LIQUOR SALES IN

nance Forbidding Practice in "Dry" Towns.

CORPORATION LIKE PERSON

Justice McBride Says Intoxicants Are Property of Organization, Not of Individuals-Wood-Case Bared.

SALEM, Or., Doc. 12 .- (Special.)-Holding that a club which is a corporation is in itself an artificial person and as such owns the liquors pur-chased by it, regardless of the fact that such liquors were supposedly the property of the individual members of the club, Justice McBride, in a humorous opinion in the Supreme Court to-day, modified the recent opinion of Judge Galloway, of the Circuit Court of this county, in the case of the Bachelors' Club versus the City of Wood-burn and at the same time declared that the search and seisure ordinance of the City of Woodburn is void, as well as ordinance No. 300.

The latter ordinance makes it unlawful for any common carrier or other person to deliver intoxicants within the boundaries of the City of

Through the court's interpretation Through the court's interpretation of the contention which held that liquor could be held by individual members as their own personal property, but which the court construes as being the property of the corporation as an artificial purpose, scores of clubs, including Elks clubs, throughout the state will be affected, according to the general sentiment among atorneys here who have heard the gist of the opinion.

Arrests Follow Raids, The Bachelors' Club cases arose The Bachelors' Club cases arose when numerous arrests were made following raids upon the club when liquor in possession of the club was seized. "The complaint alleges that pursuant to ordinance No. 187 (making it unlawful for all but certain people to sell liquor in Woodburn), Stangel, the Recorder, has repeatedly convicted and fined the officers of the club," says the opinion. "And that their cases are now pending in the Circuit Court upon now pending in the Circuit Court upon appeal; that under ordinance No. 309 (the search and seizure ordinance), upon complaint of the Mayer and upon a warrant issued by the Recorder, an organized force of police officers and informers, with force and violence, entered the clubrooms and ejected the officers and manufacture of the constant of the fered the clubrooms and ejected the orficers and members; selzed the property and effects of the plaintiff; took
the same into possession of the city;
and threaten further proceedings of
like nature, whereby plaintiff will be
vexed and annoyed and its property
rendered valueless; and it and its officers will be vexed and harrassed by
a multiplicity of suits."
Under this complaint, Judge Galloway issued an injunction restraining

way issued an injunction restraining the officers of the City of Woodburn from further interfering with the members or officers of the club. Club Formed After Election. In his opinion, Justice McBride says:
"Previous to November, 1905, the sale
of intoxicating liquors was licensed
in Woodburn. At the election then occurring the city, in common parlance, voted 'dry,' and thereafter such sales were prohibited. Existing licenses expired in January, 1910, and coincident-ally with their expiration a number of citizens were suddenly selzed with a desire to improve their social and men-

tal condition by means of a social club and the Bachelors' Club was in-corporated, estensibly for that purpose. Whether or not its membership was confined to unmarried men, as the name would seem to indicate, the club became at once an exceedingly popular institution and soon attained a lar institution and soon attained a membership of about 80 persons. The method of initiation was simple. A person desiring membership signed au application blank and his qualifications were passed upon by the trustees and if found worthy he paid a fee of the arm was additional.

\$6 and was admitted. Of this amount \$1 was for member-ship and the other five was for a book of coupons, entitling the holder to receive a certain quantity of any re-freshments that the club might have in stock. A room on the ground floor of a building formerly used as a sa-loon was rented, a bar established, and stewards provided, and last but not least a stock of liquors, cigars and soft drinks laid in for the comfort and delectation of the members.

Moral Uplift Stight "The club secured a United States in-ternal revenue license for the sale of liquors, and proceeded to furnish its members with liquors, cigars and other refreshments when called for. There is no evidence that the club ever did anything toward the moral or mental improvement of its members, beyond furnishing them with liquors, cigars and soft drinks in return for coupons, and we conclude from the testimony that the principal object of the corporation was the disposal of liquor to its

members.
"It is declared that the provision of the charter authorizing the Council to license and regulate the sale or dis-posal of intoxicating liquors does not include the power to prohibit their

Whether this is correct or not is of no moment in this case as the Counell has not attempted by this ordinance to prohibit the sale of liquors in Woodburn, but has confined the right to make such sales to registered phar-macists and upon a bona fide prescription for disease.

Ordinance Held Valid. "This is not prohibition, but regulation. Taking this in connection with the plenary power granted the Coun-cil to pass and enact such ordinances as it shall deem expedient to suppress

intemperance, we are of the opinion that the ordinance is valid.

