

QUEER OPINION BY ATTY-GENERAL

Interpretation of the Local Option Law in Idaho Creates A Sensation.

YEGGMEN CAUGHT IN BOISE.

Police Capture a Quartet of Bad Ones After a Series of Safecracking Episodes in Town.

(Special Correspondence.)
BOISE, Idaho, Oct. 28.—Scarcely has an opinion from the state's attorney created such a sensation as that recently handed down by Atty.-Gen. D. C. McDougal expressing his interpretation of the local option law. According to his opinion saloons holding licenses which were issued prior to May 6, 1909, may continue to do business and cannot be interfered with until their licenses expire; they are, therefore, not affected by the local option law or an election held thereunder. His opinion states after that date no new permits within 20 days of the date of such an election, as provided in the local option law.

The opinion of the attorney-general was called for in a communication from County Atty. McConnell of Bingham county who presented the question as to the date on which prohibition would take effect in view of the date when it was voted to prohibit the sale of intoxicants.

PECULIAR SITUATION.
This brings about a peculiar situation, counties which have been declared dry by the popular vote of the people and passed tight as drum for the past few months will now be compelled to allow certain saloons to open their doors and permit the further sale of intoxicants within their borders until next spring or such time as the license originally issued to them shall expire.

THE OPINION.
The opinion is an interesting one, and will affect practically all of the counties of southern Idaho, we therefore give the letter in full:

"Your favor of the 16th inst. in which you state that a question has arisen over the local option law as to what extent it affects licenses issued after the date of the approval of the act and the time the act takes effect is received."

SECTION 8 of the local option bill, found on page 12, Session laws, is as follows:

"If a majority of the voters cast at an election held under the provisions of this act shall be in favor of the proposition so submitted, then after 90 days from the date of said election all licenses for the sale of intoxicating liquors granted in the county after the passage of the act shall be void and no force or validity and the holder thereof shall be liable for any sale of liquors made by him the same as though no such license had been issued, and there shall be refunded to him of the amount paid for such license a sum proportionate with the unexpired time for which the license fee shall have been paid out of the several funds to which it has been appropriated."

"No license issued prior to the date of this act shall be terminated or in any manner affected by this act or by any election held hereunder."

NO EMERGENCY CLAUSE.

"This act was passed without any emergency clause and therefore became a law 60 days after the adjournment of the legislature, which was on the 6th day of March, 1909. The bill was approved by the governor Feb. 26, 1909.

"In passing upon the question of when an act of the legislature becomes a law or goes into force and effect, the rule is that if the date of the act is the same day as the date it is approved by the governor,

"This is, I think, following the general burden of authority, and I think, with reference to this particular statute, the passage of the act would be construed by the courts to mean the 6th day of May, 1909, or 60 days after the adjournment of the legislature.

"By the terms of section 8 of the act above quoted no license issued prior to the passage of the act shall be terminated or in any manner affected by this act or any election held thereunder, but all licenses issued after the 6th day of May must terminate within 90 days after the date of such election in any county where the majority vote cast at such election under the provisions of the act are by reason of the prohibition of the sale of intoxicating liquors thereto."

CONDITIONS IN NAMPA.

