

SUPREME COURT ADDITIONAL JUDICIAL POWERS SEIZED

Attorney-General Quotes Law and Shakespeare in Assailing Act of Legislature.

JUDICIAL POWERS SEIZED

Crawford Says Constitution Bars Appointment of More Than Three Judges—Official Cites Cooley as Authority.

SALEM, Or., Dec. 4.—(Special.)—Attorney-General Crawford, in his reply brief in the case of the State of Oregon against Sam Cochran, in which he contends that there is no authority of law for more than three justices of the Supreme Court, not only brings to bear a mass of legal authorities but finds a passage in Shakespeare that is apropos.

"The Merchant of Venice," in the trial of Bassanio before Portia, disguised as a judge of the court, with Shylock as the prosecuting witness, "standing on his bond," and the merchant offering to substitute for the point of flesh demanded by the Jew, three times the sum in cash named in the bond, Portia declares: "It must not be that there is no power in Venice 'gainst a decree established." "Will be recorded for a precedent. And many an error by the same example will rush into the state; it cannot be."

The Attorney-General, referring to the argument of amicus curiae that the business of the court requires the services of more than three justices, admits the contention but shows the danger of removing this status of affairs by the above quotation from the Bard of Avon.

Constitution Amendment Needed.

"It cannot be maintained that an express prohibition against creating more courts and investing them with judicial powers is found in Section 1 of Chapter 29, yet in the whole life of the state, no one has ever claimed that the judicial system could be changed without the amendment of the constitution, and in all acts creating commissions, like the Railroad Commission, the Board of Control of Water Rights, and other boards and commissions, which are given authority to decide matters in the first instance, an appeal to the courts is provided for any one not satisfied with the decision of the said board or commission, and if the right to invoke the jurisdiction of the courts is denied the power vested in the board is so vested, in such board or commission has universally been held unconstitutional."

Judiciary Construes Law.

In support of this contention the reply brief quotes the Encyclopedia of Law, Knickerbocker vs. People, 102 Ill. 218, and Capitol Lumbering Company vs. Hall, 9 Oregon 22-10. The brief continues: "The inhibition in said section 1, that judicial power can be vested in no other courts, is implied from the language used."

Judicial Question, This.

The above is quoted in refutation of the claim that the number of justices is a political and not a judicial question, as contended by Judge Martin L. Pipes in his brief submitted as amicus curiae. Judge Cooley also quotes from Newland vs. Marsh (19th Ill. 383), as follows: "The legislative power, we understand to be the authority under the constitution, to make laws, and to alter and repeal them. The difference between the departments under the constitution is that the Legislature makes, the executive executes, and the judiciary construes the law."

NEW DIVORCE RULE MADE RESPONSIBILITY FOR CARE OF CHILDREN IS WITHOUT LIMIT.

SALEM, Or., Dec. 4.—(Special.)—Ruling that there is no statute of limitations in a divorce suit as far as responsibility of children is concerned, and announcing that the equity court in this district will establish a precedent by demanding that all divorce complaints take cognizance of issue of the marriage, Judge William Galloway in the Circuit Court today offered some points of interest.

Court Reorganization Effected.

The brief quotes from the opinion of Justice Lord in the case of Newson et al. vs. Greenwood, 19th Oregon, which says decisively that there was a complete reorganization of the courts of the state "when the white population reached 200,000" and that "although invested with the same supreme judicial power, it is not the same Supreme Court which existed prior to the act of the Legislature. The power given by the constitution to the Legislature to constitute a Supreme Court to be composed of three members, whose tenure of office was to be derived from the voters of the state, when exercised, put an end to the former

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Decision Still Stands.

Attention is called to the fact that this decision has never been overruled, nor the force of its reasoning doubted, prior to said act of the Legislature under discussion. If the power now exists to create additional Justices of the Supreme Court it must have existed in 1858, and no lawyer or layman has been discovered until recently who had the presumption to even intimate that such was the case."

Voters' Interpretation Guises.

The Attorney-General declares that "the people who voted for the constitution had no idea that the constitution of which classes shall consist of three Justices of the Supreme Court meant three or more Justices of the Supreme Court."

PRAIRIE CITY COUPLE SURPRISE FRIENDS WITH THANKSGIVING WEDDING.



