

# ROSS APPEAL TO HIGHEST TRIBUNAL

### Ross Will Probably Carry His Case to United States Supreme Court if Rehearing Is Denied by the Oregon Court.

(Salem Bureau of The Journal.)  
Salem, Or., Nov. 30.—A printed brief of 46 pages, prepared by W. M. Kaiser of Salem and Wallace McCamant of Portland, and printed argument of 45 pages by William P. Lord were filed in petition for rehearing in the supreme court today in the case of J. Thorburn Ross. The foundation has been laid, it is believed, for an appeal to the supreme court of the United States if the rehearing should not be granted by the Oregon court.

The constitutional point by which it is expected the Ross case will be taken on appeal to the supreme court of the United States is the matter of the enormous fine imposed by the statute for the offense of which Ross was found guilty, and which the counsel for Ross holds to be so excessive as to be a violation of that section of the constitution of Oregon, which reads as follows:

"Excessive bail shall not be required nor excessive fines imposed. Cruel and unusual punishment shall not be inflicted, but all penalties shall be proportionate to the offenses."  
It is contended by McCamant and Kaiser that the fine of nearly \$600,000 imposed by the lower court is excessive within this section of the constitution. The statute under which Ross was found guilty provides that any person found guilty thereunder shall be subject to imprisonment in the penitentiary and a fine of twice the amount embezzled, which in this case was nearly \$290,000.

Ross was sentenced to five years. Judge H. Burnett of the Marion county circuit court to five years in the penitentiary and to pay the fine of twice the amount embezzled. In the event Ross could not pay the fine he was to be sentenced to spend one day in the Multnomah county jail for each \$2 of the fine. This was also a provision of the law regarding which the trial judge had no alternative, and which if not set aside would have compelled Ross to serve something over 600 years in jail. The supreme court did set aside the jail sentence, but not the fine, so that the judgment of nearly \$600,000 would still stand against Ross.

"This penalty is imposed," reads McCamant's brief, "in face of the fact established in the record of this case and well known to the public, that not a dollar of state money has been lost by the transaction on which this prosecution is predicated. Clearly the court has not taken the action which the constitutional rights of the appellant call for. We contend that the judgment from which we appeal even as modified by the court is obnoxious to this constitutional guaranty."

"The imprisonment is flagrantly disproportionate, to any wrongdoing which can be laid at the door of the appellant, and if the fine is not excessive we cannot imagine of any case in which the court would be justified in declaring a fine excessive. We have searched the books, but have been unable to find any case where a fine of this size has been imposed by any court and we have therefore been unable to find any case where an appellate court has been called upon to review a penalty equivalent to that involved in this case."

**Duty of the Court.**  
"But the constitutional provision quoted above certainly means something. Like all other constitutional provisions it is binding, both upon the legislature and upon the judiciary. If the court finds that an excessive fine has been imposed, under the paramount law of the state, it is its duty to relieve from such fine."

Several points put forward in the first instance in behalf of Ross are reiterated, such as the lack of criminal responsibility of Ross, the repeal of the law allowing a criminal to pay to bring information against a person which the counsel for Ross contend makes the indictment against him of no effect and that the special deposit law of 1907 repealed the section of 1907 of the code under which Ross was convicted.

Judge Lord's brief is a straightforward argument for Ross, taking up 10 or 11 points and exhausting them thoroughly. In concluding Judge Lord remarks as follows:  
"We extremely regret the necessity of asking for a rehearing, a request we have seldom made, and our excuse is that in our judgment the conclusion of the court is not that sustained by the law nor is its reason applicable to the conditions of the case, and in view of the awful consequences which the judgment must inflict, if carried into execution, we trust that a love of justice, coupled with a proper administration of the law, freely accorded to its members, will lead the court to reexamine the foundation of its opinion on which its judgment is based, and if any errors have occurred to correct them and reach a judgment in conformity with law and justice."

