

LOAN SHARK LAW UPHELD ON APPEAL

Supreme Court Says State Must Protect Borrowers From Usurer's Greed.

CASE FOLLOWED RAID

Victims Discovered Who Had Paid Face Value of Notes Several Times—City Gets Rehearing in Gas Company Suit.

SALJEM, Or., Feb. 8.—(Special).—In an opinion by Justice Benson, the Supreme Court today held that Oregon's "loan shark" law, passed by the Legislature in 1912, is constitutional. The opinion was written in the case of the state of Oregon against E. E. Ware, J. Wiseman, O. O. Grover and J. Richards, and affirms the judgment of Circuit Judge McGinnis, of Multnomah County. Dissenting opinions were written by Justices Horner and McBride.

In appealing the case to the Supreme Court, following the conviction of all four defendants, attorneys for the defendants contended that the law was invalid and, further, that the admission of certain evidence by the lower court was in error.

Answering the allegation that the "loan shark" law was class legislation, the higher court declared that the law was necessary to protect victims of usury as far as practicable. Justice Benson held that the passage of a new "loan shark" law by the last Legislature while the appeal in this case was pending was not enough to cause its dismissal.

"Usury has been looked upon with disfavour for ages," wrote Justice Benson, "and it has been uniformly held that the state may either regulate or absolutely prohibit the taking of usurious interest."

The court in a verbal hearing granted a rehearing in the case of the city of Portland against the Portland Gas & Coke Company, appellant. The case has to do with an ordinance levying a tax upon the company's gross earnings. The validity of this ordinance was upheld recently by the Supreme Court.

Other decisions today follow:

W. L. Smith, appellant, vs. Levi Christman, plaintiff vs. Waco County, action of review, opinion by Justice Benson, judgment for defendant reversed.

Anna Humphrey vs. City of Portland, appellant, opinion by Justice Benson, judgment for plaintiff reversed.

Flourish Johnson, appellant, vs. J. H. McKinnis, respondent from Multnomah County, action for a decree dissolving a suit for accounting, opinion by Justice Benson, judgment for defendant affirmed.

J. W. Ladd, appellant, vs. J. D. Neil et al., appellant from Clatsop County, action for recovery of money, opinion by Justice Benson, judgment for plaintiff affirmed.

A. M. Sawyer, appellant, vs. E. F. Benson et al., respondents from Multnomah County, action for damages for alleged fraudulent representations, opinion by Justice Benson, judgment for plaintiff affirmed.

City of Portland, appellant, vs. J. H. McKinnis, respondent from Multnomah County, action for a decree dissolving a suit for accounting, opinion by Justice Benson, judgment for defendant affirmed.

EFFECT OF DECISION IS WIDE

Many Claims Filed Against City for Personal Injuries.

Although only \$2000 was involved in the case of Mrs. Humphrey, which was decided in favor of the city yesterday in the State Supreme Court, the case really involved hundreds of thousands of dollars, according to City Attorney LaRoche. The decision puts aside the responsibility of the city for accidents on defective sidewalks and streets.

Mrs. Humphrey got a judgment for \$2000 in the Circuit Court on a claim of personal injuries sustained in falling on a defective sidewalk at East Twenty-ninth and East Gilean streets. Dozens of similar claims are made almost every month. In addition to the large number of claims on the city records many more would have come up had this case gone differently. City Attorney LaRoche says the city would have had to pay out big sums each year and would have had to employ many additional attorneys to handle the cases and investigate accidents. As the case was decided the city is not responsible for personal injuries sustained on the streets or sidewalks.

There is a provision in the city charter to this effect, but it has always been questioned. The Council has paid a few claims in cases where there were unusual circumstances.

Fight for Notes Falls

As the manager of the State Security Company branch in Portland, E. E. Ware was the most important catch in the setting of the District Attorney's office two years ago. Four other "loan sharks" pleaded guilty to usury and were sentenced, but Ware, acting under orders from his head office in the East, fought the case to the highest court.

