

BANKER GETS STAY OF SUPREME COURT

United States Supreme Court
Grants Respite to J.
Thorburn Ross.

JUSTICE M'KENNA ACTS

New York Attorney Appears for
Convicted Man, and Will Argue
That Oregon Court Decision is Ex Post Facto.

OREGONIAN NEWS BUREAU, Wash-
ington, May 4.—Justice McKenna, of
the United States Supreme Court, assigned
to the Ninth Circuit, today granted
a writ of habeas corpus for J. Thorburn
Ross for a writ of error, which in effect
permits Ross to bring his case to the
United States Supreme Court for a
rehearing.

In granting this writ the merits of
the case are not passed upon in any
way, but after reading Ross' petition
Justice McKenna was satisfied there was
at least reasonable doubt about a
constitutional question being involved,
and on that ground directed issuance
of the writ.

Ross must deposit a bond to cover
the costs before the writ will finally
be issued. This may be done within
a few days. Ross is now in Norfolk,
Va., but is expected to return to Wash-
ington in a day or two. Ross is rep-
resented by W. D. Guthrie, a famous
constitutional lawyer of New York,
who drafted the petition which was
submitted to Justice McKenna.

It is understood Ross' appeal, when
docketed, will not be reached until the
next term of court.

SALEM, Ore., May 4.—W. P. Lord, of
this city, one of the counsel for J.
Thorburn Ross, has received a tele-
gram from the East stating that a
writ of error has been granted by the
United States Supreme Court.

Mr. Lord said:

"The usual procedure to obtain a writ
of error is to present the petition for
it through the Chief Justice of the
Supreme Court of the state, but in
this case application was made directly
to one of the Justices of the Supreme
Court of the United States. The petition
for the writ was presented to
Justice McKenna about 10 days ago,
and was acted upon this morning by
allowance of the writ. The ground for
the writ is that Ross contended in the
Supreme Court of Oregon that the over-
ruling of a previous decision by the
Circuit Court, in Baker vs. Williams, in
the 42d Oregon, which held that a de-
posit of educational funds was a gen-
eral deposit, and the holding by the
Circuit Court, in Baker vs. Williams, in
special, was ex post facto, depriving
Ross of his liberty without due process
of law. Justice McKenna has granted
such as the repeal of the information
system, without a saving clause for
pending crimes, but this is only inci-
dental and is not relied upon as the
main ground of reversal.

"The case is now in the United States
Supreme Court square on its merits, and
will be taken up in its regular order of
argument. The contentions there will be
no different than in the Supreme Court
of Oregon."

EARLY DECISION NOT LIKELY

Ross Appeal May Be Months Before
Supreme Court.

The Ross case has been pending in
the courts since his conviction in October,
1909. The outlook is it will be many
months before his case comes to hearing
in the United States Supreme Court, for
that tribunal is about to adjourn for the
summer vacation, and will not again
take up business until October. Besides
this the docket is said to be congested
and the Ross case will be late in the
line.

Ross, who was president of the now
defunct Title Guarantee & Trust Com-
pany, was convicted on charges of con-
victing public money to his own use,
state school funds having been deposited
in his bank. He was sentenced to serve
five years in the penitentiary, and to
pay a fine of \$25,000 or serve out the
fine at the rate of \$2 a day in the Mul-
tnomah County Jail. This would have
amounted to 12 1/2 years.

Upon appeal, the State Supreme Court
held the fine to be excessive and it was
reduced.

The point was made before the State
Supreme Court that Ross could not be
legally tried upon an information filed
by the District Attorney, when the Leg-
islature changed the law between the
time the information was filed and the
time of the trial, making it the business
of the grand jury instead of the Dis-
trict Attorney to return indictments.

But Wallace McCannan, who appeared
with ex-Governor W. P. Lord as Ross'
attorney, said yesterday this is not the
chief point relied upon by the defense
in the Supreme Court. It is Attorney
Guthrie's contention, he declared, that
there has been a violation of the consti-
tutional facts of legislation.

"It is the contention of Attorney
Guthrie," said Mr. McCannan, "that the
State Treasurer had a right to deposit
the school funds in a bank for safe keep-
ing. He contends that the State Supreme
Court in the Ross case overruled the
decision of the Supreme Court in the
case of Baker vs. the Williams & England
Banking Company."

