

JUDGE MCGINN GIVES ATTORNEYS WHAT HE TERMS REAL OPINION

Directed Verdict in Case Dealing With Stock Speculation Confirmed.

NON-SUIT, TOO, IS DENIED

Court Declares Buying on Margin Is Gambling and Says Real Estate Speculation Is in Same Class.

After Judge McGinn, in department three of the circuit court, confirmed his former decision to give a directed verdict for the defendant in the suit brought by John Loop against Overbeck, Cooke & Co., stock brokers, for alleged losses he sustained when the stock brokers, through fear caused by the condition of the market after the war broke out, sold stock Loop had bought on margin, he roiled the attorneys for the plaintiff by expressing his real opinion of the case.

"While attorneys for both sides sought to impress the court that this was a perfectly legitimate business," said Judge McGinn, "the court finds that this is a gambling proposition. One was the leader and the other was the player. It was gambling on a margin."

"The grand jury is in session," reported Attorney J. W. Kaste, representing Loop. "Why not call in the grand jury?"

"Because it is not playing with the roulette wheel or similar gambling devices and so does not come under the statutes against gambling. But it is gambling on the stock market," said Judge McGinn.

"I suppose a man who buys real estate as a speculation is gambling," said Kaste.

"Yes," replied McGinn, "especially if he is buying it chiefly on law, as many have been doing around here."

Attorney Kaste vigorously opposed Judge McGinn's method of disposing of the case. Soon after the case started, the court announced that he would give a directed verdict for the defendant and told the attorneys they could complete the record by filing a testimony before a court reporter. Six days were required to take the testimony.

Today Kaste made a motion for a hearing before the jury in open court. It was promptly denied.

Then Kaste entered a motion for a new jury and a new trial in open court without comment from the court.

This was promptly denied.

Next was a motion for a non-suit, which was also denied.

"I want this record to show," insisted Kaste, "that the jury never heard one word of the testimony nor had an opportunity to hear it."

Judge McGinn readily consented, and said the supreme court was the place for the plaintiff to present its arguments.

"I propose to make application to the supreme court for a fair trial," said Kaste, "on the grounds that we have been denied justice in this court."

DOG POUND ISSUE UP AGAIN

Residents Near Old Poor Farm Register a Protest.

It's a matter of kicking my dog around with the proposed site for a dog pound.

The old county poor farm west of the city on the Canyon road was believed to be a solution of the difficulty of the county, which has been receiving a protest from residents of that district.

"We have our homes here," write the protesters, knowing how sounds echo through the hills, recognize the needless annoyance that could be caused by a large number of lonely dogs being impounded in this place.

While sympathizing with your honorable body in its difficulties in finding a suitable location for the city dog pound, we have a large home on our full share of public burdens in the past, in a county poor farm, tuberculosis hospital, smallpox detention home and refuge for Chinese laborers.

The principal objection made on the ground of the effect on property values.

BUGS FIGURE IN LAWSUIT

Mrs. Nancy A. Hills Would Cancel Lease on Apartment House.

When Nancy A. Hills entered into a lease with Floyd J. Campbell for the Winston apartments, 241 Fourteenth street, she thought she was getting an apartment house all in good repair.

Instead she got an apartment house, according to her allegations in a suit filed yesterday, all out of repair.

Bedbugs drive the tenants out, she avers.

She entered into a lease for the apartments to run from January 15, 1916, to October 1, 1917, at \$250 a month, and paid \$1000 on the lease, giving a note for \$1000. This was her first experience in the apartment house business.

She brought suit for the cancellation of the note, for a return of \$1000, for \$450 for the services of herself and daughter since she has been running the apartments, and for \$350 for the cost of moving above the income from the apartments.

Ratings Made Public

The municipal civil service board has made public the ratings of men and women who recently took examinations for positions as playground directors during the coming summer.

