CORRUPT PRACTICE LAW NOT VIOLATED

Newspapers May Carry Political Argument on Any Election Day.

JUDGE GANTENBEIN RULES

Investigation and Presentment by Grand Jury Clears Up Any Possible Question as to Legal Rights of Newspapers.

Circuit Judge Gantenbein yesterday made a ruling which interpreted favorably to The Oregonian and other morning newspapers of Oregon their contention that the corrupt practices act, which forbids electioneering or solicitations of voters on any election day, does not apply to newspapers.

It has been the practice of The Oregonian and of other such newspapers to publish news and pictorial matter, advertisements and editorial comment in the usual fashion on election days, on the assumption and understanding that it was their constitutional privilege, as well as their public duty. The Journal, evidently inspired by a purpose to prevent a morning newspaper from having the supposed advantage of the "last say," made frequent protests in its columns and recently took its complaints to the grand jury of Multnomah County.

The grand jury made a presentment of the facts to Presiding Judge Gantenbein, citing a suppositious case and naming a hypothetical newspaper, the "Courier," all based upon the publication by The Oregonian on November 7, 1916 (the day of the Presidential, Congressional and state elections), of a cartoon and various news items, advertisements and recommendations to voters. An explicit ruling by the judge that the law had not been violated and that The Oregonian (described, however, as the "Courier" in the presentment) was proceeding within its rights was the result. The judge so notified the grand jury.

"Everybody would be infringing the corrupt practices act if held to the strict letter of the law," commented Judge Gantenbein. "It calls for a reasonable construction and not a narrow interpretation which would render it absurd."

John F. Logan intervened in behalf of the Courier, the suppositious newspaper named in the presentment.

Opposing Brief Submitted.

"Under an interpretation of the law, holding it to include newspapers, any newspaper containing political discussion, no matter what its date of issue, which arrived at the home of a voter in any section of the state after 8 o'clock on the morning of an election, would be guilty of a violation," argued Attorney Logan.

Deputy District Attorney Hammersly presented the desire of the grand jury for interpretation of the law.

R. W. Hagood, attorney for the Oregon Daily Journal, which had accused The Oregonian of violating the provisions of the act, submitted a brief in the case favoring indictment of The Courier, but did not appear for argument.

The law for which interpretation was sought was section 3518 of Lord's Oregon Laws, holding that "it shall be unlawful for any person at any place on the day of any election to ask, solicit, or in any manner try to induce or persuade any voter on such election day to vote for or refrain from voting for any candidate . . . . etc."

Personal View Taken.

In the argument of Mr. Logan, it was pointed out that this section was never intended to apply to newspapers, as it referred to "persons," contemplating personal contact between the unlawful actor and a voter, whereas in other sections of the same act provisions affecting newspapers were plainly and specifically worded so as to include newspapers.

The "Courier" was printed, according to the presentment, at 2 A. M., and the last regular delivery was 6:30 A. M., after the stoppage of the press at 4:30 A. M. The publication was, therefore, before the beginning of election day, which Judge Gantenbein held was from 8 A. M. to 8 P. M. But the presentment admitted that in some sections of Multnomah County the "Courier" did not reach subscribers until after 8 A. M.

If the law applied to newspapers this would have made the newspaper guilty of a violation of every paper delivered after 8 o'clock on the morning of election, pointed out Mr. Logan. Further, he said, it would mean that a newspaper containing election advice and news printed several days prior to election and delivered in Eastern Oregon counties on election day would equally violate the law.

Decisions Are Cited.

That Section 3518 would be irrational and absurd if held to include newspapers, was the contention of Mr. Logan, who was well fortified with ruling on similar points in Oregon, in other states and the United States Supreme Court.

Assertions of Mr. Logan, based on court rulings, were the following:

"A thing may be within the letter of the statute and yet not within the statute, because not within its meaning, nor within the intention of its makers."

"Every case must come, not only within the letter of the law, but within its spirit and purpose as shown in a rational construction of the law."