The decision of the Supreme Court was a distinctive victory for John A. Culler, Deputy District Attorney, who prosecuted the loan sharks relentlessly. Ware's offices were raided and \$2000 worth of notes he held were confiscated and held as evidence. His fight for the possession of these notes proved in vain. The investigation disclosed that for a \$50 loan the victims of Ware paid interest amounting to \$60 a year. The absolute of interest charged was \$10 for a 90-day loan of \$50. The legal interest is 2 per cent a month.

To evade the regulations of the 1912 law, Ware would issue two notes, for instance, one for \$25 and the other for \$25. The victim would have to sign both notes, though he received only the \$50. In many instances Prosecutor Culler found victims had paid the face value of their notes over several times.

MURDER SUSPECT CLEARED

Portland Woman Learns of Aunt's Death on Arrival for Visit.

SALT LAKE CITY, Utah, Feb. 8.—Albert Dunlap, arrested in connection with the murder of Mrs. Daisy Collins, January 23, was discharged after preliminary hearing today, and the identity of the woman's slayer remains unknown.

Mrs. Nellie Haase, of Portland, Or., a niece of Mrs. Collins, arrived here last night to visit her aunt, without having heard of the murder.

MRS. FAWCETT IS BURIED

Dr. John Fawcett Critically Ill at Good Samaritan Hospital.

Funeral services for Mrs. John Fawcett, wife of Dr. John Fawcett, were

held yesterday at 11 o'clock at the A. D. Kenworthy & Co. undertaking establishment at Lents. Burial was in the family plot at Mount Scott Cemetery.

Rev. Mr. Brown, pastor of the Lents Methodist Episcopal Church, officiated, assisted by other Lents ministers. A male quartet from the "Overcomers," a Bible class of the Lents Methodist Episcopal Church, of which Mrs. Fawcett was a member, sang. Pallbearers were also members of the same class.

Many friends were present at the services and many flowers were received.

Mrs. Fawcett, who died Saturday at her home in Lents as the result of a long illness, had been a resident of Lents for about three years. She came here from Dundee, Or.

Dr. Fawcett is critically ill at the Good Samaritan Hospital.

EARLY HOTELMAN DEAD

PETER M. ABBEY SUCCEEDS AT NEWPORT, OR.

Victim of Paralysis Long Speechless. Widow Is Invalid and Her Early Death Is Feared.

NEWPORT, Or., Feb. 8.—(Special).—Peter M. Abbey, pioneer hotel man of Newport, died here today. He was born



Peter M. Abbey, Pioneer Hotel Man of Newport, Or., who is Dead at Age of 79.

in Cleveland, O., in 1837. He was married in Canada to Derina Reynolds. His widow has been an invalid for two years, and it is feared that she will soon follow her husband.

The Abbeyes came to the Yaquina country in 1846 and engaged in the general merchandise business in Newport. In 1871 Mr. Abbey sold out and erected the old Bayview house and had been in the hotel business ever since. Five years ago the old building was moved away and an up-to-date two-story cement hotel was erected in its place.

Ten years ago Mr. Abbey was stricken with paralysis and a later stroke rendered him speechless. Two sons, Edward J. Abbey and Morton H. Abbey, also survive him.

Laymen Speak at Eugene.

EUGENE, Or., Feb. 8.—(Special).—Five Portland men made addresses in Eugene tonight in the interest of the Laymen's Missionary convention to be held in that city February 13 to 14.

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TEACHERS TO MEET HERE

STATE ASSOCIATION CONVENTION TO BE DECEMBER 27-29.

Executive Body Announces Dates Selected. With Appointments and Personnel of Committees.

SALJEM, Or., Feb. 8.—(Special).—The executive committee of the State Teachers' Association has announced that the association would hold its next meeting in Portland December 27, 28 and 29.

Under the new constitution it is the duty of the executive committee to provide for the appointment of at least three committees to do research work on educational problems during the year. These committees are to report to the state association.

The executive committee has decided on a committee on teachers' retirement fund, a committee on the county unit of administration and a third committee upon the problem of retardation. Each committee will consist of nine members, who will be appointed by E. F. Carlton, president of the association.

