensive and more or less, as Richard W. Montague said in his argument, a

smoke screen, we were content to let the result stand. As a matter of fact, neither side recovered costs, and the case was not appealed.

The case of H. A. Baker v. William Reid and Wilbur P. Reid presented an amusing episode. H. A. Baker had an extensive business in packing, freezing and shipping loganberry juice.

The loganberries were picked in the fields by growers in and around Salem, Oregon. They were assembled at a central plant operated by Baker in Salem, where they were crushed and placed in fifty gallon wooden barrels. After cooping, the barrels were then transported by a trucking firm to Portland, where they were placed in a cold storage plant operated and maintained by the defendants.

During the summer of 1920 the weather became extremely hot in and around Portland and the defendants in order to produce ice allowed the temperature to rise in their cold storage room, thus causing the barrels of loganberries to ferment. I brought an action for Baker against the defendants to recover \$25,000 for approximately 300 barrels of loganberries which had remained in the cold storage plant during the warm weather and had been caused to ferment and spoil, becoming a total loss to plaintiff.

It was obvious that I had to prove the berries were picked in the fields at Salem and taken to Baker's plant in Salem in proper shape, that they were packed with ice, and coopered at the plant before being trucked to Portland, that they were trucked to Portland promptly and were delivered to the defendants in good condition.

The case was tried in the United States District Court before Judge Robert S. Bean in the upstairs room of the old Pioneer Post Office, which was then known as the Federal Building. My side of the case required approximately five days to try and the room was extremely hot. At the beginning of the trial the attorney for the defendants, J. Frank Booth, brought in and deposited under the counsel table a package wrapped in a newspaper. I was consumed with curiosity as to what was in that package. After I had introduced my testimony Booth took on the case for the defendants and I was able to get from one of the Reids the fact that the temperature had been allowed to go up in the freezing room, thus helping to prove my case.

Then came a very humorous episode. As a final witness Booth called a so-called expert who testified that he had taken samples of this juice from the barrels and it was in good condition. Then Mr. Booth inquired of the witness "Can you produce some of the juice which you took from those barrels?" and the witness replied "Yes, sir." Then Booth reached down under the table where this mysterious package had been left for five days and nights in a hot stuffy room and proceeded to take off the newspaper covering. It proved to be an old-fashioned Mason jar with a rubber ring and metal top. The witness then took the jar and began to unscrew the top whereupon the jar emitted a series of hissing noises such as any fermenting jar will do, much to the amusement of the jury, the spectators, myself and even the Judge. In the midst of this experience, Booth said wryly "I don't see the occasion for so much levity here." The witness

continued his operation of removing the cap and handed the jar to the jury for their olfactory inspection. Every one on the jury turned a wry face and hastily passed the jar to the next juror because obviously the juice was fermented and sour.

That one incident won the case for me because I knew that once that had happened there would be no question as to the result and I got a verdict for the full amount. This illustrates the importance of being careful with your exhibits.

The case was appealed by the defendants and was affirmed by the Circuit Court of Appeals for the Ninth Circuit in 288 Fed. 969.

The case of United States Spruce Production Corporation v. C. J. Erickson was one of the hardest fought cases and one in which I enjoyed the sweet fruits of victory about as much as in any other case I ever tried. The case was brought in the United States District Court for Seattle, Washington, and was an action by the Spruce Corporation against Erickson to recover about \$55,000, being the balance due on his contract to purchase logs from the Spruce Corporation.

The case was defended on behalf of Erickson by Corwin S. Shank, a good lawyer, practicing in Seattle, Washington. It was tried before United States District Judge Jeremiah Neterer. Since the case involved a sale of logs amounting to about \$500,000 leaving a balance on the contract of about \$55,000, Shank admitted all payments made because that was to his advantage but denied that anything was owing at all, which made me prove the entire log sale contract. The Columbia River Log Scaling Bureau had scaled the logs as they were cut and removed and had submitted one of the scale sheets as made to Erickson, one to my client, and had retained one. The contract ran over a period of approximately two years.

The only way I could prove my case was to show a summary of the log scaling sheets, which were in a cardboard box about 3 feet long and with two rows of sheets, introduce the summary and then offer the sheets in evidence. As a matter of fact Erickson had made no objection to the scale sheets, which under the law would constitute proof of delivery. Shank tore his hair and vigorously objected to my scale sheets as being so much "junk".

In arguing the case to the jury I had to concede that they could never figure out these scale sheets themselves for the reason that it was impossible for them to do that job. I said in substance "It is up to you to believe Mr. Shank on the one hand or me and my witnesses on the other hand." The jury were convinced that I was right and gave me a verdict for \$50,000, since I had to concede that an item of \$5,000 was not proved.

A case involving no great money demand was that of O'Brien v. Northern Pacific Railway Company. The plaintiff was a blind man and operated a one-man band, consisting of a drum, banjo, mouth organ and cymbals. He had been playing at a County Fair at Yakima, Washington, and bundled his musical paraphernalia in his trunk and shipped it as baggage to The Dalles, Oregon, for a County Fair to be held at that place. There was some delay in the shipment of the trunk and it did not arrive until

after the County Fair at The Dalles was finished, whereupon he sued the railway company for all the money he would have collected, being approximately \$250.

The case came on for trial before Judge Fred L. Olsen, Justice of the Peace. When the plaintiff took the stand I interrogated him in this wise: "Now, when you took your trunk to the railroad station at Yakima you told the agent that you had these various musical instruments in it?" His reply was "No, sir, I did not." Of course, that was just what I wanted him to say because musical instruments or merchandise when shipped in a trunk, if not disclosed to the railway company, is not properly baggage. Judge Olsen, while not noted for deciding in favor of a corporation, heard my decisions and ruled against the plaintiff, saying "It is too bad but law is law and I must hold for the defendant in this case."

The case of Esther Pewtherer v. Oregon Electric Railway Company, brought in the Circuit Court for Multnomah County, Oregon, was of unusual interest.

The plaintiff worked for the Gas Company on the last shift and lived at Multnomah Station on the line of the Electric Railway Company. This company changed its schedule so that the last train leaving Portland did not stop at Multnomah Station caused by the upgrade at that point. Plaintiff got into a violent argument with the officials of the Railway Company as to whether the train should stop or not. The result was that on a given night after the revised schedule had gone into effect plaintiff took passage on the late train, and since it did not stop at Multnomah Station she was carried past. Every time the conductor would approach her she would demand to be put off at Multnomah Station. This continued until the train reached Salem and eventually Eugene. The plaintiff continued her demand that she be put off at Multnomah Station.

After the train reached Eugene and left again for the return trip it finally reached Salem in the early hours of the morning. By this time plaintiff was in tears and was taken off at Salem by the station matron. The conductor and matron finally decided that plaintiff was to be returned to Multnomah Station, where the down train was due to stop. She reached that station about 5 o'clock in the morning, a sadder but wiser girl.

She brought a suit against the Oregon Electric Railway Company for \$5,000 actual damages and \$5,000 punitive damages filed by a competent lawyer then living, by the name of Arthur I. Moulton. After some preliminary motions she became dissatisfied with Moulton and decided to try her own case. In the meantime the newspapers got hold of the story and constantly referred to it as a "modern Portia" trying her own lawsuit.

The case eventually came on for trial before Judge William N. Gatens, the plaintiff appearing for herself, and I representing the Oregon Electric Railway Company. Of course, the plaintiff was wholly inexperienced in drawing a jury, but somehow we empaneled a jury. In the meantime there was tremendous curiosity about the case. Newspapers featured it and curiosity seekers thronged the court room to witness the proceedings. I was much embarrassed because this was a new experience for me, trying a lawsuit where the plaintiff was a woman representing herself. I

did not relish the publicity which the case was drawing. Furthermore I realized that I had to walk a narrow path because of the plaintiff being a woman.

Finally the plaintiff put in her testimony by the noon hour of the first day. Then Judge Gatens announced from the bench that it was not fair to the plaintiff or to counsel for the defendant or to the court that proceedings go as they had been going because it was obvious that the plaintiff knew nothing about trial proceedings. He offered to appoint any member of the bar in Portland whom the plaintiff might name to assist her in the trial of the case and adjourned until 2 o'clock. When 2 o'clock came the plaintiff declined to make any choice as to the lawyer who would represent her. Thereupon the court announced that he was disposed to grant a nonsuit because the plaintiff had wholly failed to present any case of liability but suggested to me that I offer her some modest sum in settlement and thus be rid of the matter. He indicated he would approve a settlement of \$300.

Newspaper men were also as busy as bird dogs and suggested to me that a settlement would be justified, if for no other reason, as a charitable contribution and for good public relations. I called by telephone Mr. Young, president of the Oregon Electric Railway Company, and told him that I was in the midst of the Pewtherer case and the suggestion was made that we should pay \$300 as a charitable contribution and for good public relations. Mr. Young's reply to me was that he proposed to pick our own objects of charity when we made a contribution. But after arguing with him he finally concluded by saying "You are on the ground, go ahead use your own judgment."

I did that very thing and promptly settled the case by having a check drawn in her favor for \$300 and the case was dismissed. Miss Pewtherer thereupon directed that the money which I had paid to the clerk of the court be turned over to the Baby Home. In the meantime plaintiff lost her job with the Gas Company and about three months thereafter, while living at home with her mother, she was found tearing her bed clothes and violently weeping and upon being examined by physicians they pronounced her incurably insane. After a short while at the State Hospital at Salem she died.

The case of Joe Lamm v. Silver Falls Timber Company, reported in 133 Or. 468, should be mentioned. Lamm, represented by Arthur I. Moulton, now deceased, brought an action against the timber company claiming that while he was riding on the logging train for the purpose of returning to work in the logging camp some 20 miles away he was thrown under the cars and lost his left arm. He sued for \$50,000 damages and the jury gave him a verdict for \$25,000. My contention was that the case was within the provisions of the Oregon Workmen's Compensation Act and that he should seek recovery under that Act.