MR. AND MRS. JACOB PAULUS, THE BRIDE, WAS FORMERLY MISS HESTER LAURANCE.

PRAIRIE CITY, Or., Dec. 4.—(Special.)—A Thanksgiving wedding has just been known to the people of Prairie City. Jacob Paulus and Miss Hester Elizabeth Laurance surprised their many friends when they were quietly married at the home of the bride's brother, Steve Laurance, Deputy County Clerk in Canyon City, Wednesday, November 24.

Proposed Reforms Drastic.

While the city officials were moving against the saloon men, the committee of five, representing the Municipal League, was almost simultaneously framing an ordinance recommending drastic changes in the city charter, regulating the sale of liquor.

Wingate Haps ex-Mayor.

Ex-Mayor J. L. Kelley, president of the committee of five, representing the Municipal League, was the principal speaker in favor of the proposed ordinance. Mayor Wingate asked his predecessor if it would not have been just as well had he (Kelley) championed such an ordinance during his term of office, instead of leaving it for a later administration.

SCHOOLS GET MORE MONEY ASHLAND TAXPAYERS INCREASE FUND BY SPECIAL TAXATION.

ASHLAND, Or., Dec. 4.—(Special.)—Taxpayers of Ashland at a special school meeting today voted to raise over \$20,000

SALOON GASES UP

Twenty-three Proprietors Are Arrested at The Dalles.

STERN REFORM DEMANDED

Council and Municipal League Hold Spirited Session, and Mayor Orders Marshal to Enforce the Law.

THE DALLES, Or., Dec. 4.—(Special.)—Warrants have been served on 23 saloon men of The Dalles, accused of selling liquor to minors.

CHESTERFIELD DRESS SUITS

Are the Acme of Perfection in Style and Fit. Priced: \$50 and \$60; Dinner Coats to match dress suits \$30 and \$35. Pleased to have an opportunity of showing you the styles.

R. M. GRAY

273-275 Morrison at Fourth

A Season for Everything, and Now Is the Season for Dress Clothes

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GRAND CHRISTMAS PIANOLA RECITAL

THURSDAY EVENING, DEC. 9 AT EIGHT-THIRTY EILERS RECITAL HALL Cor. Park and Washington Sts.

SOLOISTS: Miss Petronella Connolly, contralto. Mr. Stewart Maguire, baritone. Mr. Warren Erwin, tenor. Mr. Earl C. Sharp, accompanist at the Pianola. Mr. R. O. Burnett, soloist at the Pianola.

In order to avoid overcrowding and to insure a seat to all who attend, admission will be by ticket only, which may be had entirely free by applying at our retail salesrooms, Park and Washington streets, any time before Thursday night.

WHAT MORE APPROPRIATE CHRISTMAS GIFT THAN A Pianola Piano?

Make your selection now. Piano selected will be held until Christmas if desired.

A New Pleasure That Is Waiting for You in a Pianola Piano

Do you realize that one of the keenest enjoyments of life is right within your grasp, if you will but take it? Have you any conception of what it means to possess the power the Pianola Piano gives you to produce music yourself? Probably you have not, or you would already be one of the vast army of "Pianolists" who are now such a factor in the music situation of the entire world. It will pay you to attend the first Pianola Recital. It will be illuminative. You will hear music of the best description. In the rendering you will recognize the influence of the performer's individuality, just as strongly marked as though he were a great virtuoso seated at the keyboard. Then, if you remain after the recital, it will be demonstrated that you, yourself, might in your own home experience just the same pleasure that the performer at the recital must feel in producing such perfect and artistic music, as you have heard.

Advertisement for Eilers Piano House. Features the 'Metronome' device and 'Pianola' pianos. Text: 'The genuine Pianola and Pianola Piano are sold exclusively by THE HOUSE OF HIGHEST QUALITY Eilers PIANO HOUSE BIGGEST, BUSIEST AND BEST 353 WASHINGTON ST., AT PARK (8th) ST.'

We Are Ready for Christmas

ARE YOU?

