

SUPREME COURT HAS OPINIONS

Decides Two Cases in Tillamook County, and Both on the Present Local Option Question.

In two opinions handed down by the supreme court this morning the validity of the local option law in Tillamook County is upheld, and two appellants will be compelled to answer to a charge in which they violated the law.

In the case of State vs. Howard Edmondson, appealed from the circuit court of Tillamook county, Judge Wm. Galloway holding the court, the supreme court affirms the judgment of the lower court, and the appellant must now comply with the sentence. The opinion was written by Justice King. It was maintained in an oral argument that the indictment was not sufficient to establish an offense under the local option law, in respect to which it was insisted that it was incumbent upon the state to negative such exceptions as may be gathered from an act, and the act cannot be construed to prohibit the sale of pure alcohol for scientific and manufacturing purposes or wines to church officials for sacramental purposes, or alcoholic stimulants as medicine in actual cases of sickness, which may be sold on a written prescription of a regularly practicing physician.

The supreme court holds that when exception must be negative in an information or indictment, has long been a disputed question in this state, the determination of which depends upon the provisions of the act governing each particular case. Justice King refers to the case of State vs. Carmody as being decisive of the point under consideration. There it was contended that the indictment was insufficient on the grounds that it did not aver that the liquor which the defendant was charged with selling was sold for a beverage purpose. Justice Bean held in this case that "it was a settled rule in this state that in indictments for misdemeanors created by statute, it is sufficient to charge the offense in the words of the statute subject to the qualification that the crime must be set forth with such certainty that it will apprise the accused of the offense imputed to him, and further that exception and proviso in the criminal statute need not be negative in the indictment unless they are descriptive of the offense or a necessary ingredient in its definition."

Another point argued by the defendant's counsel was relating to the sufficiency of the order of the county clerk declaring the result of the election on prohibition, in that it was disclosed during a general term of the court, and not during a special session as required by law, for the specific purpose of determining the result.

The supreme court holds that the order of the court declaring the election, is valid and that inasmuch as the election was declared during a general term of court, it is not necessary that it be declared at a special term. In support of this opinion Justice King states that the term "special session" is adhered to in the statute for the sole purpose of calling the commissioners and county judge together, as required by law in such instances, but if the commissioners are in session with the county judge, it is sufficient to declare the election.

The second case of State vs. Langworthy, appealed from a similar judgment and from the same court,

*"Twist Optimist and Pessimist,
The difference is small.
The Optimist sees the doughnut,
The Pessimist sees the hole."*

Some would say the best way to turn an optimist into a pessimist would be to feed him the doughnuts, and this would be true if the doughnuts are fried in lard. Lard is certainly indigestible and many people are deprived of the pleasure of eating doughnuts and other dainties just because of this fact. However, there is a cooking fat—COTTELENE—which can be used in any way and every way that lard can, and yet makes light, rich, delicious food that the most delicate stomach can digest with ease. COTTELENE is making the world cheerier and brighter for thousands who were formerly suffering from the curse of lard-soaked food.



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ty, was also affirmed by Justice King.

There is but one point raised by defendant's counsel in this case, in that the election was void. In support of this contention, it is argued that the ballots upon which was printed the election notices, failed to contain the requisite amount of information by omitting to use the entire act which contained over 400 words, but did use "Local Option Election."

Although the opinion is extensive in words, a short conclusion was arrived at "does the title as designated and used on the ballot come within the purview of the constitution, as amended, and is it sufficient under the act of 1903?" The supreme court holds that it does.

Other opinions handed down were M. T. Runyan, appellant, vs. Jennie Winstock, et al., respondents, appealed from the circuit court of Multnomah county, J. B. Cleland, judge; reversed and remanded; opinion by Justice Eakin.

The main question involved in this case was whether the husband of his deceased wife was entitled to tenancy by courtesy after the property had been deeded to a third or fourth party. The case was brought to issue in the lower court, and judgment was rendered against the appellant. The supreme court held that although the law covering the courtesy issue had been repealed to a certain extent, in such cases as the one in hand at the present time, the husband was entitled to a one-half interest in the property formerly belonging to his wife which was deeded to her children, the respondents in this case, before her death.

E. O. McCoy, respondent, vs. G. N. Crossfield, appellant, appealed from Sherman county, E. V. Littlefield, judge; affirmed in an opinion written by Justice McBride.

STOCKTON HOLDS BIG CELEBRATION

Opens Its Heart Wide Enough to Take in Dirty Old Joaquin Miller as a Relic of Bygone Days.

