

## SUPREME COURT SAYS DRY LAW CONSTITUTIONAL

Dissolves Injunction Preventing Revenue Officials From Removing 70,000,000 Gallons in Bonded Warehouses—Holding on States.

WASHINGTON, D. C., Dec. 15.—The war-time prohibition act was today held constitutional by the supreme court. In deciding the question the court dissolved the injunction restraining revenue officials from removing about 70,000,000 gallons of whiskey from bond.

Signing the armistice did not abrogate the powers of Congress, said Associate Justice Brandeis in reading the decision. The court held that the constitutional prohibition amendment is binding on states, as well as on the federal government, superseding the state law.

Constitutionality of the war-time prohibition enforcement laws was attacked in three different appeals. One came from Kentucky, where the former statute was held invalid. Two came from New York, where both acts were sustained.

Besides the millions of dollars invested in brewery and distilling plants, the decision affects approximately 70,000,000 gallons of whiskey valued alone at between \$100,000,000 and \$200,000,000, according to internal revenue officials' estimates.

The cases of the Kentucky Distilleries & Warehouse Co. of Louisville, Ky., and Dryfoos, Blum & Co. of New York were virtually identical and resulted from efforts to compel the government to release whiskey from bond. The third case, an appeal of Jacob Ruppert, a brewer of New York, involved authority under the acts to manufacture beer containing 2.75 per cent alcohol.

In arguing the cases before the supreme court on November 20 and 21, 1919, Elihu Root and others appearing in opposition to the prohibition acts contended that war-time prohibition was unconstitutional because Congress had no power to prohibit the sale of intoxicants within a state except under its war power which had ceased; that the act conflicted with the fifth constitutional amendment prohibiting the taking of private property without just compensation and that the war had terminated, making the act obsolete and invalid. It was also contended that the Volstead law (the prohibition enforcement act) by fixing one-half of one per cent as the maximum amount of alcohol in beverages, established a new standard for intoxicants. Mr. Root also contended that the constitutional prohibition amendment allowed liquor dealers a "year of grace" to enable them to readjust their affairs to meet changed conditions, but despite the amendment, which he argued was virtually a contract between Congress and the states, the liquor business had been constantly heckled with legislation in Congress seeking to advance the time for national prohibition.

These contentions were generally refuted by Solicitor General King and William L. Frierson, assistant attorney general, appearing on the government's behalf, who took the position that the prohibition act is still in full force owing to the Senate's delay in ratifying the peace treaty, that a state of war technically exists, that national prohibition was necessary for the winning of the war and the establishment later of normal peace conditions and that such legislation came within the powers of Congress.

In declaring the war-time prohibition act unconstitutional, Federal District Judge Walter Evans in Louisville, held the act conflicted with the fifth amendment and enjoined internal revenue officials from preventing the Kentucky Distilleries & Warehouse Co. from removing whiskey for beverage purposes from its warehouses. The act, however, was upheld in the Dryfoos case by the federal district court in New York which dismissed proceedings

## RED CROSS SEALS WENT WITH RUSH

A vigorous campaign for sale of Red Cross Christmas seals for the anti-tuberculosis fund was waged Saturday by Boy Scouts and girls of the local high school. Mrs. Fred C. Murphey, chairman of the Klamath Falls distribution canvass, reported today that more than half of the \$300 quota for this city is raised. The final drive will be held next Saturday.

All of the Scouts, about 50, were engaged in the selling campaign. Some of them proved adept salesmen and certain boys sold as high as \$15 worth during the day. Three of the girls made scores equally as good. During the Catholic fair good sales were also made. All the money collected is not yet in the chairman's hands but she said she is certain that more than half the quota was obtained.

## EUGENE BANKER DIES SUDDENLY

Thomas G. Hendricks, pioneer of Lane county, founder of the First National Bank of Eugene and the heaviest individual taxpayer in Lane county, died at his home in Eugene, Saturday at the age of 81 years. Mr. Hendricks had been in his usual good health up to Thursday, when he was attacked with acute indigestion. He suffered severely all day and during a portion of the night, but grew better toward morning. Growing worse later, physicians were sent for, but nothing could be done for him. Mr. Hendricks leaves a widow and two daughters, Mrs. Ada Smith, wife of Attorney Richard Shore Smith, and Mrs. Ruby Goodrich. He is also survived by three brothers, Elijah Hendricks and A. M. Hendricks of Eugene, and M. L. Hendricks of Woodburn, besides a sister Mrs. Frank P. Close of this city.

Mr. Hendricks was born in Henderson county, Illinois, June 17, 1838, and crossed the plains with his parents, who settled in the Pleasant Hill district in 1848 when he was but 10 years old. His early schooling was in the first schoolhouse in the county, in that section, which later was designated as school district No. 1.

He entered the employ of his grandfather's dry goods store, of which a few years later he became the proprietor. In 1884 he withdrew from the mercantile business and with S. B. Eakin organized the banking firm of Hendricks & Eakin, the forerunner of the present First National bank of Eugene, of which he was president for 25 years prior to his retirement from active life, three years ago.

