LAWYERS DISCUSS JURY AMENDMEN

Judge O'Day, Confessing Authorship, Declares Good Results Will Follow.

PIPES DISCUSSES EFFECT

Inhibition of Review of Verdict by Courts Does Not Apply to Supreme Tribunal, Is Opinion

of Speaker.

All mystery attached to the authorship of the judicial amendment to the con-atitution of Oregon, adopted at the recent election, was cleared away at the mass meeting of the Mulinomah Bar Associameeting of the Mulinoman Ber associa-tion beid in the Courthouse last night, when Thomas O'Day, ex-Circuit Judge, arose in the midst of the discourse of James B. Kerr upon the interpretation of the new measure and announced himself as the father of the first section. He said W. S. U'Ren took the measure to

"My object in drawing the amendment," said Judge O'Day, "was to make the ver-diet of the jury stand in Oregon and I am glad that I have finally got into the constitutional law of the state such a

"Supposing," asked M. L. Pipes, "that a jury brought in a verdict for \$10 for the loss of a man's leg; would you have that verdict stand."

O'Day Defends Amendment.

"It would stand now," said Judge O'Day. The only verdict that will not stand is where the amount is large, and then it is reduced. We have got an amendment now that amounts to something."
The courtroom was filled to overflowing

The couriroom was filled to overflowing with lawyors when the meeting was called to order by Charles J. Schmbel, president. It was one of the largest held in years, and the interest was evidenced by the carnest discussions by the attorneys before the session was called to order. After the preliminary business of the association had been transacted Judge Pipes was called upon to discuss the amendment.

Pipes was called upon to discuss the amendment. "Yesterday the amendment was political," said Judge Pipes; "today, by adoption as a part of the law of the land, it is judicial. Before election, at was subject to criticism. The eminous silence of the lawyers previous to election with regard to this amendment reminds me of the Autumn leaves, when they turn to russet and scariet, and to roses, which my friend Holman here loves so well, when they lose their color and fragrance. Now that we have this new fundamental law in our possession, it is for us as citizens to construe it in its literal interpretation. We own it reverence and obedience. We should support it as it means and as it is written. The language is clear and plain."

Alarm Called Unnecessary.

Alarm Called Unnecessary.

I take it this meeting is for the purpose of giving it its literal interpreta-tion and for that purpose I propose to give you the benefit of my judgment of what the law actually means. I am aware that constitutional amend-ments are apt to be construed for their defects. Courts frequently, and in later years, have stretched the fun-damental law to reach a conclusion. damental law to reach a conclusion, which is desired, and which is foreign to the intents and purposes of the amendment. I am opposes to this form of legislation. If this law is had the court has no right to avoid its dangers. Therefore I shall construe it as it is

from our viewpoint.
"I have heard of some alarm on the part of attorneys because it abouishes in its constitutional provision the Cirin its constitutional provision as the cuit and County Court, as well as the cuit and County Court, but ministerial officers of the court, but ministerial officers of the court, but I think that alarm is unnecessarily felt because the damage has not yet fallen, if there is to be damage. In Oregon, due to that modern Warwick, the People's Power League, we have piacod the legislative function through the initiative and referendum, in the hands of the people. With that power placed as it is we have no distinction between the fundamental law and the statutory.

Laws All From One Source

"A constitutional amendment and the law have no difference, in my judgment, for the original and immediate source is one and the same. The people vote on the law and on the amendment. Therefore I construe the amendment in the same light as I would any law upon the

Let us take the amendment clause by ause. In the first section we find no material difference to be alarmed over, and it is the same with the second, but in the third, I find there a is chance for the human mind to revel to some extent. the human mind to revel to some extent.

"The first clause to which I wish to call your attention is, In actions of law, the right of trial by jury shall be preserved." It is evident that this means that the Supreme Court shall preserve the trial by jury which has been given to us for so many years. It is a plain, mandatory chause and there can be no difference of outlion upon its meaning.

difference of opinion upon its meaning.

The next clause reads. No fact tried by a jury shall be otherwise re-examined in any court of this state. I am of the opinion that this does not apply to the Supreme Court, but to the lower courts and the most trial' to emitted before the courts. and the word 'trial' is omitted before the word 'court.' It would mean, therefore, that the jury verdict shall stand and cannot be re-examined."

