SAN JOSE SUICIDE IDENTIFIED AS THE DRUGSTORE BANDIT

Proprietors of Store Robbed Twice Are Sure of Face of Walter R. Carroll, Former Mounted Policeman.

(United Press Leased Wire.)

San Jose, Cal., Dec. 21.—Dr. Edward H. Gleason and Dr. T. M. Bettison, both of the Gleason-Courneen drug store in San Francisco, today positively identified the body of former Patrolman Walter R. Carroll as the drugstore bandit and murderer who so successfully defied the police and conducted a sensational career of crime in San Francisco during the last few weeks. Both Gleason and Bettison saw the bandit on the occasion of his two visits to their store. Gleason is the first person known to have been held up and robbed by Carroll.

Carroll committed suicide here Friday night by hurling himself beneath the wheels of a Southern Pacific train. He first came into prominent public notice in September, when his wife died of a pistol wound in her home. He said she shot herself after a domestic quarrel. The coroner's jury returned a verdict of suicide.

Shortly afterward Carroll resigned from the police force, in which he had served as a mounted patrolman, and dropped out of sight.

Dr. Gleason and Dr. Bettison arrived here today with two detectives. At first sight Bettison declared the body was that of the bandit. He said he had observed the man through the window in the prescription case when he was holding up the store and was sure of the identification.

Dr. Gleason was not sure. He looked at the body many times, at first saying it looked like the man, and then saying he was not sure.

After extended consideration Dr. Gleason went to the hotel, where he remained 15 minutes in a room alone, recalling in his mind the face of the bandit and comparing it with the face at the morgue.

When he had finished his deliberation he announced that he was finally ready to make the positive statement that he could unquestionably identify the dead man as the bandit.

HIGH COURT

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able, and it is not as compared with charges made by other railroad companies, but if it is unjustly discriminatory it is sufficient to authorize a regulation thereof."

In regard to reasonable railroad fares and rates the court said:

"The reasonable compensation guaranteed to a common carrier by the statutes is a standard which necessarily fluctuates, so that a rate which would, when adopted, have been deemed justifiable, may not thereafter be so regarded, owing to the increase of traffic and improved facilities, whereby the cost of transportation is lessened. The authority of a railroad to collect reasonable fares and charges, although a vested right, is like all other rights.

Subject to Police Power.

"It is subject to the police power of a state, which may be exercised to promote the public welfare and to establish as between the shipper and carrier rules calculated to prevent conflict of rights and to insure to each the uninterrupted enjoyment of his own so far as is reasonably consistent with a like enjoyment of the rights of others."

It was also held that a municipal corporation, as in this case, had authority to make a complaint as to the rail facilities furnished where the statute expressly gave it the authority, and that the order of the railroad was not void for want of jurisdiction because the complaint was made by a city and not a passenger or shipper.

On this point the court said:

"The railroad commission act was enacted to prevent discrimination, and in order to make the statute effective the act expressly declares that, its provisions shall be liberally construed with view to the public welfare and the promotion of substantial justice between passengers and railroads.

Other Cases Handed Down.

Other cases handed down today were as follows:

State vs. D. H. Williams, appealed from the circuit court for Multnomah county, John B. Cleland, judge, appeal dismissed in an opinion written by Chief Justice Moore because of the failure of the defendant's counsel to file the transcript on appeal within the stipulated time.

William C. Smith and Minnie Medora A. Towle, plaintiffs and respondents, vs. Benjamin F. Smith and Emory H. Smith, defendants and appellants, appealed from the circuit court for Multnomah county, W. N. Gatens, judge, motion to affirm the decree of the lower court was allowed in an opinion written by Chief Justice Moore because of the failure of the appellants to perfect their appeal.

Santa is getting ready—just a day or two now. Are you ready? Don't forget your friends at this remembrance season. Buy for them some little thing—something to wear is most appreciated. A nice present for a man is our Shaving Mirror Set at **$2.00**—one like Santa is using.

THE LION CLOTHIERS
166-170 THIRD STREET

If you are suffering from biliousness, constipation, indigestion, chronic headache, invest one cent in a postal card, mail to Chamberlain Medicine Co., Des Moines, Iowa, with your name and address plainly on the back, and they will forward you a free sample of Chamberlain's Stomach and Liver Tablets.

OBSERVATIONS ARE WORTHLESS

(Continued from Page One.)

solutely flat decision against him is looked upon as all the more convincing.

