

LIQUOR SHIPMENTS WON'T BE STOPPED

District Attorney Evans Holds New Amendment Ineffective Until Legislature Acts.

VIEW OF OTHERS GIVEN

Constitutionality of "Bone Dry" Measure Brought Forward by Governor's Decision to Issue Proclamation at Once.

Monthly limited shipments of liquor will not be disturbed in Multnomah County for the present, says District Attorney Walter H. Evans yesterday, upon learning of the course determined upon by Attorney General Brown in handling the situation brought about by the imminent proclamation of Governor Withycombe affirming the passage of the "bone dry" amendment.

This means that the affidavit system will not be interfered with until the Legislature defines the new law provided by initiative amendment and gives it teeth in the form of penalties not yet provided.

In the meantime, however, the new amendment to Oregon's constitution may face a determined legal fight to test its constitutionality. This would be on the grounds that in its present form, and without state legislation making unlawful the use, receipt or possession of intoxicating liquor in Oregon, the new amendment violates the Federal Constitution.

Mr. Evans Construes Law.

"The old law is repealed by the provisions of the constitutional amendment," said District Attorney Evans yesterday. The present law prohibits the delivery of liquor after its arrival here without certain restrictions. The new amendment prohibits the importation, but provides no penalty. There is no particular conflict and this office will stand on the proposition that the amendment was not intended to repeal the old law until after the Legislature meets.

If there are importations of liquor in quantities over the two quarts of whisky or 24 quarts of beer allowed monthly by the present law, District Attorney Evans will seize the shipments.

"All excess shipments will be confiscated, and it will be up to the courts if they are ever returned," he said. A method of procedure possible, if the present law was not continued in force, would be to enjoin common carriers from bringing in liquor in violation of the amendment which prohibits its importation. Courts would undoubtedly sustain this, Mr. Evans thinks, on the grounds that the constitution is the supreme law of the state.

Constitutionality Is Question.

This, however, would immediately bring up the question of the constitutionality of the new amendment, which Mr. Evans is confident will precipitate, though realizing that it likely will be raised within a short while after the proclamation. He says that the new amendment may be held to conflict with the Constitution of the United States. It interferes with the constitutional right of Congress to regulate interstate commerce," said a leading attorney yesterday.

"But it may be said that the Webb-Kenyon act removes the protection of the interstate clause of the Constitution from intoxicating liquor," he continued. "It does destroy the interstate character of liquor, but only when that liquor is being shipped into dry territory, where state laws make unlawful the possession, use or receipt of such liquor."

"The new amendment does not make unlawful the possession, use or receipt of liquor; it merely prohibits its importation for beverage purposes."

"Conflict of Law Suggested." "Therefore, it may be held that it is an unwarranted interference with interstate commerce and in direct violation of the Federal Constitution."

"This is provided that Governor Withycombe issues his proclamation December 6, as proposed. Further, the fight against the amendment must needs be made between that time and the convening of the Legislature."

"Once the Legislature gets under way and begins the drafting of the new law made necessary by the beneficiary amendment, the chances of attacking the constitutionality of the amendment grow less. The law of the Legislature undoubtedly will place restrictions on the possession, use or receipt of liquor. The amendment would then fall under the protection of the Webb-Kenyon act and its constitutionality could not be attacked on the grounds that it violated the interstate commerce clause of the Federal Constitution."

Legal Points Discussed.

On the interpretation of the meaning of "importation" may rest the constitutionality of the amendment. Dry forces are contending that "importation" includes the receipt; that an importer is not the common carrier engaged in interstate commerce, but the man who receives that which is imported. If this interpretation is placed on the amendment, it may come within the scope of the Webb-Kenyon act.

Though admitting that the constitutionality of the amendment as passed is doubtful, Attorney A. L. Veazie, of the dry forces, said yesterday he believed the amendment would stand the test. Though the Kentucky law prohibiting the importation, but not the use, of intoxicating liquor was held unconstitutional by the United States Supreme Court, Mr. Veazie believes that Oregon's case is not quite parallel with that of Kentucky.

R. P. Hutton, superintendent of the Anti-Saloon League, hopes for the best, but fears that the status of the Oregon measure, before the Legislature can draft the law, is too uncomfortably like that of Kentucky to insure its inviolability. He said:

"As a matter of fact, the status of all state legislation which purports to stamp out the liquor traffic is in the balance awaiting the decision of the Supreme Court of the United States in the West Virginia case. This case, in which Attorney-General Brown of Oregon, filed a brief in amicus curiae last February, considers the right of the states to interfere with interstate commerce."