The work of his life, upon which Mr. Hendricks always looked back with the most satisfaction, concerned his associations with the university. Mr. Hendricks was appointed a member of the first board of regents of the university and for 24 years served as chairman of the executive committee of that body. Hendricks hall, the splendid dormitory for women at the university which was recently constructed, stands as a monument to his connection with the institution.

The Oregonian. Mrs. Richard Shore Smith, daughter of the late Mr. Hendricks, resided in Klamath Falls for several years while her husband was practicing law in this city. Her father visited her here several times during that period and had a considerable acquaintance here.

brought to enable the company to withdraw a small quantity of distilled spirits from bond.

The Kentucky case was decided in the lower court on October 27, and the New York case on November 14, and all were immediately appealed. About 18 months would have been required for them to make their way through the supreme court docket for argument had not the court upon motion of both sides agreed to expedite their consideration owing to the short time elapsing before national constitutional prohibition becomes effective in January.

## FARM BUREAU LEADERS TALK OVER DETAILS

The executive committee of the Klamath County Farm bureau held their first meeting in the county agent's office Friday. The committee had before them many reports from farm bureaus in other counties showing what was being done. The program of work for the coming year was discussed in detail and definite plans put into action. Each member of the executive committee heads a certain project of work. Specific plans of the various committees will be given out from time to time as the work progresses.

The executive committee has before them a very attractive offer for the first five silos, one to a district, to be built under the farm bureau campaign. Full details of this will be given out shortly.

The committee on hay production and marketing is undertaking a survey of the alfalfa still on hands and unsold. It is very desirable that everyone having alfalfa hay for sale notify some member of the committee at once. The committee consists of Harry Telford, chairman; Robert Cheyne, C. M. Kirkpatrick and M. Giacomini.

## MEETING OF STATE C. OF C. POSTPONED

On account of last week's severe storm and consequent interruption of wire and railway service, the state chamber of commerce has postponed the convention in Portland which was to have opened today until the end of the month. The meeting will be held December 29, 30 and 31, according to notification sent out by George Quayle, secretary.

Among matters scheduled to come up for discussion at the convention are plans for the development of central and eastern Oregon and the extension of the Strahorn railway system, which have been recommended to the chamber for support. The Natron cut-off will also come up and efforts will be made to secure a resumption of work on this project.

## FILES CERTIFICATE

Dr. T. C. Campbell has filed his certificate as a licensed physician with the county clerk.

## ASKS FOR LETTERS

Fred E. Fleet has filed application in the county court for letters of administration in the estate of his mother the late Mrs. Elizabeth A. Fleet. The petitioner and his father, Gilbert Fleet, are next of kin. The estate is valued at \$6000.

## LEACH WILL FILED

The will of the late Susanna Leach has been filed for probate. It gives all of the property of the estate to Eliza M. Stilts. The estimated value of the property bequeathed is \$2000.

## OREGON GOODS BOOST CAMPAIGN IS SUCCESSFUL

PORTLAND, Ore., Dec. 15.—Two years and a half ago 50 enterprising business men organized to promote the marketing of Oregon-made goods. Today there are 250 Oregon manufacturers who are interested in the organization known as the Associated Industries.

"Man people do not understand the purpose of the Associated Industries," said A. G. Clark, manager of the organization, this morning at his headquarters in the Oregon Building. "Some think we are discriminating against industries outside of Portland. We are not. Our membership could not have grown as it has within the last two years if this were true. We are anxious to encompass all Oregon industries in our organization."

"In our campaign to educate the people of Oregon to take a greater interest in home production, we have received the hearty cooperation of the press of the state and every aggressive organization of business men, and some individual concerns. I have spoken before nearly every state, county and municipal organization and have everywhere received generous response, the sincerity of which is shown by the increasing demand for Oregon made goods."

"The labor problem in Oregon would be completely solved if all the people of Oregon would buy one-half of their purchase from Oregon producers, or in inverse proportion if one-half the people would buy all their goods from home manufacturers."

"Politics or the labor problem do not enter into the policy of the organization. We are simply trying to enlarge the payroll of the state and give each separate community its share of state wide prosperity."

"The resources of the state are as yet untouched, and it only remains for the business men of every community to get together and boost Oregon products until we have one of the biggest producing states in the Union."

## PROTEST AGAINST IRRIGATION DIST.

Water right owners within the boundaries of the Langell Valley Irrigation districts have filed contests against the confirmatory proceedings recently instituted in the circuit court by the directors of the district, who are seeking a decree confirming the regularity of the proceedings establishing the district and issuing a \$900,000 bond issue. There are two protests on file.

## BABY BOY ARRIVES

A son was born Saturday, December 13, to Mr. and Mrs. B. L. Herrington, 915 Walnut avenue. The weight of the new arrival was eight pounds and he has been named Robert J. Mother and son are doing nicely according to Dr. George Wright who is in attendance.

## HILDEBRAND FOLK GET POSTOFFICE

After a year and a half spent in argument and unraveling red tape, residents of the district have secured re-establishment of the postoffice at Hildebrand. The persons served by the office have received their mail at Dairy during the 18 months that the Hildebrand office was lapsed. Some of them had to travel 22 miles after mail, and one Herald subscriber writes that "it was hell in the winter." Sometimes those farthest from the Dairy office would only receive their mail twice monthly.