Three other charges still stand against
Ross in the Circuit Court. He is charged
with having loaned a part of the state
school fund to M. B. Rankin and to have
refused to pay it back to the State
Treasurer on demand.

Ross is now in Washington, having
been in the East since March 1.

TAFT STRIKES AT CRITICS

(Continued from First Page.)

seem to favor a mileage basis for
freight rates. I would view the adoption
of such a principle with a great
deal of anxiety.

"But as I have said, I do not feel I
have studied the question sufficiently
to express views on this particular
provision, but I am afraid those gen-
tlemen who are most emphatic in think-
ing that is the easiest solution of the
question, these gentlemen who come
from the interior will find themselves
in the same position as that son of
Erin who sat on the limb and sawed
it off."

HUGHES IS DEFENDED.

In his afternoon address at the
banquet of the Business Men's
League, President Taft said he re-
garded the Supreme Court of the United
States the most sacred thing in this
Government and the appointment of
men to that bench the highest and most
sacred function an Executive has to
perform.

"I do not like to be invidious in my re-

marks or to quote what may have been
a misstatement, but I heard or saw, a
criticism of one appointment, on the
ground, as I understood it, that the ap-
pointee was not an implacable foe of
wealth and corporations. I think per-
haps that criticism has been misunder-
stood and that its author did not intend
to give the meaning it seems to have. I
believe all Democrats and Republicans,
regulars and insurgents, who are patri-
otic citizens—and we all are that—favor
having upon the bench men who are
equal justice to everyone, whether an or-
ganization of men doing business under
the law as a corporation to promote the
industries of the country or the humblest
citizen struggling with his hands to earn
a livelihood for his family.

"It do not mean to say men by their
habits of life may not acquire a preju-
dice in one direction or another, and that
it is not wise to select for the highest
tribunal men who have no such bent,
but I do mean to say there is, in the
public journals and in what I may call
the cant of the demagogues, a disposi-
tion to charge that kind of a bent in
favor of corporate wealth and corporate
greed and corporate monopoly when such
charge is unjust.

"This assumption of peculiar honesty,
manifested by class declaration and the
stirring up of class spirit ought to be
checked and in our republic it will lead
to great danger. We ought to take up
the discussion of public questions and
their effect upon justice, calm and not
not be affected by charges of prejudice
and corrupt motives—I say charges un-
uttered and unsupported by evidence or calm
consideration.

COURT DELAYS CRITICIZED.

"Now, all I appeal for is justice and
a speedy trial—but not myself, for
indeed I am in a position where I can
get along better without it than some
of the rest, but I am appealing for jus-
tice in dealing with all classes."

"I said all classes. Of course, practi-
cally, it is pretty hard to give. To our
socialistic friends who decry our present
institutions, courts and laws, I speak
as a better ground for complaint than they
themselves give.

"I have talked about this before, and
it is no new theme with me. I think, if
they were to object to our administration
of justice and its delays, arising from the
traditional methods of courts by which
the man with the longest purse has the
advantage, they would be getting, as the
children say, 'pretty warm' toward a
subject that we must have very decided
reform.

"We must arrange it so cases are de-
cided more promptly. I say that the
United States courts are not models in
this regard, but all courts may be re-
formed in this regard. What is the
objection? It is the cost of litigation. We
have courts disposing of business
promptly and end litigation. Why do we
as a lawyer and judge, and, therefore, I
speak with confidence, because I know
what I am talking about. I feel much
more at home on this subject than I do
in discussing agricultural subjects with
farmers."

RIGHT TO WITHDRAW SUIT.

Addressing a joint meeting of the
Farmers' Union and the people
of St. Louis today, President Taft
devoted himself to a technical discussion
on the subject of conservation. He de-
clared the term covers a wide range of
subjects.

"But as concerns Congress at this time,"
he added, "conservation resolves itself
into the necessity of passing at once the
bill which will give to the Executive un-
questioned authority to withdraw lands
for power sites and other purposes. With
this power in the hands of the United
States we can sit comfortably by and dis-
pose of the great public domain to the
benefit of present and future genera-
tions."