"Trial Court" Probably Meant.

Reading further we find 'unless the out can affirmatively say there is no widence to support the verdict." again we find by using the word 'trial' in the former sentence that we bring some clearness to the meaning. Reading again: 'Unless otherwise provided by law upon appeal of any case to the Supreme. Court either party may have attached to the bill of exceptions the whole testi-mony, the instructions of the court to the lury and any other matter material to

"It is evident from this that the testi-mory and the instructions are material to the Supreme Court. Then it is very clear that the Supreme Court re-examines the facts and becomes a court of original jurisdiction, Reading again we have:
"If the Supreme Court shall be of the
opinion, after consideration of the matters thus submitted, that the judgment the court appealed from was such as have been rendered in the case, such ludgment shall be affirmed, notwith-

"Herb is the meat of the ame in my opinion, and where all the trouble comes in. It is evident that the Supreme Court must have an opinion, notrecase from 1890 to 1900 was 1890, or 1890 t

wants to change the verdict it can. In the trial of the law case in the lower court the verdict is negative, useless, because the Supreme Court can create a new opinion. The object of the framer of the law was to go through the trial, hil or miss, take what exceptions you want to and all of which are worthless, tell the jury about the written law and then take the whole thing up to the Su-prome Court for a decision. It is sim-ply, genilemen, a sample of the devastat-ing hand of the initiative and referen-

Judge Pipes was followed by James B Kerr, who viewed the measure in a fa-vorable light and did not believe the amendment would be found so bad as had

been stetured.

A. E. Clark defended the amendment and declared that in many respects it does not change the present law materiality and followed out the lines of the National Constitution in some of its clauses. He believed that if it were interpreted rationally it would be found acceptable.

F. V. Holman described the amendment as a "sort of Oriental justice" and regarded it as a "menace to the precedents of 100 years."

of 100 years."

Judge O'Day closed the discussion by explaining the amendment from his point

CHICKEN GUIDE TO GOLD

NUGGET FOUND IN CRAW, ORE STRUCK IN WELL.

Metal on Farm Near Vancouver Assays \$21 to Ton-Discovery Causes Small Stampede.

VANCOUVER, Wash, Nov. 18.—(Special.)—Gold found in a chicken's crop has ed to the discovery of gold in a well, assaying more than \$21 a ton, on George Nash's farm, seven miles cast of Van-couver. The whole country round about has been staked by persons eager to find

gold in the locality.

The chicken, which was running on Nash's land, was killed. In its craw was found a gold nugget said to be worth several dollars. This led Nash, who was digging a well, to think that the soil in that vicinity might carry gold. When the well was down 26 feet, some of the fine strata of soil was taken to Portland, and two assays made. One showed gold at \$19 to the ton, and the other

En.oi.

Learning of the gold in Nash's well, many have staked land and claims, and have begun digging. Farmers who own land there, to protect themselves, have staked out their own land again. This has been done notwithstanding the wet and cold weather. Land for several miles in the vicinity of Nash's farm is not on the market, not for any price, at least until the gold fever subsides, or a great strike is made. a great strike is made,

BIG MEN IN RATE NET

Savannah Firms Are Accused Violating Commerce Law.

SAVANNAH, Ga., Nov. 29.—Harvey C. Miller, president of the Southern Steamship Company, and L. F. Miller & Sons, grain merchants of Philadelphia, were arrested here this afternoon by United States Marshals on the charge of violating the United States commerce law of February 24, for alleged unlawfully obtaining transportation of property in interstate commerce at less than the established and legal rates.

It is said that the basis for the war rant, sworn before United States Com-missioner Hewlett, was the shipment of grain from Philadelphia to Jack-schville via Savannah.

Mr. Miller was in Savannah by ad-

vice of his attorney, as a subpens had been issued for his father, now dead. He was arrested as he was going for an automobile ride and taken before the Commissioner, where the Govern-ment obtained a continuance of the hearing until Friday. Mr. Miller was held in \$10,000 bail.

OIL CONTROVERSY ACUTE

Austria Refuses to Remove Discriminations Against Standard Oil.

