

WAY NOW IS CLEAR FOR 'BONE DRY' LAW IN STATE OF OREGON

U. S. Supreme Court, in Decision, Upholds the Webb-Kenyon Law.

OPINION BY CHIEF JUSTICE

The Circuit Court of Appeals Had Before Sustained Liquor Law of West Virginia.

With the Webb-Kenyon law upheld by the United States supreme court the way is clear for the enactment of "bone dry" legislation by the state of Oregon.

Chief Justice White delivered the opinion of the court January 8, the case involving the constitutionality of the law coming from the United States district court for Maryland, the James Clark Distilling company being appellant against the Western Maryland Railway company and the state of West Virginia, and the American Express company and the state of West Virginia.

Points in Court's Opinion.

A resume of the salient points in the chief justice's opinion are West Virginia in February, 1913, enacted a prohibition law, forbidding the "manufacture, sale, keeping or storing for sale, or offering or exposing for sale, intoxicating liquors."

There was no express prohibition against the individual use of liquor but its sale was prohibited, every delivery in the state by a common carrier was defined as a sale and there were restrictions on advertising and solicitation of sales.

The distilling company brought suit against the railroad to compel the carrier to take a shipment for personal use and deliver it in West Virginia on the ground that it was the duty of the carrier to accept it as a common carrier, in interstate commerce.

Before the issues had been decided, however, in these suits, the circuit court of appeals for the Fourth circuit held that the West Virginia law did prohibit shipments for personal use and upheld the constitutionality of both the Webb-Kenyon and the state laws.

West Virginia later strengthened its law by prohibiting the receiving directly or indirectly of liquors from a common carrier.

Can Regulate Traffic.

"That government can, consistently with the due process clause (Fourteenth amendment) forbid the manufacture and sale of liquor and regulate its traffic, is not open to controversy," says Chief Justice White, "and that there goes along with this power full police authority to make it effective, is also not open to controversy. The authority includes the right to forbid individual use, we need not consider, since clearly there would be power, as an incident to the right to forbid manufacture and sale, to restrict the means by which such intoxicants for personal use could be obtained, even if such use was permitted."

Assuming the Constitutionality of the Webb-Kenyon Law.

Assuming the constitutionality of the Webb-Kenyon law the court quotes that portion of the law which is relevant to the West Virginia cases: "An act diverting, transferring, or conveying their interstate character in certain cases. * * * That the shipment or transportation, in any manner or by any means whatsoever, of any spirituous, vinous, malted, fermented, or other intoxicating liquor, from one state, territory or district of the United States, * * * into any other * * * which is intended, by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package, or otherwise in violation of any law of such state, etc., * * * is hereby prohibited."

State Law Applicable.

Says the court: "As the state law forbade the shipment into or transportation of liquor in the state whether from inside or out, all receipt and possession of liquor so transported without regard to the use to which the liquor was to be put, and as the Webb-Kenyon act prohibited the transportation in interstate commerce, of all liquor, intended to be received, possessed, sold or in any manner used, either in the original package or otherwise, in violation of any law of such state, there would seem to be no room for doubt that the prohibitions of the state law were made applicable by the Webb-Kenyon law."

Prevent Smuggling Law.

The purpose of the Webb-Kenyon law, says the court, is to extend the Wilson law so as "to prevent the immunity characteristic of interstate commerce from being used to permit the receipt of liquor through such commerce in the states contrary to their laws and thus in effect afford

PROCTOR'S BUCKAROO GIFT



Bronze of a buckaroo by A. Phimister Proctor, sculptor, inspired by the Pendleton Round-Up, and presented yesterday to C. S. Jackson, publisher of The Oregon Journal, by business men of Pendleton in appreciation of his interest in the success of the Round-Up.

In appreciation of the part C. S. Jackson, publisher of the Oregon Journal, has played in making the Pendleton Round-Up a success and in bringing it to world-wide fame, the business men of Pendleton have presented him with a bronze buckaroo, the work of A. Phimister Proctor, famous New York sculptor.

