

### PROPS WICKED FROM UNDER MILK LAW BY DECISION

#### Ruling by Judge Cleland Enjoins City From Enforcing Provisions of Ordinance That Would Benefit.

Under the Portland pure milk ordinance \$500 cows have been tested for tuberculosis and 1250 have been found to have consumption. Many of these have been killed. Under the terms of Judge Cleland's decision this work must cease until the state law is amended or changed. By practical demonstrations, Dr. W. H. Lytle, state veterinarian; Dr. C. S. White, state health officer, together with government authorities, have shown how bodies of cows that have been produced in milk for city use had become rotten with disease unnoticed by their owners.

After a year's enforcement of the pure milk ordinance, resulting in a marked improvement in the quality of the city's milk supply, the children of Portland are again without protection from the menace of milk produced by tubercular cows or from uninspected dairies. Even the police power of the city as protection against milk found to be unwholesome or unsafe for babies to drink must remain inoperative until a new city law has been passed to give the city power to inspect dairies.

Judge Cleland's decision yesterday which enjoined the city from enforcing those provisions of the ordinance that gave the city the benefit of the state laws will make it necessary, according to a statement issued by Attorney Grant, for the council to pass at its next session a new ordinance that shall meet the requirements of Judge Cleland's decision.

"I instructed Mr. Tomlinson, a deputy in this office, to draft a new ordinance and have it ready for submission to the council next Wednesday," said City Attorney Grant yesterday.

**For Statewide Test.**  
Such an ordinance could only be of temporary value. We must amend or change the state laws so that they will fill the deficiencies found by Judge Cleland. I believe thoroughly that we should have a law requiring a statewide tuberculosis test for dairy animals, and I shall be only too glad to draft it if those back of the movement desire it."

Under Judge Cleland's decision the city cannot now issue a license for sale of milk within its limits. The pure milk ordinance specifies that a license shall only be issued upon presentation of a certificate from the applicant, one certifying that his cows have been tested and found free from tuberculosis by the state board of health, and the other certificate from the state dairy and food commission stating that the applicant's dairy has been inspected and found free from objectionable or unsanitary features.

It is further required that middlemen shall list the dairies from which they obtain milk exhibiting certificates that each dairy has conformed with the requirements of the ordinance.

**Wants State Law.**  
From a casual reading of Judge Cleland's decision yesterday, City Health Officer Wheeler was disposed to believe that it would do away with necessity for employing milk inspectors. The best that the temporary ordinance can cover is the forbidding of sales of diseased, impure or watered milk. It found to be in this condition by chemical test. The kind of dairies or the kind of cows in it can be of no official concern to the city if the product passes the minor requirements mentioned.

Dr. Wheeler believes with City Attorney Grant that it will be for the good fortune of Portland if a state law requiring the tuberculosis test is passed at the next session of the legislature. Dr. Wheeler believes that all interested in such a law should get together and participate in framing it.

"It is to be very much regretted," said Dr. Calvin S. White, state health officer, that by the terms of Judge Cleland's decision the work now being carried on by the city should be discontinued last year. I believe that the state law should be broadened and made more comprehensive, so that it can be of real value to the people of Portland."

**Will Propose Law.**  
Dr. White favors the adoption of a law requiring a statewide tuberculosis test. The form of this law and the manner of its enforcement are questions which he, with many others, would like to see equitably answered.

W. B. Shively, attorney for the Albina Creamery company, the plaintiff in the injunction suit decided by Judge Cleland yesterday, said immediately following the rendering of the decision that the creamery interests which he represents will immediately set to work to bring into existence the proposed bill for a statewide tuberculosis test. Mr. Shively says that the creamery interests of the city, and most of the dairymen, are desirous of seeing such a law adopted, inasmuch as the people of Portland will no longer buy bad milk.

### ELEN TERRY COMES HERE NEXT FRIDAY



Ellen Terry as "Portia."

Ellen Terry, who will be heard at the Hellig Friday evening, December 9, in an interpretative Shakespeare lecture-recital has just appeared in Los Angeles with tremendous success, being tendered an ovation as well as many floral tributes and a gold laurel wreath. Society was out in force and she held a reception on the stage after the performance.

