

MAY NOT LICENSE

Forest Grove Council Cannot Legalize Liquor Sale.

UNIVERSITY WINS ITS SUIT

Legislative Intention Is Shown by Omission of Word "License," Incorporated in Earlier City Charters.

SALEM, Or., Feb. 20.—(Special.)—Pacific University today won its suit to restrain the issuance of a liquor license in the City of Forest Grove. The Supreme Court, in an opinion by Justice T. G. Halley, affirmed the decree rendered by Judge T. A. McBride, and holds that the present charter of Forest Grove confers no power upon the City Council to license the sale of liquor.

The record shows that earlier charters of the city conferred the power to "license, tax, regulate, restrain and prohibit" certain occupations, among which was the selling of intoxicating liquors. The charter has been variously amended, and the clause upon the liquor question now authorizes the Council to "license, regulate and prohibit" the sale of intoxicating liquors. As to certain other occupations, the words "license and tax" were retained.

Justice Halley says that the necessary inference from the omission of the words "license and tax" in the clause relating to intoxicating liquors is that the Legislature did not intend to confer authority upon the Council to license the sale of liquor, but expressly limited the power to suppressing, regulating and prohibiting the traffic.

The defense argued that "regulate" is a broader term than "license," and hence the Council has authority to license under that term, but the Supreme Court says that the word "regulate" is used in two places in the charter in its limited sense, as not including the power to license, and hence "we cannot presume or infer that it has a broader meaning when used in the clause in question." The Justice continues:

In construing this word in the statute before us we must do so in the light of the surrounding circumstances, and the history of the legislation of this state upon the immediate subject before us in the locality to which it applies.

The history of that locality, as set forth in the pleadings, shows that the plaintiff is an institution of learning, patronized by many young people, and possessing of valuable property, title to which was given conditionally, so that no intoxicating liquors should be allowed, sold or used upon the premises, and that in the history of the city of Forest Grove no license has ever been issued for the sale of intoxicating liquors, and these facts, together with the legislative history of the charter, which shows that although at one time the power to license was conferred upon the board of trustees, such power was afterward restricted by striking the word "license" from the charter, all of which defenses are to be considered in determining the intention of the Legislature, clearly implied in the belief that the Legislature did not intend to grant to the City Council power to do more than regulate the liquor traffic.

Forest Grove being a college town where young people gather for education, training, and many homes having doubtless been established for the education of sons and daughters, we can readily see why the Legislature, in its wisdom, would hesitate to license the sale of intoxicating liquors, which necessarily brings into existence the saloon—a place where those who indulge in such things habitually congregate and spend their time.

Justice Halley says the word "regulate" does not necessarily imply the existence of a saloon, for the Council might have power to regulate the sale of intoxicating liquors for medicinal and other purposes without being in a saloon.

Conklin Case Is Affirmed.

The Supreme Court also affirmed the case of State of Oregon vs. Arthur Conklin, the latter having been found guilty of libel in publishing an article against Robert C. Smith, while the latter was a candidate for the Legislature in 1904. The article was published in the Oregon Mining Journal, of which Conklin was proprietor. It charged Smith with embezzlement.

At the trial Justice Hanna instructed the jury, in effect, that the language used was libelous per se, and on appeal the Supreme Court affirmed the instruction and affirms the judgment imposing a fine of \$250 upon Conklin.

NO TAX ON INDIANS' PROPERTY

Washington School Superintendent Raises the Question.

OLYMPIA, Wash., Feb. 20.—(Special.)—Assistant Attorney-General Falkner today gave an opinion to the effect that personal property on Indian reservations is not taxable for school purposes. The question was raised by the School Superintendent of Shoshone County, who wanted to have about \$30,000 worth of personal property on the Tulallip Indian reservation placed on the tax rolls for school purposes, but the Attorney-General holds that, as wards of the state, the owners of this property are exempt.

The Land Commissioner's office has raised an important and complicated question, which the Attorney-General's office is now preparing an opinion on, and which threatens to result in important litigation, both in the state and Federal courts. The question is as to the rights of lessees of land under the Government for irrigation purposes. Between 40,000 and 50,000 acres are said to be directly involved in the decision, in many cases the lessees having made valuable improvements on the land. The courts will undoubtedly be called on to declare what prior rights, if any, such persons have in case land withdrawn is subsequently thrown open.