VIENNA, Nov. 29.—The controversy between the Austrian authorities and the Vacuum Oli Company, a branch of the Standard Oll Company, has reached an acute stage. The Austrian foreign office has refused to continue negotiawith the American Embassy, has been protesting against alleged discrimination against this com-

sition that the Vacuum Company is registered as a Hungarian company and must therefore be subjected to the same regulations as those with a similar registration and that the question at issue is purely a matter for Austrian internal administration and absolutely outside of diplomacy.

The American Ambassador, Richard

C. Kerns, declines to accept the foreign office's view, but at the present mo-ment the conflict is at a deadlock. The Ministry of Finance is now officially inquiring into the Galician situation, hoping to find a solution.

MAN FOUND INJURED DIES

Gilbert Horton Fatally Hurt Just After Appeal for Money.

VANCOUVER, Wash, Nov. 3.—(Special.)—A man presumed to be Gilbert Horton, of Seattle, was found fatally injured on the right of way of the North Hank Raliroad at Fisher, this afternoon at 2 o'clock, and died on the way to Vancouver. Sheriff Sappington investigated the case and declared that there was no evidence of murder.

Just before he was found, Horton, say-ing that he could not write because of an injury to his finger, asked Mrs. A. G. Lee, wife of the section foreman at Fisher, to write a letter to his sister in Seattle, asking her to lend him \$5. The letter was found in his pocket and led to his identification.

G. W. Neilsen, in the office of the rail-

way superintendent here, said that Dr. Black, the county health officer, refused to go to the man's relief at Fisher, on the ground that it was too far.

NEBRASKA SHOWS GROWTH

State Has Population of 1,192,214; Maryland Gains.

WASHINGTON, Nov. 29 .- The population of the State of Nebraska is 1,192,214, according to statistics of the 13th census, made public today. This is an increase of 125,614 or 11.8 per cent over 1,065,100 in 1900. The increase from 1899 to 1909 was 7390, or

Display Wonderful at International Livestock Show.

MINOR HERD TAKES PRIZE

Visiting Stockmen Tell in East of Prosperity of Pacific Northwest. Percheron Horse Display Is Best Ever.

CHICAGO, Nov. 29.—(Special.)—The finest show of Percheron horses ever seen was held this afternoon in the big implitheater at the Union Stockyards, where the International Livestock Show s being held. Five hundred and twenty-six magnificent animals were

Gold Mine, a juntor yearling shorthorn, the property of W. O. Minor, of Heppner, Or., took fourth prize in a large class of shorthorns. Inwood Lass, who took championship honors at five Coast fairs this Fail, won fourth place

in a class for aged cows.

John L. Smith, Holstein breeder, of Spokane, who has an exhibit of apples at the apple show which is being held in the Coliseum, is looking over some of the pure-bred stock for the purpose of buying some to take back to Wash-ington with him. Replying to James J. Hill's pessimis-

tic utterances about the future, James Angus, of Heppner, Or., said: "We don't know what hard times mean where I live. When I went there six years ago land now selling for \$100 an acre was begging at \$35 an acre. It has been a banner year for wheat and alfalfa. Dairy farming is becoming a big factor in our section.

HOOD RIVER IS AGAIN HAPPY

Fruit Men Rejoice on Winning Prize at Chicago Show.

HOOD RIVER, Or., Nov. 29.—(Special.)

-Hood River people are again rejoicing.
Word came today that Manager Sproat's car of Spizenbergs had won the commer dal cup at Chicago. This is an especial-y fine prize, a \$500 loving cup, offered by commercial organizations and clubs f Chleago.

Word was also received today that the carload of apples in charge of J. C. Skiner, secretary of the Commercial Club, nd being exhibited in the East, was arousing much comment at the National show in Chicago, where Mr. Sproat's car took the prize.

WOMEN COME TO RESCUE OF "GIRL IN MAN'S CLOTHES."

Miss Pefferle, Who Is Sentenced to 60 Days in Jail, Says She Will Go Back to Trousers.

On hearing yesterday of the arrest of Adele Pefferie for masquerading in male attire and who was held at the city jail, charged with vagrancy, mem-bers of the Woman's Club secured a complete outfit of women's clothes for the girl. Miss Pefferle was loth to give up her "comfortable trousers for those troublesome petticonts." but finally

Miss Pefferle has served her sentence of 60 days, imposed by Judge Taxwell yesterday, they will furnish her with in outfit of street clothes.

an outfit of street clothes.

