TEST CASE FORCES ISSUE

Governor West Will Not Call Extra Session of Legislature - Three Shifts Necessary Among Institution Employes.

SALEM, Or., Dec. 23 .- (Special.)

tary of State Olcott declined to be quoted further.

Labor Commissioner Hoff several weeks ago asked the Board of Control to see that employes of state institutions worked only eight hours daily. While believing that they did not come within the law, the board urged Mr. Hoff to take action to obtain a test suit. He accordingly had Dr. Steiner arrested on a charge of working W. L. Davis, a farmhand at the asylum, for more than eight hours a day and for working Mortén Morteseon, an engineer, longer hours than provided in the law.

Work Used in Broad Sense, A writ of habeas corpus was succeed by Dr. Steiner, his lawyers declaring that the labor law was unconstitutional and did not apply to any state employes but those working for contractors employed by the state. The court deckded against them on both

dof the act," said Justice Burnett,
"we find that 'no person shall be required or permitted to work more than eight hours in any one day." It would appear from this language that a person who labored more than eight hours without permission would, thereby, violate the law. No one beside the employe is named in the inhibition of the section and for the purpose of criminal prosecution we cannot include persons not named therein. In other words, no direct limitation is placed upon any one having authority over labor, the violation of which limitation would constitute a crime. What constitutes a violation of section 6 is not defined. No act constituting a crime is described in the statute with the certainty required by the rule estimated.

Solidated.

The Commission finds that the supply and pressure of water furnished in Marshfield are inadequate, that the supply and pressure of water furnished in Marshfield are inadequate, that the total storage capacity is about one-half the normal daily consumption and the water is subject to possible contamination. The reservoirs are ordered the water is safe, and that the discolorations are not deleterious to the public health, but are due to the fact that the water of Pony Creek is surface water, stained by vegetation.

Additional reservoirs, pipes and mains are ordered by the Commission. crime is described in the statute with the certainty required by the rule established in State vs. Mann. It is left to inference and speculation. No citizen ought to be judged guilty of a crime or deprived of his liberty on mere implication or strained construction. As a criminal statute, the enactment is void for uncertainty."

actment is void for uncertainty."

Other Supreme Court opinions were as follows:

P. B. Reeder et al. appellants, vs. Mary Reeder: appealed from Multiomah; petition for rehearing denied.

Allyn Yocom et al. appellants, vs. City of Sheridan; appealed from Yamhill; suit to enjoin sale of real property; eversed.

T. K. Johnson et al. vs. Senborg Facking Company, appellant, appealed from Catsop; involving title to land; affirmed.

H. A. Larson Spande vs. Western Life Indemnity Company, appellant; appealed from Claisop; suit on insurance policy; affirmed.

Valencia Oborstock vs. United Rallways Company, appellant; appealed from Multinomah; sait to recover for personal injuries; affirmed.

T. Fields vs. Western Union Tele University of Washington, and Mrs. John Ford, of Raymond.

c affirmed.

The fields vs. Western Union TeleCompany, appellant; appealed from
omah; suit for damage; affirmed.

R. McFarland vs. Carisbad Hot
es Sanitarium Company, appellant; apif from Multhomah; action for damages
and; reversed.

Not Meant to Apply to State.

The measure commonly known as the tive petition at the general election in 1912 and was adopted by a popular vore of 64,508 to 45,078. It was subsequently discovered that the framers of the law had omitted the enacting clause, which the constitution of Oregon presented and, for this reason, it was held that the measure was null and vold. Friends of the labor organization of this character used to bring readily \$25 a.head. eight-hour law was propsed by initia-

8-HOUR LAW HITS

STATE; COST HEAVY

Deficiencies Totaling Thousands of Dollars Necessary

by Court Decision.

STATE: Cost Heavy

thous then redrafted the bill and presented it to the Legislature and although it met with some opposition in that body, a majority of the members took the ground that inasmuch as it was the expressed intention of the people to write the law upon the status books of the state, the Legislature, representative of the people, could do nothing but re-enact the measure. The bill, accordingly, passed by both houses, was approved by the Governor and became a law. Many of the legislators who supported the measure contend that it was meant to apply only to contract work for improvements at the state institutions and that it was not intended to govern the officery and employes, such as guards, attendants, engineers and janitors.

gineers and janitors.

