

### DECISION MAY HAVE SWEEPING RESULTS

Status of Mr. Holman as Head of County Commission Is One Question Raised.

### JUDGE CLEETON IN DOUBT

Jurist Does Not Know What Is Full Effect of Opinion, But Believes Acts on Bench Are Valid. County Faces Jumble.

That the Legislature of 1913 in attempting to change the jurisdiction of the Multnomah County courts created a jumble that its members little imagined appears now to be the case, following the most recent decision of the Supreme Court, rendered yesterday, on the act which created a new Circuit Court department for Multnomah County and promoted Judge Cleeton from county to circuit bench.

Judges and attorneys at the Court-house yesterday were filled with surprise on the results of the decision. They did not pretend to discuss its full effects until they have a chance to read it, but newspaper reports sent out of the gist of the ruling filled them with dire forebodings.

Some Results Suggested. They believe it abolishes Department 6 of Multnomah County Circuit Court, returns Circuit Judge Cleeton to the status of County Judge, does away with the position for which C. U. Gannaway is candidate and the County election, and ousts Chairman Holman from the position of chairman of the Board of County Commissioners. Further, it is declared by those who discussed it, as it is now too late to nominate candidates for the position of County Judge one may be elected only by voters writing in the names of candidates on the ballot.

County Commission Affected. The same doubt attaches to the acts of the County Commissioners since Chairman Holman took office, in June, 1913. It is questioned that the Legislature had the power to name him to fill the vacancy in the Board of County Commissioners, when, if Judge Cleeton was still County Judge, no vacancy existed. Will the business carried on by the Commission since the last year now be null and void? Was Commissioner Holman not entitled to his salary of \$3 a day during the period he was in the office?

Acts Valid, Judge Believes. "I believe my acts either as Circuit or Probate Judge, are valid for the reason that I have been acting by authority of the Legislature under color of authority. Controversies have been submitted to me and I have determined them. I believe my acts will be valid because I have been acting at least as a de facto court."

Mr. Holman's Status Is Questioned. "The question then is as to the status of Chairman Holman, of the County Commissioners. The language of the act by which he took office is that he was named to fill the vacancy existing by reason of the promotion of Judge Cleeton. Is Mr. Holman County Commissioner?" The decision, it appears, does not mention that matter.

Japanese Weds White. Vancouver Ceremony Likely That of California Couple. VANCOUVER, Wash., Oct. 20.—(Special.)—Arthur S. Goto, a Japanese, and Isabelle Baker, a white woman, 22 years of age, on their arrival from Los Angeles were married here Monday. Mr. Goto is 28 years old. He was dressed in American clothes, wore gold-rimmed glasses, and wrote an excellent hand. The bride was much taller than he.

### CLEETON HELD NOT ON CIRCUIT BENCH

Supreme Court Decides Act Abolishing County Judgeship Is Illegal.

### REPEAL CLAUSE DEFECT

Opinion Written by Justice Burnett Is Concurred In by Justices Ramsey, Eakin and Bean, While Chief Justice Dissents.

SALEM, Or., Oct. 20.—(Special.)—That the law passed at the last session of the Legislature abolishing the county judgeship, creating a circuit court and transferring the probate business of the County Court to the new department of the Circuit Court in Multnomah County is unconstitutional, is the effect of an opinion written by Justice Burnett and concurred in by Justices Ramsey, Eakin and Bean, of the Supreme Court, today.

Cleeton Held County Judge. According to the majority opinion, as construed by lawyers here, T. J. Cleeton is still County Judge and there is no department No. 6 of the Multnomah Circuit Court. However, if Judge Cleeton should dispute this, it probably would be necessary for another action to be brought for a specific decision on the point.

Repeal Clause Held Defect. Justice Burnett says a fatal defect of the law is the clause repealing acts and parts of acts in conflict with it. The Legislature attempted to formulate a scheme of practice for a particular locality, and in doing so failed to safeguard the courts of other counties, he holds.

Right Held Only People's. "This may be conceded to the people in their unconfined legislative power by means of the initiative, but as to the Legislative Assembly it is controlled in the exercise of its functions by the other provisions of the constitution. Repeals by implication are not favored."

