Attorney-General Argues That Legislature Exceeded Constitutional Rights In Increasing Number of Judges From 3 to 5.

SALEM, Or, Get. 16 - (Special.) - In a

motion for a mandate to affilm the judg-ment of the Circuit Court for Multnomah County in the case of the Sinio va. Barr Cochran, Attorney-General Crawford this afterneon attacks the appointment of Justices Will R. King and W. T. Sister no power to add two more judges, and the Governor no authority to appoint. The motion, which is signed by J. H. Page, Deputy District Attorney, and A. M. Crawford, Attorney-General, recites the fact that Justices Robert Eahlin and F.A. Moore favored sustaining the Cir-cuit Court in the Cochran case, that "for-mer Commissioner" Will R. King wrote an opinion concurred in by "tornier Commissioner" W. T. Blater and Justice T. A. McBride, overruling the lower court. which latter opinion the Attorney-Gen-eral asks be treated as the dissenting opinion of the court, and that the opinion of Justices Moore and Engin be considered the majority opinion of the court. The motion is based on the following

Only Advisors, Crawford Says.

First, that Justices Eakin and Moore Second, that Justice T. A. McBride is minority of the Supreme Court. Third, that Will R. King and W. T. later, who have for some three been acting as Justices of the Supreme Court, are only solviners thereof, and are not lawful members of said court, and are not entitled to vote on any question com-ing before the court for declaion, has to sign any opinion as members of the Su-

In the Attornoy-General's argument in support of the motion a comprehreview of the judicial system of the state is given, including the separation of Cir-cuit and Supreme Judges into two classes when the white population of the state reached \$20,000. It is shown that section 19 of the constitution plainly states that the court shall consist of three Justices—no more, no less, which the respond-ent's attorneys in the Cochran case aver is final and binding upon the Legisla-

What Constitution Says.

The argument continues: "In construing provisions of a constitution, it is a universal rule that where the language is plain and unambiguous, it must be is plain and unambiguous, it must be taken in its general sense, that is, in the way in which the people at large understand, or understood it, at the time of the adoption of the constitutions. We think it impossible for any court or Judge to hold that the people of Orson, when they adopted the section of the constitution referred to, understood it to mean three or more Justices. \* \* The doctrine that where a statute enumerates doctrine that where a statute enumerates the persons or things to be affected by its provisions, there is an implied exclusion of others, is applicable to the ques-tion under discussion."

part of the court to take up and datermine the motion in its present term, the Attorney-General continues:

"The court may hesitate to entertain jurisdiction of this motion, on the ground that the persons whose right to act as additional Justices of the Supreme Court is being challenged are entitled to have ion raised by que warrante, but we submit that in the case at bar, we are not questioning the right of Mounts. King and Slater to hold and discharge the duties of additional Justices of the Su-preme Court, in case such office exists, but raise the question as to whether there is, under the constitution, a de jure of-fice for them to be de facto officers of and if not, then their sitting is only a pretense. The attempt of the Legislature to create additional Justices was obviously in excess of its authority, and hence void ab initio, and created no office whatever. Also it will be remembered that the constitution provides the bered that the constitution provides the mber of Justices of the Supreme Court and leaves no question open for legisla-

Muddle Should Be Cleared.

After quoting many authorities the argument continues: "We respectfully submit that the great importance of the question at Issue demands its decision. There should be no doubt in the minds of the members of the bar, or of the people, as to whether our courts are legally established. No doubt should ex-ist as to whether any three Justices of the Supreme Court have the right to affirm a judgment of the trial court to condemn a man to suffer the death pen-alty, or by their judgment or decree deprive people of their rights and property. As long as any doubt exists as to the legality of a court, the confidence of the people in the court and its decisions is lessened, and to that extent the powers

of government are weakened."