I appealed the case to the Supreme Court of the State and a division of the Supreme Court consisting of four members affirmed the judgment of the lower court. Being convinced that this was a case of great importance to the logging industry and its workmen, I applied for a rehearing before the entire Supreme Court bench consisting of seven judges. The court

granted my application and on the rehearing the full court reversed itself. In the meantime Judge McBride, who was on the court when the rehearing was granted and the case was reversed, died, leaving the decision of the Supreme Court three for reversal and three for affirmance. A further move was made by Mr. Moulton that the decision of the lower court be affirmed since under the rules of the Supreme Court if a decision is made by an equal number of judges for reversal and for affirmance the decision of the lower court stands. I argued that since the last decision of the court was on the rehearing and that was for reversal the case must stand reversed. I prevailed in that argument whereupon Mr. Moulton undertook to review the case in the Supreme Court of the United States and that court held that no jurisdictional question was involved and therefore the last decision of the Supreme Court of Oregon must stand.

During the entire time that this case was in litigation I begged Mr. Moulton to protect Lamm in his claim for compensation before the Workmen's Compensation Commission by filing his claim and I offered to stipulate anything that he might desire to protect his rights. However, Mr. Moulton was so sure about his final winning the case that he ignored my request and never filed any claim with the Commission. The result was that Joe C. Lamm, although he lost his left arm, was denied recovery in the courts and denied any compensation by the Oregon Commission because his statutory time for filing a claim had expired.

The case of Silver Falls Timber Company et al v. Eastern & Western Lumber Company, reported in 149 Or. 126, is perhaps the largest case in point of dollars and involved more issues than any case with which I have been associated.

It grew out of serious fire damage charged to the Eastern & Western Lumber Company and involved property of the Silver Falls Timber Company. The amount involved in our complaint trebled was upwards of one million dollars but before the issues were made up in the case we became concerned with the huge amount and reduced our claim to the actual damages or about one-third the amount stated in the original complaint. This was the only case I ever tried in which I participated with my partner Charles A. Hart. The reason for this was that the case involved so many angles that we both gave our attention to the details of the case. Mr. Hart handled the angle of primary neglect while I took on the job of proving proximate cause. Both had a hand in the claims for damages of which there were many.

The logging operations of the Eastern & Western were over the ridge and to the north of the logging operations of the Silver Falls separated by several miles of ridge land called Crooked Finger Ridge.

The case was tried before Hall S. Lusk, Circuit Judge for Multnomah County. The taking of testimony commenced on June 3, 1932, and continued until September 6, 1932. It was resumed again on October 6, 1932, and ended on October 11, 1932. The case was tried under an agreement that Judge Lusk should sit without a jury. The record contained nearly 5000 pages of testimony and nearly 200 exhibits. The trial court spent three days on the ground going over the scene of the fire and in addition viewed the fire area from an airplane. The lower court granted us a judgment in the sum of \$263,207.75 and from that judgment the Eastern & Western appealed.

On appeal the case was heard by the entire court and the opinion of the court consisting of 88 pages affirmed the lower court in the amount of \$251,207.75 plus interest from the date of entry of the judgment and the judgment was paid.

In giving these cases I do not mean to imply that all of them in which I took the leading part were necessarily in large amounts or that I won all of them. The fact is that I tried all manner of cases whether in large or small amounts and I lost about as many as I won. It so happens that in most of the cases which I have cited I was successful.

Aside from trying lawsuits in my years of practice I performed many other legal services, including rate cases and other administrative proceedings for The Pacific Telephone and Telegraph Company. In my fifty odd years of practice I was always busy with many other duties such as organizing corporations, examining abstracts and giving legal advice generally. As a sample of the corporations which I organized there may be cited the West Coast Telephone Company, which was made up of many different smaller companies scattered over various parts of Oregon and Washington; Iron Fireman Manufacturing Company; Oregon War Industries, Inc., which was a corporation organized for handling a pool of about twenty-five smaller metal trade plants and thus presenting a united front for doing government work during the Second World War.

## 28. OUTSTANDING AND UNUSUAL JUDGES AND LAWYERS

### Robert S. Bean

The most outstanding judge before whom I practiced in my 51 years was Judge Robert S. Bean. He was outstanding because of his industry, ability and integrity.

He was born in Yamhill County, Oregon, in 1854. He practiced law at Eugene, Oregon, from 1878 to 1882; was elected Judge of the State Circuit Court in May, 1882, and served until 1890, when he was elected Judge of the Supreme Court of Oregon. He was continued in the latter position by election from time to time, until 1909, serving in the meantime as Chief Justice. He resigned May 1, 1909, to accept appointment as United States District Judge for the District of Oregon, a position he continued to occupy to the end of his life, or until January 7, 1931.

Judge Bean had the faculty of singularly clear expression, whether of the spoken or the written word. His oral opinions and his oral instructions to juries were well phrased and were clothed in apt words, simple, direct and accurate. The same lucid and terse quality marked his written opinions, which were always models of good English furnishing a clear and logical presentation of the elements of the case, and a well reasoned examination of the authorities applicable. The reports of his cases in the State Supreme Court and in the Federal Court will furnish a noble monument of his life work, and the luster of his name as an able and painstaking judicial officer will be imperishable as long as decisions are cited in the courts as precedents.

He was always courteous in his demeanor, and in the court room he was considerate and patient. His uprightness was a shining light.

I had the distinction of being appointed the Chairman of the Memorial Committee, which met on March 7, 1931, before the United States Federal Court for the District of Oregon. I was appointed to the position of Chairman by John H. McNary, District Judge for Oregon, who sat with Henry J. Bean, Chief Justice of the Supreme Court of the State of Oregon, and George F. Skipworth, Senior Circuit Judge of the State of Oregon. My committee was representative of the bench and bar of Oregon and consisted of the following men: Judge Harry H. Belt of the Supreme Court of Oregon; Judge Hall S. Lusk, Circuit Court Judge for Multnomah County, Oregon; James Roy Raley, then president of the Oregon Bar Association, residing at Pendleton, Oregon; A. E. Reames, residing at Medford, Oregon; G. C. Fulton, residing at Astoria, Oregon; William M. Davis, residing at Portland, Oregon.

Appropriate resolutions were adopted in memory of Judge Bean and Judge Belt, Judge Lusk, Messrs. Raley and Neuner, then United States District Attorney, and I, made appropriate remarks followed by a fitting tribute by Judge McNary.

## Henry E. McGinn

Perhaps the most unusual judge was Henry E. McGinn. He was unusual because he was inclined to be intemperate, both in body and mind. His habits as a lawyer and as a judge, when indulging in the use of intoxicating liquors, were out of this world. Even when under the influence of strong drink he possessed a very brilliant mind and while given to strong expressions he was generally right; drunk or sober he had unusual ability for detecting the truth of the situation and rendering justice between various parties. Many stories are told of his unusual actions, for example, it is said a man once appeared in his court room, who intended to be a witness in a pending case. Apparently Judge McGinn spied this man sitting down in the body of the court room and railed in a loud tone of voice "Mr. Blank get out of my court." The man replied "But, Judge, I am here as a witness." Judge McGinn still commanded that he vacate the court room. The man replied "Judge McGinn you are drunk" to which the Judge replied "I fully realize that but the trouble is that I drink and you lie." It is said that the intended witness promptly vacated the court room. Judge McGinn had conflicts with many lawyers of the bar but for some reason I always got along with him fairly well, although I have had cases come before his court in which he would look at the pleadings and announce from the bench "I will give you one hour to go out and settle this case, otherwise I will settle it." We generally worked out a settlement. The Supreme Court occasionally reversed Judge McGinn but more generally they affirmed him because they recognized his disposition to render King Solomon's justice.

For example, in the case of Edwards v. Mount Hood Construction Company, 64 Or. 308, Judge McBride gave some friendly advice to Judge McGinn, which was to this effect:

"To say to an attorney in the hearing of the jury that his case is 'infamous' and that his client shall never have a judgment, and especially before the client has had an opportunity to present his side of the case, is language that should never be used in a court of justice."

The Judge further said:

"The writer knows from experience on the circuit bench that it is sometimes very difficult for a judge to refrain from making comments on a case during the progress of the trial and especially where an apparent injustice seems to have been perpetrated; but after a reversal or two, occasioned by this practice, he concluded to go, not to the ant, but to the meek and lowly oyster, to 'consider its ways and be wise' and to keep the judicial mouth shut. He commends the example of the silent oyster to all judges."

Despite this advice to Judge McGinn he was found to be correct in his ruling and was affirmed.

Thomas A. McBride

Mention should be made of Judge Thomas A. McBride, who was the first circuit judge I ever saw in action and who later occupied a place on the Supreme Court of Oregon. He was what might be called a "pioneer judge". His long white hair, ruddy complexion and stooping shoulders made him a man of unusual appearance. As a judge he was sound in his opinions, kindly disposed and very tolerant, particularly to young lawyers. He had a high sense of real humor, which was well expressed in some of his opinions.

In *Walton v. Moore*, 58 Or. 237, the question was whether a sale of land for delinquent taxes was void because interest on the tax had been calculated at \$1.12 instead of the correct amount which was \$1.05. Justice McBride wrote the opinion and said, among other things:

"Counsel suggests that the discrepancy between the actual amount of accrued interest and the amount erroneously stated in the notice of sale is so small that we should disregard it as unsubstantial. In other words, that a small violation of the law is no violation on the principle, 'De minimis non curat lex.' But in proceedings in invitum, where it is proposed to take a man's property for one thirty-fifth of its assessed value, the law does care for small things, and will not infrequently consider them to prevent an inequitable forfeiture. From the case of Shylock v. Antonio, reported at large by Shakespeare, down to the last volume of Oregon reports, the courts have held that statutes providing for a forfeiture shall be strictly construed, and far be it from this court to say that a sum of money, coined by the government of the United States, which under certain circumstances it is a penitentiary offense to steal, and which is sufficient to furnish bread to the hungry, cheering drink to the thirsty, and to the miser the means of contributing to charity, shall be treated as unsubstantial in a case of this character."

