

# SEASIDE'S NEW TRIAL IN HENNINGER CASE IS UPHELD 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.

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."

# 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

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."

CONTINGENCY IS NOT PERMITTED; GERMANY TOLD

(Continued From Page One)

the good relations between the two countries, the government of the United States will rely upon a scrupulous execution henceforth of the now altered

# CYMRIC OF WHITE STAR LINE GOES DOWN, FOLLOWING ATTACK

110 officers and crew were saved, according to Lloyd's. An earlier message said several steamers 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.

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 any 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 the 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.

# 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 U-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

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# CONSUL WILL INVESTIGATE

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

Strikers Return to Work. Pittsburgh, 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 made 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 in an evening in a 60 mile gale, when the steamer S. H. Kirby was sunk. The steamer Joseph Block rescued one man, that of the Kirby's crew, which numbered 21 men. The barge Hartwell, which was in tow of the Kirby, reached Keweenaw Point safely.

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

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?

THE B. F. GOODRICH RUBBER CO. Akron, Ohio

Portland Branch Broadway at Burnside St.

# GOODRICH Black-Tread TIRES

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

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