

SHAW MAKES A BAD BREAK

BUTTS INTO HOUSE ON MERE SUSPICION OF VIOLATION OF STATE LAW

NO WARRANT, PAPERS OR AUTHORITY

Sherlock Holmes Gets Clue and Goes Into Inner Privacy of Home of Laborer.—Gambling Statute Involved

"Without a search warrant of any kind and without even as much as asking my permission, Chief of Police E. Shaw broke in and searched two rooms which were the living apartments of Mr. and Mrs. Clyde Kerr at about 8:30 o'clock this morning"—MRS. DAN KEARNEY.

"Chief of Police Ed Shaw demanded admittance and searched my rooms at 422 Main street this morning at about 8:30 o'clock. He did not show a search warrant of any kind."—MRS. CLYDE R. KERR.

"I was standing beside Mrs. Kearney this morning when Chief of Police Ed Shaw broke in and searched two rooms which were the living apartments of Mr. and Mrs. Clyde Kerr. This was at about 8:30 o'clock."—MRS. P. C. MAY.

"Chief of Police Ed. Shaw had absolutely no reason to believe that there was gambling in any of my rooms. His searching was entirely unexpected by me and without a search warrant of any kind."—DAN KEARNEY, MRS. DAN KEARNEY.

These are the signed statements of four persons living at 422 Main street in a rooming house which was searched Tuesday morning at 8:30 or 9 o'clock by Ed Shaw, chief of police. Mrs. Kearney is the landlady of the house. Mrs. Kerr the person living in the rooms which were searched. Mrs. May another woman living in the building, and Mr. Kearney the landlord.

All who are connected with the rooming house charge that the chief searched the rooms occupied by Mrs. Kerr without a search warrant and without the permission of any kind.

On Gambling Clue. Chief Shaw had heard several statements that gambling was going on in the rooms in the rear of Buse's saloon at 422 Main street and ordered his officers to keep a close watch on the building. Tuesday morning he determined to search the rooms. There is a door between the saloon and the two rooms covered by a curtain. The chief asked Buse for a key and the latter unlocked the door. But there was a catch on the inside which held the door fast although the key was turned.

The two men, Shaw and Buse, shook the door and demanded that it be unlocked until Kerr, awakened by the noise, looked through the small glass at the top and saw the chief. Kerr works until late at night and was asleep when the cries of the two of the saloon side of the door awakened him.

Chief Impatient. Kerr asked for time to dress but Shaw and Buse continued to demand that the door be unlocked and rattled the door. It is said. At last, Kerr opened the door and the room was searched with the result that neither the officer or the saloon-keeper could find a trace of any gambling article.

The two rooms, which are on the ground floor, are rented to Mr. and Mrs. Kerr by Mrs. Kearney, the landlady. The latter rents the entire building from Buse, excepting that part occupied by the saloon.

Official Wrath Appeared. After Shaw and Buse were satisfied that they could find nothing in the rooms of the Kerr family, they went up to the second floor and found Mrs. Kearney. They asked her if there was "any gambling going on" in the building and she replied that there was not.

When an officer searches the private living rooms of any persons he put himself liable to a damage suit, according to a prominent local attorney. "Every man's home is his own castle and can not be searched without proper papers," the lawyer explained.

Chief Shaw claims that he did not know that the rooms were the living rooms and that he thought that they were used merely for storing purposes. He issued the following statement:

Chief Tells His Story. "I heard that there was gambling going on in Buse's saloon in the back part and Friday night I came down here and night Officer George Woodward and I watched the house, but there was nothing going on that night. I told him to keep close watch with Officer Lee Prech and if they saw anything suspicious going on they were to call me up. Nothing happened.

"Last night I heard that there were games running in there, so this morning I went in about nine o'clock to Mr. Buse, the owner of the saloon and asked him if he rented all the building and sub-let it and he said 'yes.' I asked him if he had a key to the door between the saloon and the rooms in the back and he replied that he had. He unlocked the door but was fastened on the inside and he knocked on the door. A man pulled the curtain on the door and Buse said, 'Open the door.' The man opened the door.

Buse did not say that he had rented the room to a man and his wife. When I entered I said that the room did not look like a gambling room.

"Then we went up stairs to see if there was anything going on up there and there was two ladies in the hall. I asked her if there was any gambling going on in any of the rooms and she said 'no.' She offered to take me through the rooms but I told her that she need not trouble and that I would take her word for it.

"There has been gambling going on in those rooms in the past and I can prove it."

