

SEASIDE'S NEW TRIAL IN HENNINGER CASE IS UPHOLD BY COURT

Contention Is That Action Was Begun Within Six Months Contract Limit.

Salem, Or., May 9.—In upholding Circuit Judge Morrow for granting a new trial to the city of Seaside in its suit against the Oregon Surety & Guaranty Co., in which recovery of \$7949.09 embroiled by Edmund N. Henninger, city treasurer, was sought, the supreme court this morning held that the action was clearly begun within the six months limited by the contract. This was the main defense in the case. A Multnomah county jury found a verdict for the defendant.

In an opinion by Justice Benson, the supreme court said that it appeared that the trial court had confused the provision requiring that when a loss was discovered the company should be immediately notified, and the one requiring that a claim of loss should be presented therefor when discovered, and no action could be prosecuted unless begun within six months after the presentation of the claim.

News of Henninger's suit was filed to the company at Portland, November 4, 1910, and January 19, 1911, after the books had been checked, a claim for the amount of the defalcation was forwarded. Suit for the amount was started July 17, 1911.

PRIMARY GRADES AT MT. TABOR TO GIVE OPERETTA



Cast of Characters in "Land of Nod."

National bank of Eugene, appealed from Lane county, involving surety bond, opinion by Justice Burnett; judgment of Circuit Judge Skipworth for defendant modified.

J. D. Zuercher vs. J. H. Booth, appellant, appealed from Douglas county, action for services rendered as broker, opinion by Justice Bean; Circuit Judge Hamilton's judgment for plaintiff affirmed.

Mary T. Wells vs. First National Bank of Roseburg, appellant, appealed from Douglas county, action for money deposited in bank, opinion by Justice Bean; Circuit Judge Skipworth's judgment for plaintiff affirmed.

Wednesday evening the primary grades of Mount Tabor school under the direction of Misses Doble, Elton, Davis, Muir, O'Brien and Patterson will present an attractive operetta, entitled "The Land of Nod." The operetta depicts the visit of six little Sleepheads to the court of the King of the Land of Nod where they behold the wonders of the court. The pupils of the eighth and ninth grades directed by Miss Mildred Hurd will sing "The Sandman's Coming" and "Voices of Spring."

Following is the cast of characters: King—Alfred Gray; Myrl Van Alstyne; Sandman—Joe Plum; Queen of Dollies—Eva Brask; Dream Prince—Herbert Libak; Dream Princess—Ethel Crane; Lady Fortune—Satherine Grout; Mother Goose—Ruth Millon; Goblin Can-and-Must—Clifford Atkins; Dream sprites—Amelia Sansom, Sherwin Sipe, Sara Lutten, Marion Straham, Mildred Sipe, Mabel Eastman, Beth Wheeler, Marie Lawrence, Hazeldeane Fulton, Elizabeth Clement, Fern Chestney, Dorothy Jones; Dream goblin—Lee Farley; Standard bearer—Vance Prewitt; Pages—Lee Holcomb, Lewis Cook, Marion Wilkes, Perry Lee Schoonmaker; Sleepheads—Sarah Callan, Bertha Boggs, Maria Rosewell, Harry Smakoon, Benny Clearwater, Leslie McLennon.

CONTINGENCY IS NOT PERMITTED; GERMANY TOLD

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the good relations between the two countries, the government of the United States will rely upon a scrupulous execution henceforth of the now altered policy of the imperial government such as will remove the principal danger to an interruption of the good relations existing between the United States and Germany.

Contingency Not Allowed.

"The government of the United States feels it necessary to state that it takes it for granted that the imperial German government does not intend to imply that the maintenance of its newly announced policy is in any way contingent upon the course of result of diplomatic negotiations between the government of the United States and any other belligerent government, notwithstanding the fact that certain passages in the imperial government's note of the fourth instant might appear to be susceptible of that construction."

Responsibility Is Single.

"In order, however, to avoid any possible misunderstanding the government of the United States notifies the imperial German government that it cannot for a moment entertain much less discuss a suggestion that respect for German naval authorities for the rights of citizens of the United States upon the high seas should in any way or in the slightest degree be made contingent upon the conduct of any other government affecting the rights of neutrals and non-combatants. Responsibility in such matters is single, not joint, absolute, not relative."