The contention that these sales were not sales of liquor but that it was the property of the members of the club, cannot be sustained. The club is a corporation and is itself an artificial person and as such owns the liquors purchased by it. The act of taking a member's money in gross and allowing him to spend it for liquors in detail as his appetite may require, does not alter the fact that in its ultimate analysis the transaction is a sale; nor does the fact that no profit is made by the transaction alter its nature. It is not a defense to a charge of unlaw-ful disposal of liquor for the seller to show that he sold it for less than it

"Ordinance No. 207 is not void. A house where the unlawful sale or dis-

right of the citizen to be protected against unreasonable search and seiz-CLUBS RULED OUT

Supreme Court Upholds Ordinage Forbidding Practice

Supreme Forbidding Practice

against unreasonable search and seinure is a very valuable one and we have cited no provision of the charter of Woodburn that confers upon that municipality the right to exercise that high prerogative. Ordinance No. 30% is confessedly void, both for want of authority in the charter to enact it and because it interferes with interstate commerce. It does not appear, however, that any attempt has been made to enforce it and we are not therefore required to make any order in relation to it.

Other Cases Decided.

"The decree of the Circuit Court en-joining presecution under ordinances 287 and 307 is reversed, but the de-cree will stand as to No. 309. The ap-

pellant will recover costs and dis-bursements in this court and neither party will recover costs and disburse-ments in the Circuit Court."

Another new point was decided by the Supreme Court today in relation to a verdict of a jury in cases on hom-land to the court today in relation to a verdict of a jury in cases on homto a verdict of a jury in cases on homicide. The case in question was that of the state versus George Setsor, who was indicted on a charge of murder in the first degree in Baker County for killing John Thomas. The jury returned a verdict of involuntary mansiaughter. The defendant's attorney contended that the jury did not find the defendant guilty of any of the three degrees of murder and should have found "not guilty" as a result. The court overruled this contention, holding that the verdict was a general one and, while not a model to be copied after, will stand. Setzer was sentenced to from one to 15 years in the penitentiary and to pay a fine of \$1900.

Other cases decided today were:
William Hanley Company versus J. D.
Combs, appealed from Grant County;
George E. Davis, judge, reversed and a new
wirst ordered, in an opinion by Justice McBride. This was an action to recover money
advanced on an executory contract.
Merchants National Bank versus David
A. McKeewn, et al., appealed from Grant
County; George E. Davis, judge; actirmed
in an opinion by Chief Justice Eskin. This
was a suit instituted to establish an adverse right to a mining claim.
Lois O. McMahon versus Robert S. Hull,
appealed from Tillamook County, William
balloway, judge. Motion to dismiss appeal
lanied.
Frank Donnelley and William balloway, Other cases decided today were:

Frank Donnelley and William Daugherty versus Joseph Cuhn, appealed from Umatilla County, H. J. Bean, judge; modified in an opinion by Justice Moore. Mr. Justice Bean took no part in the hearing as he sat on the case in the lower court. This was a suit to enjoin interference with a flow of water.

GRANGEVILLE, IDAHO, CARRIES OFF CHOICE SHOW PRIZES.

Northwest Livestock Association Opens Third Meeting With Great Exhibition.

LEWISTON, Idaho, Dec. 12 .- (Special.)-The third annual show of the Northwest Livestock Association opened here for the three days' session this morning. There is assembled perhaps one of the greatest exhibitions of livestock ever shown in the Northwest. Hundreds of stockmen and breeders, many prominent and distinguished pub-

lic men are in attendance.

The establishment of a permanent livestock show in the Northwest seems

assured.

Judging of fat stock of all grades was in progress today. W. A. Jones, of Grangeville, carried off first prize for the best carload of fat steers, regarded as the biggest prize event. He also carried off firsts for the best 3-year-old steer and the best dry cow. Judging of horses will be carried on tomorrow.

Addresses were made at the fair grounds today by Paul Clagstone, president of the Northwest Livestock Association; H. G. McMillan, of Rock Rapids, Iowa, president of the Percheron Society of America; Charles Joss, of Portland, in charge of the bureau of animal industry in the Northwest, and Addresses were made at the fair

others.

There will be a big livestock parade tomorrow morning, after which Governor M. E. Hay, of Washington, will deliver the principal address. D. O. Lively, manager of the Portland Union Stockyards; Director W. L. Cariyle, of the Idaho Experiment Station, and the session is the student stock judging contest, in which 24 students of Idaho University are participating.

university are participating.