KIRK DIVORCE GRANTED

Ida Kirk received a divorce decree from Nate Kirk in the circuit court of the county Saturday afternoon after evidence was submitted showing that the defendant had treated the plaintiff in a cruel and inhuman manner and that he had failed to provide her with the common necessities of life.

CORN GROWING IS DOON TO FARMERS

(Western Stock Journal)

DEPLORES CONDITIONS IN THE COUNTY SCHOOLS AND THE TENDENCY TO TAMPER

GARY IS CHAMPION OF EDUCATION

Maintains Instructors Stand For Morality and Christianity—Wagner Believes Athletic Work Pays Big Revenues

The various phases of educational life were discussed from almost every conceivable angle Tuesday night at the monthly meeting of the Men's Brotherhood of the Congregational church, following the regular dinner of that live organization of men who are, and who have been for many years, striving to better conditions in the community. The out of town speakers were Rev. William M. Proctor, formerly pastor of the Oregon City Congregational church, and now a member of the faculty of Pacific University, and B. S. Huntington, a Portland attorney. The former talked of the educational problem with special reference to the percentage of pupils who are retarded in their work and reasons therefor, and Mr. Huntington took a rather pessimistic view of present conditions in the schools of the country. He deplores, incidentally, the present day tendency to tamper with the constitution and laws of the state and nation.

Dr. Kenneth Latourette, of Oregon City, discussed educational work from the religious viewpoint, and Fred J. S. Toose, superintendent of the Oregon City schools, was exceedingly hopeful of the future. He declared the greatest educational institution in the world is the home, and he touched upon questions of social hygiene.

T. J. Gary, formerly superintendent of Clackamas county schools, and now teacher of English in the Portland School of Trades, maintained that morality and Christianity are taught in the public schools, contrasting some of the statements of Mr. Huntington. Mr. Gary talked of his new work in the metropolis.

Angustus Wagner, instructor of chemistry in the Oregon City High school, and director of athletics, said he believed the time is not far distant when every student will do some athletic work for the stimulation of the body, which would result in the facilitation of the work of the mind. He commended intra-school athletic contests rather than inter-scholastic and inter-collegiate athletics.

Rev. George Nelson Edwards, read an entertaining paper, and E. C. Dye spoke briefly. C. G. Miller of the Men's Brotherhood, presided.

BOARD MEETS

Canemah, Ore., Dec. 11.—(Special)—A special meeting of the school board of district number three was held last evening at the home of S. L. Stevens. Various routine matters were discussed.

FUR FLIES AT CLUB MEETING

WEST LINN CHARTER DISCUSSED BY ITS FRIENDS AND ALL FAVOR IT

ARE CONFIDENT OF ITS SUCCESS

Provisions Are Considered and All Present Think that People Will Adopt it at Polls This Month—Tjalks

"Those opposing the charter are either ignorant or telling malicious lies," from a letter read by H. T. MeBain.

"Vote for this charter. If you don't like it, we will amend it later to suit the majority."—James Carey.

These two brief and concise statements summarize the feeling of the meeting of the West Linn Improvement club held Thursday evening in the city hall, in regard to the proposed charter for West Linn.

Not one member present was of the opinion that the charter would be defeated. In a straw vote taken of all the 70 or more present, not one voted against it. Despite the fact that between twenty and twenty-five speeches were made, not a word was spoken which would show disapproval of the new set of laws.

The meeting held Thursday night was one of the best attended gatherings of the club since its organization. The city hall was crowded to the doors and every chair in the room was occupied.

Before the discussion on the charter was opened by the president, several matters of routine business were transacted. J. E. Hedges, the Oregon City attorney, addressed the meeting, taking for his topic the feeling of harmony and the spirit of unselfishness that should dominate the people of a new city.

The greater part of the meeting was taken up by a discussion of the charter. The president invited anyone to voice his objections or to state the strong points of the charter.

The first specific point of the charter to be taken up was that part of it which related to the improvement of streets and the repair of sidewalks. This item created considerable discussion but the general opinion was considered as favoring the charter.

Although it was expected that the no-license feature of the charter would be the subject of much argument, not one word was spoken about this.

GRANGE ELECTS

Molalla, Ore., Dec. 12.—(Special)—Mollala Grange held an election of officers at the regular meeting December 6, resulting largely in the re-election of the old officers: H. J. Rastall, master; Mrs. R. J. Wolff, lecturer; and J. W. Thomas, secretary.

LAWYER STRIKES JARRING NOTE

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Circus Stunts Are Put Into Shade By City Team

Two horses turned complete somersaults on the streets of Oregon City Saturday when one of them slipped on the pavement vaulted into the air and landed on his back and the other promptly followed the example.