## Do Your Christmas Shopping Now---Only Twenty More Business Days, Then Christmas---Don't Wait for the Last Minute Rush and Crowds---Sole Portland Agents Howd & LeBeau Front-Lacing Corsets; Ladies' Home Journal Patterns

### Fine Scarfs \$19.50

Women's Novelty Neckpieces for evening wear in White Marabou or Marabou and Ostrich combinations, in sets. A sample line purchased at exceptionally low figures and regularly worth from \$85 to \$50 each. Special for... **\$19.50** Wednesday at... **\$37.50**

LOT 2 of this same assortment contains pieces regularly worth from \$75 to \$100 each. Your choice. Wednesday **\$37.50** for .....

# Olds, Wortman & King

## Parisian Jewelry for Gifts

The Style Center of the Northwest presents for the choosing of the fastidious gift-seeker an immense assortment of Genuine Parisian Jewelry Novelties. A superb assortment greets those who come to view these exquisitely wrought articles, designed and made by the world's most artistic workers in jewelry handicraft. Unique, pleasing and original designs are shown in plenty. Large choice of articles, immense range of prices. We are also showing Opera Glasses, Lockets, Hatpins, Brooches, Cuff Links and everything usually carried in a first-class jewelry department. Call and see the wonderful assortment we have on display.

### Newest Neckwear

Tasteful, attractive Neckpieces make dainty and acceptable Christmas gifts. We offer a beautiful assortment, put up in special holiday boxes, priced at **25c, 35c, 50c, 65c, 75c** and up to **\$5.00** each. You may choose from Stocks, Rabats and other styles, Real Irish crochet and hand embroidered novelties. See them. **SILK ELASTIC BELTING**, extra heavy quality, all silk. Comes in all the leading colors. Regular values to 12c per inch. Special for Wednesday's selling at... **5c**

# Two Tremendous Coat Specials

**\$13.98**  
**\$23.98**

Bargains unequalled and styles of extreme desirability combine to make this mammoth double special of intense interest. Coats for the more discriminating buyers are here in profusion. Over three hundred coats in a lot that have just reached us by express—bought at an overwhelming sacrifice on the maker's part and an apt demonstration of the Olds, Wortman & King store's supremacy in the world of style as it applies to the northwest. Hard cash was wanted and the maker came straight to us with his surplus of high grade garments—we took them at an absurdly small price and you reap the benefit. Materials are plain colored broadcloths, chevits and other plain weaves, or the most wanted effects in fancy fabrics. Colors are plain black, blue, etc., or stripes, plaids and neat mixtures

Regular Values Up to **\$35.00**, Special at **\$13.98**  
Regular Values Up to **\$45.00**, Special at **\$23.98**

### Women's Hose

Fast black, mercerized lisle hose for women, with embroidered ankle. Regularly priced to 50c the pair, special... **27c**



# Men's Housecoats and Bathrobes

Buy Now

Few stores if any have so large an assortment as we have, and no other store hereabouts sells such good qualities and styles for the wee prices we ask. This liberal department store's way of doing business works to the advantage of Portland gift seekers, for with every energy bent to secure the best goods for the least money and the wonderful prestige given us by years of ready paying and large buying, the market is ours to command for the best. To have the best choice of the bath robes and house coats it is imperative that you make early selection. We will lay aside any one in the stock on payment of one fourth the price. Come now and make your choice. If the size is not right we'll be pleased to exchange either before or after Christmas. The house coats come in **\$25.00** double faced materials, tricots and velvets; from \$5 to **\$25.00** Bath robes are in wool or cotton blanket effects. **\$4.00 to \$15.00**

### Auto Scarfs \$2.98

AUTOSCARFS, Shoulder Drapes and Novelty Automobile Scarfs in wide assortment. Regular values up to **\$2.98** \$6.50 each, special for Wednesday's selling at... **\$2.98**

# Merode Hand Finished Underwear

We want to excite your interest in this superb brand of Underwear as a business proposition, because the pleasant relations of merchant and consumer are furthered through brands of unquestioned MERIT. Our reputation as dependable advertisers is increased when you buy such underwear as the "Merode." Every garment has claims for your consideration. Every garment subject to hygienic processes, even extending to employees engaged in their making. Every garment is thoroughly steamed, a sanitary precaution, and made non-shrinkable at the same time. No matter what your occupation or location, indoors or out, we have weights to suit you. For stout, medium or slender forms—light, medium or heavy weight. Every union suit, drawer or tight specially reinforced where strength is greatest without sacrificing comfort or finish. Every garment, vest, tight, drawer, corset cover and union suit for WOMEN AND CHILDREN will give you FULL VALUE for your money, and a little more. Prices in women's garments run from **65c to \$3.00**—prices in children's garments from **35c to \$1.00**.