Women who passed and their ratings are: Fay Armstrong, 84.15 per cent; Gertrude Deutsch, 78; Gertrude Thayer, 82.03; Nora Self, 75.33; Nell Doherty, 75.33; Elizabeth West, 76.68; Emily Marshall, 75.03; Edna Agler, 75.33; Alice Ryan, 82.15; Gladys Roberts, 75.72; Jewell Tozier, 82.00; Bessie Nelson, 78.15; Ruth Carlson, 77.29; Arleen Johnson, 78.05; Edna Agler, 75.33; Grace Woodworth, 81.48; Cora Howes, 78.70; Zilpha Dempsey, 79.14; Juanita Farber, 76.09; Jessie Thayer, 84.29; Violet Amberg, 82.03; Dorris Foreman, 78.14; Mary Brownlee, 79.44; Hazel Howard, 76.05.

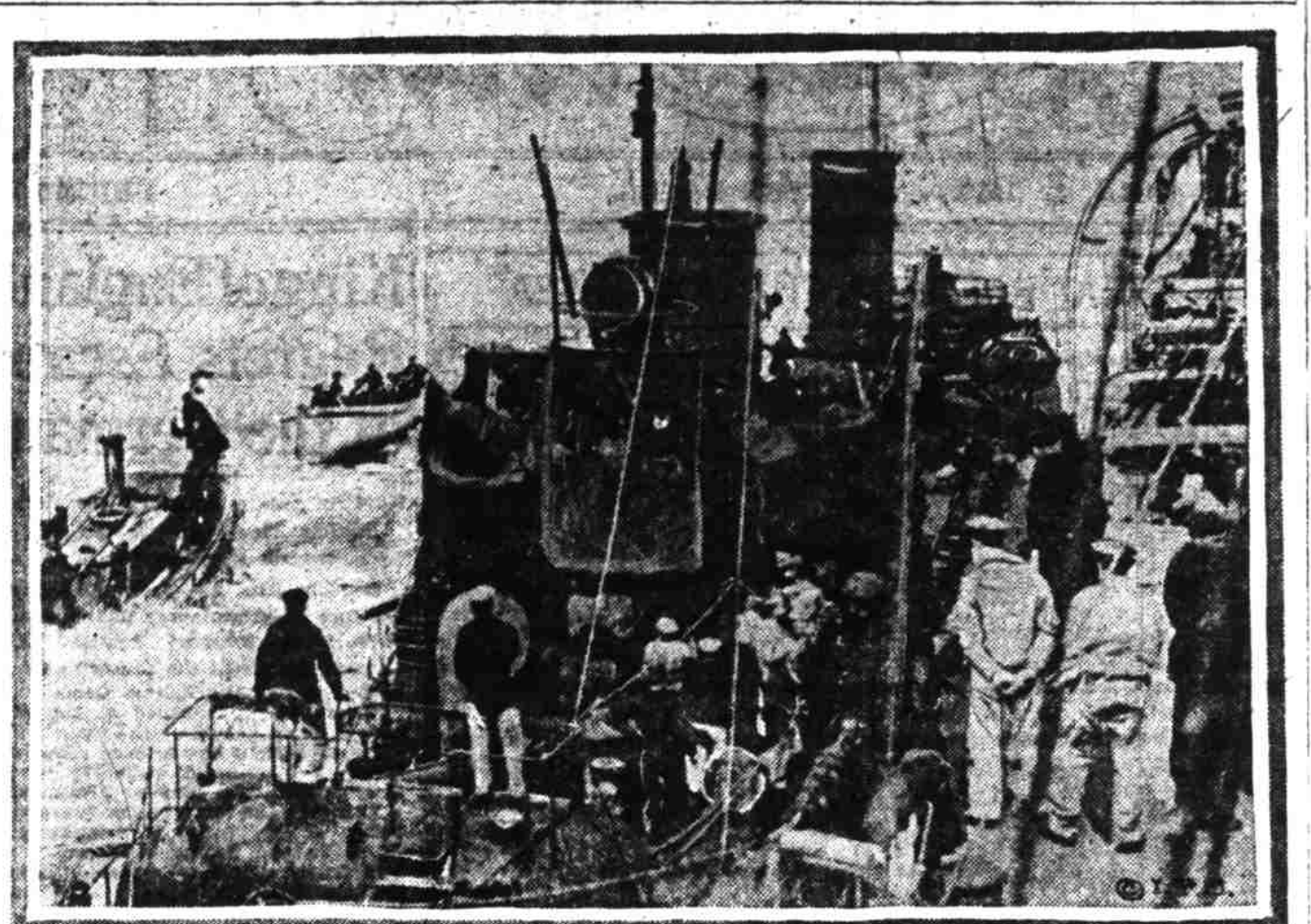
Men who passed are: Ray Lapham, 80.65; Charles Young, 83.30; Dean Hunter, 75; Robert Lanley, 76.25.