In donning the wrapper, which was a part of the supply, the would-be young "man" got into it feet foremost, instead of putting it over the head, the feminine mode of getting into this garment. She explained to Mrs. Simmons, the matron, that it had been so long since she had arrayed herself in "bothersome" skirts that she had quite forgotten how to perform

Miss Pefferle refuses to give up her male clothing declaring that when she has served her sentence she is going to put on masculine attire again.

It has developed in information given the police that the girl was taken some time ago to an Eleventh-street lodging house by W. P. McMillen, of the Lyon-Slater Company, and introduced as "Mr." Joe Howard. It is said the girl one day swooned from intoxication when a physician was called and her identity revealed. Immediately following this incident the girl was ejected from the house. That she threatened to kill McMillen, was charged by a friend of the latter, in information given to the police. Mins Pefferle is the daughter of a

Spokane dentist, and her parents are said to be wealthy. She is a skilled musician. The young woman has a brother in Eastern Washington. From the tone of a letter received by the offender yesterday, it seems that the parent is aware of the girl masquerad-ing as a man. The daughter is urged to "try and adopt female attire and be contented in them."

PIONEER OF '49 PASSES ON

William E. Evinger Dies in Clark County, Aged 87 Years.

vancouvers, wase, nov. 28.—(Special.)—William E. Evinger, 87 years old, died at his home near Hall, Wash., yesterday, after a short Illness. He was the oldest settler in that part of Clark County. Had he lived until December 4 he end his wife would have celebrated their 55th wedding anniversary. In 1856 their 65th wedding anniversary. In 1856 he voted for John C. Fremont for President and two years ago he walked six miles to vote for Taft.

Mr. Evinger was a native of Kentucky, born near Louisville. When 10 years old he went to Illinois with his parents nd there, in 1845, he married Miss Amanand there, in 1848, he matried Miss Aman-da C. Mack, who, with seven of 11 chil-dren born to them, survives. In 1889 he crossed the plains in a prairie schooner, returning to his home in 1852, where he took up farming, until 1876, when he inoved his family to California. In 1885 he exchanged his homestead for his place

MECHANICS ARE NEEDED Dr. Wetherbee Points Out How Schools Fall Short.

LET YOUR STOMACH HAVE ITS OWN WAY.

Do Not Try to Drive and Force It to Work When It Is Not Able or You Will Suffer All the More.

You cannot treat your stomach as some men treat a balky horse; force, drive or even starve it into doing work at which it rebeis. The stomach is a patient and faithful servant and will stand much abuse and ill-treatment before it "balks," but when it does you had better make the with it and not at had better go slow with it and not at-tempt to make it work. Some people have the mistaken idea that they can nave the mistaken idea that they can make their stomache work by starving themselves. They might cure the stomach that way, but it would take so long that they would have no use for a stomach when they got through. The sensible way out of the difficulty is to let the stomach rest if it wants to is to let the stomach rest if it wants to and employ a substitute to do its work. Stuart's Dyspepsia Tablets will do the work of your stomach for you and digest your food just as your stomach used to when it was well. You can prove this by putting your food in a glass jar with one of the tablets and sufficient water and you will see the food digested in just the same time as the digestive fluids of the stomach would do it. That will satisfy your mind. Now, to satisfy both your mind and body take one of Stuart's Dyspepsia Tablets after eating—eat all mind and body take one of Stuart's Dyspepsia Tablets after eating—eat all and what you want—and you will feel in your mind that your food is being digested because you will feel no disturbance or weight in your stomach; in fact, you will forget all about having a stomach, just as you did when you were a healthy boy or girl.

Stuart's Dyspepsia Tablets act in a natural way because they contain only

natural way because they contain only the natural elements of the gastric juices and other digestive fluids of the stomach. It makes no difference what condition the stomach is in, they go right ahead of their own accord and do their work. They know their busi-ness and surrounding conditions do not influence them in the least. They thus relieve the weak stomach of all its urdens and give it its much-needed rest and permit it to become strong and

Stuart's Dyspepsia Tablets are for sale by all druggists at 50 cents a box. They are so well known and their popularity is so great that a druggist would as soon think of being out of alcohol or quinine as of them. In fact, physicians are prescribing them all over the land, and if your own doctor is real honest with you, he will tell you frankly that there is nothing on earth so good for dyspepsia as Stuart's Dyspepsia Tablets.