The Tuesday morning Times of Los Angeles said, among other things: "Ellen Terry is one of the rare women in whom life lingers forever at its spring. The soul of her is and always will be the soul of a girl of dreams."

How last night's audience hung upon her faultless reading of Shakespeare! How fine it seemed to hear the lines read simply and as utterly human speeches—in no wise burdened with their perhaps absolute phrasing—Shakespeare might today be the popular playwright of the masses if the masses could have him thus presented. It remains for such as Miss Terry to thus present him.

Miss Terry will discuss Shakespeare's "Heracles Triumphant" Friday evening, giving scenes from "The Merchant of Venice," "Twelfth Night," "Much Ado About Nothing" and other favorite plays. Her appearance here is under the auspices of the Oregon State Federation of Women's Clubs.

The box office will open for the sale of seats on Wednesday morning, and Mrs. J. W. Tiff, 551 West Park street, is now receiving mail orders from in and out of town.

**SETS YOUNG ROGUES TO CATCH OTHERS**  
Port Huron, Mich., Dec. 3.—Instead of making prisoners of 40 boys who appeared before him in the juvenile court, Judge Graham made special policemen of all of them and deputized them to "hunt" for other boys who would commit further depredations at South Park, a suburb of this city. The 40 urchins were charged with general destruction of property in that section of the city, but they left the courtroom determined to punish any unlawful acts in the future.

**TEXAS RICE GROWERS PLAN REORGANIZATION**  
Houston, Texas, Dec. 3.—Rich growers of Texas, Louisiana, Arkansas and Mississippi are now voting upon a proposition to organize a central selling agency to handle their rough rice. The mills of these states have joined the farmers in this movement. The wholesalers and retailers form the protesting elements. It is claimed that although some rice has sold as low as \$1 per bag, this year, the consumer is getting it no cheaper than when the rice brought the farmer \$4 per bag.

The central selling agency is supposed to do away with the middleman, who keeps down the price to the farmer and boosts it to the consumer.

**Ticket Named at Lebanon.**  
Lebanon, Or., Dec. 3.—At a mass meeting held in the city hall here last night the following city ticket was nominated to be voted upon at the regular city election to be held next Monday, December 5. For councilmen, Bert L. Cotton, J. R. Norstrup and C. A. McClain; for city recorder, J. R. Green; for city treasurer, Albert Wilson. The rest of the city officers are all holdovers.

A proposed amendment to the city charter allowing the council to incur an indebtedness of \$70,000 for sewerage purposes, will also be voted upon at this election.

The voters are also called upon to pass upon two measures that have been referendumed by the people, one in regard to building a \$16,000 city hall, the contract having been let to build the hall but is held up by the referendum, and the other has to do with the removing of an awning in front of the Hotel Lebanon.

### 29 NEAR BEER VENDORS GUILTY

#### Supreme Court Decision on Murrell Case Means Others Must Pay Penalty.

(Special Dispatch to The Journal.)  
Pendleton, Or., Dec. 3.—Twenty-nine dispensers of near beer in Pendleton and other Umatilla county towns have been found guilty of selling intoxicating liquors in violation of the local option law according to a decision handed down by the supreme court in the case of the state of Oregon vs. Murrell. The case against Murrell was taken for the test case and the other 28 defendants risked their chances on the outcome of the one case.

Ten of these 21 men were under two separate offenses, having been indicted in April and again in September. Under the circumstances, however, the court may not interpret the decision to mean that these 10 men have been found guilty of a second offense and must, therefore, be sentenced to jail. According to District Attorney Phelps, the court may interpret it either way, so there is a possibility that these 10 men have a jail sentence coming as well as a fine.

The unfortunate 10 are Martin Anderson, H. F. Peters, Paul Himmelgard, Harvey Taylor, William Hoch and Anton Nolte, all of this city; George Briggs and Pete Murray of Athena; James Huggins and William Harden.

The other men who are decided to be guilty by yesterday's decision are A. Schneider, Fred A. Gordon, William Bogart, Anton Kraft, John Bates, Henry Latourille, Mel Norman, M. H. Gillette, Lou Bradburn, John Bradburn, A. G. Longnecker, Pete Tillson, V. O. Kelley, Al Zigman, Harvey Taylor, James Doty, Frank Cline, Herman Peters, J. N. Klein and Thomas Marcell.