This is the month of good cheer and gift-giving. Better take stock early—don't wait until the joy bells are ringing. We are happy to state we can make you happy in your selection of holiday gifts from our complete assortment. Diamonds, Watches, Jewelry Silverware, Toiletware Cut Glass, Novelties, Umbrellas. It is a matter of pride with us to have a gift more highly prized because it comes from us. The least inexpensive up to the most costly has our guarantee of quality, and your satisfaction goes with every purchase.

Advertisement for MARK & BLOCH. Text: 'LARGEST DIAMOND DEALERS IN OREGON MASTER CRAFTSMEN IN PRECIOUS METALS 283 MORRISON ST.'

by special tax for the support of the free public schools of the city for the ensuing year. This is in addition to nearly \$10,000 estimated receipts from the state and county fund and includes a provision for the installation of departments of manual training and domestic science in the schools for the coming year.

The following were arrested: Fletcher Gerichten, H. J. Dunn, Tom Kelly, Dan Baker, Dan Bully, W. J. Harriman, C. E. Adams, L. A. Porter, C. J. Johnson, Fred Pundt, C. P. Johansen, C. E. Twineham, Charles Frank, Rudolph Frank, A. Nelson, Charles Friedly, Frank Kidd, Owen Matthews and Charlie Allen. A complaint was filed against one other, but it was discovered a mistake had been made, owing to the similarity of the names of two saloons.

BONDS SOLD, ROAD BUILDS

Completion of Nez Perce & Idaho by March Likely.

LEWISTON, Idaho, Dec. 4.—(Special.)—Bonds to the amount of \$125,000 were floated in Chicago Thursday to provide funds for the completion of the Nez Perce & Idaho Railroad, extending from Nez Perce to Volmer, 12 miles.

The construction of this road was begun 18 months ago by Z. A. Johnson of Nez Perce. He completed the grading, the bridges and the first mile of track last Summer, expending approximately \$100,000 of his own funds, but because of delays in securing material and financial disappointments, he was unable to complete the line in time to claim a \$50,000 bonus offered by the farmers of the country to be served.

The rails will be ordered at once, and it is expected the road will be in operation March 1. During the past Summer three large warehouses have been erected along the right of way, and more than 500,000 bushels of grain are now in storage awaiting transportation. The road will penetrate the heart of the Nez Perce prairie country, and will connect with the Camas Prairie Railway Company at Volmer.

FAMOUS ROAD IS SPOILED

Expensive Highway Almost Ruined by Excessive Traffic.

SALEM, Or., Dec. 4.—(Special.)—The fact that road districts near corporate limits have roads that are used extensively by people in outlying districts, while those same outlying districts have roads which are never used by the people who reside in the close vicinity of corporate limits, is the bone of contention which called a large delegation to the city today to appear before the County Court in behalf of the Government road, which was constructed here a few years ago by the Department of Agriculture.

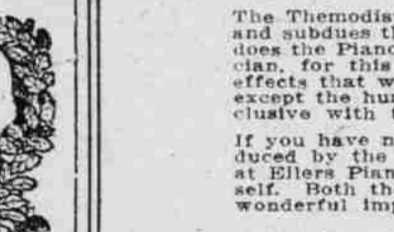
The delegation contended that teamsters from the mountain timber districts, carrying heavy loads of wood, had materially injured the experimental road of the Government north of Salem, and that repairs are now necessary because of extraordinary usage.

The County Court is in a quandary as to how to settle the difficulty, but has offered the district a rock-crusher.

Abscesses

"I should feel guilty of ingratitude if I did not tell of the benefit I have derived from Hood's Sarsaparilla, which has cured me of the abscesses formed in the lower part of my abdomen. I was confined to my bed for several weeks, and the pain was almost unbearable. A neighbor suggested that I try Hood's Sarsaparilla, which I did. I began to improve immediately, the abscesses began to heal, and I continued to take the medicine until I was well." JOHN WALLACE, Field Sec., Y. M. C. A., Pittston, Pa.

and sufficient help to operate it so that the Government road may be placed back in good condition.



MEN'S GLOVES AND SOX

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Men's Socks



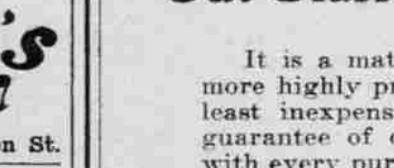
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