CYMRIC OF WHITE STAR LINE GOES DOWN, FOLLOWING ATTACK

(Continued From Page One)

110 officers and crew were saved, according to Lloyd's. An earlier message said several steiners were proceeding to the rescue, and it is assumed that these took off the sailors.

The Dutch steamer Contina wireless that the Cymric sank at 3 a. m. "All safe," her radio said.

In view of the latest German submarine pledges, American consuls were directed today to obtain details of the torpedoing of the liner Cymric. Neither the British admiralty nor the White Star Line agents gave out any information except brief dispatches from Queenstown saying that the big steamer was torpedoed at 4 o'clock Monday.

It was pointed out that should it be learned that the Cymric was not warned, this fact would not offer proof that the submarine commanders were not keeping faith with the United States. New instructions have been issued to them in accordance with the latest pledges, whereby the submarine which attacked the Cymric left its base before the new orders were issued.

The line office believes that there were no Americans aboard, although one or two American sailors may have been shipped at New York. For the last six weeks the Cymric has not carried passengers.

The Liverpool agency of the line confirmed reports that the crew had been saved.

MANIFEST OF CYMRIC SHOWED CARGO WAS WARFARE MATERIALS

New York, May 9.—(I. N. S.)—The Cymric was formerly in the passenger service between Liverpool and Boston. She was transferred to the New York service shortly after the outbreak of the war. She had accommodations for 120 cabin passengers and 800 in steerage.

The Cymric discontinued carrying passengers some time ago, it was stated. Captain F. E. Badnell, at various times, commanded the Admiralty and other ocean greyhounds of the White Star line fleet.

When the Cymric sailed from here on April 29 her entire cargo consisted of munitions of war. A list of the principal items which was filed in the ship's manifest at the customs house follows:

Eight cases of firearms, 13 cases of guns, 80 cases of rifles, 920 cases of primers, 2163 packages of foraging, 11,049 cases of empty shells, 40 cases of aeroplane parts, 84 cases of tractor parts, 62 cases of lathes, 1572 bales of cotton, 7500 barrels of lubricating oil, 60 cases of steel tubes, 17 cases of copper tubes, 1788 plates of spelter, 20 cases of gun parts, 6 cases of bayonets, 64 cases of rubber boots and shoes, 230 cases of fuses, 7 cases of empty projectiles, 122 cases of foraging, 8900 cases of cartridges, 6720 cases of fuses, 18 cases of automobile parts, 400 reels of barbed wire, 23000 bars of copper, 1247 cases of agricultural machinery.

No word regarding the sinking of the steamer was received during the afternoon by officials of the White Star line of the British consulate.

EFFECT OF SINKING OF CYMRIC DEPENDS ON CIRCUMSTANCES OF IT

Washington, May 9.—(I. N. S.)—The new German submarine policy has been tested in the case of the Cymric, torpedoed White Star liner.

If there was no warning before the deadly projectile was launched, the attack apparently violates the orders to undersize boat commanders which the German government declared had been put into effect.

The fact that there were no Americans aboard, officials said today, does not enter the case. Germany has declared that its orders to submarine commanders were intended to confine their operations to the fighting forces of the belligerents. The Cymric was not a fighter.

Effect Is Problematical.

The effect of the incident is problematical. If there were no Americans aboard, quick disavowal and repatriation from Germany are expected.

This government has made maintenance of friendly relations with Germany contingent upon abandonment of such attacks as the one reported yesterday. Germany's reported issuance of orders to U boat captains were to prevent such episodes. It is possible that the Cymric was the victim of a submarine crew of which had not yet received the new instructions. Until all the facts are known, Washington officials will not discuss the possible effect of the incident.

Status May Change Case.

The report that the Cymric was in the service of the British admiralty freshly complicated the situation. If this is true and the steamer is therefore classed as a warship, the United States is not concerned in the attack.

On the contrary, it was pointed out that the customs collector of the port of New York would not grant clearance to ship engaged in unneutral business. The fact that the Cymric was allowed to clear indicated that its status was no different from that of other merchantmen which were granted immunity.

Consul Will Investigate.