Gantenbein Makes Ruling

Judge Gantenbein has ruled that the qualifications of C. H. Feldman for engineer of the city incinerator have nothing to do with the suit brought by Ben E. Thomas, J. W. White and Jesse E. Pelton to mandamus City Commissioner Daly to appoint one of them to the position on the ground that they have passed the civil service examination and Feldman has not.

The only question at issue will be an interpretation of the provision in

GERMAN FLEET HAS LONG PREPARED FOR DASH AGAINST THE BRITISH FLEET



The photograph taken a few months ago, shows a German torpedo boat in safe shelter in Kiel canal.

OREGON INDIANS ARE SECURE IN RIGHTS FOR USE OF THE WATER

Court Ruling Applies to Use of Water for Domestic or Agricultural Purposes.

Robert R. Rankin, assistant United States attorney, this morning received a decision by Judge Phelps of the state circuit court, which secures Oregon Indians in the right to as much water from streams as they may need for agricultural or domestic purposes. The decision came on Mr. Rankin's appeal, conducted by the government on behalf of the Indians, from a decision of the state water board.

The appeal was submitted to Judge Phelps in September, 1915, the case being that of Sophie Byers vs. Wawawai et al. The Byers people claiming they were absolutely entitled to 10,000 cubic feet of water per minute from the Umatilla river.

Congress Passes Act

Prior to March 2, 1855, the waters of the Umatilla river were used by George Labow, Lot Livermore and others under a permissive use from the United States, and on March 3, 1855, congress passed an act which confirmed in these parties the license they already had. This license to George Labow and others was purchased by the Byers people, who in 1913 asserted a claim before the state water board that their right to the use of the water per minute was absolute because of the congressional grant and riparian ownership.

The government claimed that by its treaty of 1855 with the Indians, the land embraced within the Umatilla reservation was set aside for the use of the Indians, and that by necessary implication there was reserved for the Indians the use of the waters of the Umatilla river flowing over and across said lands.

Government Is Sustained

Judge Phelps sustained the government's contention, but the Byers people claimed that their mill, which is founded upon this water right is worth a quarter of a million dollars, and the Byers people, who have been built up and are dependent, to a large extent, upon the continuing of such a right. He said that such arguments should be presented to congress rather than to the court, however.

The Byers interests were represented by Foe & Foe and Raley & Raley of Pendleton.

U. S. Naval Officer Not in Sea Fight

Lieutenant-Commander Powers Symington, Who Was Reported on British Ship Sunk, Is Safe in London.

Baltimore, Md., June 3.—(U. P.)—A cablegram was received here today by relatives of Lieutenant-Commander Powers Symington, U. S. N., who was reported on the British battleship sunk in the North sea, announcing he was safe in London.

The city charter relating to persons in employment when civil service rules were adopted, requiring a public account to be submitted to their positions. The attorneys will submit briefs on that point.