Justice Burnett says the new law sweeps away matters of practice in county courts when it was intended that only one county should be affected. "The situation," says Justice Burnett, "is that while in the different counties of the state outside of Multnomah County a suit may bring an action in the County Court where the value of the controversy does not exceed \$300 and may appeal first to the Circuit Court and afterwards to the Supreme Court, in case of an adverse decision in the first instance, if he should begin his litigation in Multnomah County he would meet with a different practice whereby he would be compelled to commence his action in the Circuit Court and be deprived of

his right of appeal to that court which he would enjoy in the other counties. Methods Shown Different. "In other counties in probate matters the court would exercise its authority by means of citation. The method of obtaining jurisdiction in the Circuit Court is by service of summons and this would necessarily be the rule in the Circuit Court of Multnomah County."

meeting many of the voters of this section. Both Democrats and Republicans recognize him as one of the most able men running for the office of Justice of the Supreme Court, and are united in their support of his candidacy.

### CLEETON HELD NOT ON CIRCUIT BENCH

Supreme Court Decides Act Abolishing County Judgeship Is Illegal.

### REPEAL CLAUSE DEFECT

Opinion Written by Justice Burnett Is Concurred In by Justices Ramsey, Eakin and Bean, While Chief Justice Dissents.

SALEM, Or., Oct. 20.—(Special.)—That the law passed at the last session of the Legislature abolishing the county judgeship, creating a circuit court and transferring the probate business of the County Court to the new department of the Circuit Court in Multnomah County is unconstitutional, is the effect of an opinion written by Justice Burnett and concurred in by Justices Ramsey, Eakin and Bean, of the Supreme Court, today.

Cleeton Held County Judge. According to the majority opinion, as construed by lawyers here, T. J. Cleeton is still County Judge and there is no department No. 6 of the Multnomah Circuit Court. However, if Judge Cleeton should dispute this, it probably would be necessary for another action to be brought for a specific decision on the point.

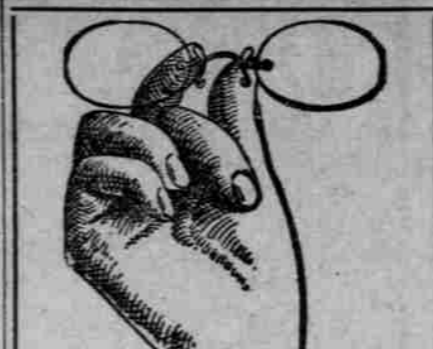
Repeal Clause Held Defect. Justice Burnett says a fatal defect of the law is the clause repealing acts and parts of acts in conflict with it. The Legislature attempted to formulate a scheme of practice for a particular locality, and in doing so failed to safeguard the courts of other counties, he holds.

Right Held Only People's. "This may be conceded to the people in their unconfined legislative power by means of the initiative, but as to the Legislative Assembly it is controlled in the exercise of its functions by the other provisions of the constitution. Repeals by implication are not favored."

Justice Burnett says the new law sweeps away matters of practice in county courts when it was intended that only one county should be affected. "The situation," says Justice Burnett, "is that while in the different counties of the state outside of Multnomah County a suit may bring an action in the County Court where the value of the controversy does not exceed \$300 and may appeal first to the Circuit Court and afterwards to the Supreme Court, in case of an adverse decision in the first instance, if he should begin his litigation in Multnomah County he would meet with a different practice whereby he would be compelled to commence his action in the Circuit Court and be deprived of

his right of appeal to that court which he would enjoy in the other counties. Methods Shown Different. "In other counties in probate matters the court would exercise its authority by means of citation. The method of obtaining jurisdiction in the Circuit Court is by service of summons and this would necessarily be the rule in the Circuit Court of Multnomah County."

meeting many of the voters of this section. Both Democrats and Republicans recognize him as one of the most able men running for the office of Justice of the Supreme Court, and are united in their support of his candidacy.



### Let Us Adjust Your Glasses Without Cost

Glasses should be adjusted every few weeks if the greatest possible efficiency is to be had. And this adjustment should be made as expertly as it is possible to make it.

### THOMPSON OPTICAL INSTITUTE, 209-10-11 Corbett Building, Fifth and Morrison.

Calling attention to argument that section one, article seven, which says "the judicial power of the state shall be vested in one Supreme Court and in such other courts as may from time to time be created by law," as making the law applicable to only one county, Justice Burnett says: "The contention seems to be that the law-making power, proceeding under this clause, may establish any kind of courts within its discretion without let or hindrance."