A large delegation of prominent Spokane citizens will reach here in private cars today, as well as a large delegation from Puget Sound points, among which will be numbered prominent railroad officials. J. D. Farrell and J. P. O'Brien, Harriman line officials will arrive here tomorrow from cials, will arrive here tomorrow from

Interest is centered in the coming usiness session of the association, at which many Northwest cities will com-pete for the next fat stock show. This week there will be a combination breedern' sale of livestock.

CHIEF ENGINEER HOLDS IM-PROVEMENT JUSTIFIED.

Appropriation of \$12,325 Is Recon mended, Overruling Local Adverse Report.

OREGONIAN NEWS BUREAU, Wash, ington, Dec. 12.—The Secretary of the Treasury has transmitted the esti-mate and recommendations of Chief Engineer Bixby for dredging the Hoquiam River and constructing a channel 100 feet wide and 18 feet deep

channel 100 feet wide and 18 feet deep at a cost of \$12,325 and \$1008 annual maintenance, the work to be performed by the dredge Oregon and lands to be provided by local interests for dumping the waste material.

The local engineer reported adversely on the proposed dredging of the Hoquiam River, on the ground that local interests were unwilling to bear half the cost and on the further ground that in his opinion the commerce would not justify the expenditure. The Army Board and the chief of engineers, after further investigation, take the position that considerable shipping would be benefited by this work, and overrule the local officer.

By dredging an 18-foot channel across bars in the river, the largest ships visiting Grays Harbor can reach all the important docks on the Hoquiam River and this, they believe, amply justifies the expenditure of \$12,325.

Strike Disorders Settled.

LA GRANDE, Or., Dec. 12 .- (Special.) -More guards were removed by the railroad company today and for several days no disorder has occurred among the strikers or workers. Free board and lodging is no longer given srike-breakers at the O.-W. R. & N. stockade.

TO SINGLE TAXERS

Oregon City Live Wires Start Campaign to Put Reliable Data Before Voters.

HAZY BILLS HELD DANGER

Declarations That Improved Lands Are Taxed More Than Similar Unimproved Tracts Denied by Mayor - Elect.

OREGON CITY, Or., Dec. 12 .- (Spedal.)-Alleging that prominent advocates of the single tax were making misstatements in the campaign that has been started in this county, several members of the Live Wires, a branch organization of the Commercial Club, said at the weekly luncheon today that it was the duty of the organization and the business men to refute the charges and let the voters know the truth.

Grant B. Dimick, Mayor-elect of Oregon City, and Livy Stipp, City Recorder, were among those who declared the single-tax orators were not adhering to the truth.

to the truth.

J. E. Hedges, president of the club, and Mr. Stipp, who were appointed a committee two weeks ago to investigate tax measures which will be voted upon at the next general election, made a preliminary report.

Trade Warning Sounded. "I find," said Mr. Hedges, "that very often in looking up questions of importance that our constitution and laws are fast approaching a condition, because of new laws and amendments, where it is impossible to tell just the effect of the amendments to the constitution or the passage of laws; that we have failed to sufficiently consider bills presented and that I feel there must be a sentiment aroused to vote against all a sentiment aroused to vote against all bills that are not understood or our laws will drive out capital now in the state and keep capital now seeking investment out. I believe, though, the indications are that voters in future, more than in the past, will vote against all bills they do not understand."

Mayor-elect Dimick spoke in part as follows:

follows: "I think it is the duty of the mem bers of the Oregon City Commercial Club to take some action against the unfair presentation of the assessments made by the County Assessor of Clack-amas County and equalized by the board of equalization.

Assertions Are Disproved.

"Those who are advocating the single tax are not acting fairly in preparing their statements that they are sending breadcast, and I desire to call your atbroadcast, and I desire to call your attention to the article appearing in The Oregonian of December 12, wherein a single-tax advocate tells of 640 acres of land in Clackamas County, and out of that 640 acres a 12-acre tract was sold and improved, and after the improvement the 12 acres is now assessed for more than the remaining a six acres that the constitution of the constitution o

for more than the remaining 628 acres.
"The County Assessor informs me that such is not the case and that while some land is assessed low on account of its rocky condition, being wholly unfit for cultivation or even pasture, the comparisons which I have mentioned are untrue.

Cash Value Assessed.

"I listened a short time ago to speech made by a single-tax advocate in Clackamas County, wherein he de-clared that he had found two tracts of land similarly situated, each containing was improving it and the taxes on that tract of land were more than \$60, and the other tract of land equally as level and the fertility of the soil equally as good, but held by a speculator, and the latter tract of land was only taxed

"I wish to say that the assertion is false and misleading and no assessment of that kind appears on the assessment roll of Clackamas County. There are tracts of land, however, upon our hills that are fertile and have been improved wherein they are assessed under the law of 1997 at their true cash value, and lying along the side of that tract is another dipping over into a rocky, preciltous canyon, which is also as: its true cash value, but the very small on account of the worthles condition of the land."