The decision of the Supreme Court is, therefore, surprising to those members of the House and Senate, as well as to many others who share their

views.

It is predicted that the cost of providing additional shifts of employes for the various state institutions will soon deplete the maintenance funds and that the Emergency Board will be called upon to appropriate in the neighborhood of \$190,690 for the purpose of defraying this extra expense before the next session of the Legislature.

Typholo Kills IENI

Deficiencies aggregating thousands of dollars must be created for the maintenance of the state mite Supreme Court today in the case of the State against Superintendent Steiner, of the Insurance Court today in the case of the State against Superintendent Steiner, of the Massac Asylum, in which it was held Insurance Court today in the case of the State against Superintendent Steiner, of the Massac Asylum, in which it was held Insurance Court today in the case of the State That all empty the election was announced. Governor West said he would not call an extra season of the Legislature to it is would be the duty of the emergency hoard to provide it. Justice MoNary wrote the opinion, which was concurred in by all the Daily Miller, one of Centralia's Asylum, in the face of opinion with the was concurred in by all the Daily Miller, one of Centralia's Asylum, in the face of opinion with the was concurred in by all the Daily Miller, one of Centralia's Miller, one of Centralia's Leave Miller, who is a value of the violatine of the law, D. Steiner's Asylum, in the face of opinion with the was concurred in by all the Daily Miller, one of Centralia's Mille

COOS CASE IS DECIDED

STATE COMMISSION FINDS WATER SERVICE IS INADEQUATE.

Body Fixes Valuation of Plant and

The Commission finds that the supply

EDITOR OF ELMA IS DEAD F. C. Kibbe, 68 Years Old, Victim of Stomach Trouble.

ELMA, Wash., Dec. 23 .- (Special.)-

John Ford, of Raymond.

Christmas Trees Arranged.

Springs Sanitarium Company, appellant; appealed from Multinomah; action for damages for fraul; reversed.

Barnard & Hunker vs. H. Houser, appellant; appealed from Multinomah; action for mency reversed.

W. G. Themson vs. Eva L. Swank et al. appellants; appealed from Multinomah; action in set aside a conveyance, affirmed.

Norman G. Semman, appellant vs. City of Portland; appealed from Multinomah; suit to quiet title in land; affirmed.

DECISION PROVES SURPRISE

Members of Legislature Say Measure

Not Meant to Apply to State. QUINABY, Or., Dec. 23 .- (Special-\$10 for school supplies

Rams Prices Drop Heavily.

CRITICISM IS DEFIED

Judge Galloway, in Deciding Harrisburg Case, Ignores Friends' Advice.

DODGING ISSUE COWARDLY

Court Declares Law Alone Must Determine Buling and Personal Leaning to "Dry" Cause Is No Factor.

ALBANY, Or., Dec. 23 .- (Special.)

will bear this out, to impose jail sentences in these cases and usually a heavy fine as well.

"The records will show that this court always has strained the law in favor of temperance and in enforcing the local option listor law, but I cannot and will not go beyond what I believe to be the law to rule in any direction. Any magistrate, even a justice of the peace, should rule in cases just as though it was the final adjudication. It is a weakness to deliberatecation. It is a weakness to deliberately pass the case up to the Supreme Court.

Body Fixes Valuation of Plant and
System and Will Prepare Scale
of Rates to Be Permitted.

SALEM, Or., Dec. 23.—(Special.)—In
fixing the valuation of the Coos Bay
Water Company's property today, the
State Railroad Commission for the first
time in the history of the state, excepting in the cases of railroads, has taken
this method of arriving at what should
be the service rates of a public utility.

State Railroad Commission for the first propositions.

Holding that the law uses the word labor in its broadest sense, the opin on says:

Holding that the law uses the word labor in a restricted sense the word Tabor in a restricted sense or with reference to a special class of endeavor, a qualifying phrase or word would have been used in connection with the term. The language of the statute is comprehenced to the term of the word connection with the term. The language of the statute is comprehenced to the statute is comprehenced to the statute and the term albor.

Holding that the law uses the word labor in its probable that the word Tabor in a restricted sense to word the word Tabor in a restricted sense to word with the term. The language of the value of the water plant when the last to give a fair return upon that amount. It was an action to word the word the word connection with the term. The language of the statute is comprehenced to the the stratute of its auxiliaries, whether that albor is skilled or unskilled, so long as the character of the work comes withing the term Tabor.

