

ROSS CASE UPHELD

Supreme Court Affirms Five-Year Prison Sentence.

FINE REMITTED, EXCESSIVE

Portland Banker, as Member of Corporation, Guilty of Misuse of State Funds Deposited With Institution.

COURT'S FINDINGS IN ROSS DECISION

Trust company acknowledged receipt of money when checks were credited to State Treasurer's account. Use of state deposit by other than Treasurer was conversion of money.

(Continued From First Page.)

The trust company is a corporation, an intangible thing, existing only in contemplation of law; a collection of individuals, authorized to act as if they were one, the individuals are its component parts and the existence of a corporation independently of its stockholders is a fiction.

Another's Money Made Use Of. The point is made by the attorneys for the defendant that the appellant Ross did not convert the funds of the state to his own use and that therefore he could not be held liable under the indictment.

The question is taken up as to whether Ross, as an officer of the defendant bank, participated in or was a party to the conversion. The court holds that "the money was received and placed in the general deposit funds of the company, and was paid out in the usual way in payment of legitimate claims against the company."

Act Itself Is Criminal. The defense offered testimony to show the absence of criminal intent, but the opinion holds that "such a conversion when committed in violation of the terms of the statute constitutes the offense and no other intent need be shown."

ROSS HAS NOTHING TO SAY

Attorneys Will Attempt to Secure Rehearing of Case.

Not for a couple of months, at least, will the penitentiary receive J. Thorburn Ross. It may be even longer than that, but the opinion is general among lawyers that Ross has some as far as he can on legal technicalities.

While Ross and his lawyer, Wallace McCamant, were in anything but a communicative mood yesterday, it is taken for granted that a petition for a rehearing is to be prepared. Under the law, 30 days is allowed for the filing of that petition.

It is believed that a few hours before the 20 days have elapsed a motion for a rehearing will be presented. It is doubted if a rehearing will be ordered by the Supreme Court, but there is always the chance, and it affords time to present and act upon such a motion.

In the event that the appeal to the United States Supreme Court could be perfected, the case might drag along for more than a year before being disposed of by that tribunal. But it is doubted among lawyers if he can get his case into the Federal Court.

At the District Attorney's office no hope for Ross' further evasion of the penalty is seen. "We will endeavor to have the sentence carried out as soon as possible," said Deputy District Attorney Fitzgerald.

While Ross declines to see or talk with newspaper men, insisting that the press has hounded him into conviction, it is known that he takes the whole affair as a grievous wrong, and has hinted at being the scapegoat for another.

T. T. Burkhardt, who was a director of the wrecked bank and whose indictment occurred simultaneously with that of Ross, is to be tried at an early date, so it was announced at the District Attorney's office. An effort will be made shortly to have the case placed on the trial calendar in the Circuit Court.

Painful Dyspepsia

A Form of Indigestion Caused by Gastric Irritation From Undigested Food in the Stomach.

No kind of dyspepsia is better marked than that known as "painful indigestion," and it is also a very common affection. Pain, generally of a dull character, is felt after meals and along with the pain, soreness at the pit of the stomach often exists, and in some cases the soreness is permanent.

It often extends upward under the bone, which consequently feels sore on pressure, or the tenderness is felt toward either side. This tenderness is commonly associated with an unpleasant feeling of heat—a burning sensation—as it is termed by some persons. There is also a "gnawing" and "dragging," as well as various other anomalous sensations complained of after taking food, and generally, within an hour after eating.

As might be supposed the intensity of the symptom is proportionate to the quantity and quality of the meal. When the stomach is empty, a sensation of craving or emptiness gives most trouble. This often causes a false appetite, which, by inducing the person to eat heartily aggravates the sufferings.

It is a common error, with persons who suffer from stomach pain caused by indigestion and gastric irritation, to use such drugs as chlorodyne, Hoffman's Anodyne, and other "pain killers" for its relief. Such treatment is a great mistake. While these drugs afford temporary relief to the dyspeptic patient, they have no effect whatever in removing the cause.

STUART'S DYSPEPTIC TABLETS remove the cause. By completely digesting all the food in the stomach, there is no further possibility of the occurrence of this disagreeable form of dyspepsia with its painful manifestations, and other concurrent symptoms. All of the irritation of the stomach lining and stomach nerves as the result of undigested food lying in that organ and undergoing fermentation and decomposition, is quickly done away with.