Speaking of the conservation of the
river supply and the improvement of
rivers and harbors, President Taft stated
anew his position that projects provided
for in the harbor bill must prove the
feasibility and practicability. His state-
ment in this respect was especially in-
teresting in view of the recent reports
that he contemplates a veto of the bill
that will pass the present Congress.

"Any waterway improvement which is
found worthy," said the President,
"should be put through as economically
and quickly as possible. Every waterway
bill ought not to constitute a pork
barrel, or be passed for the purpose of
benefiting somebody back to Congress."

"It should be devoted to putting
through great enterprises, to making the
waterways useful and effective in reduc-
ing rates of transportation."

CARNEGIE LAUDS TAFT

PRESIDENT'S WORST FAULT IS
HE WORKS TOO HARD.

Roosevelt Has Done "Spade Work";
Now His Successor Is Busy
Sowing Seeds.

NEW YORK, May 4.—Before sailing to-
day for his summer home in Scotland,
Andrew Carnegie had a few words to say
about the tariff.

"In my opinion greater progress had
been made by the latest tariff revision to-
wards the perfect tariff than ever before,"
he observed. "Of course, it is hard to
please everybody, and I can only express
my opinion by quoting something I read
in a paper not long since. 'Let the scowlers
scowl, let the howlers howl, and the polli-
ticians go to it. The country's all right and
I know it.'

"Carnegie highly complimented Presi-
dent Taft, saying that he was a model
President, but that he worked too hard.
Mr. Carnegie said:
"He wants to please everybody and in
that lies his greatest fault. There is no
comparison with the work of the previous
Administration. One did the spade work
and the present Administration is sowing
the seeds. As to Mr. Roosevelt's plans,
I don't know what he wants, but he has
a way of getting anything he does want
and I presume when he returns he will
obtain whatever he is looking for."

IMPORTANT WITNESS ILL

Customs Official's Sickness May
Affect Sugar Trust Case.

NEW YORK, May 4.—The illness
of Richard Parr, the customs' official
who discovered the fraudulent devices
by which the Government was de-
prived of duties on sugar imports, may
seriously hamper the Government in
its prosecution of Charles R. Heike,
secretary of the American Sugar Refin-
ing Company, whose trial is set for
May 10.

The Supreme Court in Washington
on Monday threw out Heike's immunity
plea, and the long-delayed trial was
to be begun next week.

TOBACCO TRUST PAYS EXTRA.

NEW YORK, May 4.—The American
Tobacco Company today declared a quar-
terly dividend of 2 1/2 per cent on the com-
mon stock and an extra dividend of 7 1/2
per cent. A quarterly dividend of 2 1/2
per cent was declared on the preferred stock.
All these dividends were the same as
those for the last quarter. The extra di-
vidend declared a year ago for the corre-
sponding quarter was 5 per cent.

SILETZ LAND BILL PASSES CONGRESS

Sections Reserved for Educa-
tional Purposes to Swell
School Fund.

TOWNSITE PROVIDED FOR

Actual Residents to Have Preference
in Bidding and Privilege of
Removing Improvements
Will Be Conceded.

OREGONIAN NEWS BUREAU, Wash-
ington, May 4.—The House today passed
the bill previously passed by the Senate
providing for the sale of about five sec-
tions belonging to the Siletz Indians on
the Siletz reservation in Oregon. The
bill authorizes the Secretary of the In-
terior to sell at public auction lands
which were reserved under article four
of the Siletz treaty of October 31, 1852.
The Secretary also is authorized to
survey and appraise the lands on the
Siletz reservation that were reserved for
educational purposes and those re-
served for educational and mission la-
nd purposes and to sell them as town lots,
reserving for sale, however, any wa-
ter-power sites that may be located on
the land in question. Lands contained
in the Government farm, except such as
may be needed for the Indian day school,
shall also be subdivided into tracts not
exceeding five acres each.

Forty acres of the Government farm
land nearest the present Government
building, however, must be laid out in
a townsite and be subdivided into town
lots and sold at not less than the ap-
praised price to the highest bidder, with-
out considering improvements thereon,
reserving to business men and actual re-
sidents the preference right to buy the
lands upon which their respective build-
ings stand.

When such lands are sold to another
than the owner of the buildings, the
other shall have the right to sell his im-
provements or remove them within three
months. All town lots laid off under this
bill shall be sold under the general town-
site law, the net proceeds to be expended
for the day school.