(UNITED PRESS LEASED WIRE.) Stockton, Cal., Oct. 26.—Scores of old miners—whites, Indians and Chinese—are furiously panning out "Gold" in Stockton's streets today. "Pay dirt" has been struck on the northeast corner of Hunter street plaza, mining claims have been staked out, and with mining pans, rockers and sluice boxes, the "gold" is being separated from Mother Earth. Stockton's big celebration, the sixtieth anniversary of the "Rush of '49," opened this morning with a whoop and a discharge of old-time firearms. The city is dressed in gala attire. Joaquin Miller, the poet of the Sierras, is a conspicuous figure among the bearded assemblage.

The plaza has been dubbed "Roaring Camp," and the scenes immortalized by Brete Harte are being reenacted.

Dance halls, saloons, opera houses, beereries and various other concessions make up the camp. The celebration will last five days. Miners' law, lynchings, stage hold-ups, duels and various other features of early life are being presented. During the celebration the transition from early to modern days will be shown.

ONE EFFECT OF OUR NEW RAILROAD

"The Three Twins" did more than amuse Salem people. In fact the results illustrate what railroad connection with the surrounding country means. Before the completion of the Falls City railroad it can hardly be imagined that a theater party would come from Dallas to Salem. Yet last night there was a special train from Dallas to Salem arranged for by J. C. Hayter, of the Dallas Observer, and Superintendent Gerlinger, of the Falls City road. They brought a party of at least 30 Dallasites over to see the play. They went home delighted with the play, of course, but also delighted with the fact that new railroad conditions have put them in touch with Oregon's second city.

GREATEST TREAT OF THE SEASON

"The Three Twins" Make Big Salem Audience Forget that There Ever Was Anything Else.

"The Three Twins" were here last night, and they could not have received a more hearty welcome had they been a quintet. The house was full, that is the seats, when the curtain went up, and the audience was full, slopping over the brim with laughter and amusement when the final curtain made all regret that there must be an end, even to the pleasure a theatrical company can give. From the time the curtain went up, or even before, for it was amusing to watch the tawny-maned musical lion who presided at the piano, reach up into the air with his right paw occasionally and grab a note from somewhere in the high branches, which he brought down, made faces at and, presumably, let go, after shaking his head at it, the audience was pleased. It was in the air. It was all good, the music was catchy, the girls pretty, the singing fairly good, and the situations so intensely ludicrous that it "a laugh that makes others laugh" until the lights and audience went out.

Victor Morley was immense, clever in all his parts, and if one can use that expression in connection with a simply "he," bewitching. His little specialty showing the "Mellow Drama," was as bright and amusing a character sketch as was ever presented. He is great. The stage settings were beautiful, especially the electric swing, and there was a close attention to minor detail in which every one of a remarkably pretty collection of girls filled her part that made it "go." The parts were all well taken, but are too numerous to mention in detail. The finale, with the faceograph was immense, but the most interesting feature of the whole show was that insouciant bit of femininity, Bessie Clifford. She is dainty, chic, utterly bewitching, rather pretty, with little or no voice, she just "twinkled" onto the stage, and she danced in a way that beat Salome hollow, for it took more than one head. She is the personification of grace—a butterfly at times, again a humming bird, daintily of wing, pointing in the air, and then a bit of thistle down, blown by the vagrant spring breezes hither and yon. Oh well, "what's the use."

Well Known Hotel Keeper Uses and Recommends Chamberlain's Colic, Cholera and Diarrhoea Remedy. "I take pleasure in saying that I have kept Chamberlain's Colic, Cholera and Diarrhoea Remedy in my family medicine chest for about fifteen years, and have always had satisfactory results from its use. I have administered it to a great many traveling men who were suffering from troubles for which it is recommended, and have never failed to relieve them," says J. C. Jenkins of Glasgow, Ky. This remedy is for sale by all good druggists.

CHRISTIAN SCIENCE LECTURE

Every fair-minded person should hear Wm. D. McCracken lecture on Christian Science. He is a member of the Board of Lectureship of the First Church of Christ, Scientist, of Boston, Mass. This board consists of a dozen or more of the ablest lecturers in the country, and they are sent out for the purpose of telling the world what Christian Science really is. Sunday afternoon next at 3 o'clock at the opera house. Admission free.

Stomach troubles would more quickly disappear if the idea of treating the cause rather than the effect would come into practice. A tiny, inside, hidden nerve, says Dr. Shoop, governs and gives strength to the stomach. A branch also goes to the heart, an done to the kidneys. When these "inside nerves" fail, then the organs must falter. Dr. Shoop's Restorative is directed specifically to these failing nerves. Within 48 hours after starting the Restorative treatment patients say they realize a gain. Sold by the Capital drug store.