Queenstown, May 9.—(I. N. S.)—American Consul Frost leaves shortly for Bantry to learn whether the Cymric was engaged in unneutral business and whether she attempted to escape. He will interview the officers.

Strikers Return to Work.

Pittsburg, Pa., May 9.—(I. N. S.)—Thousands of strikers were returning to work at the Westinghouse Electric plant here today. A complete victory for the company is claimed.

FORMER WAR HEAD OF RUSSIA IS HELD



GEN. SOUKHOMLINOFF

London, May 9.—(I. N. S.)—The morning newspapers today publish long accounts concerning the arrest of General W. A. Soukhomlinoff, former Russian minister of war, who is a prisoner in the fortress of St. Peter and St. Paul in Petrograd. The exact nature of the charge against him is not known. This arrest was marked by a large number of officials of the public prosecutor's department, accompanied by police, whose appearance in

Man Who Received Threat Disappears

J. Wada of Los Angeles, Alaskan Explorer, Receives Mysterious Message Over the Telephone to Expect Death.

Los Angeles, May 9.—(I. N. S.)—Following a mysterious telephone call in which he was told to expect death, J. Wada, formerly of Seattle, an Alaskan explorer and authority on scientific subjects dealing with Alaskan life, has disappeared, according to reports made to the police.

Wada, according to friends, carried a revolver several days ago, the first time in his life. He said that someone had threatened to kill him and throw his body into the harbor.

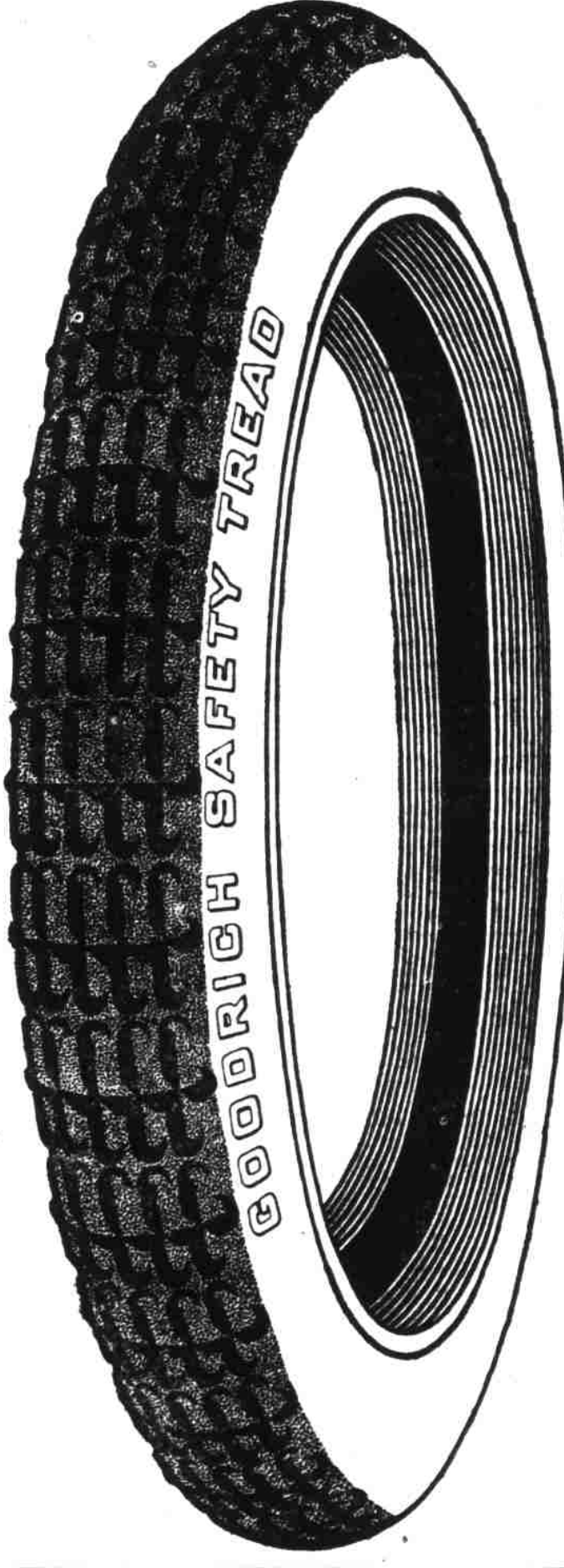
Lake Steamer Sinks With Score of Crew

Ship Founders in 60 Mile Gale, But Barge and One of Crew Are Saved, Disaster Occurred on Lake Superior.