Old Indictments Dismissed

Nine old indictments were dismissed yesterday by Judge Morrow, on motion of the district attorney's office. They were as follows: Oscar Johnson, indicted September 22, 1914, for non-support; Raymond King, March 11, 1915, for battery; Mrs. G. Marks, June 19, 1915, contributing to the delinquency of a minor; Fred M. Morrow, December 28, 1915, forgoing an indictment; S. Mathison, April 30, 1914, forgoing an indictment; Sam Latham, February 29, 1917, forgoing an indictment; A. H. Halsey, December 17, 1912, forgoing an indictment; and Roshen Khan, forgoing an indictment from a person and another for robbery.

Accounts To Be Examined

In the suit brought by George L. Colwell, 88 years old, against Arthur C. Tift, attorney, for an accounting of funds amounting to more than \$25,000 which Colwell turned over to Tift to be loaned on real estate mortgage, Judge Davis yesterday ordered the case continued until a public accountant can be employed to make a complete statement of the handling of the money as shown by accounts kept by both parties to the suit.

Federal Grand Jury Adjourns

The federal grand jury today adjourned, to reconvene Monday, June 26, to complete its work.

HONOR STUDENTS AT STATE UNIVERSITY TO GET DEGREES MONDAY

Anniversary of Opening State School Will Be Celebrated Monday Afternoon.

University of Oregon, Eugene, Or., June 3.—Degrees will be conferred on 26 students by the university Monday morning at the formal graduating ceremonies of the commencement exercises. The exercises began Friday afternoon with a concert by the student body on the campus, and members of the graduating class presented "The Comedy of Errors" that evening in an open air production, staged on the campus, with the fir trees and shrubbery forming the background.

In connection with the commencement exercises, the fortieth anniversary of the opening of the university will be celebrated Monday afternoon, followed by the laying of the cornerstone of the new home of the school of education.

The following students will be awarded highest honors in these subjects: Economics, Roscoe Hurd, Max Sommer, Lamar Toole, Leslie Toole; English, Grace Edgington; mathematics, Elizabeth Minturn; rhetoric, Howard H. Springfield; Harold Franklin Humbert; Eugene, Jennie Hunter, Roseburg; Grace Hartley Edgington, Mina Ferguson; Cum laude—Louise Grace Bailey, Eugene; Merline George Bailey, Twin Falls, Idaho; Lewis Alexander Bond, Eugene; Eyler Brown, Eugene; Walter E. Church, Eugene; Dorothy Hermine Groman, Odelet, Iowa; Earl W. Heckler, Springfield; Harold Franklin Humbert, Eugene; Jennie Hunter, Roseburg; Lombard, Eugene; Elizabeth Leora Minturn, Eugene; William J. Montgomery, Portland; Mary Nell, La Grande; Erna Petrol, Oregon City; Max Herbert Sommer, Portland; Leslie Orland Toole, Salem; Jewell Maryon Tozier, Eugene; Carol M. Wagner, Ashland; Bess Young-Clark, Los Angeles, Cal.

Two British Steamers Sunk

London, June 3.—(U. N. S.)—The torpedoing of the British steamship Golconda was announced here today. The Golconda registered 5574 tons. Her crew is missing.

The torpedoing of the British steamship Elmgrove, registering 3018 tons, by a German submarine was also announced here today. The Elmgrove, according to British claims, was unarmed.

Curtis Sutherland Home From Chicago

Assistant to Vice President of O-W. R. & N. Company Has Many Sensational Escapes on Trip.

Curtis G. Sutherland, assistant to the vice president and general manager of the O-W. R. & N. company, has returned from a somewhat adventurous trip to Chicago, where he participated in conferences regarding forms of transportation.

"The train I was on coming home from Chicago was a cyclone in North Dakota," said Mr. Sutherland today. "As a matter of fact we got there just a few hours after the disaster. Several miles of telegraph poles were down and barns, houses and trees were found in the most unexpected places."

"In Montana a terrific electrical storm lighted the sky all night long like a million fire. It was rather exciting after Oregon."

"Portland never looked so good to me as it did when I got home. I didn't see a flower while I was away and got back to find the roses at their best."