The sale was set aside.

In *State v. Naylor*, 68 Or. 139, Naylor had been indicted and convicted for the crime of lewd and lascivious cohabitation. Chief Justice McBride in affirming the conviction wrote an opinion as follows:

"When an unmarried man and a girl are so infatuated with each other's society that they are willing to defy public opinion and the natural comment that would arise from such conduct and live for a year and a half alone with each other in a small house of three rooms, eat there, sleep there, and generally conduct themselves, so far as outside appearances go, as husband and wife, when the man is found in bed and the woman in the same room in her night clothes, with her corset and clothes hanging on a chair near the bed, when the girl tags around and camps with him at state fairs and is constantly in his society, the average normal man who knows human nature and the normal strength of human passion will naturally come to the conclusion

that these open demonstrations are accompanied by secret and continuous fornication unless one or the other of the parties is incapable of the sexual act. The jury had the parties before them and were fully able to judge whether they were physically capable of following the natural impulses of natures, so callous to public opinion as theirs seemed to be, or whether the man was a Saint Anthony and the woman a walking iceberg whom passion was incapable of thawing."

I have omitted any reference to judges now living, although some of them rank very high. They are sound and clearheaded thinkers and men of the highest integrity. Some of them are noted for their grinding out volumes of work but since it is hard to distinguish between them I refrain from naming them here, except to mention Justice Hall S. Lusk of the Supreme Court of Oregon, and United States Circuit Judge James Alger Fee of the Court of Appeals, Ninth Circuit, both of whom are outstanding for their industry and have unusual ability.

#### James B. Kerr

Among the attorneys whom I have met in my 51 years of practice I would name as the most outstanding of them all my deceased partner, James B. Kerr.

Kerr was a native of Wisconsin. His father was Professor of Greek in the University of Wisconsin. After Kerr was admitted to the practice at the Supreme Court of Wisconsin and had practiced for a short time he went to St. Paul, Minnesota, as Land Attorney for the Northern Pacific Railway Company. In 1896 he became Assistant General Counsel of the Northern Pacific Railway Company and served in that capacity until 1907, when he was sent to the West to take charge of the litigations and other legal work which was then occurring between the Hill and Harriman lines of railroad involving the building of the north bank railroad from Spokane to Portland. The Harriman opposition delayed, but did not succeed in preventing, the entry of the Hill road, which later became the Spokane, Portland and Seattle Railway Company, into Portland. Contention cases, injunction suits and other litigation, were carried to successful conclusion by Mr. Kerr or under his guidance. Two years or more passed before the work was concluded and he returned to St. Paul, Minnesota, to resume his practice in the law department of the Northern Pacific Railway Company but Portland and its opportunities proved too great an attraction and Mr. Kerr soon returned and a partnership with Judge Charles H. Carey was formed on September 1, 1907, under the name of Carey and Kerr.

James B. Kerr was a man of great ingenuity, resourcefulness and tremendous energy. As previously related Kerr's oft-repeated advice to me as a young lawyer was "There is a way to win every lawsuit and an answer to every legal problem if you can just find the way." Kerr never forgot that slogan in his own work because his energy and resourcefulness knew no end. He was inclined to smoke one cigar after another until the room was literally blue with smoke while he worked unceasingly towards the solution of the problem in hand.

## Charles H. Carey

I do not forget Judge Charles H. Carey, who was for many years a senior partner of Mr. Kerr. As previously indicated I really began the practice of law with Judge Carey. He was a very able man and in many respects the equal of Mr. Kerr. However, Kerr was inclined to be more resourceful and possessed more ingenuity than Carey. Both were very good lawyers and since I must choose between the two I would name Kerr in preference to Judge Carey, although my feelings for Judge Carey were very close and intimate.

I had the advantage from 1905 on through the years of becoming associated with many fine lawyers throughout Oregon and Washington. I will enumerate them in geographical order, although all have crossed the Great Divide.

I must begin with E. A. Reames of Medford, Oregon. He always dressed immaculately and was a very capable lawyer.

Next came Dexter Rice of Roseburg, Oregon. He always wore a small bow tie, was a small man but a very good lawyer.

Then came Charles A. Hardy of Eugene, Oregon. Hardy and I tried quite a number of lawsuits together. Hardy was not much of a student of law books. I used to think he got most of his law from the street corners. He had a very active mind and I enjoyed watching him try a case. All of these lawyers were in a way local counsel and I, although younger, represented the home office or general counsel for the particular client. I always let the local lawyer go ahead and be the spokesman in trying the case believing that was a good policy and I well knew that the local lawyer would take more interest in the case if he had something to do with the trial.

Gale S. Hill was our local lawyer in Albany, Oregon. He was very fat but was far from lazy. He later became circuit judge and served until his death.

John H. McNary from Salem, Oregon, comes next on my list of lawyers, and I probably tried more cases with him than any other man, although he, Hill and Hardy were all local counsel for the Oregon Electric Railway Company. John had been district attorney for Marion, Polk, Yamhill, Tillamook and Linn Counties and he knew all there was to know about the trial of a lawsuit. Furthermore he had a wide acquaintance with the jurors.

One of the best stories ever told on John H. McNary as a lawyer was in connection with a death case we were trying for the Oregon Electric Railway Company. Walter Winslow of Salem, Oregon, was for the plaintiff and we represented the defendant. We had finished the testimony and Walter had made his opening argument to the jury just before noon. The court adjourned for the noon recess and as John and I walked out of the

court room John said to me "You know, Walter has not made much of an argument to the jury and I would not be surprised if it would be a good policy for us to waive argument." That meant of course if we waived Walter was through with his argument because he had the closing argument and his opening argument would be necessarily his closing one. John said to me "You know, I know most of those jurors and if we waive argument the jury will think that we don't consider Walter's case as worthy of reply."

I was from the home office and I had to give my approval but the tactics sounded good to me and therefore I agreed with John that we should handle it that way. We had lunch and returned to the court room. After we had been seated at the counsel table and the jury was brought in John whispered to me "Now we will pretend to confer." We accordingly talked about the weather or anything else that might be of interest, then John arose and announced "Your Honor, we have decided to waive argument." The case went to the jury without any further argument on our part and of course Winslow was precluded from making any final argument. John's advice was correct because the jury returned a verdict in our favor. In 1926 John H. McNary was appointed District Judge of the United States District Court for the District of Oregon and served in that capacity until his death, which occurred in 1936.

I had a good deal of business with Judge A. L. Miller of Vancouver, Washington. Here again, the Spokane, Portland and Seattle Railway Company was our client and I was from the general office and Miller was our local counsel. He and I tried many cases in Clark and Skamania Counties. Judge Miller had been in earlier years on the Superior bench of Clark, Cowlitz, Skamania and Klickitat Counties. After he left the bench we were inclined to agree that the average juror thought that Judge Miller was still on the bench and therefore when he spoke he spoke as though he were a judge. The Spokane, Portland and Seattle Railway Company had many lawsuits involving various land damage cases, particularly in Clark and Skamania Counties.

In one of these cases tried in Skamania County Hadley and Hayes brought a case against the Spokane, Portland and Seattle Railway Company for blasting a huge amount of rock on their land, which was slightly above Stevenson, Washington. As a matter of fact the contractors must have put in a huge blast of powder because the rocks were blasted out from the right of way so that it left both sides smooth and clean and deposited rock on the land of Hadley and Hayes, which was between the railroad track and the river. We had made opening statements to the jury and then took the jury out to view the premises. After viewing the premises some suggestion was made by the attorney for the plaintiffs that we might as well take the jury back and let them assess the damages without any evidence. Judge Miller and I thought about that for a while and the more we thought of it the better we liked the idea. The jurors were land owners in the county and knew the value of land and Hadley and Hayes did not have much of a ranch. On the way back I called up the office and talked with Judge Carey and he advised me against doing that sort of thing because he said if you get stuck you will have no record on which to appeal. He finally said "use your own judgment" and accordingly I did and decided to follow Judge Miller's recommendation. We argued the case from what the jurors had seen and they returned the verdict with some slight damages but in no way excessive, so that our judgment as to the course of action to follow was vindicated.

N. B. Brooks resided at Goldendale, Washington, which was the county seat of Klickitat County. Brooks was also our local attorney in Klickitat County and aside from being a lawyer he ran an abstract office, brickyard, sawmill and a moving picture show. He was one of the old school type of lawyer but his judgment was always sound.

C. L. Holcomb was another lawyer who resided at Kennewick, Washington, and was our local attorney for that region. Holcomb was a country lawyer, well schooled in fundamentals and knew what to say and when to say it before country judges and jurors. Holcomb called on me occasionally at my office in Portland and all he ever asked was "Could you supply me with a quart of whisky." This was during prohibition days and while he did not partake very much he liked a little at a time. Since he came from a dry country I always saw that he got his quart.

## 29. CIVIC SERVICE

My introduction to civic service was as early as 1915. I became interested in Boys Scouts of America and served first as a Scoutmaster. A little later I was elected a member of the Board comprising the Executive Council. In due time I organized the first session of a court of honor. This was quite an undertaking and there was called to my aid many prominent citizens of Portland who served as judges of the court of honor. In due time I was carried on the Roll as Honorary Vice President of the Portland Area Council of Boys Scouts of America, and still hold that honor.

In the year 1924 I was induced to become a candidate for a trustee of Multnomah Amateur Athletic Club. I served through 1928 and with such men as Plowden Stott, T. Morris Dunn, E. C. Sammons, all of whom are now living, and T. H. Banfield, Frank H. Ransom, Frank Watkins, John A. Laing and others, who are now deceased. During my time on the Board we built the Multnomah Golf Club 30 years ago and caused to be erected the Stadium. From its organization and during those days the club maintained no bar and liquor on the premises was strictly forbidden.