In one of the closing paragraphs is found an intimation that the case will be carried to the highest courts if it is decided adversely by the Oregon court, of which there is probably little doubt. The statement follows: "The people should know by a decision of the highest court in the land whether they should, at the next election, choose two additional the next election, choose two additional Justices of the Supreme Court, or whether they should wait until the constitution shall have been changed in the manner therein provided, increasing the court by

The Cocuran case is the St. John localoption case, which was decided by the Supreme Court adversely to the city of St. John, the decision being to the effect that the St. John charter is superior to the local-option law and that as a result the city may regulate its liquor traffic without regard to the state law on the

TAPS SOUNDS FOR FAIR

(Continued From First Page.)

of what the dividend will be, but admit of what the dividend win be, but admit that it will be a small one.
"Our stock subscriptions," said Presi-dent Chilbers today, "were made with-out any expectation of a return. The money was contributed as an advertise-ment for the city and the Northwest and we believe that a full return for the money invested has already been given and that the stockholders feel the same

Attendance Nearly 3,750,000. The total attendance has been nearly 2,750,000 and so many visitors came from

Distinguished Men Are Visitors.

Distinguished Men Arc Visitors.

The Exposition was opened at noen June 1, with exercises in which American and Japanese fleets. President Taft and J. J. Hill participated, and during its course the fair has entertained the President of the United States and a large number of the distinguished people of the country. The late Governor Johnson, of Minnesota, delivered his hast address here and Governor Hughes, of New York, made two speeches that added greatly to his reputation. President Taft's ship subsidy policy was outlined in the fair amphithenter and from the same platform W. J. Bryan made his reply.

In the matter of permanency in building construction the Fair presents a novelty among world's fairs which have in the past attained a meteor-like splendor for a brief histant in the passage of time, only to go out in darkness and disintegration.

The A.-V.-P. Exposition, has been made

The A.-Y.-P. Exposition, has been made up in part of permanently constructed unidlings which will be used by the Uni-

buildings which will be used by the this versity of Washington, while some of the buildings, erected as temporary structures, will be retained by the regents, reinforced and improved and made more heartfand uses. inforced and improved and made more or less permanent for educational uses. The board of regents of the State University at a meeting held today decided to add to the list of fair buildings to remain permanently on the university campus the Oregon and California buildings. The California building will be presented to the university pursuant to action taken by business men of San Francisco and other cities men of San Francisco and other cities

Mission Amply Fulfilled.

Beginning Sunday there will be a post-exposition period of perhaps six weeks, when visitors will be admitted weeks, when visitors will be animous at reduced rates, but during that period workinen will be removing exhibits, many of the buildings will be closed, the raucous voice of the Pay Streak spieler will be stilled, work of demolition will be under way, and the evening illumination will not be pro-

In some of the buildings, however, there will be auctions of exhibits, while the grounds, the lawns and the flowers will still retain their beauty. The exposition, whose purpose was to acquaint the world with the manifold resources of the North Pacific Const, including Alaska, Yukon Terri-tory and British Columbia, and to promote good relations with Japan, has amply fulfilled its mission.

INTERNATIONAL ARMADA WILL ATTEND PORTOLA.

English, German, Dutch, Italian, Japanese and American Naval Men Meet in California.

cisco harbor. England, Holland, Italy, Germany and Japan have sent ships to the celebration. Besides the foreigners a large part of the Pacific fleet of the United States is here.

United States is here.

Several hours after the Algerine reached her anchorage, the German eruiser Arcona passed in through the Golden Gate and joined the other wards. ships. She is a vesuel of 2657 tons displacement, is capable of steaming at the rate of 22 knots an hour and has a complement of 249 men.

Great Britain, with three vessels, will have the largest representation of any of have the largest representation of any of the foreign powers. The H. M. S. Bed-ford, one of the largest and most power-ful cruisers in the English navy, will be the flagship of the British fleet. The Bedford was detached from the China squadron and sent to San Francisco for the Portola. The other British war vensels will be the Shearwater and Algerine. While Japan will be represented by only

one ship, the big cruiser Idzumo, the Mikado sent along Prince Shimatzu with a message of good will.

Queen Wilhelmina sent the cruiser Noord-Brabant, one of the most modern in the Duich navy. The Italian cruiser Cylabida will serious to San Prancisco. Calabria will arrive in San Francisco after a journey of eight weeks, coming from the eastern coast of South America. The Italian vessel will be one of the largest of the foreign men-of-war. The Ger-man cruiser Arcona will represent Kaiser

The cruiser St. Louis, flying the fing of Rear-Admiral Pheips will be the flagship of the American naval representation. Admiral Phelps will outrank any of the foreign officers in pert. Cruiners, mon-ltors, torpedoboat-destroyers and a flotilof revenue cutters will complete the American display.