These are the famous near beer cases and the indictment of these men followed the bringing to this city of a chemist from the Oregon Agricultural college by District Attorney Phelps. Samples of the liquor being sold as "near beer" had been obtained from every saloon in the county and the tests made by the chemist disclosed the fact that the samples were all intoxicating.

Every near beer dispenser in the county was accordingly indicted by the grand jury. A few of them pleaded guilty and were fined \$50 and costs each. The others decided to rest their fate upon a test case, Colonel J. H. Raley having discovered what he thought was a fatal defect in the local option law as it applied to this county. The facts were therefore stipulated in the case, it being admitted that the stuff being sold as "near beer" contained more than the allowed percentage of alcohol. The attorneys for the saloon men, however, contended that the local option law was defective, for the reason that the county clerk had not made a valid order placing the law in force in this county. The defendants waived a jury trial and Judge Bean held the order was valid; that Murrell was therefore guilty, and fined them \$150 and costs. The case was appealed to the supreme court, was argued on the first day of the recent term of the supreme court in this city and the decision was rendered yesterday, the opinion being written by Justice Eakin. This decision affirms the decision of the local court.

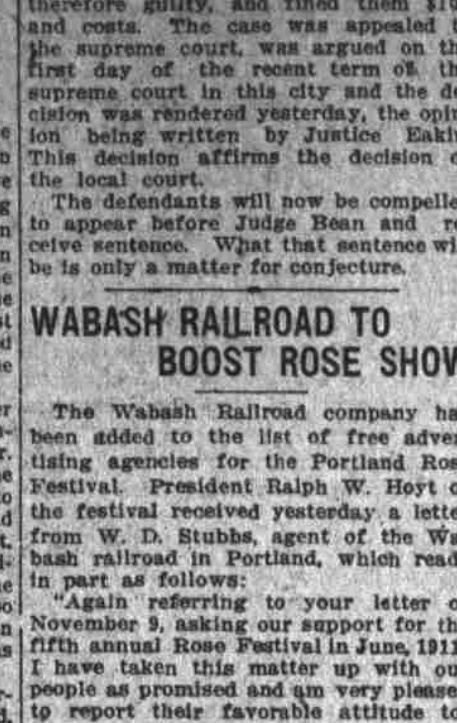
The defendants will now be compelled to appear before Judge Bean and receive sentence. What that sentence will be is only a matter for conjecture.

**WABASH RAILROAD TO BOOST ROSE SHOW**  
The Wabash Railroad company has been added to the list of free advertising agencies for the Portland Rose Festival. President Ralph W. Hoyt of the festival received yesterday a letter from W. D. Stubbs, agent of the Wabash railroad in Portland, which reads in part as follows:

"Again referring to your letter of November 9, asking our support for the fifth annual Rose Festival in June, 1911: I have taken this matter up with our people as promised and am very pleased to report their favorable attitude towards the matter. They have advised me that they will be more than glad to give the Rose Festival space in their advertising, and also instruct all our agents throughout the country to give it as wide publicity as possible. In the course of their comment on the proposition they have indicated a willingness to issue special editions of our various advertising matter, making the Portland Rose Festival the main feature."

**COURT TO FIX CORBETT STREET FILL DAMAGES**  
To enable the city to make a fill on Corbett street between Seymour and Richardson avenues in Terwilliger homestead, an action has been started in the circuit court by the city attorney against the South Portland Improvement association. To make the fill required, it is stated, the city must deposit earth to support the fill. The court is asked to fix the damages to the property, the city being unable to agree with the defendant as to the amount to be paid.

### Coos Bay Man Has One of Oldest Violins in the World



(Special Dispatch to The Journal.)

Marshfield, Or., Dec. 3.—Deputy Game Warden Cal Wright of this city owns a violin which is probably one of the oldest in the world. It is claimed to be made by Gaspard Duffopprugard in 1496. As to its being genuine the owner says there seems to be no doubt as the name of the maker and the date are on the inside and there are besides other proofs. Around the edge of the instrument are peculiar characters. The violin has been examined many times by experts who state that the markings on the violin and its particular shape indicate its age.