The bill appropriates \$200,000 to carry
out its provisions, to be reimbursed from
moneys derived from the land sales.
No liquor shall be sold on any lands
acquired by the bill for a period of 25
years.

HAMER BILL WILL BE PASSED

Heyburn Only Objector to Measure
for State Exchanges.

OREGONIAN NEWS BUREAU, Wash-
ington, May 4.—The Senate today
committee today ordered Senator Jones
to make a favorable report on the
Hammer bill. What is known as the
Hammer bill, which was passed by the
House, authorizing the states to exchange
their school sections in forest reserves
for compact bodies of forest reserve
land.

Senator Heyburn was the only mem-
ber of the committee to oppose a favor-
able report and gave notice that he
would continue his objection to the
bill is called up for consideration in the
Senate.

Senator Borah differs with his colleagues
and will urge the passage of the bill. All
other Western Senators favor the bill
and it will pass whenever it comes to a
vote.

MORE AID DUE COAST SHIPPING

Senator Piles Would Amend Omnibus
Lighthouse Bill.

OREGONIAN NEWS BUREAU, Wash-
ington, May 4.—Senator Piles today
proposed the following amendments to the
omnibus lighthouse bill:

Establishing a lighthouse at Eliza-
beth Island, Bellingham Bay, \$30,000; light-
house at Kellett Bluff, \$20,000; light ves-
sel for a station at Partridge Point, \$60,000;
aids to navigation of Puget Sound,
\$41,600; lighthouse tender for Alaska,
\$25,000; increasing appropriation aids to
navigation in Alaska from \$30,000 to
\$80,000.

OREGON TRAIL BILL PASSES HOUSE.

Carrier Places to Be Filled.

OREGONIAN NEWS BUREAU, Wash-
ington, May 4.—Representative Hum-
phreys' bill providing for marking the
Oregon trail was favorably reported
to the House today, carrying an appro-
piation of \$25,000 and granting to the
Secretary of War authority to receive
private contributions to swell the fund
for erection of suitable monuments.

Carrier Places to Be Filled.

OREGONIAN NEWS BUREAU, Wash-
ington, May 4.—Civil service examina-
tions will be held in Vancouver and Walla
Walla May 28, to fill vacancies in the
rural mail carrier service.

HARTE CONFIRMED AS RECEIVER.

Portland Man in Weather Service.

OREGONIAN NEWS BUREAU, Wash-
ington, May 4.—The Senate today
confirmed the nomination of Charles T.
Harte, as receiver of the Halley, Idaho,
Land Office.

Portland Man in Weather Service.

OREGONIAN NEWS BUREAU, Wash-
ington, May 4.—Floyd D. Young, of
Portland, has been appointed an ob-
server in the Weather Bureau Service.

CLARK TO BUILD BRIDGE

Washougal Will Be Spanned at Cost
of \$13,540.

VANCOUVER, Wash., May 4.—(Spe-
cial.)—A bridge across the Washougal
river will be built by the County Com-
missioners between the towns of Camas
and Washougal and on the state road
which has been completed in Clark
County. The lowest bid was \$12,560,
by the Columbia Bridge Company of
Walla Walla. The bridge is about 1200
feet long.

The citizens petitioning agreed to
repair the old bridge over the Washougal
some distance up the stream from
Camas, at a cost of about \$3000.

LOOT WIDELY SCATTERED

Material Cooper Is Charged With
Stealing, Hidden in Cellars.

VANCOUVER, Wash., May 4.—(Spe-
cial.)—That Louis Herma, today
taken to Portland to answer to the
charge of larceny, rented cellars and
other places in which to store the
goods he secured simply by sending

the expressman after them, is found to
be a fact by the police of this city.

Some of the tools found in one of
his many caches was identified by the
manager of the brewery. Herma
formerly worked at the brewery as a
cooper.

JAPANESE REACH NEW YORK

Around World Tourists Soon to Sail
for Europe.

NEW YORK, May 4.—The party of
Japanese business men who are mak-
ing a tour of the United States on their
way around the world reached here
today from New England and left
shortly afterward for Washington.

After its Washington trip the party
will return to New York for a four
days' visit before sailing for Europe.

