OUR OPTICAL DEPARTMENT

Is one of the most carefully conducted branches of our business. The latest scientific instruments for the correction of the eye defects are used by thoroughly competent opticians, who give each case their individual attention. Eye glasses for every eyesight, no matter how defective or the condition, and frames of every description and price. No matter what you want, if it is in optical goods, you'll find it here.

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CLAVERING WILL SAIL MARCH 7

BIG ORIENTAL LINER IS LOADING AS RAPIDLY AS POSSIBLE TO LEAVE ON SCHEDULE TIME—FLOUR, LUMBER, MACHINERY AND WOOL IS HER CARGO.

Notwithstanding the rainy weather cargo is being put aboard the big steamship Clavering with the greatest possible dispatch. An effort is being made to have her ready to sail on March 7, and in order to get her out on schedule time every working hour will be improved.

The freight in detail which the Clavering will take out is: 21,750 barrels of flour, 885,000 feet of lumber, 50 tons of machinery and 50 tons of bark. The latter shipment was taken aboard at San Francisco, but will be the last freight received at that port by a steamer of the China Commercial line—at least until the present agreement which is in force between the two companies expires.

The exporters of the cargo are as follows: Pacific Export Lumber Co., T. M. Stevens & Co., Eddy Falk & Co., Balfour, Guthrie & Co., H. M. Newall & Co., and R. Tenbroeck. Of the flour, 14,250 barrels go to Hong Kong, 1,250 barrels to Moji and 6,250 barrels to Kobe. The bulk of the lumber shipment also goes to Hong Kong.

Captain D. Barton is in command of the Clavering. A list of the other officers is as follows: G. Davis, first officer; Robert Patton, second officer; J. Lomax, third officer; William Lee, first engineer; Robert Hexton, second engineer; William Hattersley, third engineer; G. A. Patterson, fourth engineer. The steamer carries a crew of 54, who are Chinese.

It is believed that the Clavering will be loaded and out of the way by the time the Indravelli completes discharging her inward cargo. Men were working at four hatches of the latter yesterday, and Oriental goods were going out onto the dock in a steady stream. Although the hatches were carefully covered with tarpaulins the greatest care had to be exercised to prevent the goods from getting wet and damaged.

TEETH

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311 DEKUM BUILDING

UNION PICKETS MAY HAVE TO PAY FINES

(Journal Special Service.)

Spokane, March 5.—Saturday Judge Hinkle is to be called upon to pass upon the constutionality of the ordinance making it an offense to loiter on the streets.

Attorney Del Cary Smith, representing the three union pickets who were arrested for patrolling in front of Ondawa Inn, stated in court that he expected to attack the ordinance on the grounds of unconstutionality. The three cases were continued till Saturday afternoon, when, if the court overrules the defendant's claim, the cases will go to trial.

The three pickets are F. M. Hopper, R. Hastings and F. H. McHenna. All three were patrolling up and down in front of Captain McClelland's Ondawa Inn warning men that the place was "unfair." The other day Captain McClelland fought the pickets with water and later he appealed to the law and had them arrested under the ordinance relating to loitering on the street.

The maximum penalty under the ordinance is a fine of $50 and costs. Each of the three men is out on a $10 bond. In court the reading of the complaint was waived but no plea was entered.

Preferred Stock Canned Goods. Allen & Lewis' Best Brand.

BOARD HAD FULL POWER TO REJECT

Supreme Court Decision Did Not Strip the Sailor Boarding House Commission, It Only Kept Board From Granting a Monopoly.

The recent resignation of Herbert Holman, the third and last of the sailor boarding house commissioners to surrender his office, was accompanied by the same explanation given by his former associates, that the supreme court had stripped the commission of its powers and made it a mere figurehead. All three of the commissioners alleged, in tendering their resignations to the governor, that the decisions of the supreme court had deprived the board of the power to reject any application for a sailor boarding house license, and that its usefulness was therefore at an end. So frequently has this statement been repeated that it has obtained general credence. As a matter of fact, however, it is without foundation.

