

# THE BLACKFOOT OPTIMIST

OFFICIAL PAPER OF BLACKFOOT CITY AND BINGHAM CO., IDA.

VOL. VIII. NO. 41

BLACKFOOT, BINGHAM COUNTY, IDAHO, THURSDAY, SEPTEMBER 16, 1915

\$2.00 PER YEAR

## STRICT IDAHO TRESSPASS LAW

BOISE, Idaho, Sept. 13.—The attorney general will probably have to place a construction on the federal fish and game law with regard to the opening date for the duck season, for a controversy has come up respecting it which leaves many sportsmen in doubt as to whether or not they would violate the federal law if they hunted ducks on October 2. Many attorneys who have examined the law say that October 1 is a date included in the closed season period and that to hunt ducks on that day would be in violation of the law. The right of hunters to hunt on private land along the shore of a river or lake is also bothering them. Under the trespass law they are barred from doing so if the proper trespass notices are posted.

The federal law provides that the closed season for water fowl, which includes ducks, is between January 16 and October 1 inclusive. Many sportsmen are planning to hunt ducks on October 1, because they believe that the season opens on that date. They may be prevented from doing so if the law is construed to include that date in the closed season for water fowl.

A similar controversy arose over the claim that the open season for sage hens and turtle doves fell on August 16 instead of August 15. The law, however, does not use the term "inclusive" with regard to these dates. In setting forth the closed season for water fowl, however, the term is used. The question having been raised some competent authority may have to make a ruling on it. The trespass law this year is an unusually strict one. Many sportsmen believe they are absolutely barred from trespassing on the shore line of private property, and where such property bounds both sides of a stream a barrier to hunters is raised which may prove to be serious in hunting up and down the shore line.

**If You Want Money!**  
Go to the D. W. Standrod National Bank, but to get the best life insurance, go to Beebe.

## DRUG STORE VISITED BY FIRE

Last Friday night about 11 o'clock, as Mr. and Mrs. N. F. Boyle were riding down Bridge street in their auto, they discovered that the interior of the Powers' pharmacy was on fire and Mr. Boyle hurriedly rang the alarm and brought out the fire department and the flames were quenched as soon as possible. The fire and water caused considerable damage to the store and its contents, which was covered partially by insurance. There is no known cause for the fire which started in the back room where the prescriptions are compounded. A shipment of fresh drugs were received yesterday when the store was reopened for business.

## OFF TO CONFERENCE

Rev. Barnstable left Tuesday for Boise where he will attend the Methodist Annual Conference of Idaho, having closed the church here for the past year. Rev. Barnstable has spent three years in Blackfoot's Methodist church which has improved in a marked degree both financially and numerically, and both his parishioners and the public of Blackfoot generally sincerely hope he will be returned to labor again in their midst where he enjoys the reputation of being a broadminded and conscientious minister and a good citizen.

## O. M. POTTER DISCHARGED

The case of O. M. Potter, charged with grand larceny by E. M. Kennedy, was heard in the probate court last Monday and the defendant discharged. The charge consisted of the defendant illegally removing some horses on which the complainant had a mortgage without the mortgagor's consent, which Mr. Potter claimed he had and Mr. Kennedy claimed he had not. It was a case of one man's oath against another's, and Judge Doud gave the defendant the benefit of the doubt.

Mr. Roy Hockett of Salt Lake City, Utah, is spending a few days in Blackfoot, renewing old acquaintances.

Mr. W. L. Young returned home Wednesday from Idaho Falls.

## LIQUOR POSSESSION NOW FELONIOUS

Idaho's amendatory local option law, said to be one of the most stringent in the United States, operative now in prohibition counties and which will apply to this State as a whole on and after January 1, 1916, is constitutional in every form. This is the sweeping ruling of the Supreme court of this State in a decision handed down here last night. It is held to be not in contravention of Sec. 1 of the Fourteenth amendment to the federal constitution, its title is not defective, each and every part of it comes within the subject of general legislation, it does not prohibit surgeons, physicians, dentists or hospitals from using pure alcohol for medicinal purposes as contended and prohibition districts do not now have to vote on its adoption, says the court.

The decision is on the application of Edward Crane of Latah county, to secure a writ of habeas corpus for his release from jail there on the charge of having liquor in his possession, which the law prohibits. The writ is quashed and Crane remanded to the custody of the sheriff. He failed to give bail after his arrest and was turned over to that official. It was afterwards that he filed the petition for a writ of habeas corpus. An appeal was taken to make a test case on the constitutionality of the law.