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Payment should be made, he held, on the basis of this full use, which is tantamount to the full use by the actual owner.

Common User Privileges Defined

The court held, therefore, that common user privileges allowed by the

BRITISH SUBMARINES SANK GERMAN SHIPS; WARNINGS NOT GIVEN

News Agency Announces Destruction of Three Steamers; Swedish Comment.

Berlin, June 3.—The torpedoing of three German steamers without warning by English submarines off Sweden was announced by the Overseas News agency today.

Swedish newspapers reported that the three German steamers were torpedoed by a submarine without warning, probably in Swedish waters. Of the crews six men perished. Since the ships were sunk on English territory, the Swedish press considers it certain that the torpedoing was committed by an English submarine.

The newspaper Social Demokraten, which is not pro-german, comments on the event as follows, under the heading: "Reckless torpedoing without warning—human lives lost."

"The method used in this case will be condemned by the whole of humanity. One could hope that, after the American initiative, this kind of war belonged to past history. If one considered that such events always excited immense wrath in the countries of the allies and the United States, one would be entitled to expect that the United States would issue a sharp protest."

Those of the crew who were rescued were received most heartily by the Swedish.

Judge Says Street Car Did Not Speed

Impossible for Streetcar to Make 40 Miles an Hour, Magistrate Concludes After Test.

Municipal Judge Arthur Langsuth today tested the testimony of the street car which was involved in the accident on Burnside to determine whether or not it is possible for a streetcar to rush along at a 40 mile rate, as was charged by V. T. Kendall, a 32-year-old passenger in the same period amounted to \$2,005,216.17, according to a report of City Treasurer Adams today. The receipts include the cost of the streetcar and the disbursements include all moneys expended.

Deaths in Wreck in Iowa Still Unknown

Six Bodies Recovered But Day Coach Still Submerged in Flooded Stream; Seattle Women Among Dead.

Packard, Iowa, June 3.—(U. P.)—The flood which cut off the railroad today was still impossible to determine how many people lost their lives when Rock Island passenger train No. 13 crashed through a bridge near Rock Island, Iowa.

Six bodies have been recovered and there may be as many more dead in the day coach still submerged in the flood. The bodies were recovered from the coach when it went down, and many of these are unaccounted for. Many passengers left the scene of the wreck without giving their names, and the total list of dead can only be determined when the waters recede and the divers now at work complete their work.

The dead: Miss Mary Greenwall, Seattle, and an unidentified woman answering description of Mrs. T. C. Robinson of Sterling, Ill.

Missing: Miss Frances Christiansen, Wesley, Iowa; Alvin T. Tamm, Kenosha, Wis.; Mrs. S. R. Westcott, Minneapolis; Harry Farrell, Louisville, Ky.; Pearl Robinson, address unknown, and Mrs. Williams, address unknown.

The following were reported fatally injured today: M. E. Thorne, Kennett, Iowa; S. L. Chase, Henry, Ill.; and Mrs. Henry Unken, Minot, N. D.

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SCALES CONDEMNED BY THE MUNICIPAL SEALER, E. D. JONES

During Quarter 911 Scales Were Inspected and 59 Ordered Repaired by Him.

CORDWOOD IS MEASURED

Weighing of Ostrich Plumes, Molasses, Sand and Gravel Among the Duties Which Were Performed.

Ostrich plumes, molasses, sand and gravel were just a few of the things measured and weighed during the quarter ending May 30 by E. D. Jones, municipal sealer of weights and measures, according to his report, filed with the city auditor today.

The ostrich plumes were weighed and sealed at the city sealers' office. As the price of plumes is about \$20 an ounce, considerable care had to be used in weighing the feathers.

Mr. Jones suggests that the consumers see that berry boxes are filled when purchasing strawberries and other berries which are now in the market, in order to avoid short measure.

According to Sealer Jones, sand and gravel wagons have now been measured and marked, and as a result, complaints as to shortages in purchases of these materials are things of the past.

