

BANKING LAWS OF OREGON UPHOLD IN LOCAL BANK CASE

Supreme Court Holds State Bank Superintendent Legally Given Right to Discretionary Power.

Salem, Jan. 27.—The state banking laws, making the granting of a charter for a new bank discretionary with the state banking board, based upon the needs for the proposed institution, are upheld in a supreme court opinion by Justice Johns today in which the decree of Judge George A. Bingham of the Marion county circuit court, ordering the state superintendent of banks to issue a charter to S. A. Mulkey, L. A. Bass and others interested in the organization of a new bank at St. Johns, is reversed.

The case dates back several months to the original application by Mulkey, Bass and associates for a charter for a new bank at St. Johns, to be known as the Bank of Commerce. The application was refused by Will H. Bennett, state superintendent of banks, on the ground that the needs of St. Johns were already well supplied with the two banks then in existence and that conditions did not justify the institution of a third bank.

An appeal from the decision of Bennett was taken to the state banking board, which upheld Bennett. Mulkey, Bass and their associates then filed mandamus proceedings in the Marion county circuit court to compel the issuance of the charter, alleging that the refusal to grant the charter was "an abuse of discretion, partial, arbitrary, discriminatory and unjust."

BANKING LAW UPHOLD
A demurrer on the part of the bank superintendent, on the ground that the court had no jurisdiction over the matter, was overruled and Judge Bingham upheld the contention of the plaintiffs in a written mandamus, which ordered Bennett to issue the charter for the new bank as asked for.

In his opinion today, reversing the decree of the lower court, in which he is concurred in by Chief Justice McBride and Justices Bean and Bennett, Justice Johns declares that the state banking law, the constitutionality of which was being attacked in the mandamus proceeding, is not a class legislation and that until such time as the applicants are able to allege a strict compliance with all the requirements of the state banking law, no constitutional question is presented and they have no legal right to complain.

PENDLETON CASE UPHOLD
The right of the Commercial Association of Pendleton to the proceeds from the \$5000 trust fund left by the will of the late Samuel P. Sturgis is upheld by the supreme court today in an opinion by Chief Justice McBride and concurred in by Justices Harris, Benson and Johns. The right of the association to the trust fund had been contested by the Pendleton public library, which alleged a misinterpretation of the terms of the will. In his opinion Chief Justice McBride declares:

"If there is any ambiguity in the terms of the will, it is latent and not apparent on the face of the instrument. Anyone ignorant of local conditions and controversies would, upon reading the clause in dispute, at once conclude that (1) there was at the time an organization known as the Commercial Association of Pendleton, (2) that it had a library, (3) that its habitat was the city of Pendleton, Or., and (4) that it was the intent of the testator that the trustees named in the will should expend the income of the fund so bequeathed for the benefit of that library. If the first three of these conditions actually existed, the fourth necessarily followed as a matter of law."

WOMAN WINS WILL CASE
The opinion of Chief Justice McBride affirms the decree of Judge Gustave Anderson of the Umatilla County circuit court, except that the opinion of the lower court is so modified as to eliminate the recovery of the costs from the defendant, and directs that the accumulated surplus of the trust fund be divided

SHIP MASTER IS UNDER ARREST, IT IS REPORTED

Captain John Alwen, of Steamer West Munham, Accused by Members of Vessel's Crew.

Join Alwen, master of the steamer West Munham, and charged by members of his crew last year with failure to provide proper food, in violation of the federal penal code, in consequence, it was reported, that several men were stricken ill, is under arrest in Seattle, according to word received today by Chief Deputy United States Marshal Mann. He has been released on bond, but efforts will be made to bring him to Portland for trial.

Alwen was named in a secret indictment by the federal grand jury here last October, but before he could be arrested he had left Seattle for the Orient on a steamer. On his return Monday he was arrested, it is said here.

According to the indictment, between May 3 and September 3, 1919, while master of the West Munham on a trip to the Far East, he failed to provide suitable and proper food for his crew. Unwholesome and tainted meat was issued, it declares, as well as sour and improperly cooked bread and filthy water.

William Glover Jr., son of William Glover, secret service agent here, died shortly after the trip, said to be because of the impure food.

The alleged complaints regarding the food were made on the first voyage of the West Munham in the Portland-Oriental service of the Pacific Steamship company.

COMMISSIONERS SAY INFLUENZA MAY FIND CITY ALMOST BROKE

Unless the heavens rain a few dollars into the city treasury, Portland will be a financial invalid, according to Commissioner Barbur, in charge of the bureau of public works.

In fact, if influenza gains a grip on the city, it will take every available dollar in the general fund to combat it, city commissioners believe.

