

LIQUOR SALES IN CLUBS RULED OUT

Supreme Court Upholds Ordinance Forbidding Practice in "Dry" Towns.

CORPORATION LIKE PERSON

Justice McBride Says Intoxicants Are Property of Organization, Not of Individuals—Woodburn Case Bared.

SALEM, Or., Dec. 12.—(Special).—Holding that a club which is a corporation is in itself an artificial person and as such owns the liquors purchased by it, regardless of the fact that such liquors were supposed to be the property of the individual members of the club, Justice McBride, in a humorous opinion in the Supreme Court today, 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 Woodburn and at the same time declared that the search and seizure ordinance of the City of Woodburn is void, as well as ordinance No. 390.

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 construed as being the property of the corporation as an artificial person, scores of clubs, including Elks clubs, throughout the state will be affected according to the general sentiment among attorneys here who have heard the gist of the opinion.

Arrests Follow Raids. 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 contention is that pursuant to ordinance No. 247 (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 appeal; that under ordinance No. 390 (the search and seizure ordinance), upon complaint of the Mayor 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 members; seized the property and effects of the plaintiff; took the same into possession; and threatened 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 harassed by a multiplicity of suits."

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 coincidentally with their expiration a number of citizens were suddenly seized with a desire to improve their social and mental condition by means of a social club and the Bachelors' Club was incorporated, ostensibly for that purpose. "Whether or not its membership was confined to unmarried men, as the name would indicate, its character became at once an exceedingly popular institution and soon attained a membership of about 50 persons. The method of its organization was simple, a person desiring membership signed an application blank and his qualifications were passed upon by the trustees and if found worthy he paid a fee of \$5 and was admitted."

Of this amount \$1 was for membership and the other five was for a book of coupons, entitling the holder to receive a certain quantity of club refreshments that the club might have in stock. A room on the ground floor of a building formerly used as a saloon 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 Slight. "The club secured a United States Internal 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 board to license and regulate the sale or disposal of intoxicating liquors does not include the power to prohibit their sale.

"Whether this is correct or not is of no moment in this case as the Council 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 pharmacists 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 Council 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, 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 the nature of it. It is not a defense to a charge of unlawful disposal of liquor for the seller to show that he sold it for less than its cost.

right of the citizen to be protected against unreasonable search and seizure 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. 390 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 enjoining prosecution under ordinances 257 and 307 is reversed, but the decree will stand as to No. 390. The appellant will recover costs and disbursements in this court and neither party will recover costs and disbursements 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 homicide. The case in question was that of the state versus George Setzer, 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 manslaughter. The defendant's attorney contended that the jury did not find the defendant guilty of any of the offenses charged 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 \$1000.

Other cases decided today were: William Healey Company versus J. D. Gibson, appeal from Grant County, where the court reversed and a new trial 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. McKee, et al., appeal from Grant County; George E. Davis, judge, affirmed an opinion by Chief Justice Eakin. This was a suit instituted to establish an adverse right to a mining claim. Lois O. McMahon versus Robert S. Hull, appeal from Tillamook County; William Galloway, judge, affirmed the lower court. This was a suit to enjoin interference with a flow of water.

FAT STOCK IS JUDGED

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 public men are in attendance.

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 first 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 Cragston, 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 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. Carlyle, of the Idaho Experiment Station, and others will talk. The closing of the session is the student stock judging contest, in which 24 students of Idaho University are participating.

HOQUIAM RIVER AIDED

CHIEF ENGINEER HOLDS IMPROVEMENT JUSTIFIED. Appropriation of \$12,325 Is Recommended, Overruling Local Adverse Report.

OREGONIAN NEWS BUREAU, Washington, Dec. 12.—The Secretary of the Treasury has transmitted the estimate and recommendations of Chief Engineer Dixey for dredging the Hoquiam River and constructing a channel 100 feet wide and 18 feet deep at a cost of \$12,325 and \$1000 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 a long 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 quarrels were removed by the railroad company today and for several days no disorder has occurred among the strikers or workers. Free food and lodging is no longer given strike-breakers at the O.-W.-R. & N. stockade.