"Where the language of a statute is in any manner ambiguous or the meaning doubtful, resort may be had to the surrounding circumstances, the history of the times and the defect or mischief which the statute was intended to remedy."

"All laws should receive a sensible construction. General terms should be so limited in their application as not to lead to injustice, oppression or absurd consequences. It will always, therefore, be presumed that the Legislature intended exceptions to its language which would avoid results of this character. The reason of the law in such cases should prevail over the letter."

Missouri Case Cited.

"When the language of the Legislature is fairly susceptible of two different meanings, that one should be preferred which excludes and prevents mischievous and unjust consequences."

"The Supreme Court of Missouri, in passing upon the corrupt practices act in that state . . . held that an act, although within the letter of the law was not denounced by its spirit and therefore no crime was committed."

The grand jury presentment follows:

In the Circuit Court of the State of Oregon for the County of Multnomah—In the matter of a presentment by the December, 1916, grand jury to the Honorable C. U. Gantenbein, Judge of said court:

We, the grand jury of the county of Multnomah, state of Oregon, for the December, 1916, term of court, being in doubt as to whether certain facts as shown by the evidence now before us constitute a violation of section 3518, Lord's Oregon Laws, do respectfully present the following facts and request your honor to instruct us as to whether or not they constitute a violation of said section:

The "Courier" is a newspaper of general circulation in the county of Multnomah, state of Oregon, and is published and circulated among its readers and subscribers in the city of Portland, county and state aforesaid, daily. The said paper is printed each day at about 2 A. M.; it leaves the press about 4:30 A. M. and the last regular delivery thereof occurs at about 6:30 A. M. of each day in the city of Portland, and after 8 o'clock in some parts of Multnomah County.

November 7, 1916, was a day upon which a general election was held in the state of Oregon, and on said day candidates for the offices of President of the United States, Representative in Congress from the Third Congressional District in the State of Oregon, Secretary of State and other Federal, state, district and county officers were voted for; and also at said election certain measures submitted to the people were to be voted upon.

In the issue of said "Courier" of November 7, 1916, printed, published and circulated at the hours above stated, the following cartoon, news items and paid advertisements herein marked exhibits "A," "B," "C," "D," "E" and "F" appeared. Dated this 26th day of January, 1917.

Respectfully submitted.
G. A. TAYLOR, Foreman.
ED. H. BULLIVANT,
GEORGE BETZ,
JOHN G. TEACY,
C. H. ENQUIST,
CHARLES W. DANIEL,
MARTIN R. HYBARTSON,
December, 1916, Grand Jury.

THRIFT DAY IS OBSERVED

BANKERS BELIEVE EDUCATIONAL CAMPAIGN IS FURTHERED.

Many Portland Ministers Will Discuss Subject Today—Savings Bank Is 100 Years Old.

Thrift day was observed throughout the country yesterday—the 100th anniversary of the establishment of the first savings bank. There was no formal programme in observance of the day in Portland. The Portland school children on Friday heard special papers on the meaning of thrift, and many of the ministers will discuss the subject at the morning church services today.

Members of the thrift committee of the Oregon chapter of American Institute of Banking believe that the educational campaign carried on for the encouragement of thrift will produce substantial results.

"Thrift brings people together in a better understanding, and if better understandings are the result of Thrift day, a big constructive factor is developed," said a member of the committee. "When everybody registers one little action in the way of a thrift habit in the aggregate for our whole country it runs into such stupendous figures that we all are astonished.

"For every American to start on Thrift day a thrift habit that might represent only $1 saved either through the reduction of waste, increased conservation, saving of time or what-not, it would mean an aggregate of at least $100,000,000 added to our resources.

"There is a lot of inspiration in joining the multitude, especially if all are going to benefit.

"Have you decided on your thrift action for Thrift day?

"It will make every day thereafter more thrifty. The best habits we ever form have small beginnings.

"Thtift day will stand out as a red-letter day in the lives of many individuals.

"Thrift day is a day for thought and action."