The buckaroo was considered the most appropriate gift that could be secured, inasmuch as it was inspired by the Round-Up and was the first work of the sculptor after taking up

a means by subterfuge and indirection to set such laws at naught." Justice White concludes that congress had the power to enact the Webb-Kenyon law. "It is not in the slightest degree disputed that if congress had prohibited the shipment of all intoxicants in the channels of interstate commerce and therefore had prevented all movement between the several states, such action would have been lawful because within the power to regulate which the constitution conferred."

Celebrated Case Cited.

The court refers to the celebrated case of Lelsy against Hardin which declares in express terms that the movement of intoxicants in interstate commerce belonged to that class which was free from all interference by state control in the absence of regulation by congress, but reads the decision, "it was at the same time in the most explicit terms declared that the power of congress to regulate interstate commerce in intoxicants embraced the right to subject such movement to state prohibitions and that the freedom of intoxicants to move in interstate commerce and the protection over it from state control arose only from the absence of congressional regulation and would endure only until congress had otherwise provided."

This, in final analysis, means that the Webb-Kenyon act is constitutional and that any "bone dry" legislation enacted by the Oregon legislature will be safeguarded by the federal law.

Coat Stolen; Thief Sends Pawn Ticket

St. Louis, Mo., Jan. 20.—(I. N. S.)—Burke Sheridan received through the mail a pawn ticket for his overcoat, which had been stolen from a local billiard parlor. A note written by the thief accompanied the ticket. It read: "Sorry, old man, but I was hungry." Sheridan redeemed his coat for \$15.00.

Small Coins Become Scarce.

Berlin, Jan. 20.—(I. N. S.)—Small coins are becoming so scarce throughout Germany that business is badly hampered.

Oregon Charity Is Large.

Few states have spent so much money as Oregon has and so feebly met the responsibility imposed by the appropriation and recognition to the fact that these children truly are wards of the state. California has a state board of charities and corrections and maintains a supervisory and regulatory relation not only toward state aided institutions but county charities as well, investigating, visiting and reporting upon them.

Indiana saved \$400,000 through the service of its state board of charities by eliminating thereby political manipulation of appropriations for charitable purposes. Whether we have a state board of charities, put the work under the state board of health or devise another plan, the legislature is given the best opportunity in state history to take up this problem of caring for dependents and delinquents in a broad and sensible way and it can get all the scientific assistance it needs without costing a cent.

On the other hand, suppose the legislature acts without sufficient knowledge, not only would it be faced with the need for the most attention to replace investments already made, but it would soon have the evidence that it had failed in its responsibility to the children.

Trieste Cool to New Emperor.

Rome, Jan. 20.—(I. N. S.)—A traveler who was in Trieste at the time of the new emperor's visit to that city says that the authorities tried to stir up intense enthusiasm among the inhabitants in order to make the emperor's reception a warm one. The people of the city, however, paid absolutely no attention to the monarch, and wholesale arrests were made by the police, in consequence.

LEGISLATURE ADVISED TO INVESTIGATE BROAD SUBJECT OF CHARITIES

Physicians and Others Interested in Matter Urge No Action Without Research.

COMPLICATIONS MANY

Proper Correction and Complete State Control on Non-Partisan Basis Are Principal Reforms Urged.

By Marshall N. Dana.

Before the legislature acts on the bill affecting state aided charities, a group of Portland physicians and others interested in the subject ask it to stop and think.

The legislature has opportunity to perform a profoundly needed service by taking up the subject as a whole, or to jeopardize the welfare of dependent children and humiliate the state by hasty and ill-considered action, these men believe.

They held their initial meeting Friday evening. They then resolved to ask the legislature to defer action on state-aided charitable institutions until the lawmakers have information on which to base the formulation of an entire new policy.

Free Service Is Offered.

But instead of asking the legislature to make an appropriation covering the cost of survey of the facilities provided and service rendered by these institutions, the committee offers free time and expert scientific knowledge necessary to furnish the information and will do it before the session ends.

Included in this committee are Walter T. Williamson, who was elected chairman at the meeting Friday evening, Dr. David N. Roberg, state health officer, who was chosen as secretary of the committee; Dr. Joseph Elderback, Dr. Robert G. Hall, Dr. Laurence B. Miller, Dr. Joseph Dr. Mae H. Cardwell, Dr. William House, Dr. James Rosenfeld, District Attorney Walter H. Evans, and chairman of the Chamber of Commerce charities committee.