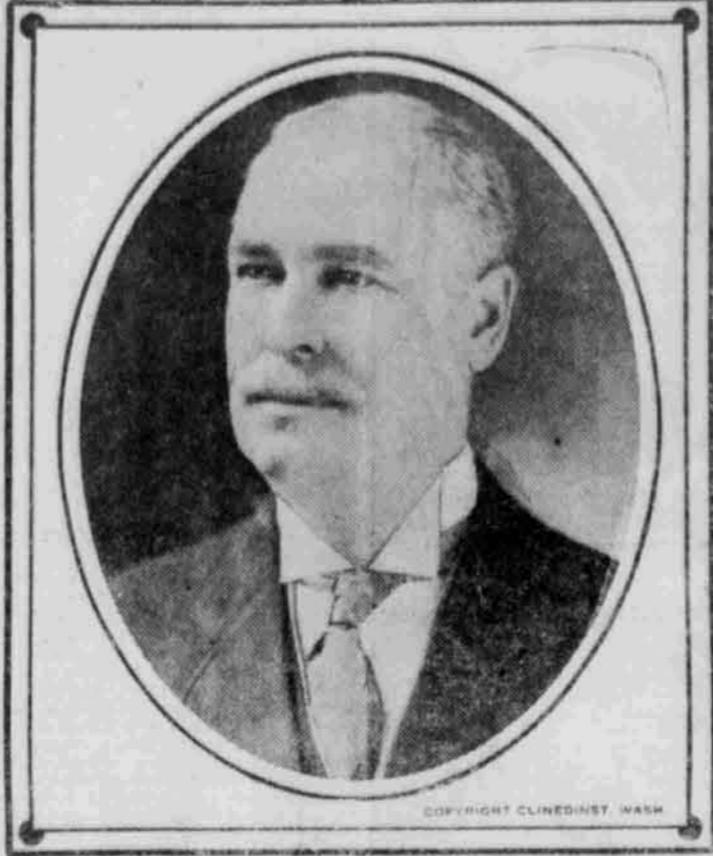
If nothing is developed to promote a reversal of the attorney-general's opinion, all the saloons in Nampa, situated in the recently-declared dry county, will continue to run until next April. In Caldwell, the county seat, three saloons will continue to do business.

BOISE SALOON MAN WINS.

In the case of Albert Roppe, proprietor of the notorious Silver Bell saloon, who brought suit against the district court to compel the city council to give him a license to sell alcoholic beverages, Judge Fremont Wood decided that the council did not submit sufficient evidence to the court to justify him in declining to grant license to the complainant, and he immediately ordered the clerk of the court to issue a writ of mandamus and to issue the same to the municipal council. This evening the Silver Bell opened its doors and the old joint was crowded with former patrons.

SAFETY BLOWERS CAUGHT.
Following a series of robberies and safe-crackings perpetrated in this vicinity during the past few weeks the Boise police got busy and rounded up four suspects, who now appear the very men sought for and around whom the coins are drawing tighter and tighter all the time.

Last Thursday night the safe in the Blue Diamond company's establishment was broken in and \$50 secured by Friday night James Cook, Fred Martin, John Burke and Harry Reed



GEORGE R. COLTON.

The new Governor of Puerto Rico, succeeding Regis H. Post.

were behind the iron bars in the city jail suspected of the crime. The following day the investigating authorities unsealed the cash box of the Ice Cream company together with a Colt's 41-caliber revolver, two bottles of nitro-glycerine, a glass syringe and a match box in which was a vial of oil of cinnamon. This telling find was examined from a manure pile at the back of the Spanish lodging house on Idaho street in which the four bandits were found. The police believe those persons who are responsible for all the recent burglaries in this vicinity, for it is my opinion that they were the work of a gang of amateurs, that is, nothing to any of the robberies which would indicate the shrewdness of a professional."

CALENDAR OF CRIME.

On the 25th of July the safe in the Blue Diamond saloon was blown up and \$200 taken.

Last month a hardware store at Middleton was entered, safe blown and \$70 secured.

Last month the safe of the Mill & Elevator company at Caldwell was broken open and a small amount of money taken.

Several minor crimes with smaller amounts secured are reported from

on the 21st inst., a black hand attempt to secure \$200 was made on S. Boone of Meridian.

The following night the Boise Ice Cream company's safe was blown up and \$50 taken.

The same night an unsuccessful attempt was made to burglarize a store on Sixteenth and Fairview streets.

BLACK HAND THREAT.

Responding to a black hand threat S. D. Boone of Meridian, formerly a Boise dairymen, went forward in the darkness of night and, armed with a pistol in hand, met the appointed spot, arriving when he heard a voice from the darkness cry out, "Drop it now," whereupon Boone whipped out a revolver and began firing in the direction from which the voice came.

He put to flight the yeggmen, and that was all there was to it. The sheriff, who had been previously notified and who appeared tardily on the scene, took up the chase, but to no avail, the governor will be.

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As to what the future course will be,

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