During the quarter 911 scales were inspected, and of this number 21 were condemned and 59 ordered repaired. A total of 207 cords of wood was measured during the quarter, in addition to the many other duties of the bureau.

AUDITORIUM BIDS OPENED

Applying-Griggs Co. Lowest for Installation of Heating System.

Applying-Griggs company submitted the lowest bid for installing the heating system in the Portland public auditorium now under construction. The bid was for \$14,000. The bid was submitted by Architects Whitehouse & Poulthorpe for tabulation. The lowest bid was for \$14,000. Other bidders and prices follow:

Rushlight & Haxford, \$15,917; Kendall Heating company, \$18,969; W. G. Pharmacy company, \$15,000; Pinegar Bros., \$25,849, and J. F. Shea, \$46,309.

City's Finances Reported

Receipts for the city for the six months ending May 30, totaled \$42,525,043.23 and disbursements in the same period amounted to \$2,005,216.17, according to a report of City Treasurer Adams today. The receipts include the cost of the streetcar and the disbursements include all moneys expended.

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"Yellow Owls" Are Convicted by Jury

Two Members of Notorious Band of Smugglers Declared Guilty by Jury in Seattle Court.

Seattle, Wash., June 3.—(U. N. S.)—Louis Ding and Louis Lung Gin, members of the "Yellow Owls," alleged smuggling ring, are today under custody of federal officials under bonds pending sentence which will be imposed on June 12. They were convicted yesterday by a jury in Federal Judge Neterer's court of the smuggling of opium from British Columbia to Seattle. Along with them the jury convicted six other Chinese.

On the night of December 20, the "Yellow Owls" were arrested following an exciting chase on the waterfront. Ding has been at liberty since his arrest under \$3000 bond, but an additional bond of \$5000 was required yesterday. Gin has been free under \$2500 bail. Judge Neterer raising this ante an additional \$4000. The case is the first of the "Yellow Owls" to be tried.

EVIDENCE INTRODUCED ACCUSES DRIVER OF BEING INTOXICATED

C. A. Warriner Is Being Tried on the Charge of Assault.

That C. A. Warriner was under the influence of liquor at the time of the accident, was probably the most important bit of evidence brought out today in his trial on the charge of assault with a dangerous weapon as the result of an automobile accident on the Columbia river highway April 9, when Mrs. Henry Beckman was permanently disabled.

Attorney John F. Logan, chief counsel for Warriner, resisted every effort of Deputy District Attorney Hindman and Murphy to introduce evidence showing Warriner's condition at that time, but the prosecution finally got before the jury in Judge Morrow's court testimony that Warriner was drunk.

Henry Beckman, who was riding with his wife on the motorcycle when they were run down by Warriner's automobile, testified that immediately after the accident he noticed that Warriner's eyes were glassy and his breath smelled of whiskey.

Evidence Stricken Out

"He was under the influence of liquor," testified that the jury, after the testimony was ordered stricken out by the court, on the ground that Beckman had not been qualified to give expert testimony on the subject.

Beckman testified that he and his wife went out on the highway in a party of six, two other couples riding on two other motorcycles. He said after the party started toward the river, with an automobile party, was stopped alongside the road near Latourelle falls. He said Warriner's car then came along, and most of the party, including Mrs. Beckman, accepted. But he did not take a drink, he said.

Then the motorcycle party proceeded east on the highway. They had gone but a comparatively short distance when Warriner, coming from behind, ran into the Beckmans.

"Impact Declared 'Terrific.'"

"The automobile struck the motorcycle with terrific impact," testified Beckman. "It shoved the motorcycle ahead at about twice the speed we had been going. The motorcycle went diagonally across the road and before I could get the motorcycle under control the automobile struck us again and knocked the motorcycle over."

He said Mrs. Beckman was picked up by the motorcycle and thrown into the air. Efforts of the deputy district attorney to get before the jury testimony as to how long Mrs. Beckman was at the scene before being taken away and what became of Warriner and his machine failed at this forenoon's session.

