

# GRADUATE CASE AGAINST THE GRUELERS

## COUNCIL WILL HAVE TO FRAME NEW LAW

### WHAT DECISION MEANS

Saloon-restaurants will be permitted to continue in business without the necessity of paying for the privilege. The license fee prescribed by city ordinance No. 17535 has been held to be void by Judge Gantenbein.

Effect of the decision will probably be to hasten action by the council toward a repeal of all existing ordinances governing the liquor traffic and the enactment of a new law containing all the provisions necessary to regulate the sale of liquor by drug stores, grocery stores, wholesale liquor houses, saloons, restaurants and saloon-restaurants.

Declaring that ordinance No. 17535, prescribing restaurant liquor license fees, is null and void, Judge Gantenbein in the circuit court this morning overruled the city's demurrer to the suit for an injunction brought by eight gruelers and restaurants nearly two months ago. The ordinance is held to be void because it compels applicants to obtain licenses and fixes the fees therefor, but does not prescribe the manner in which they shall be secured.

**Will File Answer.**  
Deputy City Attorney Tomlinson, who has had charge of the case for the city, says he will at once file an answer to the decision of Judge Gantenbein in which he will take as ground that the manner of obtaining licenses is outlined in ordinance 10,604, and others, and that ordinance No. 17535 being only intended to fix the amount of fees, cannot be used to further a plea of ignorance on the part of the restaurant men as they had heretofore obtained liquor licenses in the manner designated by other ordinances and should have known the procedure in this instance.

Attorney Dan Malarkey, who represented the restaurant proprietors, stated in his application for an injunction to prevent interference with the business of his clients that the city requires the payment of license fees and that such fees had been tendered to the city auditor, who had refused to accept the same because no regular application for licenses had been made to the liquor license committee of the city council according to custom.

Attorney Malarkey held that inasmuch as his clients had endeavored to comply with the law and did it as far as they were able owing to the insufficiency of ordinance No. 17535, which they should be protected from molestation.

## WHEAT PRICES GO HIGHER

Highest Quotations Reached Today in Chicago Pit—All Records Broken—Enormous Demand for Cash Supply—Foreign Markets Are Firm.

(United Press Leased Wire.)  
Chicago, Feb. 11.—Chicago wheat prices went to the highest point for the year during today's trading. Every record for the past season was broken when the May option went above \$1.11 1/2, the price of yesterday and previous to today's quotation the highest of the crop year.

and forced the price of the May delivery to \$1.13 a bushel or 1 1/4 cents above the closing of yesterday or 1/2 cent above the price of the day before. Much of the strength here was due to the fact that all foreign markets are very firm and are closely following the advance recently shown in the Chicago price.

## EUGENE HOLDUPS CAPTURED

Five Men Are Victims of Two Daring Youths Who Spend Busy Evening but Are Ill, Rewarded—Caught in an Old Farm House.

(Special Dispatch to The Journal.)  
Eugene, Or., Feb. 11.—The two holdups who operated in Eugene last night were captured about 11 o'clock this forenoon in a vacant farm house, two miles north of Eugene, by a posse consisting of Chief of Police Farrington and Deputy Sheriffs Hammond and Conner, and a number of citizens. The

arrests give the names of Harry McClellan, 18 years, and Elmer Yeager, 19 years.

## Gatens Nominated for Judgeship

(By Journal Leased Wire.)  
Salem, Or., Feb. 11.—William Gatens, private secretary to the governor, is to be circuit judge of the fourth judicial district, in accordance with the passage of the Jaeger bill providing for five circuit judges in Multnomah county.

Several articles stolen from their victims last night were found, also with the chester rifle which one confessed to stealing from the residence of Dr. O. E. Smith in that office last night. They used this gun in the hold-up operations last night.

The youths were lodged in the March term of the circuit court. They say they recently came from the east and had been camped in the old house for a week.

## Piles Works for Postal Bank

(United Press Leased Wire.)  
Washington, Feb. 11.—Senator Piles of Washington, discussing the postal savings bank bill yesterday afternoon, announced he would exert himself for its passage at this session. He stated if he failed he would try to get Taft to call an extra session to pass that measure.

## NEW MEN ON SUPREME BENCH

House Follows Senate in Passing Hart's Increase Bill—King and Slater, the Present Commissioners, to Fill New Places.

(By Journal Leased Wire.)  
Salem, Or., Feb. 11.—Will R. King and W. T. Slater, present commissioners of the Oregon supreme court, will be full fledged justices of the supreme court, by authority of the Hart bill, which passed the house this morning, and the appointment of Governor Chamberlain, which will be made as soon as the bill comes to him for signature. One of the commissioners will fill the office by appointment until his successor is elected at the regular election of 1910 and the other until after the election of 1912.

Senator Hart's bill increasing the supreme court from three to five members and bearing the emergency clause passed the house this morning by a vote of 36 to 23, with one absent. This puts the matter up to the governor for his approval, and as he recommended the measure in his message to the legislature there is no doubt about its being approved. Neither is there any doubt who the two new judges will be, for the governor has repeatedly told members of the legislature that in case it was passed and the appointment was left to him he would name the two men whom he had appointed as commissioners two years ago.