Inside the violin where it could only have been put by its maker is inscribed the following: "Gaspard Duffopprugard, Breta Ann, 1630."

**But One Violin As Old.**  
The owner has never heard of but one other violin of the same make that was still in existence. It was owned in Texas and sold for many thousands of dollars. The violin is of beautiful design with graceful curves and is different in shape from other violins of more modern manufacture. The tone is such as would enrapture an enthusiast and has been pronounced by noted musicians as having the most beautiful tone of any violin they ever

handled. It is in an almost perfect state of preservation.

**Has Even Recent History.**  
The old relic has quite a history even in more recent times. It was owned for many years by Dr. Day of Baltimore who brought it to California in 1848. He moved to Josephine county, Or. and settled on a homestead and later took part in the Indian wars. When leaving his homestead to fight the Indians he sealed up the violin and buried it under his cabin, having no other place of safety to put it. When he returned his cabin had been burned down but the violin was found where it had been buried and was intact. Dr. Day went back to Baltimore and the violin came into the hands of Frank Good who bought it for \$75 worth of gold dust. Later it was owned by Sol Abraham of Roseburg who later sold it. The relic was afterward owned by W. T. Wright, who had it for 10 or 12 years and finally it passed into the hands of Deputy Wright who has owned it for the past 17 years.

**Other Old Instruments.**  
Mr. Wright believes that his violin may be classed with some of the other old and valued instruments. One of these is the Nicolo Amati instrument owned by Joseph Meridith Rosenkrantz

the violin soloist. It is said to be 30 years old. Another old one is the \$30,000 Guarnerius owned in New York. Ralph Granger of San Diego has a collection of violins, the most valuable of which is known as the "King Joseph." The renowned Stradivarius violin sold some time ago for \$15,000.

Mr. Wright holds his violin as of great value and as one of the masterpieces of such relics.

"One thousand in 1911" is the Haines Record's slogan.

### LOCAL OPTION IN TAXATION PROVIDED

#### Interpretation of Amendment Recently Adopted Given By C. E. S. Wood.

"The new tax amendment provides for local option in taxation. It says that the county, the smallest unit in state government, shall may what property shall be taxed, what exempted, and how. In my opinion, it was intended by its framers as a means by which experimentation could be made in the counties with the single tax," says C. E. S. Wood in discussing the much mooted amendment enacted by initiative at the recent election.

"It was not the author, nor one of the authors of the amendment," continues Colonel Wood. "I saw the measure before it was submitted to the people, and was consulted concerning it."

"I have not examined the law of the matter, nor the wording of the amendment since the campaign, but my view is that the amendment is plain in its intent; that is, that counties may declare what property within the county shall be taxable and what exempt from taxation."

"I think the amendment is self-explanatory and that under it the body authorized to act for the county may declare what property shall be taxable. That is to say that the county commissionaries may do this."

"I believe that under the terms of the amendment the initiative and referendum applies in county affairs, as with other municipalities. A more careful consideration of the mode of putting the amendment into practical operation may modify these views, but the general intent is clear that the organic law altered so as to permit counties to declare what property shall be taxable and what exempt within the county."

Record's slogan.

### WONDERFUL CURE OF SORE HANDS

#### Skin Peeled and Flesh Got Hard and Broke—Blood Flowed in Fifty Places—"Single Box of Cuticura Ended Suffering."

"About eleven years ago I was troubled with sore hands, so sore that when I would put them in water the pain would very nearly set me crazy, the skin would peel off and the flesh would get hard and break. There would be blood flowing from at least fifty places on each hand. Words could never tell the suffering I endured for three years. I tried everything that I was told to use for fully three years, but could get no relief. I tried at least eight different doctors, but none of them seemed to do me any good, as my hands were as bad when I got through doctoring as when I first began. I also tried many remedies, but none of them ever did me one cent's worth of good. I was discouraged and heartless. I would feel so bad mornings when I got up, to think I had to go to work and stand the pain for ten hours, and I often felt like giving up my position."