Hissentiag Opinion says the direct question under determination is whether the statute imposes upon the superintendent of the sayium a duty, the violation of while of marging the factor of the sayium a duty, the violation of while of the say of the sare and all of the proceedings were considered would be fact, "said Justice Burnett, which is the ballous to the sale and the proposed of the sayium a duty, the violation of while of the sature imposes upon the superintendent of the sayium a duty, the violation of while of the sature imposes upon the superintendent of the sayium a duty, the violation of while of the sature imposes upon the superintendent of the sayium a duty, the violation of while of the class of the

men's store, for every article here has been selected to please a man's taste; men prefer to receive gifts such as these. Here you avoid the crush and the annoyance of the department stores.

Glove Orders Hat Orders

House Coats and Smoking Jackets Reduced

UY Christmas presents today at this

Bath Robes and Dressing Gowns Reduced

Suit Cases and Traveling Bags Reduced

Sole Portland Agent for Dunlap Hats

Morrison Street at Fourth

LEADING

procedure as the Harrisburg election, an election was held in Sweet Home, in this county, on the same question. Sweet Home, now dry, went wet in that election. Though the Sweet Home election was not involved directly in this case, Judge Galloway said that if his decision in the Harrisburg case were affirmed, that Sweet Home would be dry during the next year.

District Attorney Hill, who represents the Ccunty Court in the case, will take steps at once to appeal the Harrisburg case, so that it may be tried in the Supreme Court in conjunction with cases from other cities involving the same questions.

of the

FGRUIT CROP IS ESTIMATED Yield in Yakima Valley Placed at From 10,000 to 12,000 Cars.

NORTH YAKIMA, Wash., Dec. 23.—
(Special.)—The shipments of fruit from the Yakima Valley are estimated at between 10,000 and 12,000 carloads by fruitgrowers and railroad men.

About 5000 acres of fruit trees will come into bearing this year. Although they may produce but a box or a box and a half to the tree, the increase in the aggregate of marketable fruit will give the valley, with a normal yield, a total of 12,000 cars to ship out.

The figures of the state department of agriculture show that there are in Yakima County 66,857 acres planted to fruit, of which more than half is not yet bearing, but of which more than half will begin to produce marketable fruit within the next three years. If the same ratio of bearing acreage to shipments is maintained in 1916 or 1917 as was established in 1912, the Yakima Valley will ship out more than 100,000 carloads of fruit.

Primary Involving Charges of Poll Book Being Changed to Be iSearched to Bottom.

VANCOUVER, Wash. Dec. 23.—(Special.)—For the hrst time in the history of Clarke County a grand jury has been called to meet January 6 by Judge Back, of the Superior Court, to investigate the alleged stealing of ballots from the primary election boxes and the changing of a pollbook in the office of the City Clerk.

At a public meeting before the recent election D. E. Lunsford said that he would be pleased to have a grand jury called so that he could go before it and tell that some man told him there had been graft in the purchase of a piece of fire apparatus at a cost of \$3459.

It is probable that 17 jurors will form the grand jury, and they will be

SNOW PLEASES HAY MEN First Fall of Winter on Yakima

voters under the old system, the new system having been declared unconstitutional.

On the same day, and with the same at your dealers.—Adv.

sults in Vancouver.

BALLOT THEFT ALLEGED RANGE MEETING ARRANGED

Proceedings Resultant on Municipal Primary Involving Charges of

of \$9459.

It is probable that 17 jurors will form the grand jury, and they will be selected from the 24 impanelled today by Judge Back, who acted upon a petition of about 200 taxpayers of the county. The movement to call a grand jury started at an attempted meeting of the City Council last month, when Councilmen Stoner, Wilkinson and Wentworth refused to attend to make a quorum, and went to Portland. Councilmen Schuele, Elwell and Englemen were present both times when Mayor Irwin attempted to get a quorum. At the last time the meeting of the Council was thrown open to discussion, and

SEE THE OCEAN.

High tides at Gearhart, holiday week. Special Xmas dinner. Hotel reservations, 100½ Fourth st.—Adv.