It is believed if the data and records had provided grounds upon which the scientists could have established a reasonable basis for claiming that the Brooklyn explorer really reached the pole, this claim would have been made and upheld as long as tenable.

The committee consisted of the following world renowned scientists: Professor Ella Stromgren, Commander Gustav Holm, director of the hydrographic bureau; Commander Jensen, director of navigation; Astronomer Pechyle of the University of Copenhagen; Captain Ryder of the Meteorological institute, and Professor Lund of the University of Sweden.

Savants Filled With Wonder.

A member of the committee today said:

"It took the committee but a few minutes to see that Dr. Cook's observations and so-called records were worthless.

"We could have reported immediately, but it took several days to recover from the surprise.

"The so-called notebooks on which Dr. Cook relied in a great measure for vindication had only accounts of his observations, rather than the observations themselves. These notebooks were thrown aside without a moment's consideration.

"I cannot understand how a man of Cook's reputed scientific attainments could have attempted to bolster up his claims with such flimsy evidence."

Despite the statement of his brother in America, that he is now at Christiansand, all efforts to find Dr. Cook there today proved futile. The members of the investigating committee admit they know where the explorer is, but refuse to make his whereabouts public.

COOK'S FRIENDS WITHHOLD VERDICT TILL DATA ARRIVES

New York, Dec. 21.—The news from Copenhagen that Cook had been proved a faker by the committee of scientists that was chosen by the University of Copenhagen to investigate and report on his data created profound excitement here. The first message came in a brief cablegram yesterday afternoon which reported that it was a foregone conclusion that Cook would be given a black mark, but so strong was the impression that the Danes would uphold the explorer that the message was received with doubt. The first confirmation of the committee's determination to report adversely to Cook came through the Reuter's agency. Immediately effort was made to locate Dr. Cook by cable and receive his opinion of the decision.

Friends Are Silent.

Friends and relatives of the explorer were loath to speak of the committee report until the full text of the decision reaches here. The document was given out at Copenhagen after the consistory had revised it and it was reported that the decision was reached after a very brief conference with the committee, the point of dispute arising over a few minor details which did not involve the question of observations.

It was pointed to by Peary's friends that much of the data contained in Cook's first story of his exploits was of a very superficial nature and that while Cook is a writer of some ability, particularly of descriptive, he failed to incorporate sufficient evidence of magnetic and climatic observations that convinced.

What the Danes Found.

The Danes found that like the graphically penned fiction of the famous $25,000 story the data submitted was wordy but lacking of proof. Two packages of evidence were forwarded by Cook one of which has not arrived but the second package is merely supplementary and has little bearing on the main report.

Much damage was done to Cook's cause by the denial of his account of the ascent of Mount McKinley. It is said that the Danes received detailed reports from the United States regarding this alleged triumph of mountain climbing and that they were seriously influenced by what they considered absolute proof that the doctor had failed to scale the great peak. The Barrill story was given considerable credence.

Peary Friends Jubilant.

Peary's friends are jubilant and are saying, "Didn't we tell you so?" But another disturbing factor must be included in the Peary claims—is Peary telling the truth? The general public seems to credit Peary with success and has only held that Cook got there too. But now that Cook is said to have failed to make good, there are many who believe that Peary will have to face an ordeal that will probably not clear his title to the discovery of the Pole. However, Peary seems to have the most carefully prepared data, so the story goes, and he may make a showing that cannot be controverted.

BETAH SMITH

(Continued from Page One.)

sums of money from many soldiers, so that the total, which he never attempted to pay, was large. Dishonorable discharge followed exposure.

Blamed West Point.

When cashiered from the army he vindictively declared that the West Point officers, who flaunted before him "a culture impossible to his training," had driven him to the companionship of the ranks, and that furthermore his wife's expensive tastes made borrowing necessary.

ACT CREATING

(Continued from Page One.)

particle of light that could be derived from prior decisions. Justice Eakin also wrote an opinion covering two or three pages concurring with the findings of Justice McBride and Chief Justice Moore wrote a short opinion denying the motion the attorney general made asking for the affirmation of the mandate in the Cochran case by which the constitutionality of the supreme court was attacked.

The opinion begins with a sort of prelude in which the justice recites the peculiarities of the case, for should the two justices whose tenure is attacked wish to sit in the case they could and an embarrassing situation might thereby have arisen. He then sets forth that the two justices so immediately interested left the matter entirely to three justices whose tenure was in no way attacked by the motion.