Since that time the club has dropped the word Amateur from its name and maintains a bar. Football games between various colleges are now played in the Stadium. Dog races have had their turn and have paid a good rental to the club for the use of the Stadium. Beginning with the season of 1956, dog races have no longer been held in the Stadium but the Portland Baseball Club plays its games there. There is adequate seating capacity and a splendid turf.

During 1936 and 1937 I was president of the Portland Community Chest, now known as the United Fund. I remember well the occasion of a telephone call from Aaron M. Frank, president of Meier and Frank Company, who called and said he wanted to see me. I told him I would see him at once and lo and behold he headed a committee of five men who were leaders of the Portland Committee and informed me that they had decided I should be president of the Chest for the coming year. I was so dumbfounded with the appointment that I was aghast and told him I could think of a lot of men who would make a better president of the Chest than I, and furthermore I had no ability for raising money. He informed me that I would have a campaign chairman to head up the drive and also they did not agree with my claims that I was not a fit and proper person to head the Chest.

With that I subsided and took on the duty. They gave me as campaign chairman for the year Arthur L. Fields, who proved to be a very efficient man.

At the conclusion of my term in 1936 I was unanimously reelected for another term but at the end of my period in 1937 I told the committee that I felt sure that a man should not serve too long in any one capacity and that I must decline to be a further candidate. However, my interest in the Chest continued even though I was out of office and has continued to this date.

During my whole life I have been interested in Oregon history. Beginning with my acquisition of a book written by Philip H. Parrish entitled "Before the Covered Wagon" my interest, which was always latent, became active.

Parrish had an excellent bibliography and I decided to acquire each and every book in his bibliography so far as my means would permit. I accordingly set out to make such acquisition and before I got through I had assembled a fairly complete library. With this interest in the history of Oregon I found myself being suggested as board member of the Oregon Historical Society and was elected. Later I became its vice president and served for several years. Finally because of ill health Lewis A. McArthur, president, retired and I was elected as his successor and served for one year. After an interval of one year I was again elected president and served for another year. My service as president having been concluded I was continued on the board and now enjoy the title, along with Robert A. Sawyer of Bend, Oregon, of director Emeritus.

During my time as president I visited many affiliated societies throughout the state. These societies are local, although they have a connection with the parent society in that their constitutions and bylaws must be approved by it. During my service as president I urged the organization of societies in Josephine, Klamath, Umatilla, Baker, Wallowa, Coos, Wasco, Madras, Deschutes, Crook, Malheur and Lake Counties. At the present time we have twenty-five affiliated societies throughout the state, which add greatly to the strength and stature of the parent society.

As my professional life became less burdensome I decided to shrink my income somewhat and give more attention to various other activities, the chief of which was the Oregon Reclamation Congress. I became president of that concern, which is a land use organization devoted to the best use of land in the state particularly the water resources of the state. I served in this capacity for two years and was then elected Oregon director to the board of directors of the National Reclamation Association, which consists of seventeen western states devoted primarily to the question of more water and the best use of water on irrigable land in the west.

After serving in that capacity for two years I found that attendance at the annual conventions, which were held throughout the west, was rather burdensome and furthermore I felt that the Oregon director should be a man living east of the Cascade Mountains, where water is more important. I resigned and was able to persuade the association to elect La Selle Coles from Prineville, Oregon, as the Oregon director.

Beginning with 1930 I was appointed one out of five trustees for the E. Henry Wemme Endowment Fund. This is a charitable fund created by the will of the late E. Henry Wemme. It required that the trustees build, equip and have operated a maternity home for the benefit of unmarried, unfortunate and wayward girls. There was a great amount of litigation over this provision in the Wemme will. Suffice it to say that the Supreme Court of Oregon mandate ordered that five trustees be appointed by the Circuit Court of Multnomah County, Oregon, sitting en banc. The trustees were appointed for terms of six years and before the appointment was final

it was required to be confirmed by the Supreme Court of Oregon. Through reappointments I have served on this Board of Trustees since 1930 and am now a trustee. The trust maintains a modern maternity or lying-in hospital, which is located near the White Shield Home in Northwest Portland and by contract the trustees have appointed the Salvation Army to operate and maintain the hospital.

I have enjoyed several more activities but the foregoing list will be sufficient to illustrate my widespread interest in civic service.

### 30. RECREATION

During my entire life I have been given to many outdoor activities. Having been born in the west and being a native of the upper Nehalem Valley, it was but natural that I should find myself active in outdoor sports. I always liked good fishing or hunting and enjoyed many a trip in the country when fish were plentiful and deer were in abundance.

In 1911 I enjoyed a walking trip up the beach from Tillamook to Seaside in company with Alfred A. Hampson and Horace Mecklem. We went to Tillamook on a luxurious gasoline launch, owned and operated by a firm which was then promoting a beach resort near Tillamook called Bayocean. The launch was also called Bayocean and was about 100 feet long. We had the comforts of the owner's cabin. We left in the morning, crossed the Columbia River bar and landed at the resort known as Bayocean.

After spending a night and enjoying life generally we left the next morning on a launch crossing the bay which separated Bayocean from Tillamook and then our real walking trip began. This was before any railroad was built into Tillamook and long before adequate highways were constructed. There was no resort along the beaches at that time. As we proceeded up the beach from Tillamook I looked forward to the time when we would reach Nehalem Bay and Nehalem City and remarked to my companions on several occasions that I was born up the Nehalem River about 100 miles. As we meandered along we suddenly came upon a beachcomber cutting wood on the lonesome beach. His hair was bleached and he looked as though he needed encouragement. One of the boys had a pint flask of Bourbon which he carried on his hip. Producing the Bourbon he announced to the beachcomber in more or less serious terms "Do you know, my friend, that this man (pointing to me) was born 100 miles up this Nehalem River?" The beachcomber gave some reply stating that he did not know and cared less, whereupon my friend said to the beachcomber "Well, if you don't know anything about that how about a drink?" and offered him the bottle. As the man tipped the bottle to his lips I could hear the gurgle, gurgle of the liquid as it went down and the man was finally satisfied. We had our joke and were on our way again.

We stayed that night at Nehalem City, which at that time had no road to the outside world but could be reached only by a small schooner. It was largely a fishermen's town with a bar on every corner. We stayed all night and after a good dinner and breakfast were on our way again.

The next leg of our journey took us around Neahkahnie Mountain. This was long before there was any inn at Neahkahnie and we had to make our way around the narrow Indian trail, which was approximately 1000 feet above the ocean. We had lunch at an inn at the lower end of Cannon Beach after which we traversed the entire length of Cannon Beach to a small inn called Elk Creek House, which was a very delightful spot.

Cannon Beach was at that time wild and uninhabited except for the two inns. We stayed two or three days at Elk Creek House because they served good meals and while local option prevented them from having a bar they had a little bar on the inside completely surrounded by the balance

of the house. There we partook of refreshments to our heart's content. We had had our baggage shipped by train to Seaside and then by bus to Elk Creek House so that by that time we were in need of fresh clothes and linen. After enjoying the comforts of Elk Creek House we walked by a county road to Seaside and took the train home.

I have climbed Mount Hood three times; once from the south side over Crater Rock, once from the north side over Cooper's Spur, and once from the west side over what was called Sunshine Trail.

On my first trip up Mount Hood I was accompanied by my son, John Alfred, who was then eleven years old and I was forty-one. During the year 1924 in company with John Alfred, who was then thirteen and I was forty-three, we walked from Government Camp on Mount Hood down the Sky Line Trail to Mount Jefferson and out at Detroit, carrying our own grub and blankets on our backs because we could not find a pack horse at Government Camp. The trip required about seven days.

Our visit into Jefferson Park, which was then and even now is not reached except by foot or pack horse, was a veritable paradise with islands of green tamarack and small lakes at the very base of Mount Jefferson.

I early became somewhat of a golf player and when I was a young lawyer made application and was accepted in Waverley Country Club. This was during the days when the Club occupied the original quarters on the north side of the course just outside of Sellwood. I always enjoyed playing with the regular foursome consisting generally of Alfred A. Hampson, Horace Mecklem and R. A. Leiter, all of whom have crossed the Great Divide. Later on, a new clubhouse was built to the south of the course and R. A. Leiter having died, Charles A. Hart, my senior partner, became one of our foursome.

In the meantime I developed an atrocious "slice". This means that when you hit a ball you think it is going straight but instead it turns and bends to the right so that eventually the ball comes rolling back towards you as though it were following the course of a boomerang. I took lessons and tried my utmost to break this slice but to no avail. Finally I broke the slice by quitting the game.

Then I took up horseback riding at Nichol Riding Academy. I was not accustomed to riding an English saddle although I had been accustomed to a horse in my younger days. Once you learn how to ride it is like learning to swim you never forget it and it was easy for me to adjust myself to the English saddle rather than the stock saddle. I rode both in the ring at Nichol Riding Academy and out on the trail for about three years, after which I acquired Morgan's Landing Farm, which will be described later, and had saddle horses down there.

I always enjoyed riding in the ring or on the trail, especially with Dr. and Mrs. Chipman, Nancy and Phil, and many other companionable friends. My riding at the ranch gradually supplanted my activities at Nichol Riding Academy; in fact, Alex. Wilson, the ring master there, some time later called me by telephone and wanted to know if I could use an additional

saddle horse at the ranch. Upon my inquiring what this was all about he replied that they had a horse named Keno that I knew very well because he was an old-timer and had been successful in winning many blue ribbons on the paper chases.

He said that Keno was a little old for the youngsters to ride but still had enough fire and activity so that if I could use him he would pension him out to me and let him live out his days on my farm instead of killing him and disposing of his remains for fox meat. I replied at once that I would gladly accept Keno and rode him for several years.