The second horse tripped over the first as it fell and both came down on their backs after turning completely over in the air. The horses were being harnessed to a wagon when they got out from the control of the driver. They started down the street when one fell and the series of somersaults began.

As they were riding to their feet and before they had quite made up their minds to again runaway, Andy Smith rushed out to the center of the street, grabbed the reins in one hand and held them quiet until he could get help.

FRUIT CANNERY IS NOW FACT

MANY INTERESTED IN SCHEME TO ERECT PLANT FOR PHASE OF INDUSTRY

TO BE READY FOR NEXT SEASON

Plans Now Formulated to Handle All of Crop of Next Year and to Create Big Market Among Eastern Buyers

Oregon City is to have a canning factory. O. E. Freytag, secretary of the commercial club, has started out to land a canning factory to handle the fruit product of the county and all tributary territory. He believes that the utilization of the by-products of the fruit industry would mean a saving to the producers and would, at the same time, create a greater market for the fruit that is raised in the valley than it has hitherto found.

The fact that some of the eastern houses have been writing to him of late asking for prices on apples in the car lots, shows, in his mind, the interest in the western fruit and particularly in that of Oregon that the eastern markets are now taking. Under the products of the canning factory, he believes that the Clackamas county fruit will find even greater favor on the displays of the buying houses and the canning and preserving of fruit.

Several business men have become interested in the proposition to build a factory in the city. They have taken the interest in the deal for sometime and the determination of the secretary of the commercial club to put the matter over has again stirred up talk for the concern.

While, as yet, no definite steps have been taken, the secretary considers such a proposition an assured fact. In those sections of the fruit belt where canneries have been established, they have always proved successful and have been paying propositions, he says.

The scheme is the result of the conference which he attended of the State Horticultural society at Portland, for the past few days in which the merits of such an institution were mentioned and several interesting speeches made by heads of various concerns through the state. The business has been made to produce revenues in several of the western fruit belts and to establish the industry in the eyes of the eastern buyers.

Creates Market. Besides the marketing of the fresh fruit in the ordinary ways, the growers' associations have oftentimes put in these canneries and sent out the apples either fresh or preserved and have established a new market for this branch of the industry. Just how much such a cannery would cost the growers and business men of the county has not yet been estimated as the plan, although the fact that the cannery will be built is said to be settled.

C. D. Latourette contended that the election was improperly called by the county clerk and that the official to call the election and announce the returns. He pointed out that the records of the city show that no election was held, as far as they are concerned, and that the only evidence is the record in the office of the county clerk. He also held that the entire procedure was wrong and that the statute places a certain definite date at which such elections must be held.

He wanted to know who gave the city clerk the authority to hold a city election and said that the people had marched up to the clerk's office and voted when the county clerk had called an experimental or tentative election.

Should Stand by Law. He also thought that the people "who are clamoring loudest for the enforcement of law should abide by the law as enacted by the legislature relative to elections." He could not believe that they had any right to attack property and to over turn centuries of law and to over turn hundreds of years of law that they had any business breaking up the means by which men earned their bread and butter.

He thought that the county clerk was very obliging to the women who asked him to call the election and felt that the official had gallantly done so, but that he did not have the authority to do so under the law. He spoke of the efforts of the "fair sex" to uplift and elevate the moral, spiritual and general tone" of the community and commended them for it but thought that the property interests of the saloon men were worth something and had to be considered.

Amend Charter. John Carson, the Salem attorney, thought that the cities of the valley whose elections do not come on the dates of the general state elections could change those dates by charter amendments and make their form of government conform more closely to

DEUTSCHE VEREIN PLANS XMAS TREE

The Deutsche Verein of this city held its regular monthly meeting at Knapp hall, Sunday afternoon and was largely attended. At the close of the business session, the following program was well rendered: Song, "Morgen rot"; Verin; opening address, Hon. Gustav Schroeder, president; recitation, Miss Louise Rottler; violin solo, Master Georgie Klennsen; recitation, Frank Rottler; vocal duet, "When the Swallows Homeward Fly." Mr. R. Fetzold, Miss Minnie Klennsen; instrumental duet, "Meditation." Messrs. Oscar Woodfin, piano, Gus Fieschner, violin; song, Miss Augusta Hoppi; piano solo, Oscar Woodfin; song, "Der Gute Kamerade." Verin; closing address, President Schroeder.

The Verein will hold its annual Christmas tree, Sunday afternoon, December 28, for members and their families, and invited guests. The following were appointed a committee on arrangements for the same: Mesdames, P. J. Winkle, Emilie Knapp, Chris Hartman, and William Schwartz, Messrs. Chris Hartman, L. A. Nobel and H. W. Ströbel.

