

BOULEVARDERS OVER QUESTION

Chance That Ross Case May Be Thrown Out of Court on Technicalities.

ARGUMENTS OF ATTORNEYS

Defense Urges Officers Are Not Responsible for Acts of Corporation and That Treasurer May Deposit Without Security.

SALEM, Or., April 21.—(Special.)—That the officers of a bank are not individually responsible for the illegal acts of a corporation over which they have charge and that the State Treasurer has the right to deposit the treasurers' school funds in banks without security, were the arguments set forth today in the Circuit Court in defense of J. Thornburn Ross, on trial for alleged conversion of \$288,000 of state school funds.

Mr. McCamant, attorney for the defense, contended that if a crime was committed it was the act of the corporation, the Title Guarantee & Trust Company, and not of Mr. Ross and the other three officers of the bank who have been indicted with him. There were the arguments upon which Mr. Ross hangs his defense. At 9 o'clock tomorrow morning Judge Burnett will render a decision upon the sufficiency of these defenses.

Arguments of Prosecution.

Answering these arguments, Attorneys Manning, Pipes and Haney assert that the constitution expressly prohibits the loaning of school funds to any person except the State Land Board; that the statutes of the state expressly provide what security must be taken for loans, and that the Treasurer has no right to deposit the school funds in a bank otherwise than as a special deposit for safe-keeping. Mr. Manning argued that a corporation is but an imaginary being, having no hands and no mind, and therefore no capacity to commit the crime of converting money. The crime, if any, must have been committed by the individuals who handled the money.

DEAD OF THE NORTHWEST

Mrs. Mahala Cozine, Benefactress of McMinnville College.

McMINNVILLE, Or., April 21.—(Special.)—Mrs. Mahala Cozine, widow of the late S. Cozine, and a Yamhill County pioneer of 1842, died at her home in this city yesterday afternoon at 10 o'clock. She was 82 years of age. She was a native of Vermont. She was married to her husband in 1842. She was a member of the Methodist church. She was a benefactress of McMinnville College. She was buried in the city cemetery.

Jury Is Excused.

Immediately Mr. McCamant objected upon the ground that the indictment charged that the money was in the custody of the bank which was incompetent, irrelevant and immaterial. As the law questions go to the foundation of the case, it was agreed that the jury should be excused, and the day was spent arguing the questions raised.

Deposits Argued Necessary.

McCamant also cited numerous decisions by courts of other states holding that deposits of public funds may be made. He asserted that ordinary prudence requires adoption of such a policy for if all the state funds, sometimes amounting to millions of dollars, were in the vaults at the capitol they would be strong temptation to robbers to break in and steal. Keeping so much money in the vaults would injure business by taking the money from circulation and the framers of the constitution could not have intended.

Attorney Pipes for the prosecution, made a strong argument showing that the adoption of the constitution down to the deposit law of 1907, the school funds have been particularly guarded against loss and have been known as an irrevocable fund. The act of 1907, he said, excepts the school funds from the deposit law, thus clearly indicating an intention that they should not be deposited in banks.

Question Under Adversement.

McCamant contended that the state is protected against loss by the Treasurer's bond and therefore a reason for prohibiting deposits does not exist. Pipes answered that in the case of public funds, and especially school funds, a double precaution is necessary, the bond and the penal statute.

PROCEED WITH THE PURCHASE

Eugene to Acquire Water Plant as Soon as Possible.

EUGENE, Or., April 21.—(Special.)—The overwhelming expression of the people regarding the purchase of the Willamette Valley Company's water plant has put down all differences of opinion among the Mayor and members of the Council, and at the meeting last night Mayor Matlock issued a proclamation urging that all reasonable haste be made to carry out the expressed will of the people and today the Council and the Mayor are proceeding with that work in unity.

The Willamette Valley Company will be paid \$100,000 for the present water system. In this purchase will be included practically all the real estate holdings of the Willamette Valley Company.

GAMBLING IS GAMBLING

OLYMPIA, Wash., April 21.—(Special.)—Any gambling game, whether conducted in public or in a private place, when it is run for gain, is unlawful, according to a decision of the Supreme Court, in the appeal of Charles Preston, who was arrested, found guilty and fined for conducting a gambling resort in Walla Walla. Preston ran a little theatre in the basement of a building, and while the game was on kept the doors locked. He made his appeal on the grounds that while it was a theatre, it was not a gambling game when the game was conducted behind closed doors it was only a misdemeanor.