Justice McBride's Opinion.

He then sets down three rules by which law must be construed by the courts as follows:

"The object and purpose of the law, whether fundamental or otherwise, must be considered and the constitution must not be interpreted on narrow or technical principles, but liberally and on broad general lines, in order that it may accomplish the object intended by it and carry ont the principles of government.

"The whole must be construed together.

"When two constructions are possible, one of which raises a conflict, takes away the meaning of a section, sentence, phrase or word, and the other does not, the latter must be adopted, or the interpretation, which harmonizes the constitution as a whole must prevail."

Justice McBride then takes up the history of similar contentions that have arisen in other states, particularly in Rhode Island and Nebraska and derives therefrom the general principles applicable to the case at bar. Then in a long discourse he applies the principles derived from these sources to the contentions of the attorneys in this action. The fundamental argument follows:

Creation of Supreme Court.

"It will be observed that the supreme court is created by section 2 of the constitution, which first provides that the number shall consist of four and, until the population reaches a certain limit, shall not exceed five, but after the population reaches 100,000 the number of justices of the supreme court may be further increased, but shall never exceed seven.

"While provision is made that the justices may be elected by districts and may perform circuit duty, they remain justices of the supreme court and the judges of the circuit court are left to be provided for by section 10 of the constitution.

"Prior to the act of 1878, then, there were no circuit judges. There were circuit courts, but they were presided over by justices of the supreme court. This is the effect of the holding in state vs. Ware, in which case Justice Lord says:

Justice Lord's Opinion.

"The truth is, when the act of 1878 made operative section 10 of the constitution, the effect was to write into these provisions, 'circuit judge.'

"Applying the same reasoning here: 'When the act of 1878 provided there should be five circuit judges, it in effect wrote into section 10 the words: 'The white population having reached 200,000, five are the necessary number of circuit judges, so that section 10, in effect then read, the supreme and the circuit judges are divided into distinct classes, one of which shall consist of three justices of the supreme court and the other of five circuit judges.

"Had the section declared the number of circuit judges which should be selected when the population reached that stage, and then provided that thereafter provision be made for such additional number as might be deemed necessary and remained silent as to the number of supreme justices that might be provided in the future, there might be some merit in the assumption that section 2 could be construed with section 10, in the contention that the number of supreme judges were, by section 10, intended to be limited to three.

When Limitation Ceased.

"But it will be noted in this connection that section 2 provided the minimum number as four, of which, under section 6, on account of one of the number having tried the case on appeal, but three justices could sit on appeal, thus, so far as the hearing of appeals was concerned, the supreme court began with three. It must necessarily follow that the limitation placed upon the number of supreme justices ceased when section 2 became inoperative and section 10 went into effect.

"This necessarily implies that if the framers of the constitution found it necessary to expressly state the limitation that should be in force until the population should reach the limit specified in section 10, they would, had they then deemed a limitation advisable, have also expressly stated it in the section supplanting section 2.

"However, we find them in effect providing that the moment the state attains a required population that there shall be three supreme judges and as many circuit judges as may at the time be found advisable. The number which the legislature at that particular time found to be necessary, properly to perform circuit duty, was fixed at five, yet we have never heard of anyone suggesting that such a limitation was intended for the circuits.

"The absurdity of maintaining that such a limitation was intended for the circuit court could and would not be entertained for a moment, yet it is manifest that if the rule of construction insisted upon limiting the membership of this court to three is sound a like construction must be applied to the circuit judges."

Seven Members If Necessary.

Other parts of the constitution are considered by Justice McBride, one of which is that section which provides that the justice who is the oldest in years shall be chief justice when two or more have been on the bench for a similar length of time, a contingency that could not arise as long as there were only three justices, one elected every two years, serving a term of six years.

In conclusion, the revered justice gives it as his opinion and also that of the supreme court of this state that the number of supreme justices may be increased to seven should the legislative body so wish. The opinion says that whether it may exceed seven is still an open question and one not to be properly considered at this time.

Finally, to hold otherwise than that the action of the legislature creating two justices was legal and not in violation of the constitution the justice says:

"Would be in disregard of well settled rules of construction heretofore promulgated in an unbroken line of decisions of this court from the earliest history of our state."