LIQUOR MONEY IS DEMANDED

North Yakima Called on for a Large Sum by the State.

NORTH YAKIMA, Wash., Feb. 20.—(Special.)—In a communication to City Treasurer Donovan today, State Treasurer Mills threatens to bring suit against North Yakima if it does not pay the state a \$10 per cent. of the saloon licenses collected here are not at once paid over. The sum amounts to \$2548.50. This is claimed by the state on a decision made by the Supreme Court in a case taken up from Seattle, in which the court held that all cities must pay 10 per cent. of the liquor licenses received after the act of 1888 was repealed.

City Attorney Forsyth said today he had taken the matter up with the Council, but before the money is paid over a statement of what is owing the state and how it figures out the amount it is claiming must be made.

Debate for Pendleton High School.

Pendleton, Or., Feb. 20.—February 28, the Pendleton High School and Walla Walla High School debating teams will meet at Walla Walla to dis-

cuss the question: "Resolved, That the Interstate Commerce Commission should have the power to regulate railroad rates."

The Pendleton team is composed of Glenn Scott, David Hill and Dean Goodman and has the affirmative. The Walla Walla team is composed of Fred Griffith, Arthur Kennedy and Charles Garfield. The judges are President Penrose, of Whitman; Rev. Mr. Reid and J. L. Sharpsteen, of Walla Walla.

BOILING THE DRINKING WATER

Oregon City Warned Against Contagion From Up the River.

OREGON CITY, Or., Feb. 20.—(Special.)—Dr. J. W. Norris, of this city, has been appointed County Health Officer by the Clackamas County Court. Alarmed by the epidemic of typhoid fever prevalent at Eugene, many of the residents of this city are resorting to boiling water as a preventive of the introduction of this disease in this city. The water supply of Oregon City is taken from the Willamette River, but after being treated by the city's splendid filtering plant, analyzes 94.6 per cent pure. Residents feel justified in boiling water for domestic purposes on the strength of an interview given out yesterday by Dr. W. E. Carl, who said:

"It would emphasize the statement that the only safe way to avoid typhoid germs is by drinking only water that has been boiled. The fever-stricken people of the Valley are pouring their polluted water into the river, and already there have been several cases in Oregon City that are kindred to typhoid."

LABOR TICKET FOR TACOMA

Postal Manager Is Asked To Run For Mayor.

TACOMA, Wash., Feb. 20.—(Special.)—There is strong possibility of the nomination of a union labor ticket before the city campaign is much older. The subject was discussed in a quiet sort of way at the regular meeting of the Tacoma Trades Council last evening. A delegation of voters waited upon John M. Bell, manager of the Postal Telegraph Company, recently with a request that he accept the nomination for Mayor on an independent ticket. It was urged that he would receive the support of the labor union interests of the city.

DUNIWAY VISITS CLACKAMAS

Finds Many Who Encourage His Candidacy for State Printer.

OREGON CITY, Or., Feb. 20.—(Special.)—State printer John Duniway, who has been active, and candidates for state offices drop into Clackamas County occasionally. Two aspirants for State Printer recently been in the county, and today William S. Duniway was here, looking up friends and making acquaintances. He is a native of Clackamas County, and was recently elected to the office of State Printer in the State Convention of 1902, when Duniway was sent to defeat by the much-talked-of deal through which his Portland votes were delivered by the bosses to an Albany candidate. At the time when Clackamas County's candidate had withdrawn his name from that convention in favor of Duniway and the latter secondly was nominated, the "deal" was consummated for his throw-down.

All Athletes Have Passed.

University of Oregon, Eugene, Or., Feb. 20.—(Special.)—It was definitely stated in the registrar's office today that four students failed to carry nine credits in the mid-year examinations, and, according to the faculty regulation, these students will undertake a vacation for the next semester.

Missionary for Brazil.

Pacific University, Forest Grove, Or., Feb. 20.—(Special.)—Miss Grace C. Wood, who for the past three years has been an instructor in Teutonic Academy, left today for Springfield, Mo., preparatory to departing for the mission field in Brazil.

Condon Schools Are Closed.