POLK ASKED TO BACK SPAN

Mass Meeting Wants Court to Take State Engineer's Advice.

SALEM, Or., Feb. 3.—(Special.)—But little mention of county division was made at a mass meeting of the people of Eastern Polk County at West Salem, but resolutions were adopted urging that the Polk County Court fall in line with the recommendations of the State Highway Department on construction of an inter-county bridge across the Williamette River here.

The department recommended a steel bridge, which meets approval of the Marion County Court, but is opposed by the Polk County Court, which declared in favor of a concrete structure.

About 250 persons attended the meeting today.

RUB RHEUMATIC PAIN RIGHT OUT

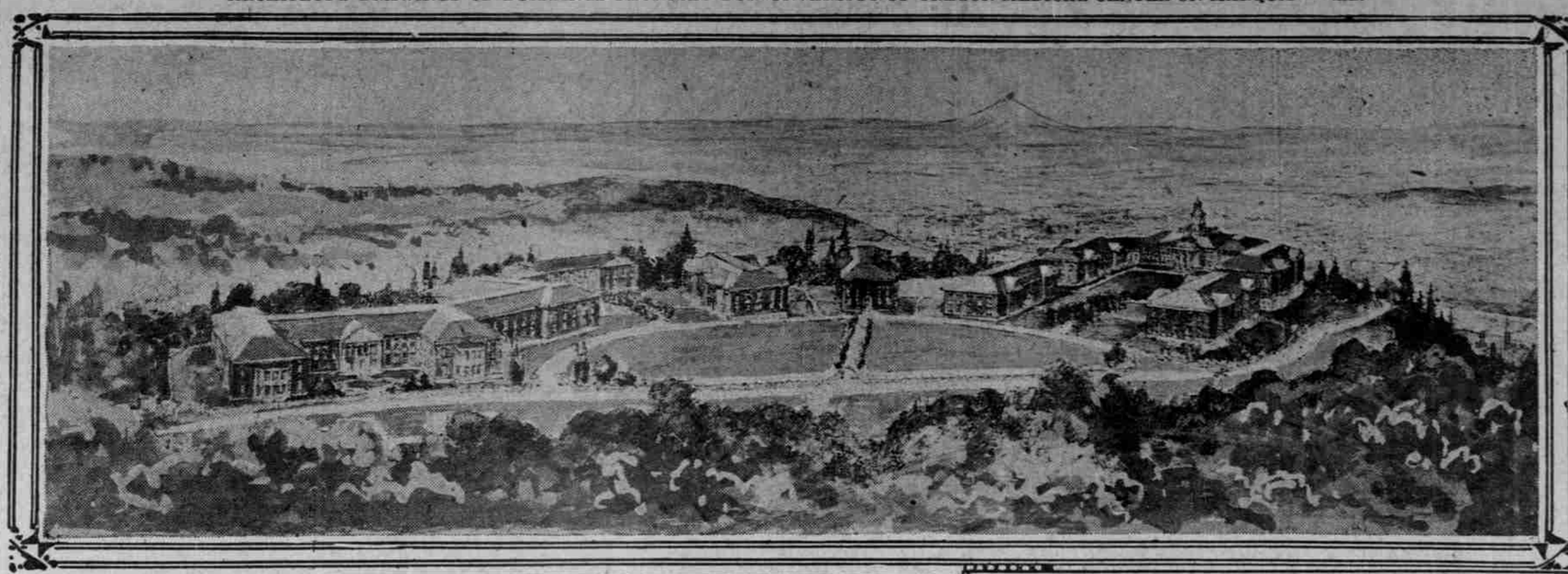
Don't Suffer! Relief Comes the Moment You Apply "St. Jacobs Oil."

What's rheumatism? Pain only!

Stop drugging! Not one case in fifty requires internal treatment. Rub the misery right away! Apply soothing, penetrating "St. Jacobs Oil" directly upon the "tender spot" and relief comes instantly. "St. Jacobs Oil" is a harmless rheumatism and sciatica relief which never disappoints and can not burn or discolor the skin.