Barbur points out that construction of the concrete smallpox hospital on the land adjoining Kelly Butte rock quarry may be halted entirely for a few months by an epidemic of influenza. Although little, if anything, has been done on the hospital, Barbur says it will cost more than \$24,000 to erect and equip it.

Commissioner Pier is preparing a financial statement showing the state of the city's financial affairs. It is certain, state city officials, that less than \$40,000 remains of the original general fund of \$100,000 that was appropriated in the budget.

Barbur states that the city is run more economically than other cities of its size. If the present 6 per cent tax limitation law continues in existence, he points out, it will be necessary to go before the people each year by special election to seek funds to run the municipality.

Some of the phrases were: "The Socialist must understand that socialism is not a reform movement. The Socialist movement is a revolutionary movement. He must cease to become a preacher, but must become a fighter. He must know that the Socialist movement is a Red movement, a movement with blood in its veins, which knows that nothing in life can be won without a struggle."

"The Socialist movement in America must be more cautious than the movement in Europe."

Julius Gerber, secretary of the Socialist party in New York, was called, John B. Stanchfield, for the assembly, showed that at Chicago the Socialists declared by resolution against Socialists who voted war credits.

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Stanchfield quoted Trachtenberg as saying that a soviet republic was a possibility in the United States. The Russian soviet government was highly praised.

SOCIALISTS TOLD CULT IS REVOLT AND NOT REFORM

Famous Little "Red Book," Written in Yiddish, Is Read at N. Y. Unseating Proceedings.

By G. Shepherd
Albany, N. Y., Jan. 27.—(I. N. S.)—The tapestry of socialism in the United States is being deftly unwoven today by lawyers for the New York state assembly, which is trying to unseat five socialist assemblymen on the grounds that they are socialists and believe in overthrowing the government by revolution.

The most sensational evidence introduced during the morning was to the effect that there are black and red threads in the Socialist fabric. The famous little "red book," written in Yiddish, having been translated in full over the recess, was read in its entirety.

Some of the phrases were: "The Socialist must understand that socialism is not a reform movement. The Socialist movement is a revolutionary movement. He must cease to become a preacher, but must become a fighter. He must know that the Socialist movement is a Red movement, a movement with blood in its veins, which knows that nothing in life can be won without a struggle."

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"Washington is hot on the trail of tourists and others who chop down the young trees along the highways of the state, and is doing everything in its power to prevent damage from fire and axe."

"Anyone who has been in France and has had an opportunity to see the mutilation caused there in the war zone and the beautiful stretches of highway where the trees are still growing, is familiar with the contrast between no trees and an abundance of shade."

"Every civic club in Washington is interested in the campaign."

VALEDICTORY PARTY GIVEN TWO MEMBERS OF JOURNAL FAMILY
Thomas Mullin and Harry Ely Honor Guests at Happy Banquet Monday Evening.

Forty members of The Journal family laid aside the hurrying duties of newspaper publication and gave a valedictory party to Thomas J. Mullin and Harry Ely, at the Hotel Portland, Monday evening. Mullin, who for nine and a half years has been advertising manager of The Journal, is going to Salt Lake as business manager of the Herald, where he will be associated with A. L. Fish, former business manager of The Journal. Harry Marcus will succeed Mullin as advertising manager of The Journal. Ely, who for some years has been assistant circulation manager of The Journal and for 15 years attached to the circulation department, is to become circulation manager of the Portland Telegram.

Newspaper men live lives so tensely devoted to duty during working hours and see so little of each other off duty that both the departing members of The Journal family and those who possibly the first time how highly they have been esteemed by their fellows and what an impress they have made upon the daily product of a friendly, harmonious and harmonious idealism known as The Journal. Tribute was given the departing men by representatives of the various divisions of the advertising, circulation, composing, press and editorial departments. Fred Lockley served happily as master of ceremonies. David H. Smith and Harry Marcus were the committee on arrangements.

Smart Overcoats and Suits for the Younger Men
I am showing some recent arrivals for late winter wear. Young men will admire greatly their smartness of fabric, pattern and color. They are very fairly priced at \$35 \$40 \$45

Auto Underwriters Formed in Portland File Incorporation
Salem, Jan. 27.—The Oregon Auto Underwriters, capitalized at \$5000 and with headquarters in Portland, filed articles of incorporation with the corporation department here today. The incorporators are A. M. Epstein, F. J. Schmanowsky and B. A. Ewers. Articles were also filed by the Metropolitan company of Portland, capitalized at \$5000. G. J. Burton, W. H. Masters and James L. Conley are the incorporators.

The Portsmouth Mercantile company of Portland filed resolutions of dissolution.

Celebrates Golden Wedding
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They Pressed It to Their Lips and Then Declared It Brandy
A virtuous grocer was A. Lavagno of 40 North Third street. So averred A. Checchini and Albert B. Ferrara, leaders in the Italian colony.

