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THE EXQUISITE FLAVOR OF
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RYE



AND ITS MELLOW DELICIOUSNESS APPEAL MOST STRONGLY TO PEOPLE OF REFINEMENT, HENCE IT IS CALLED
THE AMERICAN GENTLEMAN'S WHISKEY

Sold at all first-class cafes and by jobbers.
WM LANAHAN & SON, Baltimore, Md.

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**WOULD OBLITERATE
LAW OF NUISANCES**

Over Forty Years Old, Has Never Been Invoked and Should Be Killed.

THIS IS CONTENTION OF NEASE'S ATTORNEYS

But in Prosecuting Poolroom Cases Oregon Says Statute is Very Much Alive.

Contention for application of the argument of non-user in the case against M. C. Nease, for maintaining a poolroom in defiance of the public nuisance statute, is strenuously opposed by counsel for the state of Oregon, and the law books containing authorities bearing on common law definitions of public nuisances have been carefully scanned. The case is attracting general attention among attorneys, and the briefs submitted to the supreme court have been read with interest.

The statute of nuisances was enacted in Oregon 40 years ago. It has not before been invoked in this state to prohibit the operation of a poolroom. Nease assumes that non-use of the statute is virtually an expression of opinion by officials and the judiciary of this state that the nuisance statute does not apply to poolroom gambling houses.

This argument of Nease is regarded by the counsel for the state as illogical and inconsistent with the law. Attorney-general A. M. Crawford, District Attorney John Manning, Henry E. McClain, of counsel, and Mr. Manning's deputies, H. B. Adams, G. C. Moser and Bert Haney, have signed a brief with the supreme court in which they draw what they hold to be the true distinction between public and private decency, and also cite authorities bearing on the point at issue as to nuisances. In substance, their contention is:

Birth of the Statute.

The Oregon statute in question, known as section 1930 of the annotated code, was incorporated in the code of New York state in 1864 by David Dudley Field, William Curtis Noyes and Alexander H. Bradford, who were authorized by the legislature of that state to prepare a penal code. From this draft, Judge Matthew F. Deady took section 1930 of the Oregon code almost literally, and Judge Deady's draft was accepted by the Oregon legislature and passed as reported by him at the session of September, 1864.

The New York code builders attempted to name all possible crimes and misdemeanors, but, thinking that they might have left some for which punishment was not provided, drew the public nuisance statute, which, rather than that which outraged the public decency, injure the public morals and disturb the public peace, in order that the New York code might be absolutely complete. This was done for the reason that New York was substituting code practice for the common law, and it was necessary to provide a code sufficiently comprehensive to cover all possible contingencies.


It was this nuisance statute, alleged to be the statute in the Nease case, that was embodied in the Oregon code when the legislature adopted the draft prepared by Judge Deady, and its contentions is that it is competent to include the statute in the Nease case, the intention of the lawmakers as indicated by the well known intention of those who drafted the New York law from which the Oregon law was taken.

Now Most Was Convicted.

In the first New York reports is the record of the conviction of John Most, the noted anarchist, under the public nuisance statute, for publishing a newspaper in which he advocated murder of public officials. There was no specific statute covering such an offense, but the court held that the nuisance statute covered the case and upheld the lower court in recording judgment against Most.

In the celebrated baccarat decisions of Sir James Hawkins, of the queen's bench, England, acknowledged to be one of the most learned in the history of jurisprudence, this language was used: "We do not administer the law as we believe to be, and so have existed for a long year, though it has been so often broken and disregarded with impunity, that at last its existence seems to have been forgotten; and, quoting the language of Blackstone, Vol. 4, page 174, 'The law against gaming are not so deficient as ourselves and our magistrates in putting those laws into execution.'"

M. C. Nease is represented in the appeal by Delph, Simon, Malloy & Geary, Watson & Hickman and W. F. Lord.



PLAY BALL



WITH EVERY PURCHASE OF FIVE DOLLARS or over in our BOYS' or CHILDREN'S DEPARTMENT, we will GIVE AWAY A BASE BALL UNIFORM SUIT. This will prove a boon to mothers and a delight to the boys. Only 600 Suits in the lot, so hurry up boys before they are all gone.

WHEN YOU SEE IT IN OUR AD. IT'S SO

MOYER THIRD AND OAK STS.