Limber up! Get a small trial bottle from your druggist, and in just a moment you'll be free from rheumatic and sciatica pain, soreness, stiffness and swelling. Don't suffer! "St. Jacobs Oil" has relieved millions of rheumatism sufferers in the last half century, and is just as good for sciatica, neuralgia, lumbago, backache, sprains and swellings.—Adv.

ARCHITECT'S DRAWINGS OF BUILDINGS PROPOSED FOR UNVERSITY OF OREGON MEDICAL CENTER ON MARQUAM HILL.



MEDICAL CENTER UP

Architects Complete Plans for Proposed Buildings.

MARQUAM HILL TO BE SITE

On Tract Would Be Grouped Varsity Medical School, Private Hospitals and Possibly New County Hospital.

Plans which should make the proposed medical center on Marquam Hill, where will be grouped the University of Oregon Medical School, private hospitals, and possibly the county hospital, the best-located and finest equipped home for medical science in the Northwest has been completed by the architects.

The medical school would have the dominating position on the bluff, and would be flanked by the other hospitals. The offer to Multnomah County is a free grant to a large tract on this site, where the new county hospital, for which $100,000 has been appropriated in the county budget, could be erected.

Heights Location Urged.

Taxpayers in general have received the offer with enthusiasm, and Dr. K. A. J. Mackenzie, dean of the medical school, hopes that public opinion will change the determination of two County Commissioners to build the new hospital on the site of the old one in South Portland.

The advantages of the location on the heights have been pointed out in detail. The position could not be more healthful. The splendid laboratories of the medical school would be available to the hospital, and the poor of the county could have advantages which only the rich can now afford.

There is a macadam road to the medical center site now, and its improvement would be at small cost. Increased cost of construction for a hospital located on Marquam Hill could be more than overbalanced by the sale or rental of the present hospital property at Second and Hooker streets by the county.

Space Is Adequate.

On the grant offered there would be room for the expansion necessary with Portland's growth, and also for tuberculosis cottages and isolated buildings for contagious diseases.

Banks Gives $250 to Hotelmen.

The total contribution of banks in the Portland Clearing-house Association to the hotelmen's fund, which is being raised for the fight on the $17.50 railroad fare differential was $250, as announced yesterday by E. V. Hauser, treasurer of the fund. Through error, it was originally announced that this contribution had come from the Canadian Bank of Commerce.

CLEVER LITTLE GIRL WHO MADE HIT AT PRESS CLUB JINKS.

Roma Frances Gillihan.

Little Roma Frances Gillihan scored a triumph at the Portland Press Club jinks Friday night. Her readings were exceedingly clever. The first piece recited was "Why Jim Forsook the Ministry," "The Dog on the Lobster" also drew applause. Roma Frances Gillihan is only eight years of age and is the daughter of Mr. and Mrs. George W. Gillihan, 1036 East Salmon street. She has been reciting since four years of age, and never took a lesson. Miss Gillihan has appeared on a good many programmes and always is appreciated. She attends the Sunnyside School.

REMARK CAUSES TROUBLE

City Employe, Said to Have Criticised President, Denies It.

A near-riot broke out at the Russell-street branch office of the water bureau yesterday morning, when H. Peper, a utility man, on hearing of the break with Germany, was understood to have exclaimed: "I hope President Wilson gets the first bullet." Eye witnesses informed Water Superintendent Kaiser that John McIntyre, a carpenter of the bureau, threatened to attack Peper.

Superintendent Kaiser has ordered an investigation and written report on what occurred. Mr. Peper last night declared he did not make the remark attributed to him. "I simply said that I had heard someone else declare that he hoped the President would get the first bullet," he said.

"I am an American citizen and the sentiment is by no means shared by me. It was a chance remark I heard on the street and did not understand at the time, as I did not know that relations with Germany had been broken off."

MURDERED KNOWN HERE

Gladstone Stevens and G. S. Miller Attended Portland Schools.