CONDON, Or., Feb. 20.—The city schools were closed here yesterday by order of the County Health Physician, Dr. J. F. Wood, action in the matter having been due to diphtheria in the family of John Britton. Mrs. Britton was taken with the disease Monday a week ago, and it was not known to be diphtheria until the return of Dr. Wood from Portland Saturday evening, when the woman was in a dying condition.

Quarantine Measures Were Immediately Adopted, and All Public Gatherings Were Closed.

Mrs. Britton's death occurred this morning. The immediate cause being paralysis of the heart. Two children of the family are also down with the contagion, but they are said to be convalescing. It is believed by Dr. Wood that spread of the disease is being held in check.

Fear Invasion of Japanese.

TACOMA, Wash., Feb. 20.—(Special.)—The labor unions of Tacoma and the state are planning a fight against the alleged invasion of contract Japanese laborers. This question is likely to be one of the matters discussed at the labor meeting next week. It was under discussion at the Aberdeen convention and a committee was there appointed to call the attention of the Governor and the State Labor Commissioner to the matter.

Hurry to Mother's Bedside.

WALLACE, Idaho, Feb. 20.—(Special.)—Eugene R. and Harry L. Day, millionaire mineowners, left this afternoon for the bedside of their mother, Mrs. H. H. Day, Sr., at Portland, upon a wire from a brother, Jerome Day, saying the mother had passed beyond all hope. They were accompanied by their brother-in-law, Edward Boyce. Mrs. Day is about 65 years old, and suffers from a species of paralysis.

Postoffice Receipts at Oregon City.

OREGON CITY, Or., Feb. 20.—(Special.)—The receipts of the Oregon City Postoffice have nearly doubled in the last five years, according to a report today by Postmaster Randall. In 1900 the receipts of the local office were \$460.06, while for the year ending December 31 last they were \$928.85. In the same report there is shown a similar increase in the postoffice money order business.

Prince Arthur Is Coming.

VANCOUVER, B. C., Feb. 20.—Prince Arthur of Connaught will arrive here by the Empress of Japan from Yokohama on March 28, and after spending a few days in shooting and fishing, will leave for Ottawa over the Canadian Pacific Railroad, returning a report today at the various tourist resorts of the Rockies.

APPEALS TO POLICE

Spokane Pastor Says Spiritualists Are Annoying Him.

SEND INSANE TO HOUSE

Rev. Henry Rasmus Also Wants Protection When He Preaches a Sermon on Spiritualism Next Sunday.

SPokane, Wash., Feb. 20.—(Special.)—Rev. Henry Rasmus, pastor of the First Methodist Church, called on the police today and asked for protection against some of the Spokane Spiritualists. The complaint is that certain of the Spiritualists are training insane men on his home, the object being to annoy him and cause him bodily harm.

Rev. Mr. Rasmus also asked for police protection when he preaches a sermon on spiritualism at the Central Christian Church next Sunday. Sergeant Sullivan, of the police department, promised to furnish him and agreed to "do what he could to stop people from 'sitting' insane men on the doctor."

About a week ago, Mr. Rasmus says, he had a call from a young man who said he had been coming to the insane asylum. He said his mother is dead, and it was alleged his father is dead, but he knows he is alive, and that Mr. Rasmus had the power to bring the father to life if he saw fit. He wanted Mr. Rasmus to take a message to a theatrical company playing here. The young man then went on in a rambling manner about the burning of the First Methodist Church.

Canby to Have Commercial Club.

OREGON CITY, Or., Feb. 20.—(Special.)—At a meeting of the business men of Canby last night, a temporary organization was effected of the Canby Commercial Club. No choice was chosen for a man, and George W. Dixon, secretary of the meeting, which was enthusiastically in favor of pushing the growth and interests of Canby and the rich agricultural section surrounding that town.

Addresses were delivered by Thomas Richardson, secretary of the Portland Commercial Club and the Oregon Development League; Paul Shoup, assistant general freight agent for the O. R. & N., and Southern Pacific lines in Oregon; and H. E. Lounsbury, traveling freight agent for the Southern Pacific Company.

NORTHWEST DEAD.

Dr. C. D. Osburn.