BUSY SEASON FOR HAMMER AND SAW

Many Cottages, Flats, Apartment Houses and Business Buildings Being Constructed.

ARCHITECTS' PLANS FOR ARTISTIC HOMES

In Every Section Are Seen Signs of a Remarkable Growth in Population.

Portland architects are busy with plans for cottages, flats and apartment houses. Specifications for large business buildings, to be erected early this season, are nearly ready for the bidders. Construction work will soon begin on the Sweeney building at the corner of Morrison and Seventh streets, the Marshall-Wells company's warehouse, the Concordia clubhouse, the Silverstein hotel, and the Weyerhaeuser lumber mill. Plans are being prepared for a 2-story residence for Robert Smith, on East Eighth and Thompson streets. Mrs. F. M. Vinkas will erect six flats at the corner of Seventeenth and Couch streets. Tim Kinney is having plans drawn for a 2-story dwelling, with basement and attic, on King street near Main street. A 2-story residence with basement and attic will be built for Albert Feldenhelmer at the corner of Main and

King streets. E. E. Rich has plans drawn for remodeling three store fronts. J. A. Curry will build a bungalow on Portland Heights. A modern wayside inn will be built on St. Helen's road, near the exposition grounds. It will be 1930 feet, two stories, with a ballroom on the upper floor. There will also be stables and an auto shed.

An apartment house will be built at Second and Lincoln streets for Mr. Emory. Adolph Dekum in having plans drawn for a 2-story dwelling with basement and attic, in Albina. F. A. Nitchev will erect a 2-story dwelling at Marshall and Twenty-fifth streets. Plans are being drawn for J. D. Coleman for a group of eight flats to be built on Davis and Nineteenth streets, and for remodeling a residence on Nineteenth near Davis street. H. Miller will remodel a residence at Twenty-first and Johnson streets. Three large and modern dwellings are being built at the corner of Twenty-first and Kearney streets. Two large residences are under construction at the corner of Davis and Fourteenth streets.

F. W. Torgler will build a 2-story dwelling on East Salmon between Twentieth and Twenty-first streets. I. M. Walker has plans drawn for a 2-story residence on East Morrison near Thirty-seventh street. A. O. Hall will build a 2-story flat building on Kearney near Twenty-third street. Nash Bros. have contracts for two residences on East Riverside between Thirtieth and Thirty-first streets.

MARRIAGE WEDDINGS.

This evening at 8 o'clock at the Salvation Army hall, 128 First street, Major Fynn, the divisional officer, will conduct the hallelujah wedding ceremony of Captain Louis Brugman and Lieutenant Beale Davis, from Oregon City. Refreshments will be served after the ceremony.

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

HUNTING A STATE IN TORRENTS OF RAIN

Peter Schutler Says He Spent Some Weeks Trying to Find California.

AMAZED AT RESOURCES OF OREGON COUNTRY

Believes That Its Development Has Just Begun and That It Has Wonderful Future.

Peter Schutler, a wagon manufacturer of Chicago, is a Portland visitor. He is accompanied by Adolphus Busch, a St. Louis brewer, the latter's wife and daughter, Miss Berz, and Carl Conrad, general manager of the Busch brewing interests.

"You have a great country—and if it rains so much of the time here, as I have heard, it must keep busy to rain as much as it has the last few weeks in southern California," said Mr. Schutler.

"We have been going about in the rain, looking for California. Bridges have been washed out, the crops have been damaged, and the rain has kept right on falling. We have spent a part of the winter in southern California, and are here to see your city and the preparations for the Lewis and Clark fair. So far as I know, it is a pleasure trip for all of our party."

Peter Schutler is the only surviving son of the original Schutler who established the pioneer wagon factory at Chicago in 1842. This is his first visit to the state of Oregon. Although he has for many years been represented here by the Deere company, he has not found time to get any nearer to this field than southern California.

"This is a country of opportunities and a great future," he said. "Its development has just begun. While other manufacturing industries will come in great numbers, the wagon making industry will probably remain in the middle west, where we have the great supply of raw materials. Oregon has not the necessary hard wood for manufacturing wagons on a large scale."

Mr. Busch has extensive business connections on the Pacific coast, and buys a large quantity of hops annually from Oregon. He is at the head of one of the large breweries of the Mississippi valley, and was one of the active promoters of the Louisiana exposition. The party visited the Lewis and Clark fair grounds today and was charmed with the beauties of the site, and surprised at the extent of the undertaking.

