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Address of Judge Donald A. McDonald, President of the Superior Court Judges' Association

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ingham Golf and Country Club for the many acts and courtesies extended to us and our wives during our convention in Bellingham.”

DANIEL C. BLOM, *Editor*
Washington State Bar Journal

ADDRESS OF JUDGE DONALD A. McDONALD

President of the Superior Court Judges' Association

I was confronted with considerable difficulty in knowing just what I could say that was either entertaining or instructive in 10 minutes. It occurred to me that you might wonder as to just what this organization is that I represent.

The Superior Court Judges' Association was created by the Extraordinary Session of the 1933 Legislature.

In the beginning of the year 1933, the condition of the calendar in King County was badly congested. There was a backlog of 2,500 cases awaiting to be set for trial and it took 18 months to get a case set after it was at issue.

The state was broke and the counties were broke and the legislature enacted Chapter 59, a statute increasing the filing fees in King County out of which the salaries of 4 new judges were to be paid. The Act became effective on March 4, 1933.

Governor Martin appointed the late John S. Robinson, the late James T. Lawler, the Honorable Hugh C. Todd and the Honorable John Bowen, now United States District Judge.

On April 26, 1933, our Supreme Court, in the case of *State ex rel. Pischue v. Olson*, 173 Wash. 60, held the act unconstitutional.

For many years the late Judge William A. Huneke of Spokane had advanced the formation of a statutory body to facilitate the work of the superior courts of the state. A large number of representatives in the Extraordinary Session of 1933 were lawyers from Spokane County and they refused to join with the King County delegation, of which I was a member, unless we would vote for Judge Huneke's plan, and so the act was passed increasing the number of the King County bench from 13 to 15. Governor Martin appointed, on February 17, 1934, James T. Lawler and Roger J. Meakim.

It occurred to me that it was peculiarly fitting to detail the history

of the Superior Court Judges' Association at this time and place.

Long before the association was made a statutory body, the judges voluntarily met at their own expense, and as nearly as I can learn, the first of such meetings was held in this city in the summer of 1916. In the law library of the University of Washington there is a picture taken of that meeting in which I recognized Judge Hardin, Judge A. W. Frater, that is, John Frater's father, Judge Gilliam, Judge Kenneth Mackintosh and a great many others. If I'm not mistaken the picture was taken in front of this Leopold Hotel. I might be incorrect in this.

To add a dash of color to this rather somber recital of the history of the State Judges' Association, I thought I might conclude with a story told me by the late Judge James T. Ronald. I came to Seattle in 1888. I can remember very well Judge Roger S. Green who was sitting as Judge of the U. S. Territorial Court for this district. He was a very strict prohibitionist. In fact, one member of the Bar said he would rather be tried for murder before him than for selling a drink of liquor illegally. There was a certain Colonel—we'll leave his name blank because his descendants are still living—who was quite the opposite of Judge Green in his views on the use of intoxicating liquor.

In those days the court was held in a little two-story building—a wooden building just south of the present King County Court House. In Territorial days the court met only about two or three times a year. There was only one judge, and several cases were set for the same day. The colonel was sitting by the old pot-bellied stove then used for heating the courthouse, and he would occasionally wander off in a state of soporific somnambulance, induced by the alcohol he had ingested, and from time to time, when he snored too loudly, the bailiff would go and wake him up.

Well, finally his case was reached and the bailiff went over and woke him up. He rose very unsteadily. After a few hiccoughs he said, "R-e-a-d-y, Y-o-u-r H-o-n-o-r." Well, even Judge Green, by that time, had discovered that he was inebriated. The Judge said, "Colonel, you're too drunk to appear in this court today," to which the Colonel very graciously replied, "This is the first correct ruling the Court has made today."

Trusting that you who have so patiently listened to my comments have found something both informative and entertaining, I thank you for your kind attention.