JAPANESE EMBASSADOR

(Continued from page 1)

probably been the most remarkable of any Oriental statesman in the present generation.

He was born here September 2, 1841. He escaped to England with Count Inoue in the days of the last Shogun and took part on the imperial side during the war which led to restoration of the imperial government. At the end of the war he was appointed governor of Hyogo and was sent to Europe in 1871 with the special embassy to arrange a revision of treaties. He was responsible for the existing Japanese banking regulations. He was made minister of works in 1878.

Ten years later he was dispatched to Europe and America to gather material to frame a constitution for Japan and was the founder of the present system of Japanese government. It was he who concluded the Tien Tsin treaty with the late Li Hung Chang in 1885. In 1886 he was made prime minister of Japan and upon the inauguration of the constitutional government became president of the house of peers. It also was responsible for the treaty of Salmo-

noseki, made with the late Li Hung Chang, which ended the Chinese-Japan war. He established the present system of peerage in Japan. After privy council he visited England, with Prince Arisugawa, to attend the Diamond Jubilee of the late Queen Victoria.

He held various ranks in the nobility, including that of marquis, under which title he did much of his most important work in 1890 he went to Seoul, where he maintained his residence while governor of Korea. Through his firm methods and high diplomatic efforts affairs in Korea were brought to their present peaceful status. It is maintained that he did nothing that was not necessary

and that it was in effect a war, making measures of war necessary.

He suppressed the revolution and, according to the reports today, has paid for it with his life.

He held the decoration of the Grand Garden of Japan and numerous other honorary degrees.

Both Boys Saved.

Louis Boon, a leading merchant of Norway, Mich., writes: "Three bottles of Foley's Honey and Tar absolutely cured my boy of a severe cough and a neighbor's boy, who was so ill with a cold that the doctors gave him up, was cured by taking Foley's Honey and Tar." Nothing else is as safe and certain in results. J. C. Perry.

A Tonic

Make no mistake. Take only those medicines the best doctors endorse. Consult your own doctor freely.

Tired? Just as tired in the morning as at night? Things look dark? Lack nerve power? Just remember this: Ayer's Sarsaparilla is a strong tonic, entirely free from alcohol. It puts red corpuscles into the blood; gives steady, even power to the nerves; strengthens the digestion.



A STOCK OF GOOD FOOD

Laid in now from our carefully selected stock will keep your horses and cattle in good condition for the rest of the winter. Don't run the risk of inclement weather and consequent bad roads, but order now. As caterers to the dumb members of the animal creation we stand second to none.

FLETCHER & BOYD

312-320 N. Commercial
Phone Main 156. Salem, Oregon

Town Booming Helps

VI.—How Is Your Front?

A frontless man
Is an "also ran."
But the man with the front,
He gets there!

The author of this poem is unknown.

He wasn't strong on versification, but he was long on horse sense. He knew that the winners in life are THE ONES THAT PUT UP THE BEST FRONT.

It's just the same with a town. IT MUST HAVE A FRONT. Everybody living in it or doing business in it should boost at all times and in every place.

One of the best ways to boost is to boom your own business by EVERY KIND OF ADVERTISING



THAT IS PROFITABLE. Other people will realize that you are living in a live town and move in.

We are doing what we can to put up a front for our town. Lend a hand, or, better still, let us help you do it.

The right kind of stationery will help your business front and the front of the town.

DON'T BE AN "ALSO RAN" in your business. Don't let your town be classed "among those mentioned." When a new business or the opening of a new factory is under discussion get up to the front. Arranging and repairing business fronts is our specialty. HOW IS YOUR FRONT?

OREGON CALLS-- "MORE PEOPLE"

Pass the word to your relatives and friends to come now.

Low Colonist Rates

To Oregon will prevail from the East
SEPTEMBER 15 TO OCTOBER 15

via the

Oregon Railroad & Navigation Co.

and

SOUTHERN PACIFIC

(Lines in Oregon)

From Chicago	\$33.00
From St. Louis	32.00
From Omaha	\$25.00
From St. Paul	\$25.00
From Kansas City	25.00

FARES CAN BE PREPAID

Deposit the amount of the fare with the nearest O. R. & N. or S. P. Agent and ticket will be delivered in the East without extra cost.

Send us the name and address of any one interested in the state for Oregon literature.

WM. McMURRAY,
General Passenger Agent,
Portland, Oregon.