

FAIR GROUNDS NOT AFFECTED BY VOTE

On Local Option Says Attorney General Crawford in an Opin- ion

Attorney-General Crawford in an opinion requested by President W. H. Downing of the state fair board holds that the vote for prohibition in Chemawa precinct will not affect the right of the board to grant a license to sell liquor during the time of the state fair. This is in line with the opinions of the law as expressed by The Journal.

The opinion in full is as follows: "Yours of recent date stating that prohibition carried in Chemawa precinct, Marion county, at the November election, and that the state fair grounds are located in said precinct, and asking my opinion as to whether by virtue of said election and the terms of the local option law, the power vested in your board by act of the legislature of this state, filed in the office of the secretary of state February 1, 1901, session laws of that year, page 9, to license the sale of liquor, malt, vinous, or distilled, for not to exceed thirty days and only for the thirty days or less period during which the fair is held each year, is repealed or superseded.

"The first thing to determine is the effect to be given to the local option law, and I am of the opinion that it should be given the same consideration and have the same effect as though enacted by the legislature. The fact that it became a law by direct vote of the people in pursuance of initiative petition, does not give the act the standing of a constitution, but the amendment of our constitution allowing direct legislation by means of initiative petition is only another mode of enacting laws, and laws so created must be in harmony with the constitution and are subject to the same rules of construction as acts passed by the legislature.

"The local option law went into effect June 24, 1904, upon proclamation of the Governor. It was general throughout the state, and the only question is whether it repealed the special act above referred to. There is no provision in the latter act expressly repealing the former, and it is a general rule of statutory construction that a later statute, general in its nature and terms, and not expressly repealing a prior special statute, will ordinarily not affect the special provisions of the earlier statute, unless repeal is expressly named or necessarily implied from the language of the later statute and the subject matter thereof.

"28 Am. and Eng. Encyc. of Law, 2 Ed., page 739; Endlich on the Interpretation of Statutes, section 216; Sutherland on Statutory Construction, section 157.

"The latter announcement that 'It is a principle that a general statute without negative words will not repeal by implication from their repugnancy the provisions of a former one which is special or local, unless there is something in the general law or in the course of legislation upon its subject matter that makes it manifest that the legislature contemplated and intended a repeal.

"Dillon on Municipal Corporations, section 54, is to the same effect, also in Re Commissioners of Central Park, 50 N. Y., 493. The supreme court of our state has declared the same rule.

"In the case of State v. Sturges, 10 Or. 58, at page 62, the court says: 'A general statute will not repeal a particular statute previously enacted simply because it contains inconsistent provisions.' In Re Ah Hoy, the court, by Bean, Justice, says: 'General legislation on a particular subject must give way to special legislation on the same subject.'

"In the matter under consideration the facts are that in pursuance of law, the state of Oregon holds annually an agricultural fair. The state owns the grounds upon which the fair is held, and the legislature has provided by law for a commission to superintend the holding of the fair and have charge, care and custody of the property of the state connected therewith, and by the law of 1901, above referred to, for the purpose of deriving revenue for defraying in part the expenses of said fair, authorized the said board of commissioners to issue a license permitting any business to be conducted upon said fair grounds during the holding of the fair, including the sale of

liquors as above stated. In June, 1904, a local option law was passed and in November an election was held in said Chemawa precinct, at which it was voted no intoxicating liquors should be sold within its boundaries.

"Section 1 of the local option law provides that: 'A subdivision of a county within the meaning of this act may contain two and as many more entire and contiguous precincts as may desire to join together in a petition for election and in an election as by this act provided, but in no case shall any part of any precinct less than the whole of such precinct be included in any subdivision or district in which such election shall be held. Such subdivision of a county, or a precinct of a county, may embrace in its limits incorporated towns and cities and portions thereof, or may consist of the whole or a portion of an incorporated

city or town, or may lie partially without an incorporated city or town.' Direct reference is made to the incorporated cities or towns, plainly indicating that the act was intended to apply to them, but nowhere in the act is any reference made to the state board of agriculture, nor do I find anything in the act which would indicate that the law was intended to apply to the state fair grounds, during the holding of the fair.

"Section 16 of the act provides for the payment by towns, cities and counties, to any person who has taken out a license, and then by reason of prohibition being voted in his precinct must quit prior to the termination of his license, of a proportionate share of the license money paid. The state board of agriculture can issue license to sell only during the time the fair is being held and not to exceed thirty days in any one year, and from that fact and the fact that the fair is conducted by the state through a board of commissioners duly provided for, I am of the opinion that the voters of the state did not have in mind the state board of agriculture when they voted local option, and if so, then in the light of the authorities above cited, the board may issue license to sell 'liquor, malt, vinous, and distilled,' on the fair grounds during the time of holding the fair. However, to remove all doubt in the matter, it could be referred to the coming January session of the legislature."