## BOXERS FULL OF CONFIDENCE

The Klamath Falls municipal boxing commission is expecting a large crowd of enthusiastic fans to be on hand tonight at Houston's opera house when Tom Watters the referee, climbs through the ropes to announce the first bout. From all reports local devotees of the fist sport will see the finest program ever staged in Klamath Falls.

Toby Miller, who is well known in Klamath Falls, is in the pink of condition, and his sparring partners are glad that the time for the gong is near by, as they have suffered rough treatment the past several days. A report from Billy Huff's training quarters has it that he has been taking on six opponents every day. Both Miller and Huff have been putting in several hours a day on the road and say they never felt better at any time in their career.

Of more interest than usual will be the preliminaries. Much credit is due Winter Knight on the make-up of his program. He is in receipt of letters and telegrams from Portland and San Francisco boxers and their managers, who wish to appear here and show their wares.

In case the show tonight proves to be the drawing card it should be the commission assures the public that it will be given a series of high-class entertainments through the winter months. With these shows and the new athletic organization, Klamath Falls will soon be in the big city class in sports, as it already is in other lines.

## GERMAN DYES SHIPPED

LONDON, Dec. 15.—The Board of Trade announces that the first shipment of German dyes will shortly arrive in this country. It will be followed at intervals by further quantities.

## SLIPS ON ICE AND RECEIVES BAD GASH

Kenneth Meyers slipped on the ice at the West Side school Friday and fell, cutting a gash in his forehead. It was necessary to take two or three stitches to close the wound.

## MOLE FUR DEMANDED

LONDON, Dec. 15.—Moleskins are in such demand for coats and furs that mole-trappers are already completing contracts to dealers at 5 pounds per hundred against a pre-war price of twenty-five shillings per hundred.

## WHITE PELICAN GARAGE BADLY HIT BY FLAMES

Thirty Autos Valued at \$38,000 Are Burned—Damage to Equipment Estimated at \$15,000—Building Loss \$14,000, With No Insurance

An attempt to thaw frozen plumbing with a blow torch at the White Pelican garage this morning resulted in a loss of thousands of dollars' worth of property, when the flame ignited gasoline fumes and spread quickly to all parts of the building. The loss to Gordon & Lee, proprietors of the garage, was estimated today at \$15,000. Mr. Gordon said the insurance should fully cover the loss.

The building was owned by W. B. Kyle of San Francisco, whose loss is estimated at \$14,000. It is not believed that there was any insurance on the building.

There were 33 cars stored in the garage and 29 were burned. The loss is estimated at \$38,000, about 75 per cent covered by insurance.

The cars that were saved were owned by R. E. Smith, realty dealer; E. B. Hall, local hotel man; L. R. Holbrook, sheep raiser, and an owner of a Reo, not identified.

The flames spread quickly and an attempt to check them with hand extinguishers was ineffectual as every extinguisher in the place, proved, on trial, to be frozen solidly. Mr. Gordon states that if the extinguishers had been working he believes the garage force would have been able to overcome the flames.

The fire department responded quickly to the alarm and did effective work, handicapped as they were by the freezing weather. Where the water struck the garments of the firemen it froze them stiff in a few minutes.

The brick walls of the building still stand, but the inside was completely gutted and the roof wrecked.

## JUAREZ HAS A NICE NEW HURRY-UP WAGON

JUAREZ, Mex., Dec. 15.—For the first time in its history, Juarez has a police patrol vehicle. It is a sturdy affair somewhat like a truck. Police officers plan to give it the name of its first woman passenger. In the meanwhile, they are calling it "Julia."

There are 53 members of the police force here, including the chief. The force consists of a detective squad, mounted men, patrolmen and a truant officer.

## SKIPPER RETIRED

LIVERPOOL, Oct. 29. (By Mail.)—Captain W. T. Turner, one of the best known masters of trans-Atlantic liners, has just retired on superannuation. He went to sea as a boy and reached the height of his ambition when, in 1914, he was given command of the Cunard Company's Aquitania. He commanded the Umbria during the Boer war, and later had charge of many large passenger vessels, the Aleppo, Carpathia, Lusitania and Mauretania.

## PIPE ORGAN FOR CLUB

SAN FRANCISCO, Dec. 15.—The Bohemian club of San Francisco, an organization of literary men, artists and patrons of the fine arts, is having one of the largest pipe organs in the United States installed in its famous grove of giant redwoods.

The only other outdoor organ is at San Diego, it is said.

The organ, protected by a stand of steel and concrete, will be ready for the annual forest play of the club next summer, it is expected.

## FOX FARMS PROSPER

CORDOVA, Alaska, Nov. 15.—(By Mail.)—Twenty-one islands in the Prince William sound, Alaska, have been leased for fox farming purposes. All the fox farmers report they are prospering.

ONLY 8 MORE  
SHOPPING  
DAYS—UNTIL  
CHRISTMAS!