For the alleged killing of his dog, George S. Miller and Gladstone Stevens, former residents of this city, were slain in West Gallatin Canyon, near Bozeman, Mont., last Monday, by Andrew Levinski, a prospector, who is thought to be demented.

Mr. and Mrs. J. D. Stevens, parents of Gladstone Stevens, live at 1746 East Twenty-third street. He was a graduate of the old Portland High School in 1904, and was formerly a member of the Portland Rowing Club. He was 35 years old and leaves a widow.

George S. Miller was the son of Mr. and Mrs. J. M. C. Miller, of Sandy, and a brother-in-law of Attorney J. M. Joyce. He is survived by a widow and three children, who live at Salesville, Mont.

CARRIER HIT; MAIL FLIES

C. C. De Vall Knocked Unconscious by R. A. Hill in Auto.

C. C. DeVall, a mail carrier, of 544 Williams avenue, was knocked down and rendered unconscious yesterday on the Mississippi-avenue hill by an automobile driven by R. A. Hill, of 1334 Commercial street. Mr. Hill conveyed Mr. DeVall to his home. His injuries are not thought to be serious.

When struck by the car a large quantity of mail, just collected by the carrier, was scattered about the street. Patrolman O. Nelson and the driver picked it up and returned it to a branch postoffice.

The driver says that the mailcarrier became confused.

RANGER'S WORK DESCRIBED

A. G. Jackson, of Forest Service, Gives Illustrated Lecture.

"The Work of a Forest Ranger" formed the subject of an illustrated lecture delivered at the Young Men's Christian Association Friday night by A. G. Jackson, head of the educational department of the Government Forest Service here.

The lecture by Mr. Jackson opened a series to be given there. Some of the romance as well as some of the hard work which falls to the lot of the ranger was told by Mr. Jackson.

One of the pictures showed a Douglas fir tree 18½ feet in diameter, which is said to be the largest of that variety known. It is in Clallam County, Washington.

STATE BIRTHDAY PLAN SET

Sons and Daughters of Pioneers Arrange Patriotic Banquet.

Admission day, the anniversary of the admission of Oregon as a state, will be celebrated Wednesday night, February 14, by the Sons and Daughters of Pioneers a meeting at the Imperial Hotel decided yesterday. It was decided to hold a dinner at that time. Members of the organization, their families and invited friends will attend.

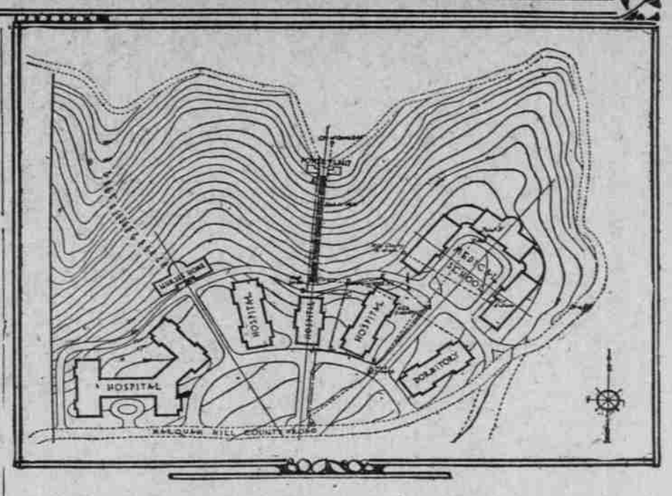
A programme of a patriotic character will be prepared.

Forest Grove Babe Scores 100.

FOREST GROVE, Or., Feb. 3.—(Special.)—At the eugenic contest held in Portland this week, Opal Virginia, the 6-months-old daughter of Mr. and Mrs. E. T. Tucker, of this city, scored 100 per cent. Mr. Tucker is proprietor of a local garage and the baby has had no unusual care, nor has it been given any special treatment.

Burglars Rob W. Oleben's House.

