

WARTIME PROHIBITION BILLS DEEMED VOID

Elihu Root and Associates Submit Opinion.

CONGRESS HELD HELPLESS

Power to Prohibit Manufacture and Sale of Beer, Whether Intoxicating or Not, Denied by Lawyers.

WASHINGTON, Aug. 2.—The wartime prohibition enforcement bill recently passed by the house and now pending before a senate committee is unconstitutional, according to an opinion by Elihu Root, William D. Guthrie and William L. Marbury, counsel for the United States Brewers' association, made public today.

The opinion holds that until the 15th amendment becomes effective on January 16, 1920, congress, under well-settled rules of constitutional law, has no express power to prohibit the manufacture and sale of beer, whether or not intoxicating.

Conditions Materially Changed. "Conditions," they said in this connection, "have materially changed during the eight months since November 21 (the date of the bill's passage); the president declared on May 20 that it seemed to him entirely safe to remove the ban on wines and beers; he reiterated on July 30 in his address to the senate that the war had ended last November; the demobilization of the army and navy is progressing and will shortly be completed; war necessity or emergency have practically ceased to exist and personal and commercial relations with Germany have been permitted to be resumed and are being conducted."

Measure Held Unconstitutional. "If, therefore, according to its proper construction," the opinion continues, "the act of congress of November 21 does not prohibit the manufacture and sale of non-intoxicating beer, the proposed enactment extending the prohibition to non-intoxicating liquors would, as to transactions prior to its passage, in our opinion, be unconstitutional and void because violative of the letter and spirit of the mandate in section nine, article one, of the constitution of the United States, that no ex post facto law shall be passed by congress."

The amendment in the house of section one of the Volstead bill by inserting the word "hereafter" before the word "constructed" was probably for the purpose of avoiding this constitutional point, but it would permit one construction of the same term as to acts done prior to its passage and a different and broader construction as to acts done afterward. But the enactment tends to establish that the true intent was to enact practically new legislation beyond the scope of the existing enactments.

RAIN HALTS SOME FIRES

CONDITIONS IN NORTHERN IDAHO, HOWEVER, WORSE.

Crew of 300 Men Sent Out to Battle Flames on Bear Creek, Near Kellogg.

SPOKANE, Wash., Aug. 2.—Forest fire conditions in the Bend d'Oreille and Coeur d'Alene forests of northern Idaho, according to information received here, were worse today, while in the St. Joe forest, where several small fires were burning, little change was noted.

A heavy rain for the second consecutive night has virtually extinguished the Mission creek fire, across the Canadian-Idaho line, which had destroyed 200,000,000 feet of timber, valued at \$600,000.

A fire on the south end of Bend d'Oreille lake today was threatening homesteaders and motorists were being sent to fight it. Four more lightning fires were reported from the Coeur d'Alene forest today and one fire set by lightning yesterday had spread over 200 to 300 acres.

Three hundred men were fighting the fire on Bear creek, near Kellogg, Idaho, today. New crews were being sent today to the fire near Heron, Mont., which yesterday forced crews fighting it to withdraw.

NC-4 MAY FLY TO COAST

Senator Phelan Announces Voyage West Is Contemplated.

WASHINGTON, Aug. 2.—Senator Phelan of California announced today that the naval seaplane NC-4, the first aircraft to cross the Atlantic ocean, might attempt a flight to the Pacific coast. "In order that the people of the Pacific coast might have an opportunity of seeing it."

FARMERS PLAN GOOD ROAD

\$110,000 Believed Available for Opening Way to Market.

MARSHFIELD, Or., Aug. 2.—(Special.)—Banchers at Fairview, McKimley and Dora, and those in the Brewster valley are organized to improve the Coos bay wagon road through the forest forfeited by the Southern Oregon

company to the government. They plan to raise \$25,000 under the state market law and get an equal amount from the state. The government payment to the county on the forfeited lands will amount to \$60,000 for the Coos bay wagon road district and in aggregate they would have \$110,000 with which to put the highway from Sumner to the Douglas county line into fine condition.

Some of those interested in the improvement believe the road could be macadamized for the entire distance for the amount available, as good rock and gravel are handy to most sections of the highway.

LAKE ROTATION IS URGED

Stewart Edwards White Thinks Fishing Should Be More Limited.

BEND, Or., Aug. 2.—(Special.)—After a trip to Suttle lake, Square lake and Eight lake basin, Stewart Edwards White, famous writer who is making a tour of central Oregon, declared today that the system of lake rotation permitting fishing in only one lake out of four each year should be followed, so that trout will approximate the two-pound mark before they can be hooked.