# That Three Days' Shoe Sale at \$1.98 the Pair

On account of a remarkably fortunate purchase we are in a position to offer shoes worth up to \$6 the pair at \$1.98. We secured several hundred pairs. They were made under our specifications and are new, up-to-date styles. When you see these, you will agree with us that no shoe sale ever launched hereabouts HAS EVER EQUALED THIS ONE.

**STYLE B201**—Women's patent calf Shoes, 11-button style, made with extended sole, new short vamp last, tops of black cravenette; regular \$3.50 shoes, the pair... **\$1.98**

**STYLE B200**—11-button patent calf Shoes for women, dull kid tops; a last especially suitable for walking; medium low heels, corresponding toe; reg. \$3.50 values... **\$1.98**

**STYLE 250**—Women's glazed dongola kid Shoes, lace style, patent tip; medium heel, kid top. A shoe built for comfort and wear; regular \$1.98 \$3.50 value, at... **\$1.98**

**WOMEN'S GUNMETAL Calf** button Shoe, heavy soles, medium low heel, dull kid top, just the shoe for wet weather; \$3.50 value... **\$1.98**

**STYLE 275**—Women's gunmetal calf Shoe, in blucher lace style, dull kid top, short vamp, narrow toe, Cuban heel; \$3.50 value... **\$1.98**

**WOMEN'S SHOES IN ODDS AND ENDS**, broken lines, mostly narrow widths. A little of everything, containing many lots and styles. Regular values from \$3.50 to \$6.00. Choice for three days at this low **\$1.98** price, the pair... **\$1.98**

# Gloves Handkerchiefs Ribbons

and the New



"Alexandre made" Kid Gloves for women are standards of quality, none better to be had at any price and our stock is complete with all the leading shades and we have this superb grade in all sizes. We are sole Portland agents for "Alexandre" gloves. They are made from the best skins and carefully made by expert workmen. When you are looking for the most style and the best quality for your glove money, it means you'll buy "Alexandre" made gloves. Glove orders for Christmas gifts are always acceptable. Women's kid gloves specially low priced in glaze or suede finish; all sizes. Regular values up to **95c** the pair, special Wednesday... **95c**

We include a large number of the famous "Alexandre" made Kid Gloves in this sale. **SAVE ON RIBBONS**—Thousands of yards of beautiful silk ribbons, splendid quality, in our annual holiday sale at savings from one-fourth to one-half. Fancy Ribbons in Dresden, stripes and plaids; 3/4 to 5 inches wide. Regularly worth up to **35c** the yard, special for Wednesday... **19c**

Moire Taffeta Ribbons, 5 inches wide, regularly priced at 30c the yard, special Wednesday at... **19c**

Plain Taffeta Ribbons for hair bows, 5 inches wide; special, the yard... **21c**

Ribbons, 6 inches wide, special, the yard, only... **25c**

Satin Taffeta Ribbon, 6 inches wide, worth 45c the yard, at... **27c**

Ribbons in Persian or Dresden designs; regular 75c quality, at... **49c**

# An Art Department Special

A stirring special sale in our Second Floor Art Department for Wednesday. Scarfs and Squares embroidered in Bulgarian cotton on white or cream scrim. Special values. Special for Wednesday's selling at... **98c**

Doilies, Centerpieces, Linen Lunch Cloths and Scarfs in Japanese drawnwork designs. Regular values from 15c to \$2.00. Special for this week's selling **10c to \$14.67**—all ONE THIRD LESS

Centerpieces stamped on fine white linen, superb quality, 22 and 24-inch sizes. Special at... **27c**

# Sewing Machines for \$1.00 a Week

A practical gift that would make any woman in the land grateful to the donor is a STANDARD SEWING MACHINE. The Olds, Wortman & King store is the only place in Portland where this best of all machines is to be had. If you don't want to pay the entire price of the machine at once, our club plan makes it easy to buy, and THE MACHINE CAN BE USED WHILE YOU ARE PAYING FOR IT. Don't let your mother, your wife or sister use an out-of-date machine or go without one any longer. BUY A STANDARD ON \$1.00 WEEKLY PAYMENTS.