## Facts Stipulated

The facts leading up to the present action of the case were stipulated. It was agreed that Crane had in his possession May 16, 1915, in Latah county, which is dry and had been in virtue of the refusal of the commissioners to issue saloon licenses, a quantity of whiskey for his own use and not for the purpose of selling it or giving it away. Judge J. H. Forney and A. H. Oversmith, former state representatives, appeared as counsel for Crane. Frank L. Moore, prosecuting attorney for Latah county, was counsel for the state. Attorney General J. H. Peterson, Assistant Attorneys General E. G. Davis, T. C. Coffin and Herbert Wing, with Harry Kessler, Lieutenant Governor Herman H. Taylor, now acting governor and president of the senate when the law was passed, and Cleve Groome appeared as amici curae, or friends of the court.

The decision holds directly opposite to the argument presented by the at-

torney general and his department, which was to the effect right of possession of liquor by an individual was permitted under the terms of the amendatory act. The attorney general's office filed a supplemental brief to express opposition to some of the terms of the act. Lieutenant Governor Taylor and Harry Kessler defended the act. The former particularly argued in behalf of the intention of the legislature and held that alcohol could be used for medicinal purposes.

## Court Talks as Whole

The opinion is handed down in "per curiam," or by the court as a whole, representing the unanimous findings of the three justices. After setting forth the contentions of various counsel, the court quotes at some length from Justice Harlan's opinion in the case of Mugler versus Kansas.

With regard to the medicinal feature of the act the court has this to say:

"It has been argued that this law prohibits the use of alcohol by physicians and surgeons in the practice of their professions; that it is unnecessarily stringent and is, therefore, not a proper police regulation. The act expressly provides for the purchase and possession of pure alcohol to be used for scientific purposes. While it is not contended in this case that petitioner had possession of the liquor for scientific purposes, and while the liquor was not alcohol, but whisky, so that this question may properly have no bearing upon the decision in this case, however, in order to set the minds of the citizens of the State forever at rest upon this point we will say that the practice of medicine, surgery, dentistry and dental surgery are sciences and that pure alcohol may be lawfully procured under the terms of this act in the manner provided therein for use in the practice of these professions, or by any person, citizen or hospital for any scientific or medicinal purpose."

## Syllabus of Opinion

The syllabus of the opinion follows: 1. Chapter 11, Session Laws, 1915, providing among other things, that it shall be unlawful for any person, firm company or corporation, its officers or agents to sell, manufacture or dispose of any intoxicating liquor or alcohol of any kind within a prohibition district.

(Continued on last page)

## SHERIFF SIMMONS MAKES BIG HAUL

Through the joint efforts of Sheriff Cooper and Deputy Bishop of this county, and Sheriff Simmons, of Bingham county, a good sized haul of booze was landed Thursday night. Dick Soule was handling the auto truck upon which the joy juice was loaded and the officers believe that Pocatello was the destination.

Officers from this county got wind of the goods enroute and immediately notified the sheriff's office at Blackfoot and the officials from both points started out in cars headed for the place where they believed the auto truck to be located. When Cooper and Bishop arrived at the division of the two counties Soule had not yet crossed the line and as the officers had no jurisdiction in Bingham county they were unable to make the confiscation.

Sheriff Simmons soon arrived, however, and took the cargo in tow and returned to Blackfoot with the wet goods and Dick Soule. In the load were found fourteen cases of whisky and between thirty and forty sacks of beer. The officers believe that the liquor was obtained in Arco and designed for an east-side concern believed to be engaged in bootlegging.—Pocatello Tribune.

## 500 Party

Last Thursday week a very enjoyable evening was spent by a few of the many friends of Miss Marie Calvert at her home on South University avenue. Five hundred proved to be the main amusement. The prizes were awarded to Mr. Tommy Bumgarner and Miss Marie Millick. It was given in honor of a number of the younger set who will soon leave for school. Those present were Winnifred Biethan, Genevieve and Marie Millick, Grace Peck and the hostess, Marie Calvert, also Lowell Holbrook, Port Arthur, Merrill Boyle, Tommy Bumgarner, Howard Biethan and Dave Neelan.

Mrs. T. R. Jones and daughters came down from Mackay Wednesday and will spend a few days attending the fair.