SHERWOOD, Or., Feb. 20.—Dr. C. D. Osburn, a well-known physician and druggist of Willamette, died last night at 10 o'clock from heart affection and gastritis. Dr. Osburn practiced medicine and conducted a drugstore in Portland several years, removing to Willamette five years ago. He was a graduate of Jefferson Medical College of the class of 1886. A widow survives him.

Henry S. Copeland.

WALLA WALLA, Wash., Feb. 20.—Henry S. Copeland, a wealthy retired farmer, died this morning of Bright's disease. He was 84 years old.

Frank L. Herdic, Horseman.

WILLIAMSPORT, Pa., Feb. 20.—Frank L. Herdic, a noted horseman and pool-player of National reputation, died at his home here tonight, aged 63 years.

Pendleton Jail Is Empty.

PENDLETON, Or., Feb. 20.—(Special.)—C. P. Davis, the defaulting Deputy Sheriff of Umatilla County, and Moses Taylor, convicted of arson, were taken to Salem this morning by Sheriff Taylor. With the departure of the two prisoners the County Jail is empty for the first time in five years.

All Day the Janitor's Force Was Kept Busy Scrubbing and Housecleaning Until the Old Prison Is Now as Clean as Many a Parlor, Though Less Inviting.

Eugene Mill to Be Started.

EUGENE, Or., Feb. 20.—(Special.)—Articles of incorporation of the Eugene Woolen Mill Company were filed with the County Clerk today. The incorporators were T. B. Kay, E. J. H. Hown and Arthur W. Lord, all of Salem.

Candidates for State Offices.

SALEM, Or., Feb. 20.—(Special.)—Two candidates for nomination for state offices filed notices in the office of Secretary of State Dunbar today. They are R. G. Morrow, who is an aspirant for Judge Beers' seat on the circuit bench in Multnomah County, and F. A. Cochran, who wants the Democratic nomination for Congress.

URBANA WINE CO.'S GOLD SEAL

America's Favorite Champagne.

The wine of the banquet and ultra-brilliant functions. Equals quality of French wines—costs but HALF.

Two Kinds Special Dry—Brut

Sold by all leading grocers and wine merchants.

Urbana Wine Co. Urbana, N. Y., Sole Makers.

City May Build Its Sewers.

NORTH YAKIMA, Wash., Feb. 20.—(Special.)—The City of North Yakima may build its own sewer system, notwithstanding it has let a contract to Pat Mullins. After considerable delay in selling the bonds, a Chicago house has finally accepted them and will pay over the money as soon as the papers are made out.

Lewis Made Fruit Inspector.

OREGON CITY, Or., Feb. 20.—(Special.)—J. E. Lewis, a prominent fruitgrower residing near this city, has been appointed County Fruit Inspector by the County Court, to succeed J. H. Reid, who resigned in order to give all of his time to this work in Multnomah County.

Meeting of Clackamas Grangers.

OREGON CITY, Or., Feb. 20.—(Special.)—The annual county convention of the Patrons of Husbandry for Clackamas County will be held in this city Tuesday, March 4, at 1 P. M., at the County Court house. This convention has been called by Mary S. Howard, deputy, for the purpose of electing representatives to attend the annual session of the Oregon State Grange, to be held at Albany, beginning Tuesday, May 22.

TACOMA, Wash., Feb. 20.—(Special.)—Announcement in today's Oregonian that the O. R. & N. would reduce rates on wheat to Portland came as a great surprise to railroad officials and exporters. Henry Blakeley, general Western freight agent for the Northern Pacific, was asked what action his road would take, following the lead of the O. R. & N. Mr. Blakeley said that the reduction was news to him. He was inclined to doubt the authenticity of the report, as he had not been notified of the change. However, it is regarded as likely that the Northern Pacific and Great Northern Railroads, which haul all the wheat to Puget Sound, will follow suit by making a like reduction. It is generally understood that the roads have a common agreement to maintain the same rates. Local exporters are expecting the railroad rates running to Puget Sound to lower their rates, in which event Puget Sound will have the same advantage as heretofore.