Mr. White has suggested this course of action to Master Fish Warden Clanton, who expressed himself as thinking highly of the plan. Mr. and Mrs. White will leave tomorrow on a trip to Elk lake, Odell lake and Crane prairie for a few days' camping trip. Next summer they will return and spend two months in the mountains of central Oregon, Mr. White said.

MEDIATION PLAN FAVORED

Salem Employers Begin Canvass to Prevent All Controversies.

SALEM, Or., Aug. 1.—(Special.)—Voluntary mediation of all controversies between employers and employees received favorable consideration at a meeting of employers at the Commercial club here last night. Addresses were made by Colonel E. Hofer, W. G. Allen, of the fruit industry; Theodore Roth, of the merchants association, and W. M. Hamilton, of the Portland Railway Light & Power Company. William A. Marshall, of the industrial accident commission, Arthur W. Lawrence and Pascal E. Traglio, of the Central Labor company, spoke for organized labor.

The committee, appointed to canvass employers, will report at the next meeting.

172 IN STATE HOSPITAL

Per Capita Cost Is \$15.57 While That of Prison Is \$26.99.

SALEM, Or., Aug. 2.—(Special.)—There are 172 persons included in the population of the state hospital in Salem, according to a report filed with the state board of control today. Per capita for support of these patients is \$15.57.

In the penitentiary are 271 persons, with a per capita cost of \$26.99. The population at the home for feeble minded totals 415, state training school 150 and tuberculosis hospital 75. Per capita for support of the inmates of the home for the feeble minded is \$17.07, training school \$20.48 and tuberculosis hospital \$45.99.

BOLD ROBBER LOOTS STORE

Threats Made to Kill Persons Lined Up Against Wall.

SEATTLE, Wash., Aug. 2.—Brandishing a loaded revolver and uttering threats to kill anyone who disobeyed his commands, a robber entered the store of Peace Brothers, Alaska outfitters, on the Seattle waterfront, shortly before noon today and, after lining up the people in the store against a wall, looted the cash register of \$192.75. Scores of persons passed in front of the store while the robber did his work.

The robber overlooked a roll of \$6000 in currency hid on a shelf.

Prune Orchards Sold.

ROSEBURG, Or., Aug. 2.—(Special.)—A 20-acre ranch, containing 16 acres of prune orchard, sold here today for \$15,000. The ranch, formerly owned by Henry P. Wells of Riddle, was purchased by Austin Wilson of Riddle and Max Kimmel of Roseburg. Mr. Wells retains possession of this year's prune crop.

When a gift of smart diamond jewelry is under consideration, discerning people invariably think of Friedlander's.

Since 1870 the name "Friedlander's" has been inseparably associated with quality, beauty and distinction in jewelry.

Exceptional Diamond Values \$50, \$100, \$150, \$200, \$250

Friedlander's 310-312 Washington Street Bet. Fifth and Sixth Streets

The Charm of The Portland—has drawn many a guest back again from other cities; has brought many another to live there as a permanent guest.

Try our delicious Sunday Dinner, \$1.25 Business Men's Lunch, 12 to 2, Weekdays, 60c

The HOTEL PORTLAND Richard W. Childs

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W. C. T. U. DRIVE TO BAN TOBACCO IS CHARGED

Movement for Anti-Nicotine Laws in U. S. Scented.

2-MONTHS' INQUIRY ENDS

Anti-Prohibition Association Alleges Fathers Shamed in Propaganda in Public School Books.

WASHINGTON, Aug. 2.—After a two-months' inquiry conducted in this city, Chicago, San Francisco and elsewhere, to determine whether there was a concerted campaign to bare the United States of tobacco now that liquor has gone by the boards, the Association Opposed to National Prohibition issued a statement here today charging that the Women's Christian Temperance union was backing a movement to have anti-nicotine laws enacted in every state in the union.

The W. C. T. U. will celebrate its 50th anniversary five years hence, and the organization is hopeful of having congress submit a constitutional amendment before March 29, 1924, its semi-centennial, forbidding the cultivation, sale, use or export of the weed for smoking or chewing purposes, the statement charged.

The \$1,000,000 "drive" begun last March by the white ribboners, it is alleged, has for its object the crushing of demon nicotine, and to this end the anti-prohibitionists say \$500,000 will be expended ostensibly on "child welfare," "health and morality," "education and information," and other propaganda methods by means of the churches and public schools.

The association opposed to national prohibition further charges the W. C. T. U. with planning to finance its campaign against tobacco without appealing directly for funds or naming the purpose for which the money is to be expended. In support of this it asserts that already "in the guise of public school recitation books which flagrantly violate the sanctity of home and filial devotion," fathers who use tobacco are portrayed as "filthy and unfit for childish caresses."