He was a tall horse and hard to mount but once I was on him the old boy registered fire and brimstone. Finally, one day I observed Keno lying down in the pasture and the next day I witnessed the same scene in apparently the same place. Becoming suspicious I sent one of the men out to inquire and he returned reporting that Keno had run his last race and jumped his last hurdle.

### 31. THE ROUND TABLE

For approximately forty years I have been a member of what has been called the Round Table. As Owen Meredith wrote years ago in his poem Lucille:

"We may live without poetry, music and art;  
We may live without conscience and live without heart;  
We may live without friends;  
We may live without books;  
But civilized man cannot live without cooks."

To the word "cooks" in this poem can perhaps be added companionable friends and pleasant conversation. The Round Table began spontaneously during or just before the first World War. A few men were drawn together not by business, social standing, politics or religion, but by mutual regard and companionship. They included Judge John H. Stevenson, Lloyd R. Smith, Judge James P. Stapleton, Congressman Maurice E. Crumpacker and myself. I am the only survivor of these companions of former years.

We began by having lunch together in the back room of a German bar named Turn Halle Cafe, operated by Kirchner and Hanno at Fourth and Yamhill Streets, Portland, Oregon. The food was good and cheap but the room was dark, dingy and full of cockroaches. Judge Stevenson at once dubbed it the "hog pen." There was no organization and never has been. There was no ban as to who might come along. We just dropped in knowing someone would be there that we knew and liked.

In due time we moved to the men's dining room in Meier and Frank Company's store. The group began to expand and aside from the men named above there were new faces such as E. V. Littlefield, Charles C. Hindman, Bert E. Haney, Richard W. Montague, Hall S. Lusk, Walter H. Evans, Sr., William Kiernan, C. L. Starr, Donald J. Sterling and others. The Round Table continued at Meier and Frank Company's store for several years. The reason for leaving it was objection by some in having to elbow one's way through a department store.

Like the well-known rolling stone, it was time to change. We tried the Sign of the Rose located at the northeast corner of Broadway and Alder. Change to that room lasted just for one day. We were in the midst of lunch when Milton A. Miller, an old political war horse, moved in with his toothpick, having had lunch at a cheap cafeteria downstairs, and took over the conversation. That afternoon I had a telephone call from Judge Stevenson to the effect that he was through with the Sign of the Rose. Upon my inquiring why, he said "I'll not eat lunch where that old fool of a Milt Miller can come in with his toothpick and take over the conversation." That ended the Sign of the Rose as an eating place for us. Then Lloyd R. Smith was delegated to find a new place.

A basement restaurant near Taylor and Broadway was suggested. After one or two tries, there was complete dissatisfaction with that place. Someone called it a horse stable because there had been an old livery stable in the basement before the restaurant was started. So we were on the move again.

The Congress Hotel then came up for our consideration. They had an inside dining room which, so far as attendance was concerned, was much like a morgue in those days, but the food was fair and it was convenient for the judges from the Court House. We were about the only ones in that dining room. We used the Congress Hotel for several years and then, whether we did not like the place or the food or whether they closed the dining room, we were on the move again.

Again Lloyd R. Smith, who always jokingly claimed to have a flock of undercover agents, was ordered to scout and find a new place. He reported that the big round table in the northwest corner of the main dining room at the Portland Hotel was available. We landed there in the year 1926 and the Round Table was in that hotel until it was torn down in the year 1952. After the Portland Hotel was torn down we landed in the Oak Room of the Benson Hotel at the corner of Oak and Broadway streets. During the time we were served at the Portland Hotel Roy Blackburn was our chief waiter with Cassie Casiano second in point of service. Since we have been in the Benson Hotel various girls have waited on our table, among whom are Nettie, Ethel and now Iris.

During our many years at the Round Table, which meets at 12 o'clock every day except Saturdays and Sundays, many new faces have come upon the scene and many have departed. We never think of having lost old faces but they have gone from us and will never return. In other words, our friends have left the Round Table and "not one returns to tell us of the road which to discover we must travel too." Those who have left us never to return are the following:

Charles C. Hindman, Maurice E. Crumpacker, Richard W. Montague, Judge John H. Stevenson, Lloyd R. Smith, Judge James P. Stapleton, William Maguire, E. V. Littlefield, Judge John Winter, Judge Robert Tucker, Amadee M. Smith, Judge Louis Hewitt, Thomas J. Mahoney, Sr., Judge Burt E. Haney, Allyn A. Bynon, William T. Mitchell, Judge Carl Hendricks, William Kiernan, Ernest Haycox, George L. Gardner, Lewis A. McArthur, Donald J. Sterling, Reverend W. W. Youngson, Ralph Moody, Senator Dean Walker, Judge Mac Snow, Judge Lowell Mundorff and James Landye.

At the present time there are about 50 members of the Round Table made up of old faces with the addition of new ones who have been annexed. They are as follows: Judge J. O. Bailey, Burt Brown Barker, Hugh L. Biggs, George Black, William Blitz, Frank Bosch, Jay Bowerman, James L. Conley, Elliott Corbett, Harry Corbett, Kern Crandall, Right Reverend Benjamin Dagwell, Thomas Delzell, Fred DeNeffe, Judge William Dickson, James Donald, Judge William East, Walter H. Evans, Sr., Walter H. Evans, Jr., Judge James Alger Fee, William G. Hare, Judd Greenman, Nicholas Jaureguy, Randall Jones, Ralph King, C. T. Kronenberg, Francis Lambert, Lawrence H. Lister, Judge Hall S. Lusk, E. B. MacNaughton, Judge Claude McCulloch, Frank Phelps, Roy Orem, George L. Rauch, Robert L. Sabin, E. C. Sammons, Estes Snedecor, Judge Gus Solomon, C. L. Starr, Omar C. Spencer, Sr., Omar C. Spencer, Jr., C. B. Stephenson, Robert W. Sawyer, Manley Strayer, John Veatch, Sr., John Veatch, Jr., Moe Tonkin, Thomas Vaughan, Irving D. Winslow and Leslie Werschkul.

The Round Table has had various names, the principal one being The Round Table. For a long time it was called by the waiters at the Portland Hotel the Judges' Table because of the large number of judges, although the table was not confined to judges.

Later on, with the acquisition of skipper Frank Phelps and his cabin cruiser Toby, which is 51 feet long and on which we have taken many interesting cruises, and partly because the Round Table occasionally met for maneuvers at Morgan's Landing Farm, it was named Spencer's Rangers, taking our cue from that famous book called "Northwest Passage" written by Kenneth Roberts, wherein Rogers' Rangers are featured.

The Round Table has always had a prize story teller. From the beginning it was Judge John H. Stevenson, who was also a master of unusual words. After Judge Stevenson's time came Judge Stapleton; Stapleton was a very large man and when his frame began to shake you knew a story was on the way. After Judge Stapleton's time came John Veatch, Sr., who is our current best story teller.

No man ever brought his wife to the Round Table. There was no rule about the matter; there are no rules about anything. But men frequently bring their daughters or sons. Anyone can sit at the Round Table or stay away if he prefers. Men frequently bring their out-of-town friends and associates. A newcomer is always welcome particularly if he is a good companion and a good conversationalist or a good listener.

Conversation at the Round Table covers local, national and international subjects. Sometimes we get out beyond the atmosphere as for example: Are there stars beyond what we can see with a telescope? And if so, where do they end? Conversation is general, in which all participate or at least try to listen. Occasionally someone pours his personal experience or the facts about a case into the ear of his nearest neighbor, much to the disgust of the latter because that means he is excluded from even hearing the general conversation. We never discuss cases pending between ourselves and, above all things, we never so much as mention cases pending or on trial before a judge who may be present.

Men at the Round Table come there to spend an hour or so in complete relaxation. They do not attend clubs because someone of the group may not be a member of the particular club. They want neither business deals nor bridge nor dominoes played between gulps of food and drinks of coffee. Good companions, good conversation, good humor and even fair food when mixed with relaxation add considerably to the pleasure of living and to one's length of life.

The climax of the Round Table activities was a dinner given by Blitz-Weinhard Company, April 18, 1956, in honor of my 75th birthday. All the members of the Round Table were invited, as well as the members of my firm. We gathered in the brewery at 12 o'clock noon and after imbibing copious quantities of beer we were served with a delicious luncheon in their party room. Bishop Dagwell was there, as was F. B. MacNaughton and also many others, including all the members of my firm. After a few remarks by E. B. MacNaughton, Bill Blitz called on Manley Strayer and, much to my surprise, he produced a poem which the boys in my office had composed in my honor. This read as follows:

It was in the month of April back in 1881  
That the Israel Putnam Spencers of Vernonia had a son.  
From the first it was apparent he was not the usual run,  
And they say the elder Spencers were aghast at what they'd done.  
'Fore he even came a yearling he had temperament galore,  
Kicked the slats right off his cradle, threw his bottle on the floor,  
Said: "Now folks, bring me some britches. Take these diapers from my rear.  
And I'm through with milk and pablum. Gonna drink Blitz Weinhard beer".

Young Omar was fond of spending time in quiet meditation  
While thumbing through the pages of mail order publications.  
And one day he wrote a letter to the big Sears Roebuck store,  
Said: "Send me one of them there things on page 264.  
Don't mean the tennis racquet, nor the balls or tennis shoes,  
There ain't no place up in the woods where such things we can use.  
We're pretty much confined up here to playin' indoor sports.  
So just wrap up and send to me that gal in the tennis shorts."

Now as friend Omar got older course his general knowledge grew.  
His friends were quite astonished at the many things he knew-  
Indian lore and Northwest history, how to fiddle how to plow,  
He even knew in detail 'bout the love life of the cow.  
So they sent him off to Stanford. Thought it wouldn't be so bad  
to put a coat of polish on this backwoods country lad.  
Omar came home some years later, in one hand his law degree.  
In the other was his fiddle and his old harmonicy.