Burglars last night entered the home of W. Oleben, 580 East Twenty-sixth street North, by breaking a window pane with a rock and then unlatching the window. The thieves obtained a suit of clothes, an overcoat and $5 in cash. Detectives Goltz and Howell investigated.



Upper—University of Oregon Medical School at Right; County Hospital at Left; Private Hospitals in Center. Lower—Ground Plan of Buildings.

ROAD PLAN LAID OUT

Linking of Systems of Three States Asked at Pasco.

EVERGREEN ROUTE URGED

Yellowstone Trail Advocated as of Great Military Importance, Connecting East and West With "World's Bread Basket."

PASCO, Wash., Feb. 3.—(Special.)—The last day's session of the joint meeting of the Yellowstone Trail Association and the Interstate Highways Association convened this morning at 9 o'clock.

With the exception of J. W. Pharley, president of the Yellowstone Trail Association, and H. D. Cooley, secretary of the same organization, all delegates and members of the two associations have reported their attendance, which is far in excess of estimates heretofore made.

Proposals Are Adopted.

The credentials committee and committee on by-laws of the Interstate Highways Association appointed at Walla Walla, Wash., December 15 last, submitted the following proposals, which were adopted by the convention.

The working out of a connection between the highways systems of Montana, Idaho and Washington by way of the Lolo Pass and the Lewiston Gateway; the completion of the Inland Empire Highway of the state of Washington, to be connected with the Idaho-Montana highway systems at Lewiston; the promotion of construction of an all-year-round route to the Pacific Coast as soon as practicable; generally, the coordination of highway construction of Montana, Idaho and Washington, so as to procure the most practicable and serviceable interstate trunk lines, to procure the construction of such highways within the state as may be practicable and necessary connections with trunk lines and generally to co-operate with Federal, state and local officials and with other highway organizations in the adoption of a wisely planned and broadly conceived interstate highway policy.

Short Route Proposed.

The Evergreen Highway, which is proposed by this organization, is the shortest route between Spokane, Lewiston, Portland and San Francisco. It emerges from the Palouse country, passes through the valleys of the Tucannon and the Touchet, to the scenic Columbia at Pasco-Kennewick, enters the Yakima Valley by water-grade between canyon walls of the Columbia to Portland, the bathing beaches of the Pacific and connecting with the Pacific Highway, Olympia Highway and the National Parks Highway.

The Yellowstone Trail Association is a body organized like a commercial club or chamber of commerce, and depends solely upon public spirit of the communities for the support necessary to keep an all-year-round activity on a broad enough basis to serve its clientage. This association proposes an organized effort to encourage the building and maintenance of a public highway from Plymouth Rock, on the Atlantic Coast, to Puget Sound, on the Pacific, known as the Yellowstone Trail.

Trail to Be Advertised.

In order to accomplish this purpose it proposes to procure the expenditure of public money on its line of highway, to protect the location of the route, to keep it well marked, to advertise it to the world, and to provide the agency through which communities, counties and states can unify.

This highway will connect the heart of the manufacturing region in the East with the best of the Central states, the "bread basket of the world" in the Northwest, scenic America in the northern Rockies, the three greatest National parks, Yellowstone, Glacier and Mount Rainier, and the Pacific Coast.

The fastest time by automobile ever made across America was made on this highway, by automobiles carrying a message of the United States War Department from Plymouth Rock to Seattle in September, 1916, 3754 miles in 121 hours 12 minutes, time taken by the United States Government at each end. It is conceded to be of great military value. More than $3,000,000 was spent in improvement on this highway in 1916, and three times that amount will be expended in 1917.

The bill, which passed the United States Senate last night, granting to the state of Washington 500,000 acres of unreserved non-mineral surveyed public lands, the proceeds of which are to be used in the building of wagon roads throughout the State, is entirely in harmony with the general good-roads movement, and it is expected that the major portion of the proceeds realized from the sale of this land will go to the construction and maintenance of the Interstate Highway and the Yellowstone Trail.

YOUNG PORTLAND WOMAN WILL BECOME MOVIE ACTRESS.

—Davies Photo.