James Arthur Seaver, managing director of the association, in explaining the reasons for the investigation, said it was started to clear up "whether or not the same professional and paid prohibitionists who foisted the 18th amendment upon the nation without a popular vote were behind the tobacco crusade, despite their eager denials."

DISCHARGE GIVES RIGHTS

FIRST PAPERS NOT NECESSARY TO WOULD-BE CITIZEN.

Recent Act of Congress Recognizes Service as Equivalent to Declaration of Intention.

An honorable discharge from the military or naval forces of the United States again is equivalent to first papers in the case of aliens seeking to be naturalized, according to the interpretation by the bureau of naturalization of the department of labor received by John B. Easter, deputy county clerk, yesterday, of a law passing congress July 19.

In May, 1918, a similar law was enacted but its provisions were so confusing and contradictory that it was knocked out by a decision of Federal Judge Wolverton last March, since which time the honorable discharges have not been considered sufficient. In the passage of the new law, Mr. Easter sees a victorious termination of a fight he began directly following Judge Wolverton's ruling of last March.

Mr. Easter interested Senator McHenry and Senator Chamberlain in the decision and bombarded other leaders in congress with facts concerning the situation created.

The act of congress of July 19, pro-

vides that honorably discharged soldiers, sailors or marines of foreign birth might be naturalized without proving residence of one year in the state, without a declaration of intention (first papers), without a certificate of arrival, and without payment of the federal fee of \$4. The county fee of \$2 still is collected.

Forms for application may be received from Mr. Easter in the county clerk's office on the second floor of the courthouse, Fifth and Salmon streets. Hearings will not be held before the fall term of court, opening in September.

WILLAMETTE AIDE CHOSEN

W. H. Coleman to Hold Department in English Literature.

WILLAMETTE UNIVERSITY, Salem, Or., Aug. 2.—(Special.)—Professor W. H. Coleman, of Madison, Wis., has been selected to the chair of English literature at Willamette university. Professor Coleman was born in New Brunswick, graduated from Acadia university and received his Master's degree from Yale in 1910 for work in English. He was president of the Maine council of teachers of English for two years, is a member of the modern language association of America, and has traveled abroad extensively.

Miss Lida Fake, graduated from Milwaukee-Dowser college three years ago, is professor of home economics, and at the head of the new department to be opened in September. She has taught for two years and comes from Bonne Terre, Mo.

Miss Mary A. Holman, a new instructor in piano, is a graduate of Lincoln high school, Portland, and of the New England conservatory of music. She has taught for eight years, the past three being in McMinville.

\$50,000 Clinic Organized.

SALEM, Or., Aug. 2.—(Special.)—C. E. Barton, Carl Patterson and James H. Nichols have incorporated the Baker clinic, according to articles filed in Salem today. The capital stock is \$50,000 and it is the purpose of the corporation to conduct a general medical

practice and surgery. Headquarters of the clinic will be located in Baker.

Yakima Names Savings Manager.

YAKIMA, Wash., Aug. 2.—(Special.)—Hal V. Bolan has been named city

director of the war savings stamp campaign and will have charge of the work in the city of Yakima.

Portland Cannery Incorporates.

SALEM, Or., Aug. 2.—(Special.)—Articles of incorporation were filed here

today by the Wassell-Butler Packing company. The capital stock is \$75,000 and the incorporators are R. F. Wassell, J. W. Butler and Alfred Hampton. It is the purpose of the company to conduct a general canning and packing business, with headquarters in Portland.

Advertisement for Woodard, Clarke & Co. featuring 'The Rochester' bag. At \$6.75 While They Last. A Genuine Cowhide Bag Walrus Grain Black Only. Special This Week \$6.75. Mailed to any address at this price. Satisfaction guaranteed. S. & H. Stamps with all Leather Purchases. Woodard, Clarke & Co. Woof-Lark Bldg. Alder at West Park.

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Large advertisement for D.V. Griffiths' 'True Heart Susie' picture. Includes text: 'D.V. GRIFFITHS PRESENTS "TRUE HEART SUSIE" An Artcraft Picture. THE STORY OF A PLAIN GIRL. ANOTHER GREAT GRIFFITHS DRAMA. She didn't wear the Paris' fashions. Didn't dream of a "coming out"—she only LOVED and helped HIM—and waited for him. He married another—but True Heart Susie still helped him, smiling to hide the tears. There are big scenes to thrill the soul and glorious joy at the end. Coming Saturday Dorothy Dalton in OTHER MEN'S WIVES. ALSO OTHER PICTORIAL NUMBERS.'