ROME CELEBRATES IMMACULATE CONCEPTION

Rome, Dec. 8.—There was a magnificent spectacle in St. Peter's today on the occasion of the celebration of the proclamation of the Immaculate Conception. Observances in connection with the jubilee have been in progress for a month or more, and the celebration reached a glorious climax today with the celebration of the papal mass in St. Peter's, followed by the solemn crowning by Pius X of the mosaic picture of "Our Lady" in the choir chapel.

The interior of the vast basilica was illuminated and adorned with magnificent hangings, and the building was filled with a great concourse of people, including all the pontifical dignitaries, diplomats and Roman nobility. From all parts of the Catholic world prelates and priests had journeyed hither to participate in the celebration. From the United States there was present a pilgrimage of more than 1000 lay members of the church, headed by a distinguished delegation of churchmen that included Bishop O'Donnell, of Brooklyn; Bishop Chatard, of Indianapolis; President Morrissey, of Notre Dame university, and a number of others.

Italian troops kept order in the square in front of St. Peter's, while the pontifical bodyguard was stationed within the cathedral.

Pope Pius, attired in his state robes, was borne on the sedia gestatoria at the head of an imposing procession composed of the entire papal court, 500 patriarchs, cardinals, archbishops and bishops. A roar of cheering rose from the multitude on the Pope's appearance, but the applause was quickly hushed by the guard. When the cortege reached the choir the Pope alighted, took his seat on the pontifical throne, and the cardinals and other ecclesiastics massed around him. The solemn ceremony of the papal mass was then proceeded with. A feature of the impressive ceremonies was the singing of Perosi's new cantata, "All Immacolata."

The crowning of the mosaic picture of "Our Lady" followed the celebration of the papal mass. Exactly 50 years ago today, immediately after the mass in which the dogma of the Immaculate Conception was defined, Pius IX set a rich crown on this image, but the new crown placed there today by Pope Pius X is vastly more precious. It consists of 12 large stars, formed of hundreds of precious stones, and united by an aureole of solid gold.

An interesting feature in connection with the present jubilee celebration has been somewhat overshadowed by the brilliant ceremonies in St. Peter's. This is the "Marian Congress" now in progress in the vast Church of the Twelve Apostles, and in the halls of the Cancellaria and the Roman Seminary. All countries of the civilized world are represented in the congress and also in the Marian Exposition, which occupies the eight large halls on the first floor of the Lateran Palace.

The festival of the Immaculate Conception of the Blessed Virgin is tract-

able in the Greek church from the end of the 5th century, and in the Latin dates from the 7th century. A great controversy prevailed for a long time in the West as to whether and in what sense the conception of the Blessed Virgin Mary was to be held immaculate, and in what sense the Blessed Virgin herself was to be held without sin. In the end, at the instance of bishops in various parts of the church, Pope Pius IX addressed a circular to the bishops of each nation calling for their opinion and that of their people as to the faith of the church on the point. On the receipt of replies all but absolutely unanimous, the Pope issued a solemn decree in Rome, in a numerous council of bishops, on December 8, 1854, declaring the doctrine to be an article of Catholic belief, and proposing it as such to the universal church. On the promulgation of this dogma, which has been accepted throughout the Catholic world, churches named after the Immaculate Conception sprang up in the United States first, and afterwards throughout Christendom generally.

On the occasion, 50 years ago, when the doctrine was formally declared, tablets were placed in St. Peter's recording the names of all the cardinals and bishops who took part in the council. Of all these hundreds the last survivor was the late Pope Leo XIII, whose name occurs on the list far down among the cardinals of the time. The late Pope was looking forward eagerly to the jubilee celebration, in which, however, he was to be denied taking part by the hand of death.

A Natural Result.

It is very reasonable to suppose if the foundation of a structure was removed that the building itself is bound to come down. This same principle can be applied to disease. Take medicine into the system that will remove the cause of sickness, and illness will leave of itself. Dyspepsia, indigestion, sick-headache and biliousness have their foundation in stomach disorders. Remove this weakness and the other symptoms are no more. There is one cure for this that all druggists sell for 25c per box. It is Dr. Gunn's Improved Liver Pills. They get right at the beginning of these diseases and make the cure by taking away the cause. For sale by Dr. S. C. Stone, druggist.

Will Tour Valley.