Before I started to work mornings I would have to wrap every finger up separately, so as to try and keep them soft and then wear gloves over the rags to keep the grease from getting on my work. At night I would have to wear gloves in bed. In fact, I had to wear gloves all the time. After doctoring for three years, and spending much money, a single box of Cuticura Ointment ended all my sufferings. It's been eight years since I used any and I don't know what my sore hands are now, and never lost a day's work while using Cuticura Ointment. Thomas A. Clancy, 310 N. Montgomery St., Trenton, N. J., Nov. 11, 1909."

A single set of Cuticura Soap and Ointment, 1444 Broadway, New York, N. Y., is the best treatment for afflictions of the skin and scalp. Sold throughout the world. Foster Drug & Chem. Corp., New York, 124 Columbus Ave., Boston, U.S.A.

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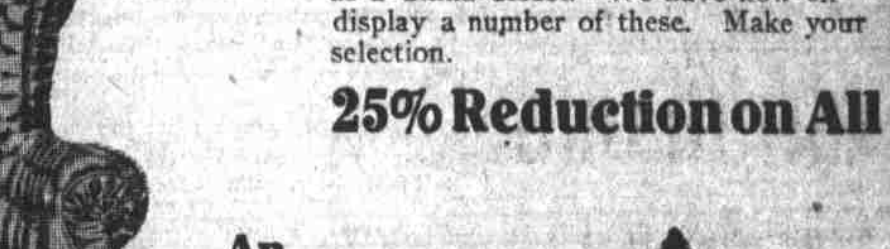
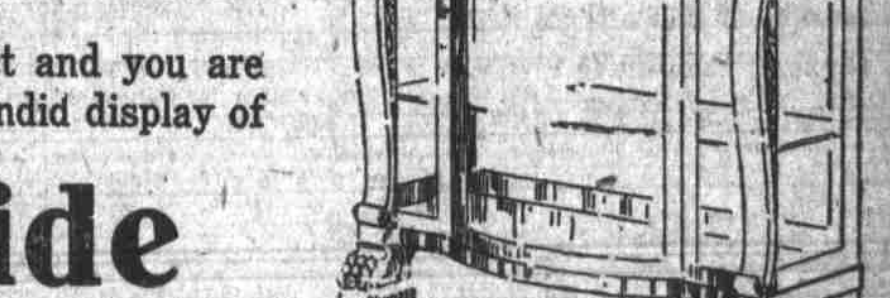
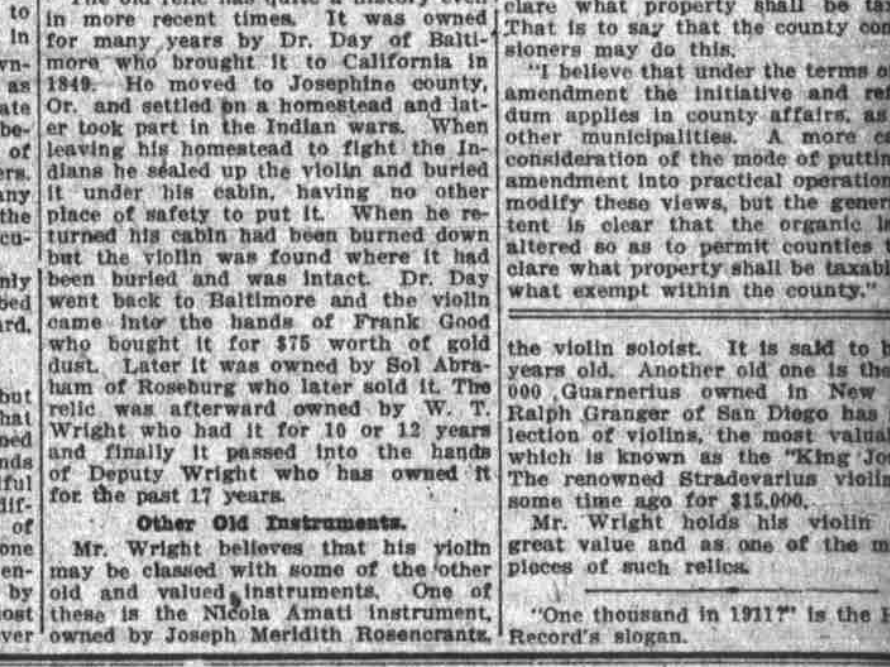
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