And then according to revenue officers, their idol fell.

Lavagno was arrested last week by city police, charged with violation of the prohibition laws. Extracts, rectifying paraphernalia and more than 400 gallons of wine were alleged to have been discovered.

"He is innocent. He didn't have liquor in violation of the law," Checchini and Ferrara chimed.

They invited a revenue officer to see for himself. The three repaired to Lavagno's store. And there, in plain sight, the revenue man found a bottle.

"Taste it," he commanded.

"Brandy," said Checchini.

"You bet it's brandy, and you two may be government witnesses against this man," the officer snapped.

President Sproule and Party Due to Reach City Today
William Sproule, president of the Southern Pacific railroad, will arrive in Portland shortly before 5 p. m. today. In his party are five other Southern Pacific officers, all coming on an inspection tour.

In his party, which is traveling on a special train, are W. R. Scott, federal manager of the Southern Pacific; J. H. Dyer, general manager; F. L. Burckhardt, assistant general manager; Charles S. Fee, passenger traffic manager; and G. W. Luce, freight traffic manager.

California Bank Robbed
Martinez, Cal., Jan. 27.—(U. P.)—The Byron bank at Byron was robbed last night of \$3000 in silver and bonds and right to an unknown total. The robbery was discovered today by E. C. Abel, cashier, when he opened the bank.

Schmidt Sues for Divorce
Suit for divorce was filed Monday by Martin Schmidt against Adela Schmidt. They were married in 1912. Schmidt names Peter Loose as correspondent.

INHERITANCE TAX ARGUED
Attorneys Ordered to Submit Briefs in Mallory Case.
After hearing arguments on the Mallory inheritance tax case, Judge Stapleton Monday ordered both sides to submit briefs. The case is on appeal from the decision of Judge Taxwell, who, when county judge, upheld the contention of the heirs that an inheritance tax should not be paid on the estate of the late Elmer Ellsworth Mallory, as well as on that of his father, Rufus Mallory.

Elmer E. Mallory was made chief beneficiary of the estate of the late Rufus Mallory, but he died before the estate had been admitted to probate. The present heirs object to paying two inheritance taxes on the ground that it does not involve two estates, and that Elmer E. Mallory did not derive any appreciable benefits from his father's estate. The estate is valued at \$400,000.

RUPERT ESTATE IN PROBATE
Milan A. Rupert, a Son, Is Chief Beneficiary of Broker.
Papers in the estate of Arthur J. Rupert, valued at approximately \$150,000, were filed in probate court late Monday afternoon. Most of the stock in the A. Rupert company, merchandise brokers, was left to Milan A. Rupert, a son, who will come into control of the concern when he is 25 years old.

Other bequests were made to Letha E. Rupert, the widow; Josephine Rupert, mother of the deceased; and Mrs. Emily Rupert, Crawford and Alice Rupert, daughters. Edgar H. Senechich of the Northwestern National bank is named as Milan Rupert's guardian.

Fuel Valued at \$10,000
An amended complaint was filed by Elmer O. Underwood this morning against the Grant Smith-Porter shipyard and the National Hospital association. The man claims that while he was employed as a laborer for the ship company on October 3, 1918, he received injuries to his foot which were worth \$10,000.

RED CROSS TO HELP
The Red Cross pledges its aid with the announcement made this morning by Earl Kilpatrick, divisional director of the Northwest for the American Red Cross, that all Red Cross nurses would be enrolled immediately to meet any emergency. All women of experience who aided in the first wave of influenza will likewise be enrolled for duty, according to Mrs. J. E. Callahan, president of the state organization of the Federation of Women's clubs. Dr. Robert, state health officer, reports that these volunteer workers will be instructed by competent physicians of the care of influenza patients.

The record of cases over the state up to noon today, as given out by the city and state health bureaus, is as follows: Portland, 28; Pendleton, 100; Burns, 150; St. Helens, 49; Roseburg, 104; Hood River, 9; Baker, 25; Forest Grove, 6; Heppner, 21; Madras, 6; Klamath Falls, no authentic reports—rumors of 25 cases; The Dalles, no authentic reports—25 cases rumored to exist.

ACTION TAKEN TO CURB FLU CASES
Reports Must Promptly Be Forthcoming From Every Quarter to Combat Spread.
With 574 cases of influenza reported over the state up to noon today, including 10 additional over the city, and 116 from outlying districts, city and state health officers have thrown all their energies into combating what may develop into an epidemic. All cases so far reported are much less virulent than the wave of 1918-19.