An unfavorable decision to the dry forces would mean that prohibition would not be possible without a National amendment. It involves the Webb-Kenyon act, which has never been interpreted by the United States Supreme Court as yet, though it was taken into consideration in the Kentucky case and held not to apply.

Mr. Veazie Gives Views. Mr. Veazie said last night, apropos of the constitutionality of Oregon's "bone-dry" amendment:

"An effort to overthrow it would naturally be expected if its enforcement were attempted before the Legislature supplements it. There is room for argument against its validity, on the ground that it interferes with interstate commerce, exclusive jurisdiction over which belongs to Congress. Just recent years, the prohibition laws of the states and the local option dry districts were rendered almost nugatory, because anyone could

have all the liquor he wanted shipped from outside the state, and the local officers were helpless to interfere. Congress came to the aid of the states by passing the act of March 4, 1909, requiring interstate shipments of liquor to be marked with the name of the consignee and the nature of the contents, and the act of March 1, 1913, called the Webb-Kenyon act, which prohibits the shipment in interstate commerce of intoxicating liquor into any state, which is intended to be received, possessed, sold or in any manner used in violation of any law of such state.

Since then, prohibition laws framed to take advantage of these Federal statutes have reached a new degree of efficiency. Laws either restricting the quantity or entirely prohibiting import for beverage purposes are the fashion. Absolute prohibition is as valid as restriction, so far as the point in mind is concerned. Colorado and Idaho, two years ago, enacted laws just as "bone dry" as our new one, and the people have received their satisfaction by casting big majorities against attempts to amend them.

The laws which Montana and South Dakota adopted this month correspond to ours in forbidding imports, and the one Missouri came near adopting was the same. Its constitutionality was attacked in advance, by an attempt to exclude it from the ballot, because it was alleged to be an interference with interstate commerce, but the Supreme Court overruled this contention.

Decisions Are Reviewed. The validity of the Webb-Kenyon act is now before the United States Supreme Court in a West Virginia case recently argued. It has been sustained generally by the lower courts, and the Missouri case, in a case brought here to test the Idaho law. Several laws, such as those of Kentucky and New Mexico, which attempted to forbid the carrier from delivering liquor into the state, without making it unlawful for the consignee to use, possess or sell, were declared invalid, as not coming within the scope of the act.

Our amendment prohibits importation, and it ought to be construed as making both the delivery and the receipt unlawful, applying to both the carrier and the consignee. If so, it seems to meet the requirements of the Webb-Kenyon act. At any rate, the Legislature can readily frame a law which will clear all doubt.

WESTOVER DEEDS FILED

BIG REALTY TRANSFER SAID TO INVOLVE \$1,000,000.

New Oregon Corporation Is Holding Company—Marketing Campaign Is Under Consideration.

As soon as information was received from Salem to the effect that articles had been filed incorporating the International Realty Associates of Oregon, deeds were placed on record at the Courthouse in Portland Wednesday conveying title on 208 residence lots in Westover Terrace to the associates. A nominal consideration was cited for the deeds, although the property transferred is reported to be worth in the neighborhood of \$1,000,000.

The corporation which assumes ownership of the Westover property is to serve merely as a holding company for 1000 stockholders in the International Realty Associates, who reside in various parts of the United States. N. J. Upham, president of the associates, who is now in Portland, is president of the Oregon corporation just formed, while the other officers are Prescott W. Cookins, Martin M. Mathiessen, who are associated with the Portland law firm of Wood, Montague & Hunt. The Oregon corporation is capitalized at \$100,000.

At a meeting in the committee rooms of the Portland Realty Board Wednesday, Mr. Upham discussed plans for the management of Westover Terrace property with Dean Vincent, F. E. Taylor, W. C. Clark, L. E. Cronan, George D. Schaik, Dorr E. Keane and Fred A. Jacobs, members of the Portland Realty Board committee appointed to handle the marketing of the tract. After a similar meeting, to be held today, following Mr. Upham's address before the Portland Realty Board at its noonday luncheon meeting in the Hotel Benson, the campaign programme decided upon will probably be made public.

BUTTER LAW RULED OUT

JUDGE KAVANAUGH SAYS ACT PUTS BURDEN ON COMMERCE.

Food Commissioner Declares Appeal to Supreme Court Will Be Taken, as Law Is Considered Vital.