The American and foreign naval officers will be entertained at a number of bril-liant social functions. The sailers and marines will march in the big military parade. There will be cutter races and boxing and wrestling tournaments for the

The British cruiser Bedford, the fleetest warship that will be in the harbor here for the Portola Festival, was re ported by wireless tonight 12 miles southwest of the lightship. The Bed-ford is rated at better than a 23-knot boat. Her crew contains 700

PEDDLER'S LAW IS VALID Supreme Court Upholds New Li

OLYMPIA, Wash., Oct. 16—(Special.)— The State Supreme Court today sustained the validity of the state licensed peddling

cense Regulations.

the validity of the state hornsed pending law passed by the Legislature of 1996, the decision being in the habeas corpus case brought by A. D. McKnight against Sheriff Hodge, of King County.

McKnight was arrested for violating the law. He claimed it was unconstitutional because different amounts of license were exacted from different classes of peddlers. and because certain peddlers were not required to take any license. These facts do not bring the law within the constinal provision of class legislation says

The court, however, does hold void the provision of the law that all annual liprovision of the law that all annual li-censes shall expire the second Monday in each January, and holds that the license is good for 12 months from the date it is issued.

# NORTH COAST HILL Bloated and

Argument Advanced That Any Rival May Take Northern Pacific After Feeders of North Bank Make Territory Hill Preserve.

BY R. G. CALLVERT.

SEATTLE, Wash, Oct. 16,-(Staff Correspondence.)-Having attempted to connect up the North Coast Railway with almost every Western line of importance except the Great Northern and having met with more or less indifferent success, the railroad dopesters of the Northwest are now theorizing on the possibility of James J. Hill being engaged in a railroad coup of

great magnitude. The theory in brief is that Hill equired control of the Northern Paceffic in order to keep it out of rival hands until he could entrench himself thoroughly in the state of Washington. It is said that this entrenchment is being accomplished through the construction of the North Coast and North Bank railways and of the stripping of the Northern Pacific of the natural territory, and that when the time is ripe Hill will sell out his holdings in

ripe Hill will sell out his holdings in the Northern Pacific without caring into whose hands they fall.

The Harriman interests, the Canadian Pacific and the Chicago & Northwest-ern have heretofore been accused of being the backers of Robert E. Stra-horn, the guiding head in the con-struction work on the North Coast, but so successful has Mr. Strahorn been in keeping a secret that not the faint-est trace of authentic information has been permitted to reach the public.

Proceeds Slowly, but Surely.

What has occasioned the greatest amount of puzzling is the manner of building the 650 miles of railroad cojected. Although in the field with construction forces as early as, if not earlier than, the Chicago, Milwaukee & St. Paul, Strahorn has progressed slowly, building a patch of road here and there, fighting for and winning rights of way across other rallroads, contesting for passes, buying up terminals, all apparently with plenty of capital to carry out the ultimate

About a year ago he expended nearly \$1,000,000 for terminals in Spokane. Now he is building a million-dollar bridge across the Columbia River withut a completed railroad on either side. Recently, it is reported, he acquired numerous water power sites in Central Washington, and it was said had pur-chased the holdings of the Hanford irrigation Company. The report con-cerning the purchase of the Hanford holdings, however, has since been de-

Although buying terminals in Spo-kane. Mr. Strahorn apparently is giv-ing no thought as to terminals in Seattle, Tacoma or Portland, to all of SAN FRANCISCO, Oct. 15.—Within the shelter of the Golden Gate the flags of six nations flutter over a long line of battleships assembled to take part in the Portola festivities. The greatest international armada ever gathered in a Pacific port rests at anchor in San Francisco harbor. England, Holland, Italy freight service over it.

Battle in Courts Hard One.