When the Japs attacked Pearl Harbor Omar thought of all the dangers  
If bombs hit Morgan's Landing, so he started Spencer's Rangers.  
While the battles raged and thundered Spencer's Rangers held their ground  
Every week day at the table with their strategy profound.  
Yes they guarded Sauvies Island and they held the Japs at bay  
'til at last the war was over and there dawned a brighter day.  
Omar once again had leisure to pursue his heart's desire  
Of propagating livestock without benefit of sire.

Everything was calm and peaceful until 1956  
When again invasion threatened and Omar was in a fix.  
This time Texans took the warpath and were armed with natural gas  
And they threatened condemnation if he wouldn't let them pass.  
Once again the Rangers rallied and said First Lieutenant Veatch:  
"We'll fight them in the cow sheds. We'll fight them on the beach".  
But Big Inch kept right on coming 'til an armistice was signed  
And once again Omar had time for the cows he'd left behind.

Now folks, you know the reason we are all assembled here  
Is to celebrate two birthdays with our host, Blitz Weinhard Beer.  
So let us fill our glasses with this most delicious brew  
And drink it down like Rangers, never stopping 'til we're through.  
It will be a fitting honor and a toast to friend Omar,  
A most distinguished member and leader of the bar;  
Farmer, stockman, poet and an author of renown;  
Philosopher and gentleman. The best there is around.

April 18, 1956 - Manley B. Strayer  
Tune: "This Old House" - Sung by  
Manley B. Strayer to his own  
guitar accompaniment.

## 32. MY SPEECHES

From my earliest days speechmaking was a must so far as I was concerned.

It started with debates and those led me to the matter of making speeches. On one occasion in 1916 I delivered a speech to an annual banquet of Willamette Lodge, a Masonic Order, which apparently attracted the attention of the late Wallace McCamant, who was himself very good at making speeches. Apparently he was sufficiently impressed with my display of eloquence that he took me in hand and said as follows: "Brother Spencer, you make a very good speech and you ought to do more of that kind of work." I knew Wallace McCamant would go out of his way in gatherings, whether large or small, to make a speech particularly on the life of George Washington and all kinds of patriotic subjects. I took his kindly advice to heart and before I was through I found myself making speeches to various groups on many different subjects. For example, on Lincoln's Day of 1917 I make a speech on Abraham Lincoln before Jefferson High School consisting of about 1800 students.

During the first World War I was a 4-Minute man and during 1918 I made many 4-Minute speeches. The 4-Minute Men were organized by the government so that periodically a large group of men spoke on the same subject in the United States on moving picture programs. The speech was introduced by a screen. Throughout the United States each 4-Minute Man spoke on the same subject during the same week, which meant four minutes no more and no less. I generally spent about two hours in preparing a 4-minute speech, which of course meant committing it to memory. Among the subjects which I discussed were Danger to America, Mobilizing America's Man Power, Where do you get your Facts? and The Meaning of America.

During 1918 I responded to a toast at a very formal dinner given by the Scotch Benevolent Society of St. Andrews. That was a grand dress-up affair. I took as my subject "The Scotch American." I pictured various Scotchmen who through the years had made themselves felt in America. I introduced my speech by telling the guests who filled the main dining room of the old Portland Hotel that while the natural unreclaimed Scot is apt to be litigious I assured the guests that I was not there to cultivate that desire. I called attention to the advice which the poet Robert Burns gave to his countrymen as to lawyers, which if followed would bar us from any clients among the Scots. He wrote these lines:

"When neebors anger at a plea  
An' just as wud as wud can be,  
How easy can the barley-brie  
Cement the quarrel  
It's aye the cheapest lawyer's fee,  
To taste the barrel."

During my early years of public speaking I always wrote out my speeches and memorized them. This gave me a feeling of assurance when I had the speech written out and fully committed to memory. Later, when it

was customary to have speeches broadcast over the radio or as I began to grow older I felt more freedom in talking from a carefully prepared outline. I spoke on every conceivable subject at all worth while. For example, in 1925 I was called on by the Tacoma Bar Association to prepare a speech on Lincoln's Day and I wrote one and appeared at Tacoma before the Bar Association and delivered it on the subject "Abraham Lincoln, the Lawyer." That speech was later published in the Oregon Law Review and a similar publication in Washington.

In 1930 I delivered a speech on "Patrick Bacon, the Citizen" on the occasion of the retirement of Patrick Bacon as Portland Commercial Manager of The Pacific Telephone and Telegraph Company. Likewise in 1930 I delivered a speech before the graduating class of Lincoln High School on the subject "Where do you go from here?"

One of the best speeches I ever made was on the occasion of the dedication of the brick passenger station at Albany, Oregon, which the Northern Pacific and Great Northern Railway Companies made possible for the American Legion to buy as a permanent home. It was delivered on Memorial Day in 1931 in the City Park at Albany. I spoke to the chairman, Senator Steiwer, who was then alive, and also to veterans of all wars. I spoke on behalf of the executives of the Great Northern, Northern Pacific, Spokane, Portland and Seattle and Oregon Electric Railway Companies. I said, among other things:

"The property which you dedicate today was bought and improved for Railway purposes in the years 1911 and 1912. Although a humble passenger station, this building has witnessed many passing scenes. It has watched the aged veterans of the Indian Wars, the white-haired veterans of the Civil War, and the veterans of the Spanish-American War come and go in the enjoyment of their various encampments and reunions. It has seen their thinning ranks grow thinner as the years have passed, while gentle winds around it have sighed regrets. During the years 1917 and 1918 it saw the young men of your community recruited from the farms, the hamlets and the cities take their departure for foreign lands in answer to the call of their country and to the prayers of the civilized world. It recorded the fact that the first draft quota for Linn County was more than filled by volunteer enlistments. It witnessed the joyous homecoming of the World War veterans but it noted with sadness that many did not return. It has been a silent observer of the heartaches, the tears, the sorrow and the sadness of many a parting, and the smiles, the laughter, the joy and the gladness of many a returning."

In 1937 I delivered a speech to the Veteran Steamboat Men's Association at Vancouver, Washington, on the subject of "Rivermen." My undertaking was to show how rivermen had built on the Columbia River and particularly what sailboats, steamships and steamboats had first plied the river.

One of the best speeches I ever made, if not the best, was delivered in 1938 at the request of E. C. Sammons, who was general chairman of the

plan to build a permanent berth for the Battleship Oregon at the foot of Jefferson Street. The meeting was held in the main ballroom of the Multnomah Hotel and it was a grand kick-off meeting at which representatives from all over the state were present.

I shared the program with Governor Martin and our speeches were broadcast throughout the Northwest. I personified the Battleship Oregon and had her tell her own story beginning with the date of her construction, her trip around Cape Horn during the Spanish-American War, and all subsequent events leading up to the present time. The next day following the dinner the newspaper then being published, called the News-Telegram, ran a lead editorial, in which they referred to my speech as an eloquent oration and quoted my closing and the concluding remarks as their editorial of the day. The editorial follows but the words are mine:

". . . The battleship Oregon, and all the men who built her, and all her distinguished officers and men, living and dead, whose lives breathed a spirit and soul into her, have told her story.

It is the story of matchless skill and construction in the building of a battleship. It is a story of an ocean race which was won against time, and is unparalleled in naval history. It is a story of a swift and thunderous performance in a battle which gave her the appearance of a messenger executing the wrath of God. It is a story of years of magnificent service, in the waters of the Pacific, guarding and protecting the rights of all her countrymen. It is a story of 19 years in the glorious life of a battleship, dedicated to her country in war, when justice required war, and in peace, when peace could be maintained with honor - a story of 19 years of life of which approximately 30 days were spent actually in war, and 18 years and 11 months in peace; a story of a life in which she majestically traveled the seas for an estimated distance of 150,000 miles.

And so tonight this grand old battleship lies at anchor in the Willamette bearing the great and honored name, Oregon, to which she has added so much honor and distinction. While she asks nothing for herself, there can be no doubt that we as her beneficiaries have a great and glorious responsibility.

For 15 years she has been the gift to all the people of Oregon. For 15 years we have been her trustees for the benefit of all the people of the United States.

She is something more than mere copper, brass and steel. She is worth more in perpetuating faith in ideals of our country, hope for the future, and peace and charity toward all mankind, than all other things, which her weight in gold could not buy.

She and you and I can hardly be proud of her dingy surroundings, or of her inadequate and undeserved location.

Once she enjoyed the sunlight of the open seas. Now she lies under the shadow of a mere bridge, whose unheroic structure rises above to taunt her. Once there rang out across the waters from her the clear strains of bugle calls, the sharp commands of officers and the rhythmic steps of marching men. Now trucks and street cars rumble over her as though she had never existed. Once her decks were kept whitened, washed by the spray of the sea. Now dust, dirt and grime from switch engines, from the deck of a bridge and from

docks and warehouses fall upon and cover her, as if to belittle her record and hide her fame.

There is a time, a place and an opportunity for us to make suitable provision for this pride of all Oregon and the shrine of all America.

The time is the present.

The place is Jefferson levee, already donated by the city - a place suitable in every respect, and singularly appropriate, because it bears the historic name of Jefferson, whose vision caused the great Oregon country to be explored by Lewis and Clark, and thus saved it for the Union.

The opportunity is with the people of Oregon. It is an opportunity in which all of us will want to share ... The people of Oregon will provide the money so that the grand old battleship Oregon will at last rest in dignity, in peace and in honor, as a memorial shrine, forever."

My speeches have been so numerous and on such a variety of subjects that I have gathered together the original manuscripts and have had them bound in two volumes entitled "Speeches 1901-1951." The two volumes comprise 390 pages and they vary from my first speech in 1901 when as a Freshman I debated with two others against the Sophomore team consisting of three students on the subject "Resolved that the President's cabinet should have a seat and voice in Congress" to a speech made in 1951 on the dedication of a maternity hospital constructed by the trustees of the E. Henry Wemme Fund.