That the 1915 law requiring all persons importing butter into Oregon to report to the State Dairy and Food Commissioner is discriminatory and unconstitutional has been held by Circuit Judge Kavanaugh. His decision was in the sustaining of a demurrer to a complaint against Carl Schallinger, manager of the Hazelwood Company, who was charged with violating the law.

The court held that the law attempted to interfere with interstate commerce by putting a burden on interstate commerce which is not borne by local commerce.

An appeal to the Supreme Court of Oregon undoubtedly will be taken, says J. D. Mickle, Dairy and Food Commissioner. He maintains that the law was enacted as a protection to Oregon butter manufacturers and consumers and he does not believe it unjustly discriminatory.

BANKERS MEET DEC. 7

NORTHWESTERN OREGON GROUP WILL CONVENE HERE.

State-Wide Invitation Extended for Attendance at Sessions—Live Topics to Be Discussed.

A meeting of Group 1, of the Oregon Bankers' Association, will be held in Portland next Thursday, December 7. While the membership in this group is confined to bankers in Northwestern Oregon, bankers in all parts of the state have been invited. The sessions will be held in the gray parlors of the Multnomah Hotel.

BEND SCHOOL LEVY IS 17

Unusual Growth in Demands of Schools Causes Increase.

BEND, Or., Nov. 30.—(Special.)—A tax levy of 17 mills was voted for the maintenance of the coming year of School District No. 12, which includes the city of Bend, at the budget meeting this morning. The levy last year was 13 mills. This year's valuation is \$1,277,000, as against \$1,377,942 for last year, assuming that the public utility valuation remains at last year's figure of \$123,745.

The large increase in taxation caused by this levy is necessary because of the extraordinary growth in the demands on the schools of the district caused by the construction of the new sawmills here. There are at present 800 pupils in the schools, as compared to less than 400 a year ago, and the census, now being taken, is expected to disclose 1100 pupils of school age in the district.

Louis Keller, aged 68, of Nuremberg, Pa., who has never been on a steam or trolley car and has always refused a ride, walked to Rupert, a distance of 40 miles, to attend the annual reunion of the Kostenbauder family. He has never missed a meeting in the last 15 years, and has always gone on foot.



This Is the Last Announcement That Will Appear in This Paper on the Packard Piano Sale

Keep This Advertisement for Reference, for This Great

Sale Closes Saturday Night

Note the prices opposite—compare them with the regular prices of any well-known, high-grade piano, then come to our store and see these splendid instruments, fully guaranteed, at prices never to be equaled again!

This sale of the Packard Music Co.'s stock has marked an epoch in the annals of the piano business. Never before have such high-grade pianos been so economically priced. Never before has buying been so brisk—so enthusiastic—so continued! This sale opened a week ago last Monday—it closes Saturday night without fail. The list opposite is a partial one of the remaining instruments. Look

over the prices, then come to the store—bring a person with you competent to judge the quality, tone and value of the instrument! We'll wager that you'll be a purchaser if they are not all sold before you arrive, and, if you do buy, you'll get the piano from \$100.00 to \$150.00 less than you or somebody else will pay for the same instrument after next Saturday!

Remember, you are welcome to inspect and test these instruments with no obligation to buy—come in, but we advise that you come in as early as possible or you are apt to be disappointed.

Pay a Small Deposit Down—Balance to Suit Your Convenience in 1917

The Wiley B. Allen Co.

Open Evenings Until Christmas Morrison St. at Broadway Also San Francisco, Oakland, Sacramento, San Jose, Los Angeles and Other Coast Cities

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Pastor Thankful for Thanksgiving Day Bride.

Rev. Charles B. Harrison Will Take Wife to New Parsonage at Willamina.

The Multnomah Hotel housed at least one thankful man last night. That man was Rev. Charles B. Harrison, pastor of the Methodist-Episcopal Church at Willamina, who was married last night to Miss Mary Reynolds, 456 East Thirty-ninth street North.

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Woolen Goods Sale

This is the most successful sale of woolen goods we've ever held during our many years in business. It surely seems as if we are preparing the whole city for warmth during the cold Winter that's ahead of us all. And why shouldn't we draw the crowds?—Our sale prices on warm underwear, shirts, socks, blankets, sweaters and sweater coats are as low as they were before the war raised the price of wool. Our mill-to-man method of distribution is responsible for our ability to sell so cheaply now. Come and stock up while these sale prices are in force.

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Sale Ends Saturday

Wool Blankets Reduced Remember, the sale includes a large stock of fine bed blankets, Indian robes, couch covers and Auto robes. You can save several dollars here.