CAR SKIDS FROM TRACK

Forest Grove Local Coach Hits Pole, Passengers Uninjured.

HILLSBORO, Or., Dec. 12.—(Special.)—Passengers on the Forest Grove local which arrived here at 4:25 yesterday were given a severe shaking up when the rear car of the two-coach electric train jumped the track, struck a telephone pole and was hurled almost

to its side. Just as the train was nearing the station the rear truck of the rear car struck a split switch and followed another track for some distance. Before the motorman could bring the train to a stop the car had swung to an angle of 45 degrees and snapped off a tele-phone pole. Three guard posts were also demolished.

The car was easily righted and within \$0 minutes left for Forest Grove. None of the passengers sustained in-

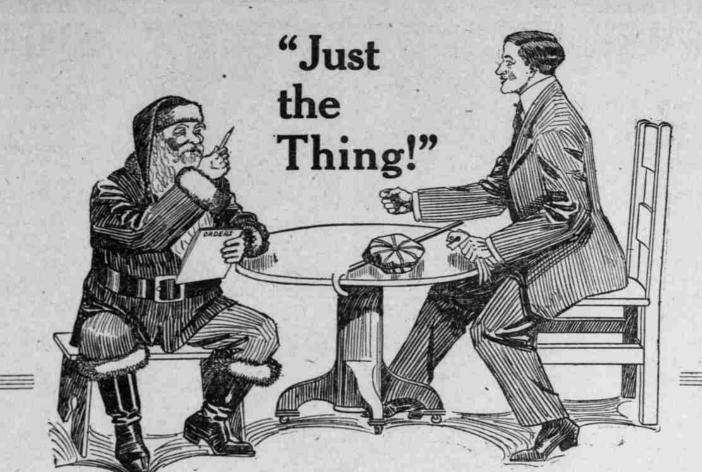
Stolen Diamond Turns Up Again.

CENTRALIA, Wash., Dec. 11 .- (Special.)—While in a restaurant last night A. A. Woelfel, a Centralia jeweler, was shown a diamond pin by a friend, who asked his advice relative to changing asked his advice relative to changing the setting. Woelfel recognized the pin as one that had been stelen from him yesterday. An investigation led to the fact that Nichols had purchased the ring from one Patrick O'Hare, and that individual was promptly arrested. It is believed that the man has several accomplices, and he is being held while the police are searching for four men who were seen with the captive

Theft of \$2.50 Admitted.

SALEM, Or., Dec. 11 -- (Special.)-"When Roy and Clayton Havelin were scuffling, Clayton's coat flew back and it occurred to me that I was short of change and I helped myself to \$2.50 which was all that was in that pecket." Such was a portion of a confession forwarded to Deputy District Attorney Winslow today by Carol Ostrander, who was arrested recently with Roy Williamson on a charge of larceny. Ostrander exonerates Wil-liamson, but Williamson will be held.

ouse where the unlawful sale or disconting liquor is carborating l



You'll Say the Same at This Suggestion From Santa Claus

"If you want to give her a joyful and lasting surprise, give an order for a fine Piano from Sherman, Clay & Co.'s reliable stock."

PIANOS STEINWAY & SONS A. B. CHASE MEHLIN ESTEY KURTZMANN LUDWIG CABLE CONOVER KINGSBURY \$265 TO \$1600



PLAYER PIANOS STEINWAY & SONS A. B. CHASE APOLLO CABLE KINGSBURY KURTZMANN CECILIAN LUDWIG EUPHONA \$475 TO \$2150

Exclusive representatives for above pianos and players. Call at our store and permit one of our salesmen to show this superb stock to you. Open evenings.

Victor Victrolas and all the Records



One Price to All, All the Time

Spokane Police Resort to Precautions Following Murders.

COUNTY OFFERS REWARD

Mystery Veiling Weber Girl's Death Still Far From Solution-Two More Killings Add to Diffi-

culties of Officers.

SPOKANE, Wash., Dec. 12 .- (Special.)-The County Commissioners to day offered a reward of \$500 for the arrest and conviction of the murderer of Chauncey R. Simmons, who met his death at the hands of a burglar Monday. This offer does not apply to the city police force or any other salaried officials. At least 25 special plain clothes detectives are to be sworn in for duty immediately and 500 or 1000 citizens are to be deputized and allowed to carry firearms. If necessary. arrest and conviction of the murderer

lowed to carry finearms, if necessary.