The question is asked, Why such slow construction if the Union Pacific, Northwestern or Canadian Pacific is behind Mr. Strahorn? Why the secrecy? An answer has been offered to latter question in the statement that possibly it was thought that rights of way, terminals, etc., could be acquired more readily if it were not known that a transcontinental road were building It that is the correct answer the pur pose of the secrecy has not worked out satisfactorily. The North Coast has been opposed by other roads in almost every move. It is always in the courts of the state fighting for rights through

In support of the Great Northern theory secrecy would be an essential element. It is now recalled that when Hill gained a controlling voice in the affairs of the Northern Pacific, about affairs of the Northern Pacinic, about five years ago, it was predicted that he would build up the Great Northern at the expense of the Northern Pacific. The construction of the North Bank road is referred to as fulfilling this prediction, at least in part. It is said that stockholders in the Northern Pacific that the Great is the Creat in the Constitution of the Great in who were not interested in the Great Northern saw no advantage in putting Northern Pacific money into the North Bank. The latter road draws on North-ern Pacific territory, and not on Great Northern territory. Under the present system of its operation, half the net earnings derived from traffic diverted from the Northern Pacific goes to the Great Northern, while Great Northern erritory contributes no traffic at all to the jointly-owned road.

Great Northern Extends Northward. The North Coast entered the field soon after Hill became a power in the Northern Pacific. Its lines are project-ed into O. R. & N. and Northern Pacific. territory, but not into the Great North-ern field. During the four years it has been constructing its patches of rallroad the Great Northern has been ex-tending feeders throughout Northern Washington and into British Columbia,

but not southward.

The Northern Pacific, with Hill controlling it also, has been practically out of the construction business in Washington. The established lines, it is true, have been rebuilt, and the road kept in excellent condition. Its earnings are at a point where they keep up the value of but not southward. a point where they keep up the value of its stock, but, so far as its earnings are contributed by this state, they are the product of an established business and little attempt has been shown to en-large the field of operations. In addi-tion to dividing up its naturally grow-ing business with the Great Northern ing business with the Great Northern through the construction of the North Bank, the Northern Pacific has been made to share with the Gerat Northern the traffic between Seattle and Tacoma and Portland, and if the terms of the recent contract are correctly understood, the Northern Pacific ias divided up most of this stretch of road with the Seattlearn Pacific also gaining thereby othern Pacific, also gaining thereby

only a double track, but splitting the traffic income three ways. Control of North Bank Sought.

The linking of the North Coast with the Great Northern in brief is based on the theory that Hill acquired the con-trol of the Northern Facific after the break-up of the merger in order to keep

# Sour Stomach

Need No Longer Be Endured by Sufferers from Dyspepsia.

The stomach and intestines always

contain, even in health, a smal amount of gases. They seem, both from a chemical and mechanical point of view, to be essential, to some extent at least, to good digestion. A great deal of common air is swallowed with the food, and the remarkable facility with which air bubbles are formed in the saliva is referrable to this special purpose. is referrable to this special purpose. It follows that oxygen and nitrogen are natural to the stomach, and it has been ascertained that nitrogen is greatly in excess of oxygen, showing that even in the stomach this gas is some way employed in the vital processes. But as gases are easily evolved by fermentation and decomposition of food in the stomach and intestines, and as saccharine and other fermentable as saccharine and other fermentable matters dissolved in liquids are present in the gastro-intestinal tube, it results that its aeroform contents are much more complex than is generally sup-

When digestion is perfectly healthy When digestion is perfectly healthy there can be no fermentation and flatulence, but as soon as indigestion occurs carbonic acid gaz and various other gases are freely formed in the stomach and bowers, causing much discomfort.

The remedies employed for the cure of flatulence may be observed as followed. of flatulence may be classified as fol-lows: Those which prevent fermentation; those which favor the expulsion of gas, and those which oxidize and absorb gases. Of the remedies which possess the above properties, charcoal is the only one which has the power of preventing fermentation and decompo-sition of food, and at the same time absorbing all excess gases in the ali-mentary channel.