The supreme court expressly recognized the right of the commission "to reject applications for licenses to conduct sailor boarding houses made by persons who are unworthy or incompetent, or do not possess suitable accommodations therefor, or who will not comply with the provisions of the act in question," and the court adds that "the refusal to issue the license, when based upon either of these grounds, will not be disturbed." The sole restriction placed upon the commission by the court was that it must not reject an application for license for the purpose of creating a monopoly, inasmuch as the creation of a monopoly in any legitimate line of business is contrary to the provisions of the constitution.

Tried to Create a Monopoly.

The commission had refused to grant a license to "Billy" Smith and Harry White, and one of the commissioners admitted on the witness stand that the reason for the refusal was that "the commission deemed it best that one firm should have a monopoly of the business. The supreme court held that if the application had been rejected upon any of the grounds above mentioned—the unfitness of the applicants, their inability to furnish adequate accommodations, or their indisposition to comply with the law—the decision of the board would not have been subject to review. But because the refusal was based upon the desire to create a monopoly the supreme court was compelled to overrule it. In other words, if the commission had not attempted to give Sullivan and Grant a monopoly of the sailor boarding house business, in defiance of the constitution, their action would not have been subject to review.

The efforts of the commissioners to keep out all competitors of Sullivan and Grant proved a failure, and the entire board has resigned. Had they chosen to continue in office they could have exercised all the powers conferred upon them by the legislature.

The supreme court, in its opinion, says (Pacific Reporter, vol. 74, No. 11, p. 934):

Supreme Court's Opinion.

"Though the refusal to issue the license to the petitioners is founded, in the answer, upon their alleged unworthiness and incompetency, such denial appears from the testimony to have been based upon the board's desire to limit the business to only one sailor's boarding house at Portland, the managers of which had received a license prior to the petitioner's application therefor, thereby attempting to create a monopoly in that vocation.

"The defendant, Edward Wright, as a witness in his own behalf, testified as follows: 'When the board was organized we made a rule that we would issue licenses only to people who were satisfactory to the parties directly interested in the shipping business, ship owners for whom the law was passed.' In referring to what the witness said to one of the petitioners he further testified that he informed him 'that any time he could get a recommendation from the men representing the shipping community, or even a portion of them, we would issue him a license.' On cross-examination, in referring to the petitioners, he was asked: 'Didn't you tell those boys, White and Smith, that the reason you did not grant them a license was there was not money enough in the sailor boarding house business for two houses; there was only money enough for one house?' to which he replied: 'Yes, sir.' This witness having testified that a license had been issued to another firm to keep a sailors' boarding house at Portland was also asked, in referring to several persons who were engaged in the shipping business at that port: 'What did they advise you to do?' answered: 'They advised me to try and see if they could not get along with one sailor boarding house man here.' 'Who did they advise you to issue the license to?' A. 'To Sullican and Grant,' the firm who secured the license prior to the petitioner's application therefor."

Board's Powers Recognized.

After reciting a portion of the sailor boarding house act, the court proceeds:

"The right of the board to reject applications for licenses to conduct sailors' boarding-houses, made by persons who are unworthy or incompetent, or who do not possess suitable accommodations therefor, or will not comply with the provisions of the act in question, must be conceded, and the refusal to issue the license when based upon either of these grounds will not be disturbed.

"It will be remembered that the answer bases the refusal to issue the license on one of these grounds, but an examination of the testimony tends to show that the denial of the application was founded upon the theory that the issuance of only one license at the port of Portland would advance the shipping interests, improve the condition of seamen, and promote the welfare of the public. The action appears to have been tried in the lower court upon such theory, and this being so, the question will be reexamined here as if it were the sole issue.

"The defendants' counsel contend that the monopolizing of a business that can be conducted with safety to the public only when licensed is a legitimate exercise of the police power of the state."