President Carlton announced that the personnel of the finance committee would be as follows: Miss Viola Orta-child, O. M. Elliott and J. Percy Wells. O. M. Elliott, of Salem, and Dr. H. D. Shelton, of Eugene, were named to confer with the editor of the Oregon Teachers' Monthly as to the possibility

of making this journal the official organ of the association.

LINCOLN JURY INDICTS 3

All Are Held to Answer Charges Involving Liquor Sale or Gift.

NEWPORT, Or., Feb. 8.—(Special).—The Lincoln County grand jury yesterday indicted Albert Taylor, of Newport, bootlegging; Harry Davidson, giving liquor to a minor; C. A. Baynard, Newport druggist, for selling alcohol illegally.

In the Baynard case, a half gallon of alcohol was sold to one of the investigators, after he had signed up for it.

Attorney-General Defends Matron.

SALJEM, Or., Feb. 8.—(Special).—The State Board of Control today came to the rescue of Mrs. E. M. Hopkins, matron of the State Industrial School for Girls, when it called upon Attorney-General Brown to look after the Superintendent's interests in the action instituted against her for \$5000 damages. With County Judge Bushy, Mrs. Hopkins is charged with unlawfully detaining Irma Larson at the girls' school after she became of age.

Eugene High Has 667 Enrolled.

EUGENE, Or., Feb. 8.—(Special).—Enrollment in the Eugene High School at the opening of the second semester was 667, the largest number in history. The entering class numbers 59, of whom 29 are girls and 29 boys.

Episcopal Church. The members of the party were Rev. J. W. McDougall, district superintendent of the Methodist Episcopal Church; Attorney G. Evert Baker, Dr. Luther Dyott, pastor of the First Christian Church in Portland; I. B. Rhodes, state secretary of the Y. M. C. A., and George M. Taylor, formerly secretary of the Presbyterian Men's Brotherhood.

SNOW FELS LANDMARK

Hood River Buildings Leak and Barns Are Crushed.

HOOD RIVER, Or., Feb. 8.—(Special).—The weight of snow and rain last night crushed the old sash and door factory building, a landmark located in the western part of the city on the O.-W. R. & N. tracks. The leakage of water backed up by ice on roofs of private residences has been the cause of much inconvenience, and many leaks have been discovered.

Among the half dozen barns crushed by the snow, the greatest damage will be suffered by C. P. Johannsen, of the Upper Valley. Mr. Johannsen's barn was one of the largest in the fruit district. No animals were lost.

Roseburg Plans Special Election.

ROSEBURG, Or., Feb. 8.—(Special).—At the next meeting of the Roseburg school board action will be taken in the direction of calling a special election to vote bonds for the erection of a modern high school building here. It is planned to erect a structure cost-

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ing approximately \$75,000. The building will occupy the site of the Lane school structure, which burned Thursday night.

Spokane Gets \$350,000 Can Factory.

SEATTLE, Feb. 8.—Henry W. Phelps of New York, vice-president of the American Can Company, announced tonight that the company immediately would build a branch factory here costing \$350,000 and employing 400 men. The plant will supply cans for salmon packers in Puget Sound and Alaska.

Copper Miners Get Wage Increase.

REDDING, Cal., Feb. 8.—More than 500 men employed at the Iron Mountain mine and at the offices of the Mountain Copper Company were informed today that their wages were increased 25 cents a day, beginning February 1, the increase to be effective while copper sold at or above 20 cents a pound.

C. C. Pritchard Dead.

RAINIER, Or., Feb. 8.—(Special).—C. C. Pritchard, a resident of this city for the past 27 years, died Sunday, aged 54. He is survived by his widow and six children. The body will be taken to Portland for cremation.

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"Pape's Cold Compound" Ends Colds and Grippe in a Few Hours.

Take "Pape's Cold Compound" every two hours until you have taken three doses, then all gripe misery goes and your cold will be broken. It promptly opens your clogged-up nostrils and the air passages of the head; stops nasty discharge or nose running; relieves the headache, dizziness, feverishness, sore throat, sneezing, soreness and stiffness.

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