Section 2 of the constitution referred to by the justice in his opinion is as follows:

"The supreme court shall consist of four justices, to be chosen in districts by the electors, who shall be citizens of the United States, and who shall have resided in the state at least three years next preceding their election, and after their election to reside in their respective districts. The number of justices and districts may be increased, but shall not exceed five, until the white population of the state shall amount to 100,000, and shall never exceed seven."

Section 10 reads as follows:

"When the white population of the state shall reach 200,000 the legislative assembly may provide for the election of supreme and circuit court judges in distinct classes, one of which classes shall consist of three justices of the supreme court, who shall not perform circuit duty, and the other class shall consist of the necessary number of circuit judges.

JOURNAL OPERATES FIRST HEADSETTER

Among the many new and interesting features lately installed by The Journal, is a latest improved linotype for setting heads, the only one in Oregon.

The machine is known as a "double-decker" and it casts the largest type face of any yet in use—36 point. The new forms of heads that appear in today's Journal were set by this machine. Some of the advantages of the "double-decker" are that it does the work of three or four men, who are needed on other work, and is, therefore, a great time saver; it saves many fonts of valuable type; the heads are always clear and distinct.

The "double-decker" is a linotype with improved features and it is operated as simply as the common typesetting machine. The Journal's machine will cast six sizes and styles of heads and the operator can change from one to the other within 10 seconds. The nearest approach to the "double-decker" is the monotype, but for a newspaper office, the monotype has been found to be too slow and intricate, while any linotype operator can handle the "double-decker."

The linotype itself was looked upon as one of the greatest inventions of the age and it was thought the human mind could create no improvement on it, yet the "double-decker" is even greater than the linotype.

Journal want ads bring results.

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New Discovery Has Revolutionized the Treatment of Skin Diseases.

Nothing in the history of medicine has ever approached the success of the marvelous skin remedy known as poslam, which, it is safe to say, has cured more cases of eczema and skin diseases than any remedy ever offered for these ills.

The success of poslam is not at all surprising when it is considered that even a very small quantity applied to the skin stops itching immediately and cures chronic cases in two weeks. The very worst cases of eczema, as well as acne, herpes, tetter, piles, salt rheum, rash, crusted humors, scaly scalp and every form of itch, yield to it readily. Blemishes such as pimples, red noses, muddy and inflamed skin disappear almost immediately when poslam is applied, the complexion being cleared overnight.

Every druggist keeps both the 50 cent size (for minor troubles) and the $2 jar, and either of these may be obtained in Portland at the Skidmore Drug Co., and the Woodard, Clarke & Co., as well as other reliable drug stores.

But no one is even asked to purchase poslam without first obtaining an experimental package which will be sent by mail, free of charge, upon request by the Emergency Laboratories, 32 West Twenty-fifth street, New York City.

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During Wednesday, Thursday and Friday we will place on special sale the most stunning Suits and Coats of the season at one half their regular prices.

The materials are Broadcloths, Diagonals, Worsteds, Serges and Homespuns, lined throughout with Skinner's satin, and all splendidly made in the newest styles.

An eastern factory offered us the cream of its surplus stock at a very low figure for spot cash. We didn't hesitate a moment, but immediately snapped up the offer and had the very best garments consigned to us. These are now in with our regular stock and all gathered into the following separate lots:

Stylish Suits

$22.50 SUITS, Sale Price....**$10.00**
$28.50 SUITS, Sale Price....**$14.25**
$38.00 SUITS, Sale Price....**$19.00**
$45.00 SUITS, Sale Price....**$22.50**

Stylish Coats

$ 9.00 COATS, Sale Price.....**$4.75**
$22.00 COATS, Sale Price....**$10.50**
$27.50 COATS, Sale Price....**$13.75**
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Silk Petticoats

$ 4.75 VALUES, now....**$3.00**
$ 8.00 VALUES, now....**$5.50**
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See our fine stock of Fancy Neckwear. We have them in a big variety. They make ideal Christmas gifts.

FURS Don't fail to see our excellent bargains in Furs. Here is your opportunity to make some friend or relative a fine Christmas present at a very small cost to you.

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Every garment made from high-grade merchant-tailor cloth—no imitations or substitute materials. The lines and tailoring of our garments are the best that brains can produce. We are simply following the regular manufacturer's rule of clearing the factory-room for the coming year. If you want double the worth of your money, get these solid, rich, perfect garments. Anyone who has visited our sales floor this fall will remember that our garments are marked in plain figures, and you can tell what a suit will cost you as well as we.

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