They vary from speeches on Masonry to patriotic speeches made as a 4-Minute Man on various subjects. They run from speeches on Abraham Lincoln and the Constitution to speeches on the history of Oregon and allied subjects. They run from a speech prepared on Judge Hall S. Lusk, candidate for the Supreme Court bench, which speech was actually delivered by Oscar Hayter, a prominent lawyer living in Dallas, Oregon, since deceased, to a speech for Governor Thomas E. Dewey delivered over the radio when he was a candidate in the primary election against Governor Stassen. They run from a speech on "Books and the Farm Home" delivered before Pomona Grange of Multnomah County to a speech on an original page of the 1611 King James version of the Bible, which I own, delivered before Sauvies Island Grange. They include various speeches on Soil Conservation and Land Use delivered before various groups of people and particularly farmers.

But as I said before the best speech I ever made was on the reberthing of the battleship Oregon. Altogether I enjoyed making speeches because I always learned something about the subject on which I was to speak and I met lots of good friends and above all I felt I was performing a public service.

### 33. MORGAN'S LANDING FARM AND TWO TRAGEDIES

I always had a desire to own a farm. Long before I acquired the particular farm which my wife and I now own there was something within me that seemed to want to own a piece of land and particularly a farm.

Any land in the Pacific Northwest which has been in the same family ownership for at least one hundred years has a story to tell. Having been now over 106 years in the same family, if Morgan's Landing Farm could speak it could tell its own story better than anyone else. So let us assume it can speak; if so, here is part of the story it would tell.

Once it was wild Land.

In the beginning, and as part of Sauvies Island it was wild land. For thousands of years it received from the Columbia and Willamette Rivers rich topsoil coming from the mountains, hills and valleys above. Long before white men came it was possessed by Indians in their collective capacity and it furnished them with fish, game, camas and wapato, as well as a location for their tribal councils.

Situated on the Columbia River, it was witness from the year of the river's discovery in 1792 to all the coming and going up and down that great stream. Through the years there passed along its shores explorers, fur traders, missionaries, scientists and finally the pioneers. Before it came into private ownership the flags of the United States, England, Russia and Spain claimed its allegiance. But by 1846, through peaceful international agreements, its salute was to one flag alone and that was to the Stars and Stripes.

Then it became a Ranch.

It came into private ownership as a donation land claim on July 4, 1849, through settlement by Edward and Mary Morgan who, with their family, were covered-wagon pioneers from Ohio in 1845. Explanation should be made that donation land claims were offered under an Act passed by the United States to encourage pioneers to endure the hardships of a journey of thousands of miles and settle the West. It was a ranch from the date of settlement because annual freshets from the Columbia River made cultivation impracticable and required that most of its soil be used in a state of nature. Its rich wild meadows furnished for livestock, pasture in summer and hay in winter. Its lakes abounded with wild ducks, geese and swan producing revenue in earlier days from unregulated commercial hunting and later from lake rentals for regulated sportsmanship. No public road crossed its boundaries. Until the last few years of its existence as a ranch its only means of transportation to and from the outside world was by rowboat or steamboat on the Columbia River.

During its life as a ranch the Big White House with green shutters was built. That was in 1883 and in order to give more security against annual high waters the house was constructed on a building site graded up to an elevation of thirty feet.

It went through the high water of 1894 which rose to thirty-three feet, covering all of its acres and three feet above the floor of the Big White House. But the water came gradually and some in the family ownership stayed on; others moved away and returned in due course. Damages sustained, such as sediment in the house, wrecked buildings, torn-out fences, and logs and trash scattered over its surface, were repaired or cleared away and its operation as a ranch was soon resumed.

By 1930, a county road leading to a county ferry was built across its land. This means of transportation took the place of passenger steamboats of which Morgan's Landing Farm was soon to see the last. In 1936 it was supplied with electric service.

Now it is a Farm.

Transition from a ranch to a farm came in 1941. That was when its seven hundred and fifty acres were included in a twelve thousand-acre tract on Sauvies Island which was protected from annual high waters by a thirty-two foot levee. The cost was paid under the Flood Control Act of 1936 by the landowners and the Federal Government. Its use as land was now to undergo a complete change. Sloughs and lakes were drained through improved ditches. Land was leveled. Wild meadows gave way to domestic clovers and grasses. New houses and barns took the place of old ones, but the Big White House with green shutters still held its commanding position. During the change from ranch to farm some of the fields produced grain; in due time, however, all of its acres were returned to sod crops, but of a better quality than in earlier days.

Moreover, with improved facilities and equipment, clovers and grasses are now cut and stored in silos and preserved as green feed for livestock during the winters. It has experienced great satisfaction in long and continued use for livestock, particularly dairy and beef cattle. It is grateful that none of the owners have ever been lured to land uses which would lessen its fertility and which would eventually destroy its life.

Two events occurred in 1948 which were outstanding in its existence as a farm; first, the coming of the telephone which has proven to be of great help and convenience in its operation; second, the 1948 high water which rose rapidly and threatened to break the levee. Because of this danger its owners called to their aid a river steamboat which, with a large sawdust barge, moved two hundred head of dairy cattle to a higher location on the mainland where its herdsman and the cattle remained for twenty-one days while the thirty-foot flood subsided.

That was a close call, for a break in the levee could have taken the lives of herdsman and cattle and would have destroyed many buildings and would have killed its fields of clover and grasses. But the levee held, thanks to the heroic work of civilians and soldiers.

My first decision to lease Morgan's Landing Farm was formed during 1933 and later to acquire it as of May 1, 1934. That decision came about as a result of circumstances simple enough but yet controlling. First, my son John Alfred was interested in the Farm and in 1933 my wife and I drove down to Morgan's Landing Farm one evening and I observed the Big

White House with the green shutters in the moonlight. I then and there made up my mind that I would lease the farm from my wife's sisters and put my son John Alfred in charge.

It then consisted of 550 acres. Subsequent negotiations with them resulted in a price which was agreeable to all hands and a purchase was made. A little later I bought approximately 200 acres from my brother-in-law so that the entire farm now consists of approximately 750 acres.

Purchase from my wife's sisters, of whom there were five, consisted of monthly payments over a period of ten years, thus giving them something in the nature of an annuity for that period of time. This was from 1934 to 1944 and was during the hard-times period when those monthly payments proved to be very useful to them.

I had previously organized the Morgan Holding Company, into which I had all the girls deed their interests in various land and buildings in and about Portland, including Morgan's Landing Farm. This Morgan Holding Company was formed so that each one could help the other in paying taxes and various running expenses. I paid my wife's sisters as each month rolled by their respective stated amounts and I did this regularly. Some of the girls were in need of additional money, which I advanced, and various expenses were incurred. If Morgan Holding Company did not have the necessary funds I advanced what was required.

Eventually I worked out the entire affairs of the Morgan Holding Company and liquidated all of its property in a total period of fifteen years, including the ten years required to pay the girls for their shares in the farm. I then had a certified public accountant go over my books and accounts from beginning to end showing every dollar that I had received and spent, including the statements of the final distribution due each one of the girls, which statement was submitted to each one of them in duplicate. I received from them a receipt of all moneys due and a complete accord and satisfaction from them to me. I then took a deed from the Morgan Holding Company and from each of the girls individually to Mrs. Spencer and myself covering Morgan's Landing Farm.

In the meantime and about 1939 steps were taken to build a public dike or levee around about 12,000 acres of the Island including Morgan's Landing Farm.

Subsequent events are recorded in the previous history of the development of Morgan's Landing Farm and need not be repeated here.

Suffice it to say that my wife and I now own a 750 acre farm, which is devoted entirely to grass land and on which we have erected a one-story farmhouse type residence and have built one of the finest and most modern dairy barns in the country. We are now operating on the ranch a dairy herd consisting of about 75 cows with young dairy stock amounting to about 75 head; 150 young whiteface or Hereford cows having about 200 white-face or Hereford calves, from 6 to 4 months old, making a total number of livestock of approximately 500 head.

Two tragedies have marked our ownership of Morgan's Landing Farm. I tell them here because they were both directly related to the farm. The

first of these I would avoid but since it is a part of the story of Morgan's Landing Farm it must be told, although in doing so my eyes are filled with tears.

Three children came to bless the union of my wife and myself, which on January 1, 1957, had continued for fifty years. They were in turn Helen Elizabeth, John Alfred and Omar C. Spencer, Jr. Helen is happily married and lives next door to us on Ravensview Drive in Portland, Oregon and Omar, Jr. is also happily married and lives on and manages the farm. John Alfred was born on June 30, 1911. Being my firstborn son, his middle name was given for my friend Alfred A. Hampson, but we always called him Jack.

From his earliest days he was a real boy. When he was eleven years old and I was 41 we both climbed Mount Hood from the south side, the party being under the control of Lije Coalman, an old-time guide. At the age of thirteen and I was forty-three we went on a walking trip down the summit of the Cascade Mountains from Mount Hood to Mount Jefferson called the Sky Line Trail. We tried to hire or buy a pack horse at Government Camp but none being available we decided to walk and pack our own grub and blankets. We began our jaunt at Government Camp on the slopes of Mount Hood and ended it at Detroit, which is just west of Mount Jefferson, and it required about one week. I kept a daily account of our trip and after we returned home that account was expanded to a journal entitled "Down the Cascades with a Pack." After that we had many walking and fishing trips together and had a wonderful relationship as between father and son.

He always from his youthful days, even in grade school, learned to play the banjo. I purchased for him a very good instrument. He developed a wonderful technique with the banjo and had a little band of his own.