Many Others Are Listed.

A number of others have been listed to advise with the committee when it has completed its work. The task will be organized and sub-committees will follow a prescribed routine in order to furnish all the information desired. The committee will be represented by a group at the public hearing set for next Wednesday evening at Salem by the legislative committee.

One result, which is really a point of beginning for the state is aimed at competent state supervision and regulation of state aided charities.

It is believed that institutions gladly will conform to standards required as a prerequisite to assistance from the state, that all their books will be open, and their methods subject to review.

Real Supervision Lacking.

But at the present time the state attempts no real supervision. It appropriates \$10 a month per child in institutions for the blind, deaf, and stumps. It does not learn whether value is received or not. There is no reference anywhere to the fact that these institutions are costly, that \$8 a month for each child, collecting the additional amount required from the public. No audit of the books of the institutions is made on regular system. No provision is made for responsibility for audits. The secretary of state says that he is also the secretary of 15 boards and commissions, the roster of which occupy oppressively the services of himself and staff. The secretary of the Waverly Baby Home, during the inquiry conducted a few days ago at the instance of the legislature, said that he had been five years since a representative of the state had gone through the home's accounts. Would any private business be handled so carelessly?

Regular Visitation Enforced.

The state health officer must sign the vouchers for the state aided institutions and that would imply regular visitation and detailed knowledge as to their condition by the state health officer has a multitude of other duties and no field inspection staff and frankly admits that he cannot exercise anything like necessary supervision. Without a uniform standard, each institution is a law unto itself. It takes such dependents as it can get without contaminating those already received. There is no place where a child of impure birth or with infectious disease will be admitted except at St. Agnes home, the physicians who handle these matters, say. At the state feeble minded institution there is a waiting list of more than 40.

There is scarcely any provision for segregation of infected children. Imagine the state handling the problem of hogs with cholera, cattle tuberculosis or dogs with rabies in the same haphazard fashion that it deals with these unfortunate little human lives!

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Birth Rate in U. S. Far Exceeds Deaths

Of Every 10 Babies Born, However, One Dies Before Reaching the Age of One Year.

Washington, Jan. 20.—(I. N. S.)—Of every 10 babies born alive in the United States one dies before reaching the age of one year. Also, far more births occur annually to foreign-born parents, proportionally to their number, than to native-born parents. The birth rate exceeds the death rate in the country as present by nearly 73 per cent.

These are among the significant facts presented in a preliminary statement made public by the bureau of census of the department of commerce, covering the recently established birth registration area of the United States comprising the six New England states, New York, Pennsylvania, Michigan, Minnesota and the District of Columbia.

The report shows that in this area, with a population representing 31 per cent of the total of the United States, 774,304 infants were born in the year 1915, which represents a birth rate of 24.9 for every 1000 of population. The

Irving Fisher for Chamberlain Bill

Washington, Jan. 20.—(I. N. S.)—Senator Chamberlain of Oregon has a strong support for his universal military service bill in Professor Irving Fisher of Yale university. Professor Fisher has replied to an invitation of an anti-militarist organization to appear before congress in opposition to universal military service, by declaring that he will be glad to appear but will support Senator Chamberlain's measure. He says it approached the Swiss military system, which he regards with favor.

Reduce Size to Save Paper.

Washington, Jan. 20.—(I. N. S.)—Secretary of Commerce Redfield in an effort to save paper of which there is a shortage in the country has ordered new stationery of smaller size and has reduced the size of his letter head.

Needlecraft Shop now located 208 Eilers building. Free embroidery lessons daily. (Adv.)

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This highly attractive offer is open to all—no matter how much or how little you earn, no matter what you do, you can have one of these superb instruments, bringing everything in the way of musical entertainment, education, real enjoyment into your home.

You receive at once the finest records (31 selected titles). The first investment covers everything. All included free, together with all accessories, on little payments as you like and until the total price of \$82.55 has been paid.

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Our January, 1917, Offer No. 2

For only \$1.00 a week we now supply a new portable type model Grafonola, including all of the above enumerated accessories, but only 17 of the 31 titles referred to above and the one free demonstration record.

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