# \$2.25 Handkerchiefs Only 98c

Exceptional values in dainty, sheer Embroidered Linen Handkerchiefs for women. Many designs. Regular values up to \$2.25 each. Special... **98c**

Swiss Embroidered Scalloped-Edged Handkerchiefs, also Hemstitched and Hand-Embroidered patterns. Regular values up to 75c each. Special... **39c**

Our stock of Women's and Children's Handkerchiefs is well worthy of your careful attention. We've thousands ready for the holiday trade, and remember no one can have too many kerchiefs.

# JAPANESE LINER LOST IN STORM

(United Press Local Wire.)  
Tokyo, Nov. 30.—The Japanese liner Kinoshita Maru has been wrecked off Okinawa in a terrific gale, and all aboard have been lost, according to a cable that reached here today.

Twenty-five bodies have been washed ashore and the beach is being patrolled in search of more victims.

According to the report which reached this city, the storm was one of the most severe that has visited that section of the coast in many years. Several fishing vessels are reported to have been lost, and many coast villages suffered considerable damage.

# BUREAU OF JUSTICE TO BE ORGANIZED

Tomorrow evening a committee of 25 will meet in the Falling Building to organize and develop the details of the Bureau of Justice, one of the departments of the Better Citizenship association.

The purpose of the association is to promote civic righteousness first, by inquiring into social conditions and grievances and considering remedies; second, by studying methods of education in trades, arts and professions; third, by investigating vice, its causes and remedies; fourth, by watching the need for charity and application of charitable relief; fifth, by studying the problem of justice, especially as relating to criminals, free thought, free speech and the public health. Invitations to the conference are signed by A. A. Morrison, chairman; Milton W. Smith, secretary; A. H. Devens, C. E. S. Wood, Robert G. Morrow, committee.

# RAW LUNGS

When the lungs are sore and inflamed, the germs of pneumonia and consumption find lodgment and multiply. Foley's Honey and Tar kills the cough germ, cures the most obstinate racking cough, heals the lungs, and prevents serious results. The germicide is in the yellow package. Skidmore Drug Company, 141 Third Street.

# FIGHT PICTURES ARE ON FOR LAST TIME

Today is the last day of the exhibition of the Johnson-Ketchel fight pictures at the Baker theatre, and the show will run continuously from 1 o'clock until 11 tonight. Local newspaper critics and sporting editors have all pronounced these pictures to be the very best fight pictures that have ever been turned out in the United States.

Every blow struck during the entire 12 rounds of the battle is as clear to the eye as though the spectator was actually at the ring side. The sensational finish of the fight in the 12th round, where Johnson is knocked down by Ketchel, then jumps to his feet and puts the finishing touch to Ketchel, is pronounced by fight experts to be

# Kills To Stop the Flood

The worst for 15 years of John Dore of Gladwin, Mich., was a raining since he sold doctors over \$100,000 without benefit. Then Brockton's Anna John killed the doctor and cured John. Cure Fever River, 1011 1/2 First St., Ma. Sell Horses, Infallible Cur. Pills, Burrell, Escalante, Cuba Corra, 11c at Wood-son, Clarke & Co.

# WEATHER MAN LOOKS IN BOOK AND SAYS IT WAS WET MONTH

The past month, November, has been the third wettest November in the history of the state since the weather bureau has been gathering statistics, according to data furnished by Acting Observer Willson today.

November, 1875, comes first with a rainfall of 18.77 inches. November, 1894, is second with a rainfall of 18.12. The present month is third with 12.48 inches. November, 1877, is fourth with 12.45 inches. November, 1895, was a very dry month, having the exceptionally low record of 2.19 inches.

The average rainfall for November is shown by the weather bureau statistics to be 6.41 inches. The average rainfall for the year is 48 inches, even.

Coquille river was highest at Coquille 17 feet.