**Governor Reaffirms.**  
This morning after the passage of the bill the governor reaffirmed his statement, saying that as soon as the bill was placed before him he would call for him to make the appointment he would name the two commissioners.

After a bitter fight, led by Bean and Brooke, the minority report, favoring the passage of the bill, was adopted and the bill placed on the desk for final consideration in due course.

**Roosevelt to Welcome Fleet**  
Program for That Notable Event Is Announced at Washington.

(United Press Leased Wire.)  
Washington, Feb. 11.—President Roosevelt aboard the presidential yacht Mayflower, Secretary of the Navy Newberry and a party of officials will leave here on the afternoon of February 21 for Hampton Roads for a review of the Atlantic battleship fleet as the closing ceremony attendant upon its world-wide tour.

## CODE ENEMIES FIGHTING HARD

Senate Committee on Irrigation Reports Water Bill Without Recommendation—Senator Miller Stands by His Guns.

(By Journal Leased Wire.)  
Salem, Or., Feb. 11.—Emmet Cochran of Monument, Grant county, who is in Salem to boost for the water code, suggests that the cattle and land barons are the interests responsible for his opposition in eastern Oregon. He said this morning:

"The small land owners and water users of Malheur, Harney and Grant counties are for the code, sending strong delegations and numerous favorable telegrams. The large cattle companies of Harney county, who are opposed to any law which will simplify water rights appear to have the upper hand in controlling legislation."

**Outsiders "Fired."**  
Representatives of commercial bodies and irrigation interests of eastern Oregon attended and asked permission to present an answer to the arguments that have brought them hundreds of miles to urge the passage of the measure. Senator Parrish insisted that there be no further discussion, although men from Malheur, Grant and Harney counties, which he represents, were anxious to be heard.

**Lengthy Amendments.**  
Some of these amendments are lengthy, but they have been approved by the conservation commission and do not materially change the bill.

**In the Want Ad Section of Today's Journal**

45 Advertisements for help  
25 Advertisements for situations  
63 Advertisements furnished rooms for rent  
176 Advertisements real estate for sale  
120 Advertisements business chances  
38 Advertisements houses for rent  
19 Advertisements flats for rent  
35 Advertisements housekeeping rooms for rent

## Victim of Unfortunate Tragedy



Mrs. L. C. Tuckerman and George A. Busse, Principals in the Fatal Accident at Chicago.

One of the saddest accidents of recent record was the shooting of Mrs. L. C. Tuckerman of New York, daughter of Brigadier General A. C. Girard, U. S. A., retired, by George A. Busse, brother of Chicago's mayor. Both families are prostrated with grief over the affair, and Mr. Busse is in a state of nervous collapse. The coroner's jury as well as the police and another of Mrs. Tuckerman, with whom she was stopping, entirely exonerate Mr. Busse from any intentional part in the fatal accident.

**ELOPERS' MECCA MAY BE NO MORE**

90 Day Residence May Be Required in Washington If Bill Passes.

(Special Dispatch to The Journal.)  
Olympia, Wash., Feb. 11.—Washington will cease to be the mecca of love-lorn couples who cannot secure permission to marry in Idaho, Oregon and British Columbia, about June 1. The abuse of the privilege of marrying in this state has brought about a disposition to prevent the continuance of the present methods, and a drastic bill is now before the legislature.

**TAFT'S SECOND CABINET MAN**

(United Press Leased Wire.)  
New Orleans, Feb. 11.—President-elect Taft, who arrived here at noon today from Panama, formally announced the appointment of Frank H. Hitchcock to the position of postmaster general in his cabinet.

## RAILROAD SCHEME

Chamber of Commerce Unanimously Adopts Resolutions Approving Proposed Change in Constitution and Indorsing Bill.

**To Build State Railroad.**  
"Resolved, That the Portland chamber of commerce approves the amendment to the constitution permitting the state or a district thereof to construct railroads as a means to self help in the development of the state."

More than 100 of the best known and most influential citizens of Portland gathered in the chamber of commerce yesterday afternoon and by unanimous vote adopted the foregoing resolutions. This action was taken without animosity to any special interests, but as one of the speakers stated, in order that the "shackles which now bind the hands of Oregon may be stricken off."

**Sponsor Makes Statement.**  
C. E. S. Wood, the sponsor for both the bill and the amendment now before the legislature, said that he first became interested in this matter during his attendance on the Idaho-Oregon Development League congress in Yale last fall.

**GRATER LAKE ROAD FAVORED**

House Committee Reports for \$100,000 in Four Installments.

(By Journal Leased Wire.)  
Salem, Or., Feb. 11.—The Grater Lake road bill, asking for an appropriation of \$100,000, was reported favorably by the house this morning, through an amended form. The committee recommended that the appropriation be granted, through annual installments of \$25,000 for four years. In this form it is practically assured that the bill will pass the house, though its fate in the senate is a matter of doubt, as there is some opposition there.

**STRINGS TROLLEY WIRES**

United Railways Will Complete Work on Overhead System Inside City Limits Today—Opens Line to Holbrook by March 1.