Education of neglecting to supply local youth with the means of education along these lines, he plainly suggested that an

mprovement could be made.
"We have too many preachers, too many lawyers and too many doctors," he asserted. "What we want in their respective places is better men, fewer criminals and closer attention to health and

"By having the advantage of m trade schools the boys of Portland could develop their talents along the lines for which they are best fitted and thus more eadily become useful citizens." He deplored the fact that on a recent visit to a local manual training school

visit to a local manual training school five boys who sought to take up the study of machinery had to be turned away for lack of accommodations.

With a continuation of this condition, he predicted, America would cease to be a nation of mechanics and Germany and the countries of Europe which are educating their children along those smedal. ing their children along those special lines would take the place that this country now holds in that respect. He also made an appeal for more at-tention to agriculture and the further practice of economy on the part of the

WAGES NOT PROPORTIONATE IN STATE INSTITUTIONS.

Great Increase in Prices Shown by Washington Board of Control. Salaries Little Bigger.

OLYMPIA, Wash., Nov. 29 .- (Special.) -While wages have increased at the Western Washington Hospital for the Insane but .8 per cent in the past 10 rears: 5.15 per cent at the Eastern Washington Hospital for the Insane, washington Hospital to the washington Hospital to the past four years beef has gone up \$4 per cent; mutton 119.2 per cent; flour 57.2 per cent, and in the past year the increases have been beef 44.8 per cent; mutton, 60 per cent; lard, 44.

per cent: flour, 27.5 per cent, and but-ter 18 per cent. These figures, taken from the report of the State Board of Control to the 1911 Legislature, bear out the state-ment made by the Labor Commissioner some time ago that the cost of living has gone up much more rapidly than wages. The one exception in the state institutions is at the State Training School, where wages have gone up 64.72 per cent, while the sustenance cost has increased as a whole 23.9

This is due to the fact that no longer are the boy and girl wards of the state regarded as criminals but as future citizens in need of training and instruction and the institution is now a school proper and not a place for

The report will also show that the Eastern Washington Hospital Insane is coating as a whole 9.7 per cent more than in 1901; the peniten-tiary 12.99 per cent and the Western Washington Hospital for the Insane 16.43 per cent.

Mayor's Request for Probe Refused. SAN FRANCISCO, Nov. 29.-Mayor Mc-SAN FRANCISCO, Nov. 28.—Mayor Mc-Carthy's request that the grand jury investigate the rumors concerning his alleged acceptance of bribes of \$60.00 and \$10.000, respectively, is unspecified municipal transactions, was refused last night. After a brief session, the inquisi-torial body directed that a letter be sent the Mayor, informing him that in the absence of specific charges, no investiga-

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In place of coffee and

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with it. Let us show you our line of player pianos ranging in price from \$500 up. If you once see and hear the

IVERS & POND, GABLER, DAVENPORT & TREACY, and WALWORTH are nice pianos to have and you can buy them right at our place. You do yourself an injustice if you fail to see us before you buy. Easy payments.





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Nine out of every ten cases of Rheumatism, Nervousness and kindred complaints, are caused by excess uric acid in the sys-tem. It poisons the tissue, weak-ens the organs and retards circu-

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A prominent journalist of Albuquerque, N. M., says: "Your Electropodes certainly have won-derful merit. I know of no other remedy as complete in its cure of Rheumatism."

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The purchaser of Electropodes is granted the privilege of returning them within 30 days, and the purchase price (\$1.00) is to be refunded upon the following conditions: They are to be worn according to directions for at least 25 consecutive days, and then if not satisfactory, to be returned in original box. Druggist's Signature

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One second-hand 25-ton Belted Hercules Ice Machine, including double pipe condenser, liquor receiver, oil traps, fittings, valves, etc. One Steel Ice Tank, capacity 70 200-lb. cans. Two Wood Ice Tanks, capacity 180 200-lb. cans. One Brine Tank. Capacity above plant 60 tons of refrigeration, or

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