## LAST DAY OF BINGHAM'S FAIR

The Bingham County Fair is now in progress and thousands of people are daily in attendance. The agricultural and livestock exhibits are not so extensive as heretofore, but what is displayed is a credit to the county and well worth seeing. The attendance the first day was not as large as expected but the second day brought a large and appreciative crowd. Tomorrow will be the fourth and last day, and the directors are preparing to accommodate and please the largest attendance at this or any previous day, as the weather will be cool and ideal and the roads in good condition.

The aviation feature of the Fair is far more than was expected, as the daring navigator of the air made two beautiful and wonderful flights daily that were alone worth the price of attending the Fair. Tomorrow it is expected that this daring aviator will make his banner ascension and those who have not witnessed his performance will surely miss a treat, as he sails through the air like a bird, turning and twisting and ascending and descending like a huge denizen of the air. His airship exhibitions are conceded by all to be the best ever given in Southeastern Idaho.

## Lost Her Mother

Last Monday Mrs. Alex Younic was notified by wire of the death of her aged mother, Mrs. James Elliott, who died at the home of a daughter in Kansas. The deceased lady was aged 98 years and had long been a helpless invalid from the effects of old age. She was buried in Lawrence, Kansas, last Tuesday beside her deceased husband, who crossed the great divide many years ago.

Dr. Richards the Eye-Sight Specialist, has been permanently located in Blackfoot for the past three years, and his work has always been satisfactory because it is right.—Adv.—1t.

We make a specialty of printing Sanitary Butterwraps.

**THE "PRUDENT MAN" PROTECTS HIS FAMILY WITH A BANK ACCOUNT HE KNOWS HIS DUTY**



Should you be taken away from your wife and children do you not wish for them to be free from WANT?

The best way to make your family independent is to REGULARLY BANK a part of the income from your labor or your business and let this money STAY in the bank.

A foolish investment may endanger the happiness of your family. BE CAREFUL.

Make OUR bank YOUR bank

We pay four per cent. interest on time deposits.

**THE FIRST NATIONAL BANK**

## SCHOOL NOTES

The enrollment in the Blackfoot schools for the first week averaged 36½ pupils to the teacher in the grades and 29 to the teacher in the high school. The full enrollment was 858 in the grades and 195 in the high school. This is an increase over the first week of last year in both departments.

After the Fair there will be many new pupils enter both from the families already in town and those who move in from the ranches.

There are fifty beginners in the Irving building in Miss Shucy's room and still more to come. The beginners on the Central side are divided into two classes and number 55. No pupils will be taken in any of these rooms after Monday, September 20th. There will be little opportunity of organizing new classes for beginners at the end of this semester unless conditions change materially from the present crowded conditions. Several other rooms are filled now and it is thought that the old gymnasium will be fitted up and two rooms placed in there as the new pupils enter.

The new play ground apparatus is partially installed at the Irving building. The swings will be placed in shape for use at an early date.

A tennis tournament will be pulled off at the high school courts in the near future in order to decide the championships in the schools. This will be open to school people only.

The high school lecture course will be given by the Redpath people. No better talent can be obtained than is included in the programs of this year.

With half day sessions this week the work will not be badly interrupted if all the pupils attend this half day. Parents have been requested to send the children every day and they are responding in fine shape.

At a meeting held at the city hall one night last week it was decided to push the Chautauqua for next year and a temporary organization was formed to get matters before the public and ascertain the sentiment of the community before entering into a contract with the bureau for attractions. In order to get a definite line on matters the following

(Continued on page four)

## Watermelons and Cantaloupes

You don't plant watermelons and cantaloupes in the same row with pumpkins and cucumbers, do you? You would ruin the one without improving the other. In the selection of your bank do you take the same care as you do in planting melons and cucumbers? Do you want a Bank of Personal Service—one that meets your needs, your requirements. Why not call and see us?

**D. W. Standrod & Co. Bankers**

Hours: 9 a. m. to 4 p. m. We pay 4 per cent. interest, compounded quarterly in our Savings Department or (Certificates of Deposit.)

Ten Per Cent. Discount on Everything In the Store. School Books Included. Ask for Discount Book.

## SCHOOL BOOKS!! SCHOOL BOOKS!!

The Only Complete Line of School Books in Town. Be Sure and Get Yours Early Before Lines are Broken. Our Stock of School Supplies Larger Than Ever.

Every Wanted Thing for School.

115 North Main St.

**HAYES' GIFT SHOP**

115 North Main St.