WOLGAST BACKS DOWN

MILWAUKIE, Dec. 15.—Ad Wolgast, former lightweight champion of the world, repudiated his alleged statement claiming the 133 pound championship.

"I never was happy when I held the title," said the former lightweight king. "I'm far happier right now, but understand that does not mean that I am not going to try to get the title back. I mean to begin by whipping Charley White next Friday."

Blessed is the peacemaker, in the estimation of the chap who is getting the short end of it.

DRY ELECTION IS APPROVED

CIRCUIT JUDGE HOLDS THAT CITY HAD RIGHT TO VOTE FOR PROHIBITION

Wills Get Into Supreme Court

Wets Announce That Appeal Will Be Taken to Try Out Issues That Were Raised Here—Findings Are Complete

The last election was a special general election and the prohibition vote in Oregon City was legal.

This is the gist of Judge J. U. Campbell's decision in the circuit court after several hours of hearing of argument Thursday night. He went into the case thoroughly from every angle, held that the prohibition issue was properly placed on the ballot, that the wets should have asked for a restraining order before the question was submitted to the vote, and that all of the ballots cast were legal ones.

The court refused to review the action of the county clerk or of the county court on the ground that the wets had, in their complaint, alleged no fraud of any kind and that he would investigate their acts only when the complaint charged fraudulent votes or misconduct on the part of the county officials.

He decided that the action asking for a restraining order should have been brought before the county clerk and placed the question upon the official ballot. He said that, unless there had been fraud charged and evidence introduced to show it, that the necessary presumption is that all votes cast were legal ones and that the forces should have challenged at the election any that were not. The fact that none of the wets cast their election were challenged entailed the presumption, to the mind of the court, that the election was legal in every respect, that the county officers performed their whole duty, and that no fraud was committed.

All Votes Legal. Following out the recent decision of the supreme court of the state that no voter could be disenfranchised by any such registration law as was passed by the last legislature, the court held that all who voted at the election at that time were qualified to do so under the state laws.

The complaint made no allegations of fraud on the part of the county clerk nor did it say that the county clerk had committed fraud in performing his functions under the law. Unless some evidence of that kind were introduced, the court refused to review their acts and presumed that they had properly discharged the duties of their offices.

Studies Date Problem. The judge went into the question of the election dates. He decided that the last election was general in that it was a special general election and that all measures that the law permitted to be voted upon at that time could be placed on the ballot on November 4. He held that the local option law is already a statute and that the people are entitled on the first Tuesday after the first Monday of any year in November to decide whether or not they want the statute to apply to their own city territory.

An such matter as local option that the law allows the people to apply or refuse to apply to their own territory, could be voted upon at that time, the court held.

Were Too Late. In his argument, Chris Schubel contended the only request for a restraining order that the wets could make would be after the officers of the city and county had attempted to put the measure in force after January 1. He thought that at that time only could the case be made a test proposition and carried into the courts by the saloon.

The little word "it" played an important part in the proceeding. In a sentence in the decision of Justice Burnett, the court held that the city could hold "it" election at a certain time in November of any year. The attorneys for the saloons argued that Oregon City had no election, that the city recorder had no records of such an election in his office and that the pretended election, if anything, was a county affair.

Improperly Called. C. D. Latourette contended that the election was improperly called by the county clerk and that the official to call the election and announce the returns. He pointed out that the records of the city show that no election was held, as far as they are concerned, and that the only evidence is the record in the office of the county clerk. He also held that the entire procedure was wrong and that the statute places a certain definite date at which such elections must be held.

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INTEREST FARMERS IN BETTER HIGHWAYS

(Western Stock Journal)

COMMITTEES ARE READY TO WORK

ENTHUSIASTIC MEETING HELD AT COMMERCIAL CLUB AND FUN STARTS

GET DOWN TO BASIC ROAD FACTS

Three County Courts to be Enlisted in Campaign for State Aid for Repair and Improvement on Pacific Highway

Committees from every town between Portland and Salem will work strenuously for state aid for the improvement of the Pacific Highway through Multnomah, Clackamas and Marion counties, according to the programme outlined here Friday at a well attended and enthusiastic meeting of representatives from Portland, Oswego, Oregon City, Canby, Gladstone, Milwaukie, Woodburn, Salem, and other valley towns.