But not only is the form of dyspepsia which is accompanied by pain cured through the use of these digestive tablets, but also every other form of indigestion, as indicated at the same time, in which stomach pain does not occur, but where there are many symptoms equally disagreeable, discomforting, disconcerting and discouraging.

Stuart's Dyspeptic Tablets contain, in a highly concentrated form, powerful anti-dyspeptic ingredients, which digest rapidly and thoroughly food of every kind, including portulads, nitrates, carbo-hydrates, etc. A single grain will disintegrate and digest 3,000 grains of food.

Trust Company, of which Ross was president. Other officers of the bank, T. T. Burkhardt, John E. Althison and George H. Hill, were indicted at the same time, the specific charge being wrongful conversion of state school funds.

Minister Will Control General. ST. PETERSBURG, Oct. 19.—Prince Vadolsky, a colonel of the general staff, who was detailed to succeed General Liakhoff as military governor of Teheran, continues on the active list of the Russian army, though under a salary from Persia.

Widow of Pioneer Dies. WALLLOWA, Or., Oct. 19.—(Special.)—Mrs. Teresa Mimaugh, widow of the late Patrick Mimaugh, pioneer settler of Perry, and mother of C. H. and J. H. Mimaugh, prominent sawmill men of this city, died today at 1:30 o'clock of chronic stomach trouble, aged 82 years and one day. She had been in feeble health for five years.

Healthful Chinese Dies. SALEM, Or., Oct. 19.—(Special.)—Wen Low, the oldest and one of the wealthiest Chinamen in Salem, died today aged 76, after many years he was one of the leading Chinese merchants of Portland. A number of Chinese will be up from Portland to attend the funeral.

Tillamook Postoffice Moves. OREGONIAN NEWS BUREAU, Washington, Oct. 19.—The postoffice at Tillamook on November 1 will be moved to new quarters on the West Side in Second avenue east, between Second and Third streets, to a building owned by the Tillamook Building Company. This property has been leased for five years.

Two Admirals to Retire. WASHINGTON, Oct. 19.—It was announced at the Navy Department today that Rear-Admiral Gottfried Blockinger will be transferred to the retired list on account of age October 31, and Rear-Admiral Thomas C. McLean will be retired on October 25 for the same reason.

Today is positively the last day for discount on East Side gas bills. Read "Gas Tips."

FORCED TO SELL!

ON ACCOUNT OF THE HEAVY DEMANDS ON THEM FOR MONEY The Monarch Tailors, Cor. 6th and Alder Sts.

have been FORCED TO SELL their stock in order to stop the greedy cry for cash from those who demand a dollar in return for a dollar. A backward season and heavy buying is the cause of this big tailoring concern being placed in this condition—nevertheless it is true and THIS ENTIRE STOCK of the most up-to-date imported woolens must be disposed of.

Buy Your Suit and Overcoat Now

and save from 25 to 40 per cent on them—it's worth your while. FIVE HUNDRED SUITS TO BE SOLD, and as many patterns to select from, of the highest grade imported woolens; the very best textures and most beautiful of smartest patterns.

Best Materials and Workmanship

Every Suit put out by us will bear the same stamp and guarantee of your money back if not satisfied, as always. For we will put the best linings and stiffenings to be had in every Suit made by us. It will be a pleasure to buy your clothes here, for that feeling of satisfaction will accompany you of being ever after satisfied with the largest stock to select from, the best expert tailors, cutters and fitters to serve you, you should not hesitate, and save from

25 to 40 Per Cent on Your Suit or Overcoat

Just in the season of need, just when the chilly days of Winter and opportunity meet you hand in hand,

We Are Forced to Sacrifice

our entire stock of high-grade woolens to you. See our window display and come in and let us talk Suit and Overcoat to you and save you money. This sale starts this morning.

Monarch Tailoring Co.

Corner Sixth and Alder Streets



SURVEY IS PUZZLE

Activity in Malheur Canyon Not Understood.

HILL MAY BE BEHIND IT

Prediction Made That Another Deschutes Battle May Be Fought Here — Harriman — System Wants Cross-State Road.