Justice Burnett says that courts ought not to declare a law unconstitutional unless its inconsistency with the fundamental law is plain and palpable. He continues: "But when the legislative assembly violates the mandatory restraints laid upon it by the people in the constitution it is equally our sworn duty to give effect to the will of the people as against their inattentive representatives and declare such an act void."

Judge Harris Visits Dallas. DALLAS, Or., Oct. 20.—(Special.)—Judge Lawrence T. Harris, of Eugene, was in Dallas today, hearing an appeal of a will case from the Probate Court of Lincoln County. Judge Harris also embraced this opportunity of

meeting many of the voters of this section. Both Democrats and Republicans recognize him as one of the most able men running for the office of Justice of the Supreme Court, and are united in their support of his candidacy.

meeting many of the voters of this section. Both Democrats and Republicans recognize him as one of the most able men running for the office of Justice of the Supreme Court, and are united in their support of his candidacy.

meeting many of the voters of this section. Both Democrats and Republicans recognize him as one of the most able men running for the office of Justice of the Supreme Court, and are united in their support of his candidacy.

**YOU** may forget your umbrella —that's natural; you won't forget your Balmacaan—that would leave you only half clothed.

—You ought to get the "feel" of one of these big, fuzzy, woolly Balmacaans—they've got the "touch" and the "go" in them.

—Fine blues, blacks, oxfords and novelty colorings. Both with raglan and set-in sleeves; convertible or military collars. Can be slipped on over your evening clothes.

—Cool weather, follows—better see them now.

—\$15 to \$35

—Is that hat a Dunlap "Five" or a Brewer "Three?"

**BEN SELLING**  
Morrison at Fourth

**PAIN IN THE BACK**

Do not worry about a pain in your back. The worry will do you more harm than the pain. The serious diseases of the kidneys seldom or never produce such pains while the cause of most backache is muscular rheumatism, which is painful but never fatal. Lumbago is a form of muscular rheumatism, so is stiff neck.

Sufferers from any form of muscular rheumatism affecting the joints should keep the general health at the highest standard by the use of a non-alcoholic tonic like Dr. Williams' Pink Pills, and eat good nourishing food without too much meat. Proper nutrition and good blood are the best means of fighting rheumatism. Medicines do not control the disease directly but a well-nourished system will often throw it off. Rheumatism quickly thins the blood. Dr. Williams' Pink Pills act directly on the blood and as they build it up and strengthen the system there is an increased resistance to the rheumatic poisons. In this way many rheumatic sufferers have found complete recovery.

A book "Building Up the Blood" tells about the treatment of rheumatism, is free for the asking from the Dr. Williams' Medicine Co., Schenectady, N. Y. Your own druggist sells Dr. Williams' Pink Pills.—Adv.

**Here Is Your Opportunity to Know How**

Accounting	German History
Advertising	Latin
Algebra	Machine Design
Assaying	Mechanical Drafting
Architectural	Mechanics
Arithmetic	Metallurgy
Automobile	Pharmacy
Bookkeeping	Physics
Boys' School	Plan Reading & Est.
Business Law	Public Speaking
Chemistry	Reinforced Concrete
Civil Service	Sailmaking
Cost Engineering	Spanish
Cryptography	Shorthand
Electricity	Surveying & Mapping
English for Foreign	Show Card Writing
Men	Telegony
English Grammar &	Trigonometry
Reading	Typewriting
Freshman Drawing	Vocal Music
French	Wireless Telegraphy
Geometry	

Y. M. C. A., Taylor and Sixth Streets. Catalogue Free.

## While the Victrola entertains you it also develops the musical tastes of your children.

**Victrola XVI, \$200**  
Mahogany or oak

Go to any Victor dealer's and he will gladly demonstrate this wonderful instrument. There are Victrolas and Victrolas in great variety of styles from \$10 to \$200. Victor Talking Machine Co. Camden, N. J.

Q The Victrola completely satisfies every longing for musical recreation. This wonderful instrument gives you a thorough appreciation of the masterpieces of music—even the children can understand and enjoy them.

Q Do not deprive yourself and family of the world of entertainment which the Victrola affords. It is not necessary for you to select one of the higher priced Victrolas to have all of the wonderful variety of music. Any Victrola you choose as the instrument for your home will play any Victor Record.

Q With a stock and service unexcelled, we can take care of your Victrola requirements.

Q Easy terms on any Victrola.

**Steinway Weber and Other Pianos**

**Sherman Clay & Co.** Pianolas  
Morrison at Sixth Opposite Post Office