Miss Alisa Del Franco.

Miss Alisa Del Franco, a young Italian woman of Portland, will leave this week for California. After a visit in San Francisco she will go to Southern California to enter the movies. She is popular among her friends, who entertained for her recently.

FACTORY TO CHANGE HANDS

S. A. Buck & Co., of Eugene, to Operate North Bend Plant.

NORTH BEND, Or., Feb. 3.—(Special.)—It was reported here S. A. Buck & Co., operators of a box factory at Eugene, have arranged to take over the box factory at this city owned by the Southern Pacific Railway Company. The Buck company has contracts sufficient, it is said, to warrant a year's steady run. The plant includes a veneer department and machinery for the manufacture of boxes.

The lessors of the factory announced that if they should locate on Coos Bay they would add several new manufactures to operations, including as the principal one veneer for light boxes and packages.

Lewis Wants Kindergartens.

CENTRALIA, Wash., Feb. 3.—(Special.)—Under the direction of local parent-teacher associations petitions are being circulated here favoring the passage of the bill introduced in the State Legislature providing for the maintenance of a kindergarten department in connection with the public schools of the state. The petitions, which are being generously signed, will be forwarded to Lewis County's legislators at Olympia when they are completed.

35 Trains Snowbound.

CHEYENNE, Wyo., Feb. 3.—Thirty-five Union Pacific trains are help up on lines in Wyoming awaiting the lifting of a blockade east of Laramie, Wyo., where several hundred men are attacking the snow drifts in an effort to clear the tracks.

DIAMONDS ON CREDIT

FOR INFLUENCE MY $100 DIAMOND RING BEATS $1000 IN THE BANK

You Can Secure One on EASY TERMS Without Extra Charge

Felix Bloch

Largest Diamond Dealer in Oregon. 334 Wash. St., Opp. Owl Drug Co.

Campbell Hill Hotel
741 Washington Street.
Main 7584.

50¢
Sunday Dinner
Feb. 4, 1917, 5 P. M. to 7 P. M.
Grapefruit.
Queen Olives.
Cream of Noodle Soup.
Cranberry Sherbet.
Sirloin Steak, French Fried Potatoes.
Roast Chicken with Dressing and Mashed Potatoes.
Creamed Celery.
Popovers.
Spiced Whole Pear Preserves.
Hot Mince Pie.
New York Ice Cream. Cake.
Crackers. Cheese. Coffee.
MUSIC
Weekday Dinner 40c

CAN'T BEAT "TIZ" WHEN FEET HURT

"Tiz" for Sore, Tired, Puffed-up, Aching, Calloused Feet or Corns.

You can be happy-footed in a moment. Use "Tiz" and never suffer with tender, raw, burning, blistered, swollen, tired, aching feet. "Tiz" and only "Tiz" takes the pain and soreness out of corns, callouses and bunions.

As soon as you put your feet in a "Tiz" bath, you just feel the happiness soaking in. How good your poor, old feet feel. They want to dance for joy. "Tiz" is grand. "Tiz" instantly draws out all the poisonous exudations which puff up your feet and cause sore, inflamed, aching, sweaty feet.

Get a 25-cent box of "Tiz" at any drug store or department store. Get instant foot relief. Laugh at foot sufferers who complain. Because your feet are never, never going to bother or make you limp any more.

BREAKS A COLD IN A HURRY

"Pape's Cold Compound" is pleasant and affords Instant Relief.

A dose taken every two hours until three doses are taken will end grippe misery and break up a cold.

It promptly opens clogged-up nostrils and air passages in the head, stops nasty discharge or nose running, relieves sick headache, dullness, feverishness, sore throat, sneezing, soreness and stiffness.

Don't stay 'uffed-up! Quit blowing and snuffling! Ease your throbbing head! Nothing else in the world gives such prompt relief as "Pape's Cold Compound," which costs only 25 cents at any drug store. It acts without assistance, tastes nice, causes no inconvenience. Be sure you get the genuine. Don't accept something else.