PHILADELPHIA, May 4.—The 57
Japanese who are touring the United
States came to Philadelphia today from
New York and will spend the night
at the Tokio Hotel, editor and owner of a
Tokyo newspaper. In an interview, said:
"We are just the same in Japan as
you in regard to the newspapers. We
interview and photograph people just
the same. We have a news service in
Japan and in addition we get the ser-
vice of the Associated Press. Japan is
very much like America."

BUCKETSHOP PROBE ENDS

Conspiracy Indictments Already Be-
lieved to Be on File.

WASHINGTON, May 4.—The investi-
gation in the New York end of the wire
responsibility for the receipt of stock
refutations by bucketshops was con-
cluded today before the Federal grand
jury.

Should a presentation against the
Western Union Telegraph Company be
voted, it would be several days before
an indictment could be returned.
It is understood that additional con-
spiracy indictments are on file with
the Department of Justice.

WELCHERS MUST PAY UP

Court Orders Three London Com-
panies to Make Losses Good.

SAN FRANCISCO, May 4.—A jury in
the United States District Court here
today granted to eight property owners
of this city \$122,915.12 as a settlement
of their claims against the Alliance
Commercial Union and Palatine Insur-
ance Companies, all of London, which
refused to pay claims arising from the
fire of 1905, alleging that the earth-
quake clauses in their policies protected
them from paying the amount of
insurance which they had written.

BANKER MAY BE SUICIDE

Body of S. K. Sneed, ex-President
National Association.

HENDERSON, Ky., May 4.—The body
of S. K. Sneed, ex-president of the Na-
tional Bankers' Association, was found
in the river here today. He had been
missing since Sunday and is believed
to have committed suicide.

Students Have Smallpox

Nebraska Chancellor Orders Stu-
dents to Be Vaccinated or Report.

LINCOLN, Neb., May 4.—Chancellor
Avery, of the University of Nebraska,
today directed that the students submit
to vaccination or report to the authori-
ties each day for examination.

More than a dozen cases of smallpox
have been discovered among the students.

BODY IS BURIED IN LIME

Crucifix and Wisp of Red Hair
Clues to Murder.

CHICAGO, May 4.—A feather bed,
a roll of canvas, a silver crucifix and a
wisp of bright red hair are relied upon

BRITISH & FOREIGN MARINE INSURANCE COMPANY, LIMITED

OF LIVERPOOL, ENGLAND (UNITED STATES
BRANCH), on the 31st day of December, 1909,
made to the Insurance Commissioner of the
State of Oregon, pursuant to law:

CAPITAL.	
Amount of capital paid up.....	\$ 517,000.00
Income.	
Premiums received during the year in cash.....	\$ 117,676.98
Interest, dividends and rents re- ceived during the year.....	41,780.19
Income from other sources re- ceived during the year.....	792.90
Received from home office of company.....	672,750.63
Total income.....	\$1,334,010.67
DISBURSEMENTS.	
Losses paid during the year.....	\$ 278,370.46
Commissions and salaries paid during the year.....	130,057.10
Taxes, licenses and fees paid during the year.....	19,347.10
Amount of all other expenditures Returned to home office of com- pany.....	956,330.80
Total expenditures.....	\$1,484,095.56
ASSETS.	
Due from other companies for reinsurance on losses already paid.....	\$ 26,220.63
Value of stocks and bonds owned.....	990,276.06
Loans on mortgages and collat- erals.....	17,000.00
Cash in banks and on hand.....	66,248.13
Premiums in course of collection and in transmission.....	290,427.00
Interest and rents due and ac- crued.....	13,020.54
Total assets admitted in Ore- gon.....	\$1,413,202.30
LIABILITIES.	
Gross claims for losses unpaid.....	\$ 97,486.11
Amount of unearned premiums on all outstanding risks.....	123,087.89
Due for commission and broker- age.....	32,614.78
All other liabilities.....	28,294.19
Reserve for contingencies.....	120,224.48
Total liabilities.....	\$ 473,507.35
Total insurance in force Decem- ber 31, 1909.....	\$8,827,513.00
BUSINESS IN OREGON FOR THE YEAR.	
Total risks written during the year.....	\$7,609,066.00
Gross premium received during the year.....	48,203.79
Premiums returned during the year.....	37.57
Losses paid during the year.....	94,348.14
Interest and rents received during the year.....	94,348.14
Total amount of risks outstand- ing in Oregon December 31, 1909.....	\$ 994,753.00

CHESTERFIELD Suits and Top Coats

For the gentleman
who appreciates style,
good tailoring, per-
fect fitting clothes,
CHESTERFIELD
clothes possess all of
the qualities men-
tioned and are guaran-
teed to retain shape.
If front of coat of any
CHESTERFIELD
suit breaks in one
year's wearing, we will
give customer a new
suit free.