At 1 o'clock the case was continued until Monday morning.

County Institutions Meet With Approval

Grand Jury Reports Detention Home, Baby Home, and County Jail Good.

Those in charge of the Baby home, Frade Detention home, Kelly Butte and the county jail are commended for their work in handling the inmates of the institutions by the Multnomah county grand jury which reported today.

The grand jury finds that conditions at the institutions are good and recommends that inmates at the Multnomah county farm be provided with work to keep them busy part of the day. It also suggests that a plan be formulated for caring for young men found guilty of criminal offenses but who should not be sent to jail.

The grand jury also investigated charges concerning faulty construction of the Multnomah county highway reports that conditions of the highway are satisfactory.

Fire Hose to Be Used

Tacoma, Wash., June 3.—(U. P.)—War to a finish between striking longshoremen and the Tacoma waterfront Employers' association was declared today, following threats by the strikers to destroy barricades and forces based on Tacoma docks to protect strikebreakers. Lines of fire were laid on a number of wharves and will be used to repel any attacks made by strikers, dock officials said.

A number of office employees tracked freight today, clearing the docks of all perishable goods. Freight unloaded from a steamer was reported to be carried off the docks by the consignees.

A number of strikebreakers were arrested in the Milwaukee docks during the night, despite the vigil of pickets, who patrolled the bay in launches.

Italians Lose Positions

Vienna, June 3.—(U. N. S.)—Capture of several more strategically important positions from the Italians in the district of Asiatic in an official statement issued from the war office today.

Report Zeppelin Destroyed

Copenhagen, June 3.—(U. N. S.)—Fishermen today declare that a Zeppelin was destroyed during Wednesday's battle, and that the crew perished.

Preparedness Parade Is Held by Children

Youngsters of Richmond District Turn Out in Wagons, and Buggies; Fire and Drum Corps.

General Charles F. Beebe, grand marshal of the preparedness parade, has nothing on a score of youngsters in the Richmond district. Thursday evening these youngsters held a preparedness parade all of their own.

The children lavishly decorated several wagons with roses and other flowers and mounted flags and pennants on their wagons on high standards. Following this wagon brigade was the baby buggy division which was equally as well decorated. The children were dressed as near soldierly style as possible and wore three cornered paper hats.

ARMENIAN FUND IS INCREASED BY NEARLY \$500 CONTRIBUTIONS

Total Amount Secured to Aid Relief of Suffering People Is \$1529.85.

Ben Selling, treasurer of the Armenian relief fund, today announced the following additional contributions, which have brought the total up to \$1529.85. Previously acknowledged \$1084.00.

Rev. J. M. Jones	2.00
G. M. Wells	3.00
J. M. Jones	1.00
H. S. Green	1.00
H. S. Swope	1.00
M. M. Jones	1.00
M. M. Jones	1.00
Lawson Parker	2.00
J. M. Jones	1.00
W. A. Paving, Solo	2.50
H. B. Davis	2.00
Harold Bayley	2.00
Silas H. Beach	2.00
Mrs. S. L. Calbreath	5.00
E. J. Jaeger	1.00
C. T. McGilvra	5.00
W. E. Keeler	5.00
J. M. Jones	1.00
Cartezian Bros.	130.00
C. F. Waldo	1.00
Sara M. Jones	2.00
Adelaide Selling	5.00
C. L. Schoenfeld	1.00
N. J. Hanson	2.00
H. R. Wakeman	2.00
J. M. Jones	2.00
Sarah T. Catlin	2.00
Rundry Items	7.00
Ben, Gadsden & Co.	25.00
Mrs. M. J. Rogers	1.00
Mrs. W. H. Lacey, Colfax	5.00
George Raabe	5.00
J. Lee	5.00
Mrs. V. Bain	1.00
R. S. Barrette	1.00
Mrs. S. Wilson	1.00
Mrs. Seth Catlin	2.00</