The court then reviews at length the authorities adduced in support of the commission's action, reaching the conclusion that under the constitution of the state of Oregon neither the legislature nor any board which it creates, can grant an exclusive privilege to carry on a lawful business.

Business Not Illegal.

The question whether the sailor boarding business is a lawful one is then discussed by the court. It was contended by counsel for Sullivan and Grant that "the keeping of a sailors' boarding house is an illegal business, which in its very nature is injurious to the community, and the legislative assembly being the sole judge of the degree of danger to which the public is exposed from that source, vested in this board power to reject any application for a license that they might deem advisable, thereby authorizing them to create a monopoly thereof, and hence the court erred in commanding the defendants to issue a license to the petitioners. The state, in its sovereign capacity, as parens patriae, is charged with the duty of guarding the interests of the community by protecting the lives, preserving the health and morals, and promoting the happiness of its subjects, and as a corollary thereto, any employment that tends to subvert the obligation thus imposed may be regulated or prohibited by the legislative assembly."

An exhaustive review of the authorities adduced, and a full statement of the familiar abuses that have attended the conduct of sailor boarding houses in this state, results in the conclusion that the business is a legitimate one.

"Notwithstanding the conditions here described usually prevail in dealing with sailors in most sea ports," says the opinion, "the evils depicted depend, not upon the business of keeping sailors' boarding house, but upon the character of the men conducting them. It is possible for a person to be so imbued with a fraternal spirit and so actuated by an earnest desire to aid seamen that he could keep a boarding house for them where they would have a home surrounded by every influence that promotes sobriety and encourages morality. . . . The keeping of a sailors' boarding house is, in our opinion, a legitimate business, in the performance of which any citizen may engage as a matter of common right, and this being so, it must be assumed that the legislative assembly, having in view section 20 of article I of the constitution of the state, did not intend to restrict the business by limiting the number of persons who may engage therein, but as such occupation is peculiarly susceptible of abuse, the statute attempts to correct it by licensing those who possess the prescribed qualifications therefor and who will comply with the provisions of the act, which is a valid grant of power."

In conclusion the supreme court observes: "It is possible that the petitioners are unworthy and incompetent and therefore not entitled to a license, but from an inspection of the bill of exceptions we are forced to the conclusion that the refusal was based upon the board's desire to restrict the number engaged in the business, and, as we have attempted to show, that under a clause of our organic law a monopoly cannot be created in cases of this kind, it follows that the judgment should be affirmed, and it is so ordered."

A prominent attorney of Portland, in commenting upon this decision of the supreme court, remarked: "The sailor boarding-house commission was not deprived of one iota of its powers by the supreme court. It cannot do the illegal act of creating a monopoly, because the constitution forbids that, but otherwise its powers have not been impaired in the slightest."

Cincinnati Commercial: Professor Woods Hutchinson of the University of Oregon—not Chicago—boldly declares that whisky is a good thing. So it is, pard—so it is, when it is good for sure.

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NEWSPAPER WAR IN GRANT COUNTY

ONE EDITOR IS CHARGED WITH BLOWING UP THE OFFICE OF A RIVAL AND GRAND JURY MAY BE CALLED ON TO INVESTIGATE THE MATTER.

L. B. Reeder, one of the attorneys for the prosecution in an examination of W. O. Harriman that was just concluded before a magistrate at Long Creek, Grant county, said today: "The charge is that of sending a threatening letter through the mail. The trouble arose out of the blowing up of the office and plant of the Blue Mountain Ranger, a newspaper, publisher at Long Creek and a threatening letter sent to its editor, C. A. Coe, of that place. Harriman is the editor of the Long Creek Light, another newspaper published at the same place. The complaint for his arrest was sworn to by B. F. Selvage, a detective who was employed to investigate and secure the evidence necessary to fix the guilt of those who had perpetrated the deed.