Sault Ste. Marie, Mich., May 9.—(I. N. S.)—Twenty men were drowned when the steamer S. H. Kirby was sunk, the steamer Joseph Block rescued one man of the Kirby's crew, which numbered 21 men. The barge Hartwell, which was in tow of the Kirby, reached Keweenaw Point safely.

(Reprinted from Goodrich BALANCED TIRE Campaign of July and Aug., 1915)

Built like — "The Deacon's One-Hoss Shay"



"THE best Pneumatic Tire is only as strong as its weakest part. Strengthening its strongest parts is as useless as putting a fifth wheel on a wagon. Yet this is often done to provide "Selling-feature" and "Talking Point."

The weakest part of every Pneumatic Tire is its Walls or Sides, not its Tread,—its Cotton Fabric or "Stocking," not its Rubber "Sole."

No price would be too high to pay for a material that, replacing Cotton in the Walls of Pneumatic Tires, would last as long as the Goodrich Rubber Tread could be made to wear.

Neither Silk, nor Linen, nor any other known Fabric, yet discovered is so good, for this purpose, as Cotton,—and choice long-fibred Cotton is the best material than money can buy for Tire Fabric.

But,—notwithstanding all this,—the FABRIC is the part of the Tire which goes first. Because the sides of the Tire do most of the work in running,—bending and stretching a million times an hour, in scores of different directions. This bending of the sides causes Friction between the layers of Canvas working against each other,—Friction causes Heat—the Heat over-cures and dries out the Rubber Adhesive between layers, which then separate from each other, in spots, the threads weakening or wearing out chafing against each other.

Then you have, in due time, the incipient blow-out, or other form of Tire-Death.

"PUT more layers of Fabric than we do in the walls, to strengthen them, and the friction increases, with faster deterioration of the Rubber through the greater heat engendered.

Put fewer layers, and the walls would not be strong enough to carry the load of the Car.

So there you are—Mr. Tire-User!

Why put MORE layers of Fabric in the Walls of the Tire than will properly carry the load, when each additional layer is an additional developer of that FRICTION-HEAT which is to Tires what Old Age is to Man?

"THAT is the reason we build (and have built for more than a year), in the Goodrich Tire, a carefully BALANCED Tire, emulating the famous example of "The Deacon's One-Hoss Shay" in which 'the Sills were just as strong as the Thills and the Thills as strong as the floor."

The Maximum Fabric efficiency and THEN,—the rest of the Tire built up to that. Result,—

—The most RESILIENT Tire that can be made with Fabric Walls,—at the fairest price per Mile of performance.

Why pay more for any Tire?

Goodrich "Fair-List" Prices		
BLACK SAFETY TREADS		
30 x 3 1/2	- Ford Sizes -	\$10.40
30 x 3 1/2	-	\$13.40
32 x 3 1/2	-	\$15.40
33 x 4	-	\$22.00
34 x 4	-	\$22.40
36 x 4 1/2	-	\$31.60
37 x 5	-	\$37.35
38 x 5 1/2	-	\$50.60

GOODRICH Black-Tread — TIRES

This Advt. REPRINTED (with revision of prices, etc.) from Goodrich campaign, published in July and Aug. of last year,—viz. 1915

While you smoke and after you smoke—COMFORT!

You don't care how good a cigarette may taste if, while you are smoking it, that cigarette burns your tongue or "catches" you in your throat.

Fatimas have a good taste but they don't do that—they're cool and comfortable to the throat and tongue while you smoke them.

And better yet, Fatimas leave you feeling comfortable afterwards. You can smoke Fatimas more freely than any other cigarette we know anything about without having any heavy or "mean" feeling of having smoked too much.

That's why they're so SENSIBLE.

Try Fatimas—right NOW—and prove for yourself how SENSIBLE they are.

Loggatt & Myers Tobacco Co.



FATIMA THE TURKISH BLEND A Sensible Cigarette

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