Suits and Coats priced
\$25 to \$50
Would like to show you late styles.

R. M. GRAY

273-275 Morrison at Fourth

Electric Light and Power Direct From Primary Cells

THE ESSENTIAL POINTS ARE:
Simplicity, low cost, high efficiency, low voltage, no danger from fire
or explosion, and freedom from lines of light. The
are innumerable. A few of them are the lighting of homes, barns,
churches, stores, hotels, public buildings, halls, mills, camps, fac-
tories, electric irons, coffee percolators, toasters, vacuum carpet
launches, automobiles, etc.

THE DREAM OF SCIENTISTS NOW MADE A REALITY THROUGH
THE REMARKABLE INVENTION OF DR. H. W. DARBY.

POWER
for running fans, cream separators, churns, washing machines, small
lathes for jewelers and dentists, sewing machines, autos, small
trucks, electric irons, coffee percolators, toasters, vacuum carpet
cleaners, etc.

Send for printed matter for full information, or better still, come
and see a plant in actual operation.

THE PACIFIC COAST BATTERY CO., organized and incorporated
in Portland, are giving daily demonstrations (evenings by appoint-
ment), rooms 615 and 616 Sweetland building. The public is invited to
see and inspect this for themselves. A big dividend paying invest-
ment.

STOCK FOR SALE.

C. H. Revercomb, Financial Agent
PACIFIC COAST BATTERY CO.
615 and 616 Sweetland Bldg., Phone Marshall 683. Portland, Oregon.

New Lenses in Two Hours

OCULISTS, knowing us professionally, favor us with their
most complicated prescriptions.

OLD patrons, acquainted with our work through experience,
recommend us to their friends.

But there are thousands of strangers to whom the name
COLUMBIAN OPTICAL CO. signifies nothing of individuality.
They've passed our windows and admired them.
They've noticed our advertisements.

But they've never favored us with their patronage because,
perhaps, they've never realized the advantage of doing so.

But some day these strangers will enter our store. And when
they do, they'll wonder at the patience they displayed in the past.
They'll get new lenses in two hours when they expected to suffer
for a day without glasses; they'll get service such as they never
knew had been perfected.

Of all our patrons, those who appreciate our efforts the
most are those who have had the most experience with opticians.

COLUMBIAN OPTICAL COMPANY
133 Sixth St.
OREGONIAN BUILDING, PORTLAND, OR.

Silence!

The instinct of modesty natural to every woman is often a
great hindrance to the cure of womanly diseases. Women
shrink from the personal questions of the local physician
which seem indelicate. The thought of examination is abhor-
rent to them, and so they endure in silence a condition
of disease which surely progresses from bad to worse.

It has been Dr. Pierce's privilege to cure a
great many women who have found relief
for modesty in his offer of FREE consulta-
tion by letter. All correspondence is held
as sacredly confidential. Address Dr. R. V.
Pierce, Buffalo, N. Y.

Dr. Pierce's Favorite Prescription restores and regulates
the womanly functions, abolishes pain and builds up and an-
nounces the finishing touch of health on every weak woman
who gives it a fair trial.

It Makes Weak Women Strong,
Sick Women Well.

You can't afford to accept a secret nostrum as a substitute
for this non-alcoholic medicine of KNOWN COMPOSITION.



San Francisco \$10

First Class, Including Meals and Berth.
(Second Class \$5.00)

S. S. ROSE CITY (E. W. MASON, Master)
SAILS 9 A. M. SATURDAY, MAY 7
M. J. ROCHE, C. T. A. J. W. HANSON, Dock Agent,
142 Third St. Alameda Dock,
Main 268, A 1402. PHONES Main 268, A 1234.
SAN FRANCISCO & PORTLAND STEAMSHIP COMPANY.