Every person seen in the residence districts after dark is to be required to give an account of himself and every available policeman in the city is to be dispatched to the districts where crime

may be reported.

These are the precautionary steps of Chief of Police Doust.

Commissioner Hayden this morning said that the force probably would not

Issue Splits Commission. Statements made by the Mayor about the police department were an invitation to crime," said Commissioner Hayden today. "Immediately thereafter murders and a score of violent robberies occurred. These criminals were not in Spokane two weeks ago, else they would have worked during the carnival."

This declaration was made in dis-

carnival."

This declaration was made in discussing the murders of Anna Weber, Chauncey R. Simmons and Frank Pasquale and other crimes of five days.

The veil of mystery that hangs over the murder of Anna Weber has not been lifted. Detectives working on the case appear to be more puzzled than ever. than ever. George Weber, father of the mur-

Weber family are is not known. Sale Offered at Loss. police assert that one reason

dered girl, is advertising the dairy for sale. Just what the intentions of the

route, as well as the equipment. This is just \$100 less than Leo Weber says it cost them to start the dairy a few months ago, and to do this \$200 was borrowed from Peter Weber, a brother of George Weber, and \$500 was the savings of the murdered girl.

Mr. Weber says Anna did not give him \$500 in a lump sum, but that she rave her money steadily to the fam-

gave her money steadily to the fam-ily and the small amounts accumulated

Crimes Perplex Officers.

With two new murders and numerous other crimes, Chief Doust and Captain Burns were not able to give their exclusive time to the Weber case today. A conference was held with Elizabeth Weber, but Captain Burns says no additional information was secured. fact that horses are exceedingly afraid of the smell of blood has been much discussed, bringing the suggestion that the Weber horses, when driven within 15 feet of the body Friday morning 15 feet of the body Friday marning should have made a disturbance.

Leo says the horses did not snort nor act in any way unusual. He said that just after turning the curve in the road and when a few feet past the body, one of the horses that always shies at everything shied, but, according to Leo, this horse, intsead of jumping away from the body, shied in the direction of the body.

Leo Weber says he believes his sister was decoyed away from home and

Dheumatism

is a blood disease. It can be cured only by ridding the blood of extraneous matter. Hood's Sarsaparilla cures it, as it does other blood diseases. "The necessity for a good blood purifier," writes W. G. Skinner, Wakefield, Mass., "was first impressed on me when I took Hood's Sarsaparilla for a severe attack of rheumatism. As soon as I began to take this medicine, I felt better and in a short time was cured, and have been in good condition ever since.

Remember there is no real substitute for Hood's Sarsaparilla. If urged to buy any preparation said to be "just you may be sure it is inferior, costs less to make, and yields the dealer a larger profit.

Get Hood's Sarsaparilla today in liquid or tablets called Sarantabs.

Free Demonstration

The Stubbs' Electric Company has secured the services of a competent demonstrator and cordially invites you to call at their store and learn the advantages of cooking by electricity Their stock is the most complete of any in the city and prices are right. An Electric Iron, Chafing Dish, Coffee Percolator or Toaster Stove makes an ideal Christmas gift.

Cor. Sixth and Pine Sts.

waylaid, but the family cannot tell how the decoy appointment was made.

TO THE

NE P

The same

Power Company Elects.

BAKER, Or., Dec. 12 .- (Special.)-The Central Oregon Power & Irriga-tion Company, which is planning to Ir-rigate 40,000 acres in Harney County pumping water from Malheur Lake, by pumping water from Maineur Lake, today elected the following officers: a beautiful memorial window. It was President, W. A. Pope; vice-president, in place yesterday. The window was S. S. Start; secretary-auditor, C. T. placed in honor of the mother of Mr. Godwin; treasurer, Mrs. Blanche Langhorne and alongside is this indwin; treasurer, Mrs. Blanche Langhorne and alongside is sinehart. Directors, W. A. Pope, W. scription: "In loving memory Parish and S. S. Start, all from Raleigh Langhorne, 1841-1907."

Baker, except Parish, who is engineer for the Pacific Electric & Power Company, of Walla Walla.

Church Gets New Window

CHEHALIS, Wash., Dec. 12.—(Special.)—M. A. Langhorne, a Tacoma attorney, has presented the Westminster Presbyterian Church, of this city, with a beautiful memorial window. It was in place yesterday. The window was placed in honor of the mother of Mr.



At the Ben Selling and Moyer Stores