The movement was started by the permanent organization of the Pacific Highway association of Multnomah, Clackamas and Marion counties, which T. W. Sullivan, chairman of the promotion department of the Oregon City Commercial club, was elected president. He was given authority to appoint his own secretary, and the association will be made up of delegates from the various commercial bodies in the districts traversed by the highway, and others interested in the movement.

Frank H. Riley, vice-president of the Pacific Highway association for Oregon; L. M. Lepper, president of the Consolidated East Side clubs of Portland; B. T. McLean, president of the Oregon City Commercial club; P. D. Newell, of Jennings Lodge; T. W. Sullivan, of Oregon City; J. J. Gibber, of Woodburn; A. King Wilson, of Oswego; W. H. Bair, of Canby; Thomas F. Ryan, of Salem; County Judge H. B. Anderson, and Judge Grant D. Dimick, of Oregon City, were among the speakers. All of them made stirring talks favoring the construction of permanent hard-surfaced highways along scientific lines.

Wants Definite Dope. Judge Ryan urged the adoption of a definite route, in order to present the matter feasibly to the State Highway commission.

The money of the state will be called for from a thousand places," he said, "and the commission now has applications in from not less than seven counties for state aid. Between Portland and Salem the most direct route should be agreed upon."

Judge Ryan, who was formerly county judge of Clackamas, said that county had for years lead in the mileage of road tax, and he compared the small general road levy of Clackamas to the levy of one and eight-tenths mills of Multnomah and 4 mills of Marion.

Year-Around Highways. "All the year-around highways are what is in the future," said Frank H. Riley. "Macadam in the age of the automobile and the horse is too great a burden for the taxpayer to bear."

Judge Dimick was strong for unity of action. "You never can have good roads built under the present system in Clackamas county," he said. "This county can be bonded for \$500,000 for the construction of 100 miles of hard surfaced roads, and if you will take \$100,000 per year from your present wasteful expenditure of about \$25,000 a year, you will provide for the interest, the maintenance and the amortization of the principal in 12 years, and in the meantime you will have had the use of your 100 miles of first class roads, and will still have had \$125,000 a year for repair and maintenance of laterals."

Not Fair Start. L. M. Lepper declared that the good road movement in Oregon had not had a fair start. He referred to the road campaigns in Indiana and Ohio and said the increased farm land values and the ease in which the markets were reached justified any expenditure.

The meeting will probably result in general progress along the line of permanent highway construction in this section. Judge H. B. Anderson, of the Clackamas county court, is in sympathy with the movement looking toward better and permanent roads. Mr. Sullivan, who has assumed the chairmanship of the joint committee, is an ideal man for the position. He is an indefatigable and thorough worker in anything he undertakes.

Cured of Liver Complaint. "I was suffering with liver complaint," says Iva Smith of Point Blank, Texas, "and decided to try a 35c box of Chamberlain's Tablets, and am happy to say that I am completely cured and can recommend them to every one." For sale by all dealers. (Adv.)

BREWERY CLOSES SALOON'S DOORS

BRINGS ATTACHMENT AFTER OWNER AND BARTENDER ARE ARRESTED

HELD FOR SALE TO POSTED MAN

Police Claim They See Liquor Pass to One Whose Name Appears on Official Blacklist—On Job When It Happened

The Mt. Hood Brewing company attached the saloon belonging to Clouse Krone and Sheriff Mass closed its doors at 10 o'clock Monday morning, following the arrest of Ed Heckel, Krone's barkeep, on a charge of selling liquor to Bert Bevins, who is on the city blacklist.

Saturday night the saloon was left in charge of the barkeep by Krone. About 8:30 p. m. o'clock, Officer Lee French noticed Bert Bevins in the saloon and summoned Officer Henry Cook who was nearby.

The two patrolmen then went into a neighboring saloon and looked upon the blacklist to make certain that Bevins' name was posted. They came back to Krone's place and arrested both the barkeep and Bevins. At the present time they are in the city jail, awaiting trial which will be held Tuesday.

Sunday the Portland brewing concern learned of the arrest and that the license of saloon would probably be taken away from Krone as a result, Monday morning a representative of the Mt. Hood company came to this city and attached the saloon because of a debt of \$349.75.

The provisions of the state law. He believed that such a step would be simple and easy and that it would be little trouble to make the alteration in order to allow the people to consider the question at such a time.

In his argument, Chris Schubel, contended that the only way such an action could be brought in the courts of the state was on the relation of the attorney general or the county attorneys of the several counties. He held that the county attorney must be made a party to the action and that Lawrence Ruconich, for instance, would have to be the relator in the action in the same way that the suit against the water board was brought in the circuit court when John Albright was named relator.

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