Medicines which expel gases from the

stomach, known as carminatives, are not to be compared with a remedy which absorbs the gases and prevents eructations or belching. STUARTS CHARCOAL LOZENGES are now used by thousands of people who were formerly subject to fermentation, decomposition, belching, bad breath, and rumbling noises in the intestinal system, and from which disagreeable symptoms, through the use of these powerful absorbent lozenges, complete relief has been obtained. eructations or belching, STUART'S

They are made of the finest willow wood, treated by a special, exclusive, carbonizing process, and when sweetened with pure honey, a medicinal product is obtained which is at once palatable and wonderfully effective in current these there compaints. ing these complaints. Purchase a box from your druggist at once for 50 cents and give them a fair trial; the result will more than please you. Send us your name and address and a free sample will be forwarded to you by return mail. Address F. A. Stuart Co., 200 Stuart Bldg., Marshall, Mich.

it out of Harriman hands and to hold it back while his own road established itself in Northern Pacific and O. R. & N. territory. The terminal war in Portland, the acquiring of a footbold in Tacoma and numerous other details hav it is said, been the causes for the slo character of construction work on ti North Coast. One or the next most im-portant moves, it is predicted, will be the acquirement of complete control of the North Bank road by the Great Northern, a result heretofore predicted in Portland. The North Coast Railroad as project-

rom Spokarie to Portland, Tacoma and Seattle via the Cowlitz Pass. The main line forks west of the Cowlitz Pass. The main line forks west of the Cowlitz Pass, in Lewis County, one fork extending south to East Portland and the other north to Tacoma and Seattle. A branch line leaving the main line in Adams. line leaving the main line in Adams
County is also projected to Walla
Walla, and from Walla Walla west via
Wallula to a connection with the main
line in the vicinity of Chandler Station,

Helped Hill in Fairhaven. Robert E. Strahorn, so far as known

here has had no direct connection with James J. Hill in the past, although there are some indications that Hill may have known Strahorn favorably for years Straborn first showed up in Washington Bellingham nearly 18 years ago. came from South Dakota and seemed to have ample funds for investing in realty and municipal securities. At that time Hill had determined on Fairhayer as the Puget Sound terminus of the Great Northern. Hill had large persona holdings in the town and was intimately connected with C. X. Larrabee, of our land, in his investments. Numerous men to Hill went to Fairhaven in the early '90s to invest their money. When the rapid growth of Seattle demonstrated that it was to become the Puget Sound metropolis. Hill changed his terminal plans and selected Seattle, Strahorn let go in Fairhaven and went to

In the past some determined and concentrated efforts have been made to ferret out the North Coast mystery. This was attempted last year by C. M. Keye, ex-radicoad editor of the Wall Street Journal, but later connected with World's Work. It is said that Mr. Keys tried to trace the backers of Strahorn by means of youchers paid for construction work and was led around a Vouchers were paid in Portland, treal, Seattle, Quebec, New York and even London, but the real financial cen-ter for the road could not be discovered. Still another theory is that the Spo-kane & Inland, the electric interurban line that is friendly with the orest Northern, is extending into other fields and keeping it quiet. The inland is a big money producer and it might be its plan to quietly build the extensions out plan to quietly build the extensions out of the earnings, meanwhile keeping the identity of the road secret in order to retain the profitable interchange of traffic with the Great Northern. This argument accounts for almost as many moves as the Great Northern theory. The letter accounts for the indifference conmoves as the Great Northern theory. The latter accounts for the indifference con-cerning terminals, the secrecy, the slow method of construction and the territory entered. The one flaw in the logic is the purchase by the North Coast of Spokane terminals when the Great Northern already has them. This is brushed aside by those who conjecture, however, with the statement that the Great Northern will need the property inasmuch as Spo-kane will be the Western diverging center for the Oregon extension and the Northern and Southern Washington



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### SOLDIERS WILL STUDY

MILITARY TRAINING TO BE GIVEN IN BARRACK SCHOOLS.

Theoretical Features of Warfare Will Be Taken Up by Privates and Officers of Army.

VANCOUVER, Wash., Oct. 16 .- (Spe citi.)-Schools for special military training will be conducted at the Vanmonths, when attention will be devoted to the theoretical rather than the practical side of military tactics. A series of schools, graduated to accommodate or give instruction to the recruits, pricouver Barracks during the Winter vates, enlisted men, non-commissioned officers, and commissioned officers, below the rank of colonel, will be organ-

The schools, called post schools, for The schools, called post schools, for the enlisted men will include the elementary branches, including the study of English, arithmetic, geography, spelling, grammar and branches as are usually taught up to and including the eighth grade in the public schools.