WIDRANS FROM ALBANY DEBATERS.

ALBANY, Or., April 21.—(Special.)—Because of illness, Miss Rhoda Stalnaker has been compelled to withdraw as a member of the Albany College girls' debating team, which will meet the girls of Willamette University in Salem May 1. Her place on the team has been taken by Miss Martha Montague, who won the alternate position in the recent tryout.

RETURNS ARE SLOW

Curry County Gives Majority of Two Votes for Fulton.

Curry County, April 21.—(Special.)—The official vote for Fulton in Curry County was 255 to 253. The vote for the other candidates was as follows: For United States Senator, H. M. Calkins, 255; for Sheriff, R. S. Bean, 253; for County Commissioner, C. L. Hawley, 255; for County Clerk, J. W. Taylor, 255; for Assessor, B. P. Jones, 255; for Superintendent, G. Turner, 255; for School Superintendent, W. L. Jackson, 255; for County Recorder, G. Turner, 255; for County Treasurer, W. W. Francis, 255; for Surveyor, J. B. Leatherman, 255; for Assessor, Alfred L. Geddes, 255; for County Commissioner, H. B. Sprengel, 255; for County Commissioner, O. H. Russell, 255.

FLIP COIN IN SHERMAN

County Judge Tie Is Decided by Chance—Gear Beaten Three to One in His Own Votes—Calkins Gains a Few Votes.

SHERMAN, Or., April 21.—(Special.)—The official vote for Fulton in Sherman County was 255 to 253. The vote for the other candidates was as follows: For United States Senator, H. M. Calkins, 255; for Sheriff, R. S. Bean, 253; for County Commissioner, C. L. Hawley, 255; for County Clerk, J. W. Taylor, 255; for Assessor, B. P. Jones, 255; for Superintendent, G. Turner, 255; for School Superintendent, W. L. Jackson, 255; for County Recorder, G. Turner, 255; for County Treasurer, W. W. Francis, 255; for Surveyor, J. B. Leatherman, 255; for Assessor, Alfred L. Geddes, 255; for County Commissioner, H. B. Sprengel, 255; for County Commissioner, O. H. Russell, 255.

WEDDING ADDS TO WEDDING CELEBRATION.

WEDDING, April 21.—(Special.)—During the wedding celebration of one Jack Wilcox, an Indian of the Quinalt tribe, too much fireworks were exploded, and another back named Johnny Shale, who has in the past caused much turbulence on the reservation, attempted to blow a squaw into the sweet air. The squaw, however, was not hurt. He was hindered by another red, who knocked the gun aside as it was discharged. The kiltchman who had repaired Shale's advances received a scattering shot.

OFFICIAL COURT OF LINN

Cake Leads Fulton in County by 132 Votes.

ALBANY, Or., April 21.—(Special.)—The complete official vote of Linn County, the canvass of which was completed today, follows: For United States Senator, C. L. Hawley, 132; for Sheriff, R. S. Bean, 132; for County Commissioner, C. L. Hawley, 132; for County Clerk, J. W. Taylor, 132; for Assessor, B. P. Jones, 132; for Superintendent, G. Turner, 132; for School Superintendent, W. L. Jackson, 132; for County Recorder, G. Turner, 132; for County Treasurer, W. W. Francis, 132; for Surveyor, J. B. Leatherman, 132; for Assessor, Alfred L. Geddes, 132; for County Commissioner, H. B. Sprengel, 132; for County Commissioner, O. H. Russell, 132.

W. E. Meacham, master of work; Charles P. Hyde, keeper of records and seal; John H. Bush, master of finance; Ellsworth Lentz, master of exchequer; Ed Howers, master-at-arms; John Allen, inner guard; Walter Brown, outer guard.

WEDDERSBURG, Or., April 21.—(Special.)—The official vote for Fulton in Weddersburg was 255 to 253. The vote for the other candidates was as follows: For United States Senator, H. M. Calkins, 255; for Sheriff, R. S. Bean, 253; for County Commissioner, C. L. Hawley, 255; for County Clerk, J. W. Taylor, 255; for Assessor, B. P. Jones, 255; for Superintendent, G. Turner, 255; for School Superintendent, W. L. Jackson, 255; for County Recorder, G. Turner, 255; for County Treasurer, W. W. Francis, 255; for Surveyor, J. B. Leatherman, 255; for Assessor, Alfred L. Geddes, 255; for County Commissioner, H. B. Sprengel, 255; for County Commissioner, O. H. Russell, 255.

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