"The letter which figures in the case was in lead pencil, all large print, capital letters being used. It was addressed to Coe and employed the following language:

"'We came several miles to wreck your Ranger office. We have more giant powder secreted and hereby give you fair warning to cease publishing the Ranger and prepare to leave Long Creek as soon as spring opens. If not, we will blow you and your family into eternity. We mean just what we say.'

"This letter was deposited in the Long Creek postoffice Monday, February 8, the day after the newspaper plant was blown up, and it was received by Coe the next day. The Long Creek postmaster testified that Harriman was the only person in the postoffice at about the time the letter was mailed, and to the best of his recollection no other person mailed any letters or were in the office after this one was mailed.

"Experts examined letters and handwriting of Harriman's that was admitted and compared these with the threatening letter and concluded that they were all written by the same person. In their testimony they pointed out the resemblance between the capital letters P, D, B and O, particularly the last letter, as being almost identical to that generally used by Harriman in his ordinary correspondence.

"The animus that exists was shown fully, and from which it appeared that Harriman came to Long Creek under the protection of and supported by a strong and substantial element of the country for the very purpose of forcing Coe to leave that section or else to cease the publication of his paper.

"Coe has been publishing his Ranger for several years, and is considered an upright, outspoken and fearless man, not only in his private dealings, but in his utterances through the columns of his paper.

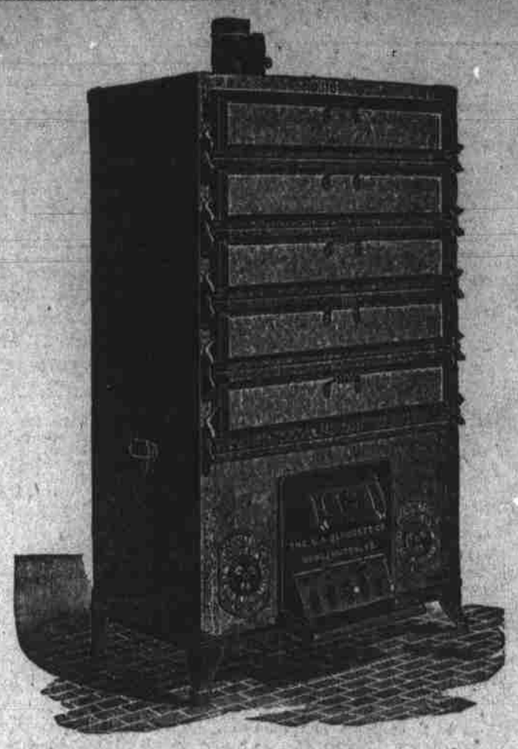
"The rival papers contained the usual pleasantries and exchange of compliments, in which each vied with the other in calling hard names. As an instance, I will remind you that Harriman's father and brother were killed in the Heppner disaster on June 14. The 4th of July following a dance was held at Long creek in which Harriman took a prominent and very active part. In the next issue of the Ranger was an article which, in substance, said that the general moral makeup of a man might easily be inferred from his taking an active part in a public ball within about two weeks after the loss of his father and a brother. This was said so there was no mistake in its being applicable to Harriman.

"The next term of the circuit court for Grant county convenes at Canyon City on the third Monday in May, and if an information is not filed by the district attorney, William E. Miller, a grand jury will likely be called to investigate.

"The explosion which wrecked the Ranger office did not seriously injure the press, though it demolished the building used for the office. The type was scattered, but Coe was able to pick up enough of it to continue the publication of his paper, which he has been doing ever since in another office."

Fun For All.

Have you seen Fritz' bill this week? It's great and no mistake. Come running, get here quick, there's barrels of fun, the last is best. There are two performances daily, afternoon and evening. Now, don't forget, join in and enjoy yourself.



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DR. T. P. WISE

Dr. T. P. Wise is a graduate of the dental department of the Northwestern University, Chicago. He has been in active practice for seven years, and came to Oregon about four years ago. He practiced his profession at Tillamook for about 12 months, and has been practicing in Portland since. Dr. Wise is now business manager of Wise Bros., and parties having business with the firm will call for T. P. Wise.

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