The Western Musical Comedy Company recently organized in this city, will play the valley towns. F. A. Wilson, late of the Edison Theatre, is manager and his two girls will appear on the bill in singing and dancing.

A Costly Mistake.

Blunders are sometimes very expensive. Occasionally life itself is the price of a mistake, but you'll never be wrong if you take Dr. King's New Life Pills for Dyspepsia, Dizziness, Headache, Liver or Bowel troubles. They are gentle yet thorough. 25c at J. C. Perry's Drug Store.

Bicycle Races.

New York, Dec. 8.—Caldwell and Hooper dropped out of the six days' race, this morning, leaving but 11 teams to contest. At 8 o'clock this morning the leaders were Root and Doulan, and Vandenstuyt and Stoll, each having 1394 miles.



"Yes," assented Golden Gate. "I know you make more profit on bulk coffee, but don't you realize that a satisfied coffee customer will always buy other things from you?"

"I give satisfaction, draw trade and yield you a fair profit. See the point?"

Nothing does with GOLDEN GATE COFFEE but satisfaction. No prizes—no coupons—no crockery. 1 and 2 lb. aroma-tight tins. Never sold in bulk.

J. A. Folger & Co.
Established half a Century
San Francisco

Bank Drafts

The most convenient and business-like way to remit money is by bank drafts. No risk in event of loss. In case of error or dispute, the canceled draft is at the bank, where you can refer to it. The average cost is less than postoffice or money orders.

On Portland:
\$1 to \$20 5c
\$20 to \$100 10c

On San Francisco and the East:
\$1 to \$5 5c
\$5 to \$100 10c
Large amounts at lower rates.

Capital National Bank
OF SALEM

A FULL STOCK

We now have a full stock of Hyacinths, Tulips, Crocus, Narcissus, Snow Drops, Jonquills and a nice assortment of Chinese Sacred Lilies. Would be pleased to have the public call and inspect our stock at

Savage & Fletcher
322-324 Commercial St.



Wash Your Own Clothes

Well, that's your privilege; but when you see the excellent work we do, and the low prices we charge for family washing the chances are that your next week's wash will come to us. Need not send—we'll call, also deliver on the day we promise it. Ask us, by word of mouth, mail or telephone, what we charge.

The Salem Steam Laundry

Hints for Christmas Gifts

Albums	Gloves	Silk Mufflers
Dressing Cases	Shawls	Underskirts
Toy Trunks	Sweaters	Dress Skirts
Toy Wagons	Furs	Umbrellas
Toy Banks	Belts	Childs Fur Sets
10 Pin Alleys	Leggins	New back comb
Purses	Mittens	Ladies and
Toys	Bootees	misses Jackets
Games	Baby Jackets	Handkerchiefs
	Boys' Overcoats	

All New Goods. Lowest Prices In the City

ROSTEIN & GREENBAUM

298 and 300 Commercial St. Salem

Will Be Retailed
At Wholesale Prices

Several Hundred pieces of choice

Woolen Suitings and Trimmings

For Men's and Ladies' Suits. Must be sold at a sacrifice. Call and see them.

FRED ERKENS 148 Court St. Salem, Oregon

We Will Give Away

A 5c Toy with every purchase of \$1 worth of goods
A 10c Toy " " \$2 " "
A 15c Toy " " \$3 " "
A 20c Toy " " \$4 " "
A 25c Toy " " \$5 " "

While they last. We have several gross on hand. Saturday we will sell a 20c picture for 5c while they last.

The Variety Store, 92-94 Court St. ANORA M. WELCH, Prop.



Takes lots of our show space to store space—styles that are bound to win your approval and fit feet nicely as to looks, comfort as to the "feel." No pocket strain in our selling figures. Inducement to buy is accorded here, and we cordially welcome your examination of our foot-

Jacob Vogt
99 State Street

Huie Wing Sang Co.

New line of China and Japan Fancy Goods, Silk Handkerchiefs, Chintaware, Ornaments and all kinds of Gents' and Ladies' Furnishing Goods, Underwear, Wrappers, Shirts, Waists. Full line of holiday goods. Now on sale at cost. 100 Court St., Salem, Ore.

Have You Ever Ordered Your Groceries from
Harritt & Lawrence
If not, you are away behind the times. However, they are always glad to see new patrons, and if you call on them, you will be more than pleased. You will find them at the corner of Commercial and Ferry streets.

Why not stop having so many birthdays?

You must have had sixty at least! What? Only forty? Then it must be your gray hair. Ayer's Hair Vigor stops these frequent birthdays, and gives all the early, deep, rich color to your gray hair. Sold for over sixty years.