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No matter how many magazines you read, you must read THE SCRAP BOOK—the biggest monthly magazine ever published. THE SCRAP BOOK is big every way—big enough for 50 million readers—broad enough, roomy enough, brainy enough, human enough, to grip the interest of every person in the United States who can spell out the alphabet. Whoever you are, THE SCRAP BOOK is for you. We can't tell you half, but here are a few titles at random:

The Moment of Decision—Roosevelt and Labor Unions—Money Among the Ancients—Blagues of the Bards of Graft—The Devil and Tom Walker—When Fate Cuts the Dice—Preservation of the Human Body—The Coins of Caesar—A Hecoscope of the Months—Superstitions of the Theater—The Companions of John—What the Prophets say about 1906—Benjamin Franklin—The Progress of Women, and a hundred others.

Imagine the heart of all the magazines packed into one and you have some idea of the vastness and variety of THE SCRAP BOOK. Everybody is going to read THE SCRAP BOOK sooner or later.

The Price is Ten Cents a Copy and One Dollar by the Year

On all news stands or from the publisher

FRANK A. MUNSEY, 175 Fifth Ave., New York

BACKS NORTH COAST

Canadian Pacific Money Building Line, It Is Said.

AFTER HILL'S BUSINESS

Interurban Railway Between Seattle and Tacoma, Rumor Says, Has Been Secured by the Northern Line.

Will Not Attend Conference.

SPOKANE, Wash., Feb. 20.—(Special.)—Northern Pacific Railroad officials at Spokane today are J. M. Hannaford, second vice-president; C. M. Levey, third vice-president; H. J. Horn, general manager; C. W. Bunn, general counsel; I. R. Richards, superintendent of car service; B. E. Palmer, assistant superintendent; F. H. Ford, secretary to Mr. Hannaford; C. F. Craig, secretary to Mr. Levey, and H. R. Boden, secretary to Mr. Horn. Mr. Hannaford stated that his visit was one of inspection. He denied the report that the party was going to Seattle to confer in regard to a trackage agreement with other roads in that city.

Cost of Educational Congress.

SALEM, Or., Feb. 20.—(Special.)—The Superintendent of Public Instruction today filed a statement of the receipts and expenditures of the Educational Congress of the Lewis and Clark Fair. It shows the amount received from each county aggregating \$194.86, and disbursements aggregating \$175, leaving a balance of \$20.86, which will be divided pro rata among the counties which contributed.

Ten Candidates for Representative.

OREGON CITY, Or., Feb. 20.—(Special.)—Linnwood E. Jones, member of the drug firm of Howell & Jones, of this city, today announced that he will be a candidate for nomination as State Representative on the Republican ticket. There are now ten candidates for the three nominations as Representative on the Republican ticket in this county.

Is to love children, and no home can be completely happy without them, yet the ordeal through which the expectant mother must pass usually is so full of suffering, danger and fear that she looks forward to the critical hour with apprehension and dread.

Woman's Nature

Mother's Friend, by its penetrating and soothing properties, allays nausea, nervousness, and all unpleasant feelings, and so prepares the system for the ordeal that she passes through the event safely and with but little suffering, as numbers have testified and said, "it is worth its weight in gold." \$1.00 per bottle of druggists. Book containing valuable information mailed free.

THE BRADFIELD REGULATOR CO., Atlanta, Ga.

TO PURCHASE DEPOT GROUNDS

Citizens of Wallowa Raise Money to Buy the Land for O. R. & N.

WALLOWA, Or., Feb. 20.—Recently the business men of this place acted upon a proposal for the purchasing of land for the Spokane & Columbia River Railway & Navigation road to Wallula, where it will connect with the North Coast, which is to cross the Cascades and come down one of the valleys to Tacoma. The interurban will give the company a route to Seattle and from there the proposed road will lead to Vancouver.

It is pointed out that the projected roads all pass through the coveted territory of the Hill lines and the Canadian Pacific will be in a position to fight the Hill lines in their richest country.

Even the Owl STAYS AWAKE Night and Day

To be among the first to hoot forth to an expectant public

The Opening of "The Woman's Bonanza"

Every woman buyer in the state of Oregon knows either from personal experience or hearsay, what the "P. E. BRIGHAM STOCK" consists of.

It Takes Some Time This Preferred Stock

LY FIND SHREWD BUYERS when we throw open the doors in a few days.

BOSTON CASH BUYERS' ASSOCIATION

341 Washington St., Corner Seventh



1906
\$4
\$22