Returns for Gold, Dies. SEATTLE, Wash., Oct. 19.—Edward Burch, who was asphyxiated in the Hotel Denver fire, at Ballard, today, escaped from the building but went back to get a bag containing 32 ounces of gold dust which he had just brought down from Nome, and perished.

Postal Employees Appointed. OREGONIAN NEWS BUREAU, Washington, Oct. 19.—Clarence C. Johnson, appointed rural carrier, Orville C. Johnson, substitute, route 1, Clackamas, Horace B. Cranford appointed postmaster at Telocast, Union County.

Railway Depot Is Robbed. VANCOUVER, Wash., Oct. 19.—(Special.)—The Northern Pacific Railroad station was robbed some time last night of \$25 in small change and a brass watch. The police believe they have a clew.

Postoffice Furniture for Eugene. OREGONIAN NEWS BUREAU, Washington, Oct. 19.—Contract for furnishing the postoffice at Eugene has been

franchise, announcing it is the intention to build connecting lines through the valley and across the border into Idaho. He declines to disclose the identity of his backers.

In view of the mysterious moves in that vicinity, surprise would not be expressed if the situation in the Deschutes Canyon should be repeated in the Malheur, which is said to furnish the only practicable route into Central Oregon from the east.

Dr. John Neagle Is Dead. SEATTLE, Wash., Oct. 19.—Dr. John N. Neagle, aged 72, assistant secretary of the Republican State Central Committee for the last 10 years, and prominent in Washington politics since 1880, died at his home here early this morning of heart disease. He was born near Charlotte, N. C. At the outbreak of the Civil War he joined Lee's army as a surgeon.

Swedes Colonize at Yacolt. VANCOUVER, Wash., Oct. 19.—(Special.)—Twelve families have arrived from Sweden and have established a colony east of Yacolt. They have bought 2000 acres of land, which will be divided into 10 and 15-acre tracts, which will be cultivated as fruit farms.

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awarded Louch & Hill of Richmond, Ind., at \$1675.

Many Enter for Vanderbilt Cup. NEW YORK, Oct. 19.—Twenty entries have been received for the Vanderbilt cup race, to be held on the Long Island course, October 30, and as the date for the closing entries is not until October 25, it is expected that the number of entrants will be increased to at least 30.

White Girl Weds Jap. SEATTLE, Wash., Oct. 19.—After a courtship that lasted a little more than four months, and that began during the opening days of the Alaska-Yukon-Pacific Exposition, Miss May Clayton, who is 25 years old, and Harry S. Tsuji, a Japanese restaurant keeper, were married at the home of Rev. F. Ojajaki here yesterday.

TALKS ON TEETH

By the Rex Dental Co., Dentists. INSURING TEETH

The patient who comes here for dentistry takes no chance. We do not ask him to assume any risks as to whether or not our work is going to prove successful.

Every piece of work we do is backed by our positive guarantee that it will stand the test of wear and time and be in every way satisfactory.

With us, before starting a case, we explain to the patient exactly what work we are going to do and exactly what the expenses will be. We then do the work to the best of our ability, and it is to our interest to do it in the very best, most permanent manner, as should anything happen to the work we repair it at our expense, and we therefore are the loser.

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Scappoose Orchard Tracts

1800 ACRES DIVIDED INTO 10, 20 AND 40-ACRE TRACTS 25 MILES BY RAIL, ONE HOUR'S TIME FROM PORTLAND RAILROAD RUNS THROUGH CENTER OF THIS TRACT SOIL, A RICH, RED LOAM, TEN TO THIRTY FEET DEEP ELEVATION 500 TO 800 FEET; OUT OF THE FROST BELT

\$350

Some of the tracts are on the railroad and all are within 1 1/4 miles of it, but, without regard to size, location or character, you can have your choice for \$350, payable 20 per cent down and 10 per cent a month. Sloping to the south and west, these lands are particularly adapted to growing APPLES, PEARS, PRUNES, CHERRIES, GRAPES and WALNUTS and all kinds of small fruits.

For further information see Merritt & Palmer 428-429 Henry Bldg., Cor. 4th and Oak. Portland.