HISTORIC DOCUMENTS RECALL PIONEERS

Valuable Collection of Late Senator NeSmith Becomes Property of Historical Society.

Many documents of considerable historical interest have been presented to the Oregon Historical society by Mrs. H. S. McArthur, daughter of the late

How Is Baby Today?

Better, thank you. In fact, quite well. Fat, round and full of life and mischief. Pink and white flesh, dotted with dimples. No cough, no indigestion.

All on account of

OZOMULSION

administered by a mother whose love was tempered with common sense. She knows that OZOMULSION is a fountain of energy for grown-ups, too. It stops waste of flesh. It makes plenty of rich blood. For pale, feeble folk it is the chief nourisher at life's feast. It cures Consumption when taken in time. All druggists sell it—50 cents and \$1.00 the bottle. Let us send you

Free Sample Bottle by Mail

Write letter or postal to
OZOMULSION CO.
98 Pine Street New York

Senator G. W. Nesmith, whose property they were.

One of the most interesting is a certificate of five shares of stock in the Portland & Valley Plank Road company, issued to J. W. Nesmith, October 5, 1861. This company built a road up the canyon through which now runs Jefferson street, which was the first plank road built on the Pacific coast.

In the collection is a letter written in 1848 by A. B. Harden of this state, telling his brother, G. D. Hardee, the best route to travel to come from the east to Oregon. A large hand-drawn map of the Willamette valley was on the back of the long sheet of paper on which the letter was written. Tributary streams and location of towns were accurately given.

There is also the report of Colonel James W. Nesmith of the first regular mounted volunteers to Governor George L. Curry, made November 19, 1855, referring to the operations connected with the Takima Indian war, and the commission of C. M. Barkwell to the position of surgeon general of the Oregon territory, made by Governor George S. Curry in 1856.

Letters from General John C. Fremont, Jesse M. Applegate and Joseph Wait, dated in 1851, 1853 and 1854 respectively, to Dr. John McLoughlin in which they commend the latter very highly for his services in the interest of early immigration in this state are in the collection.

"Little Colds." Thousands of lives sacrificed every year. Dr. Wood's Norway Pine Syrup cures Hitt's colds, cures big colds too, down to the very verge of consumption.

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PUSHING PAINT PEOPLE
Northeast Corner Second and Taylor Streets

WISE BROS., Dentists
Felling Building, cor. Third and Wash Sts.
Open weekdays till 9 P. M. Sundays from 10 to 12. Or. Main 308.

MEN'S SHOES EXCLUSIVELY.

The Factories Were Slow

And our big orders were long in being filled. But now the new goods are coming in almost too fast for us to handle. We've got lots more on the way. It means we've got to put Shoes on lots of feet to win out. Our famous

\$3.50

Shoes and Oxfords

Are just the thing, though, to stimulate heavy buying. When next you are on Washington street, near Third and Fourth, just take a peep at our windows. They are full of the noblest spring and summer Shoes you ever saw.

NOBBY SPRING HOSEIERY
Pretty Patterns, Best of Quality, Popular Prices.

VANDUYN & WALTON
870 WASHINGTON ST.

HEAVY FROST HURTS HOOD RIVER FRUITS

(Special Dispatch to The Journal.)
Hood River, Or., April 10.—The heaviest frost during the blooming season known here for years fell last night. Apples are safe, but cherries, peaches and strawberries are slightly damaged. The government thermometer registered 39. A hail storm also visited this section yesterday.

Accidents come with distressing frequency on the farm. Cuts, bruises, sprains and other ailments. Electric Oil relieves the pain instantly. Never fails without it.

REMEMBER, SWEEPING REDUCTIONS IN WOOD PRICES FOR ONLY 30 DAYS

FROM 1 TO 10 BLACKS 2.25

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THE HEADWOOD PRICES BELOW ARE FOR THE BEST QUALITY WOOD.

Green short slab, per load.....\$1.75
Dry short slab, per load.....\$2.50
Green inside, per load.....\$2.25
4-foot dry wood, per cord.....\$3.50
Block wood, per load.....\$3.00

ALL WESTSIDE

Green short, per load.....\$1.75
Dry short, per load.....\$2.50
Dry 4-foot wood, per cord.....\$3.25
Blocks, per load.....\$3.00

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