Try Thomsen's Chocolates. Sold in packages only: 80c and \$1.00 the pound, at your dealers.—Adv.

Eichenlaub, were in favor of Stoner.

She had tailied 91 votes for Stoner in the pollbook and Mr. Eichenlaub had tailied the same number. Miss Connaway turned her book in to the city, announced that there will be no reduction in 1914 in the charges for grazing. Sheep men expect some announcement of the pollar the menting next mount of the pollar than the poll

votes for Stoner. Grand Jury Will Examine Re-beaten by about two and one-half votes to one by Mr. Mackey. D. W. Kimball, who was nominated by a few Progressive votes, also made the race, receiv-ing about 300 votes.

at North Yakima.

NORTH YAKIMA. Wash., Dec. 22 .-(Special.) — Washington woolgrowers will meet in North Yakima in annual session January 8 and 9, with the supervisors of the Rainier, Wenatchee, new currency law.

at the meeting next month of the pol-y to be observed in the use of the nge. Under the Tifft Administration e policy was declared to be one of soking to the stability of the sheep in-Joking to the stability of the sneep in-dustry, giving prior rights to those who have used the ranges longest. Yakima Valley flockmasters are grazing sheep in all of the four big forest reserves of the state, having an aggregate of 300,000 in their flocks not counting lambs with their mothers.

Tacoma Aids Seattle.

TACOMA, Wash., Dec. 23 .- (Special.) -The Tacoma Clearing-House Associa-



Double "S. & H." Green Trading Stamps at ROSENTHAL'S

Buy a Rosenthal Gift Certificate Today For Mother, Father, Son or Daughter

Share in the Great Distribution Fine Footwear Every Shoe in This Establishment Greatly Reduced



SLIPPERS Extra speings for to-day. Fuli kid lined,

Ų.

TWO GREAT SHOE SPECIALS FOR TODAY Laird-Schober and Hanan | Men's English Last Shoes, Shoes for Ladies, special all leathers, today \$6.00 Shoes at, per \$4.45 Dr. Reed's Cushion Sole Shoes for Men, \$5.35

Sole Portland Agents for the Hanan Shoe SALE PRICES AT THE MAIN STORE ONLY





High Tides Promise One of Most Interesting Trips of the Year to

Clatsop Beach

Hotels at Gearhart and Seaside **Entertain Guests**

Three Dollars Round Trip Ticket Sale December 26th to 31st. Return Limit January 5

Trains 8:10 A. M. and 6:30 P. M.

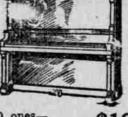
Observation Parlor Cars

Tickets, Fifth and Stark. North Bank Station, 10th and Hovt.

Rush Orders for Christmas Pianos

Are now coming in and can still be filled and delivered before or on Christmas eve,

New Upright, Grand or Player-Piano



\$350 ones-\$195 sale price ... \$375 ones-\$245 sale price... \$400 ones-\$265 sale price..... \$450 ones-\$285 sale price..... \$450 ones-\$315 sale price..... \$500 ones-\$345 sale price..... TERMS

\$10.00 cash, \$6.00 or more



\$600 ones— sale price	\$395
\$650 ones— sale price	\$425
\$750 ones— sale price	\$550
\$850 ones— sale price	\$645
\$950 ones— sale price	\$690
Vann ald niana	will be telren





\$550 ones-\$365 sale price \$650 ones-\$415 sale price \$750 onessale price ... \$850 ones-\$565 sale price.... \$950 ones-\$695 sale price..... Your old piano taken as first

cash, \$10.00 or more monthly. \$10.00 or more monthly. START WITH \$1 Make your selection now and pay \$1 down, if you do not want to pay the full amount, and then, before Christmas delivery, you pay the balance in cash of \$3, or whatever agreement you make for the first payment, and the balance \$5 monthly, etc., until the plane is paid for in full.

Out-of-Town Buyers—It is safe and satisfactory to buy one of these planes by mail. Write us and we will send you full description or, if you like, ship the plane subject to your approval. We pay freight to any point in Oregon, Washington or Idaho. Buy now and have it shipped when ready.

Every plane or player plane purchased carries with it the Graves Music Co. guarantee of satisfaction, as also Every plane for each manufacturer of these new musical instruments; besides, we take it in exchange within one year, allowing the full amount paid, if desired. monthly.

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