After graduating from Ainsworth School he entered Lincoln High School in Portland, Oregon. He did not do so well at Lincoln and some one recommended California Military Academy at Palo Alto, California, and I arranged for him to enter that school. He did so and graduated with honors. After finishing that school he entered the University of Oregon and spent about two years there with indifferent success.

Then came a grand adventure. Without my knowledge he interviewed Kenneth L. Dawson, principal officer of States Steamship Company, which operated the steamships from Portland, Oregon, to Manila in the Philippine Islands and return. They were named the General Sherman, General Lee and General Pershing. He made a favorable impression and sold himself to Mr. Dawson for a position as cadet officer of the General Sherman. He was 22 years old and came to my office one day and announced with pride and to my complete surprise that he was to sail on the General Sherman on January 18, 1933. I never saw him so happy because what he had done had been strictly on his own.

Like sailors of old he kept a daily log of various happenings on his voyages for he served on two round trips to the Philippines. I quote from his opening entry under date of January 18, 1933:

"As this is the first diary I have ever kept, I cannot guarantee it will be a humdinger, or at least I can say that it will not be as good as some of our more well known adventurers and explorers. However, this is my first try and all I can vouch for is its accuracy.

Our ship sailed from Portland at high noon with a full load of cargo and a deck load of snow. It snowed until 3:00 P. M. with clear cold weather from 6:00 P. M. on. My duty was to stand watch on the bridge. I kept this up for about  $3/4$  of an hour. I was then relieved by an ordinary seaman so I could eat lunch. After the repast, I assumed my role as lookout only I was stationed on the forward deck; right up in the bow. Gad, but it was cold. As soon as the visibility cleared, I was ordered to the bridge and there relieved of duty. I then retired to my quarters and took my pen and recorded what you see before you."

Under date of Monday, January 23, 1933, he was describing a storm which struck the North Pacific in these words:

"I'll bet Israel P. Spencer (meaning his grandfather) never went through anything like this with General Sherman. The starb' railing smashed in this P. M. as did the after ladder from the saloon deck to the promenade deck. The oiler's foc'sle door was smashed right off the hinges so we had to put that back. In order to get there we had to go below through the engine room and back through the propeller shaft alley then up a long ladder to the foc'sle. Just to show what a really bad storm this is I'll tell you what the chief mate said to me. I was standing watch tonight halfway in the wheel house and half way on the bridge. He came over to me and said, 'Well, Spencer, how do you like it?' I said, 'Fine.' He remarked, 'Thank God somebody likes it.' Then I told him that I'd read of storms at sea and had seen a few pictures of them, but had never before had the experience of being in one. I also said that I supposed this one was mild as compared to others that he had been in. He said, 'No, this is about as bad as I've seen.' All of which goes to show that we are having no picnic. We are now pretty close to the Aleutian Islands. However, it is doubtful if we will see them as we are more south than the freighters' lane and they pass about five miles below them. It is really hard to describe a storm other than to say that it feels as if all Hell has turned loose. The ship rolls and pitches back and forth and everything rattles. Dishes break and all our food goes on the floor. Water pours in the cracks and through the doors. But all in all it's a great experience and I wouldn't have missed it for anything. As I already stated, we figure we'll probably go to dry dock in Yokahama. If this is the case, we have also figured that we will be about 15 days late to Portland. All any of us have is time, though, so what's the difference?"

After he returned from his second voyage he spent some time with the States Steamship Company on shore duty. About that time Jack became

interested in the farm and after leasing and later buying it as previously related I put him in charge.

About midnight of April 30, 1936, I was awakened from sleep at my home on Ravensview Drive, Portland, by a telephone call from Reynolds Baumgardner, placed at Burlington, Oregon, saying that Jack was out in his motorboat and had not come home and for me to be prepared for the worst. Reynolds was employed by me and worked with Jack on the farm. I told him to wait at Burlington until I could dress and come down. This was before the coming of electricity, telephone or any bridge.

Arriving at Burlington, Reynolds and I crossed on the ferry and went to the farm. This was about 1:00 A. M. and for about 30 days thereafter it all seemed like a hideous nightmare to me. All night long we searched the river on the Oregon side in a Customs boat in charge of Harry J. Strowbridge, Chief Customs Officer, and Thomas J. Mahoney, Sr. Early next day the awful news broke upon us as Jack's motorboat was found adrift and lodged against piling well out in the river, leaving us to the inescapable conclusion that he had somehow fallen from his boat into the current. I at once began to reconstruct the story and learned these grim facts.

Jack had left the farm after his noon lunch in his motorboat about 2:00 P. M. on April 30 bound for Willow Bar jetty, which was about 3 miles below the farm. His object in going there was to tie on to some piling which had lodged on the jetty and tow them up the river to the farm. The river was wide and was rising. The current was very swift and Jack could not swim. There is evidence that a big steamship came downstream sometime in the afternoon, which was the cause of a tremendous swell. The fact that his boat was adrift on Willow Bar meant that he had gone down between the farm and Willow Bar. Even a good swimmer could not have survived the flood considering the swiftness of the current and the fact which I later learned that his motorboat had no keel. In a swift current a keelless boat will slip sideways at the stern causing it to take a sudden jerk.

All of these facts confirmed the stark realization that Jack was in the river. This meant dragging the river by every one and every available boat by whatever means was at hand. There were neighbors by the dozen who responded with various boats - dragging, dragging, dragging. In the meantime I hired Ed Moar, who had a sturdy fishboat which he operated, and Reynolds Baumgardner and I searched the banks of the river on both sides looking in every nook and cranny from the farm as far down as Longview bridge, which was perhaps 10 miles away.

At the end of twenty days the dragging gradually came to an end but my search with the aid of Ed Moar and Reynolds Baumgardner kept on. It seemed that I could not stop searching. I offered a reward of \$500 for any one finding his body. Finally Ed Moar came to me saying that he did not want to take the money without any hope and he was frank to say that he was without hope. It is a time like this when real friends rallied to me. The first of these was Harry J. Strowbridge and Thomas J. Mahoney, Sr. Then came Lillie Oatman (our cook), Peter Hansen, William Smith, Reynolds Baumgardner and Ed Moar, all of whom were employed by me. Then there were countless neighbors; among these were Jake and Ed Richardson, Jep Hunt,

Paul Reeder, Joe Tickey, all of them river men and trained in the dangers of the river; and finally, there were innumerable friends who gave me consolation and comfort.

At the end of forty days they found his body near Warrior Rock at the lower end of the island. Jack at the age of 25 years had entered upon his last great adventure.

The second tragedy closely connected with the farm is the burning of the Big White House with green shutters. It was built in 1883. While a house is said to be inanimate, yet through the years the Big White House with green shutters had been so stately, exemplifying so much beauty and charm, so useful and finally so historic, that it had acquired a personality of its own. One can imagine that personality engaging, on occasion, in reflections which could have been something like this:

It watched the land of which it was a part grow from a lowland ranch to a modern farm.

It saw the high waters come and go, particularly the high water of 1894 which was three feet deep on its ground floors.

It noted that the camas, the wappato and the wild meadows disappeared when the Big Dike was built. But then came luxuriant fields of tame grasses and clovers.

It was glad when public roads came to the island, but witnessed with regret the disappointment of the steamboats because automobiles and trucks took their place.

What a joy it was to see hand-cranked gas engines displaced by electric motors and the coming of the telephone.

It was proud to see better pastures, finer herds of cattle and the production of more food on the island.

It was sad when its first owners did not return but grateful that its last owners maintained it to the same high standards set by its first owners.

All in all, it has had a deep feeling of satisfaction in having been so helpful in the same family ownership and use of land for over one hundred years.

Bowing graciously to any compliments as to its beauty and charm, and accepting all that might be said as to its historic value, which time alone has created, it could have reflected that it has given faithful service on the island down to the present time.

But new dwellings and bunkhouses for management and men serve modern farm operations - well, dignity and charm and age in the Big White House should still count for something.

Thus might the Big White House with green shutters have reflected and dreamed. In the Register of Houses which men keep only in memory, the closing entry for May 4, 1950, in the record of this island landmark would have been the laconic words, "Burned to the ground."

### 34. IN RETROSPECT

When as a young boy I walked among the virgin trees, with their vast spread of foliage, I did not realize then the impressions they were creating in me. All that I knew was that in fair weather the trees were as calm as a summer day but when the winds came they were like a raging storm at sea, with limbs cracking like rifle fire while giant trees fell to the ground with resounding booms. As I grew in years, a spirit of humility came over me while I walked among these huge giants. But over all there was the constant urge to emerge from the shadows and see more of the light of day.

Mine was a slow growth, but as the sun began to shine about me, I could feel myself growing in stature. Going to Stanford was a revelation to me but I never forgot that my father, mother, sisters and brother and all the friends and neighbors on the inside were pulling for me and were glad when I accomplished something. All of this made me work harder for I was not blessed with a brilliant mind. What I got was by hard work and dogged determination.

For this was a tree country and my life was probably shaped and molded more than I knew by what was there 75 years ago. Within a circle of fifty miles in diameter with Vernonia as the center was as much as sixty billion feet of timber of the present worth when converted to lumber products of as much as four billion dollars. This was so vast an amount that instead of being overawed by it I seemed to be encouraged to press forward and do my best.

There is something friendly about old-growth firs, huge cedars and sturdy hemlocks. In their state of nature, as they stood 75 years ago, they seemed to be kindly disposed toward me. Then came the ravages of time and the hand of man to destroy what nature had provided, leaving blackened stumps and charred terrain. My first impression of this was to exclaim "Bones of dead men!"

Then nature began to reassert herself by cleared and cultivated land for farming, by the bright red of fireweed on most of the land, and finally by the everlasting green of second growth on all of the land except that devoted to farming.

All of this has given me new hope and courage. What was once dead and turned to ashes has now been revived and will live again. I can now turn from the outside to the inside as the home of eternal spring. Memory and nature have supplied what time has erased.