Twenty-eight cases are now reported in Portland, although all have not been definitely diagnosed as influenza. Four deaths have been recorded since Sunday, one in Portland, two in Pendleton and a fourth in Yankton, outside of St. Helens. An autopsy over the body of Mrs. W. R. Messenger, 985 1/2 Alhina avenue, performed by Dr. Farnish, reported the cause of the city health bureau, showed pneumonia in both lungs and hemorrhagic pulmonary influenza symptoms. Mrs. Messenger died Sunday night after an illness of a day's duration.

LEGISLATION ENACTED
Legislation drawn up by H. F. McInturff, attorney for the state board of health, which makes it imperative for all employers of labor to report cases of influenza to health officers, is being kept as keeping afflicted patients from working, was passed this morning by the city council to cover conditions in Portland. Every physician, surgeon, practitioner or health officer is required likewise place influenza placards on any home where influenza cases are known to exist. "Suspects" must likewise be quarantined by physicians and reports must be made to the state health bureau.

Temporary influenza headquarters are ready for occupancy in the barracks adjoining the Multnomah county hospital in South Portland. Dr. Farnish reported this morning. Dr. Harry Cliff, county health officer, will have complete charge of the hospital. No patients had been placed in the hospital up to Tuesday noon.

First outbreak of influenza was reported from Heppner this morning. Twenty-one cases have been quarantined, according to word received by County Health Officer C. Chick. Six cases have broken out in Madras. Fifty additional cases were reported from Pendleton which brings the total to 100. Roseburg showed a flare-up of influenza during the past 24 hours with 40 new cases diagnosed as "flu." Fourteen of these are among railroad employees.

Jackson Club Names Six Committeemen; 3 Women Are Elected
Six executive committeemen for the Jackson club were elected Monday night when 150 members gathered in Library hall.

The committeemen are: Alice MacNeught, Edward J. Wood, Seth Riggs, Walter B. Gleason, Mrs. L. Palmer Weber and Mrs. M. L. T. Hidden. Dr. J. W. Morrow, national committeeman from Oregon, described the scenes in Washington when San Francisco was named as the next convention city for the Democratic party. It wasn't at the club when Jack Littell, chief deputy of the internal revenue force, spoke on prohibition enforcement. Littell substituted for Johnson S. Smith, prohibition director for Oregon, who is ill. Smith has outlined a speaking campaign to acquaint Portland citizens with their duties under the national prohibition act. So the Jackson club happened to be but one port on the call list. All civic clubs will be visited by Smith and his deputies.

Hardware Dealers In Annual Meeting At Imperial Hotel
A general review of the hardware and implement business in Oregon is the program before the annual convention of the Oregon Hardware and Implement Dealers' association, which opened at the Imperial hotel this afternoon with a general reception to members.

The big annual banquet on Thursday night is to be the feature of the convention.

President H. R. Van Duser of the Portland Chamber of Commerce welcomed the hardware dealers at 2 o'clock this afternoon and A. S. Jamieson of McMinnville, president of the association, responded.

Delayed Steamer Arrives
Seattle, Jan. 27.—(U. P.)—The steamer Jefferson docked here today, having arrived over 24 hours late from South-eastern Alaska.

Fined \$500 for Making Still
Chester B. Frazier, Salem plumber, was fined \$500 today when he pleaded guilty in federal court to a charge of manufacturing a still.

Reductions Reach Remarkably Low Level
For This Last Week of Our Big **Reconstruction Sale**

Entire Stock of SUITS \$25
In 2 Big Special Lots \$35

Tailored, semi-tailored and novelty models, many in the much-favored navy blue, suitable for present and early spring wear. **Remarkable savings are yours on any suit.**

Astounding Coat Special \$20

Coats selling to \$37.50. Silvertone, velour and tweed (without fur trimmings) in styles good for early spring.

A Real Dress Event!
Dresses selling from \$37.50 to \$59.50
1/2 Price
Now \$18.75 to \$29.75

Smart dresses of silk, wool and combinations. You always need a new one-piece dress. This special makes it easy for you.

Group of Handsome COATS One Half Price
Models selling from \$79.50 to \$150, now \$39.75 to \$75.00
Beautiful fabrics and linings, many with rich fur collars.

Choose From These Extraordinary Specials While Assortment Is Good

EMPORIUM
124-128 SIXTH ST. JUST OFF WASHINGTON

Big Double Bill!!

"Sic 'em, Wapi!" and Wapi, the Killer, tore at her enemy!

Now Playing!

You'll Laugh Your Head Off at Fatty Ar buckle as an R. F. D. Mailman

Thrills **James Oliver Curwood's "BACK TO GOD'S COUNTRY"** AND **FATTY ARBUCKLE** IN **"The Hayseed"** BETTER COME AND BRING THE FAMILY!

SUNSET

A Story of Dolores, the Swimming Girl of the Canadian Wilds!

and Laughs