The non-commissioned officers' The non-commissioned officers' course of study includes topography, hygiene, physiology, minor military tactics, outpost duty, reconnaissance and

imilar subjects. Many of the non-commissioned officers study to take exami-nations for promotion in the service. The garrison school for officers includes field engineering, military topography, advanced hygiene, hippology,
or the study of the horse, and military

or the study of the horse, and military problems from maps.

All commissioned officers in the Army, except those ranking as colonels and higher, are compelled to take these courses of study, if they have less than 10 years' service. All others, except colonels and higher, will take post-graduate courses, which include map problems, such as figuring out the correct manner to fortify a certain post, ect manner to fortify a certain post, or how to handle a regiment, or several regiments. The more advanced ones may be given a topographical map of Pugeto Sound, and required to draw on it the relative distribution of troops there, including the infantry, cavalry artillerymen and guns, and engineers way daily, and also water transportation to draw the points where they would by the Lewis River with daily steamer, dig their trenches, where they would The new \$15.000 high school building will

establish camps, and how they would assemble the soldiers in case of attack by the enemy.

They are required to give their or-

ders in writing, in the clearest and most concise manner possible, so that any one, no matter how ignorant of military affairs, might understand military affairs, might understand them. There must be no two meanings to an Army order.

TACOMAN IN THAW CASE Prisoner's Mother Employs George, Man of Matrimonial Tangle.

TACOMA, Wash., Oct. 16.-(Special.)-Attorney Charles El George, of Tacoma. who has occupied the limelight for some Y., before the New York Court of Ap-peals to argue the case of Harry Thaw, which comes up for hearing December 2 The higher court will be asked to reverse the order of Justice Mills, of the verse the order of Justice Mills, of the Supreme Court of Westchester County, denying the prisoner an alternative writ of habeas corpus, which was applied for on the ground that Thaw had been denied a jury trial to test his sanity.

Mrs. Mary Copley Thaw, mother of Harry, has retained Mr. George to appear in the case. Mr. George explains this by saying that Mrs. Thaw was much interested in an editorial which appeared terested in an editorial which appeared in "The Lawyer and Banker," a weekly publication edited by Mr. George. The courts for denying Mr. Thaw's demands to have his sanity tested by a jury. Mrs. Thaw is said to have been much imretained the author to appear in her son's

Woodland Sales Show Increase.

WOODLAND, Wash., Oct. 15,-(Spe clal.)-Woodland and the whole Lewis River Valley are showing a great activity in the exchange of farm and town prop-erty, and the great value of these lands for fruit, dairying and general farming is beginning to attract attention by people who want a home at a reasonable price, within an hour of Portland by the Northern Pacific, with three trains each

Stolen Gems Land Him in Jall.

KALAMA. Wash., Oct. 16 .- (Special.) -T. J. Boyd, a transient printer, who stole a valuable diamond ring from Edltor Thorndyke, at Astoria, Or., and afterward pledged the same to the

Kelso State Bank, was apprehended at

Roseburg, Or., and returned here to-day, where he will stand trial for ob-taining money under false pretenses. It is understood that he is wanted in Astoria to answer to the charge of grand larceny.

Nashville Bank to Liquidate. NASHVILLE, Oct. 16.-The City Bank E Trust Company of this city closed its foors this morning for the purpose of

The first grain elevator in Russia Asia on will be built at Tchalabinak, along the

Humphreys' Seventy-Seven Famous Remedy for Grip &

feeling" of a Cold; lassitude and weakness; by taking a dose of 'Seventy-seven' at once, the immediate cure will be certain.

If you delay until the Succeing, Coughing and Sore Throat set in, the sure by "Seventy-seven" will be just as sure but it may take longer.

Handy for everybody, fits the vest pocket. All druggists 25c. Humphreys' Homes, Medicine Co., Cor., William and Ann Streets, New York.

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The new Victrola, price \$125 (\$75 less than the former style), is proving very popular. Don't fail to hear it. All of our talking machines are sold on a convenient easy payment plan. Eilers Piano House, 353 Washington street, at Park (Eighth) street.