UNTRUTHS CHARGED 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.—(Special).—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. J. E. Hedges, president of the club, and Mr. Stipp, who were appointed a committee two weeks ago to investigate tax measures which are being voted upon at the next general election, made a preliminary report.

"I find," said Mr. Hedges, "that very often in looking up questions of importance to the court 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 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: "I think it is the duty of the members of the Oregon Commercial Club to take some action against the unfair presentation of the assessments made by the County Assessor of Clackamas County and qualified by the board of equalization. Assurances Are Disproved. "Those who are advocating the single tax are not acting fairly in preparing their statements that they are sending broadcast, 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 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 nature, 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 a speech made by a single-tax advocate in Clackamas County, wherein he declared that he had found two tracts of land similarly situated, each containing 100 acres; one held by a resident who was improving it and the taxes on that tract of land were more than \$60, and the other tract, owned by a speculator, was lying along the side of that tract is another darning over into a rocky, precipitous canyon, which is also assessed at its true cash value, but the value is very small on account of the worthless 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 40 feet.

Just as the train was nearing the station the rear car of the Forest Grove local 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 telephone pole. Three guard posts were also demolished.

The car was easily righted and, within 20 minutes left for Forest Grove. None of the passengers sustained injury.

CRIME WAVE STIRS

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 Difficulties of Officers.

SPOKANE, Wash., Dec. 12.—(Special).—The County Commissioners today 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 plain officers. At least 25 special plain officers are to be sworn in for duty immediately and 500 or 1000 available policemen in the city is to be dispatched to the districts where crime may be reported.

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."

Thief of \$2.50 Admitted

SALEM, Or., Dec. 11.—(Special).—"When Roy and Clayton Haven were scuffling, Clayton's coat fell 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 pocket." 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 Williamson, but Williamson will be held.

Mystery Veiling Weber Girl's Death

Still Far From Solution—Two More Killings Add to Difficulties of Officers. 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 \$600 was the savings of the murdered girl.

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Upright pianos rented, \$2 to \$5 per month—Chickering, Kimball, Steinway, Kohler, and many other popular makes. All rent paid can apply on purchase price if desired. Kohler & Chase, 375 Washington st. Open day and night.



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."

Advertisement for pianos listing Steinway & Sons, A. B. Chase, Mehl, Estey, Kurtzmann, Ludwig, Cable, Conover, Kingsbury, and Apollo models. Includes prices from \$265 to \$1600 and \$475 to \$2150.

Advertisement for Sherman Clay & Co. pianos, located at Sixth, Portland, Or. Lists various piano models and prices.

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POWER COMPANY ELECTS

BAKER, Or., Dec. 12.—(Special).—The Central Oregon Power & Irrigation Company, which is planning to irrigate 40,000 acres in Harney County by pumping water from Malheur Lake, today elected the following officers: President, W. A. Pope; vice-president, S. S. Start; secretary-auditor, C. T. Godwin; treasurer, Mrs. Blanche Rhinehart. Directors, W. A. Pope, W. C. Parish and S. S. Start, all from

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. Langhorne and alongside is this inscription: "In loving memory of Julia C. Parish and S. S. Start, all from Fateigh Langhorne, 1841-1907."

Large advertisement for Everwear Hosier featuring a woman in a dress and a box of Everwear. Text includes: 'they toil not with the darning needle if Everwear is one of their gifts from you. We have Everwear in Silk, Silk Lisle and Egyptian Cotton at \$1.50, \$2, \$3 the box, guaranteed. All weights, all sizes and colors, for men, women and children—in Fancy Xmas Boxes. Make this a Sane Christmas. 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. At the Ben Selling and Moyer Stores. Cor. Sixth and Pine Sts.