

This Paper Has Enlisted With the Government in the Cause of America for the Period of the War

THE EVENING NEWS

The Only Paper in Roseburg Carrying Associated Press Dispatches

THE WEATHER

Tonight and Thursday Fair.
Temp. yesterday.....73
Temp. last night.....45

Chamber Historical Society
Public Auditorium.

VOL. IX.

ROSEBURG, DOUGLAS COUNTY, OREGON, THURSDAY, MAY 29, 1918.

No. 127

ENEMY ADVANCES ABOUT TEN MILES

Reserves Coming to the Front Very Rapidly—Drive Is Probably Checked.

OFFICIAL IS A HORDER

Medical Director of the United States Navy Indicted For Laying in Store of Food Stuff—Department Elated.

TRANSPORT SUNK

(By Associated Press.)
LONDON, MAY 29.—THE TRANSPORT LEASOWE CAS- TLE WAS SUNK BY A SUBMA- RINE, THE BRITISH ADMIR- ALTY ANNOUNCED LATE TO- DAY, AND 101 PERSONS PER- SONS PERISHED WHEN THE SHIP WENT DOWN. DETAILS ARE LACKING.

BERLIN CLAIMS

MAN TROOPS NOW HAVE TAKEN 25,000 PRISONERS ON THE AISNE BATTLE FRONT, AND IN THE NUMBER IS IN- CLUDED ONE FRENCH AND ONE ENGLISH GENERAL.

BIG GUN BUSY

Paris, May 29.—The long range German gun is again dropping an occasional shell into Paris.

HIGH OFFICIAL HOARDING

Washington, May 29.—Francis S. Nash, medical director of the navy, with his wife, was today indicted on a charge of hoarding foodstuffs, when the Nash home was searched by investigators they found among other large quantities of food stuffs, a ton and a half of sugar.

PLEASED BY REPORTS

Washington, May 29.—The war department is highly elated with the conduct of United States troops on the western front, and the Mont- didder battle shows the Americans have been apt pupils in learning the tactics employed in this greatest of all wars. Some of the department officials think that the American at- tack may possibly forecast an allied counter offensive on a large scale under the direction of General Foch.

CONTROL TRANSFERRED

San Francisco, May 29.—Twenty two thousand men of the army en- gaged in work in the spruce forests of Oregon and Washington have been transferred from control of the chief signal officer to control of the west- ern department of the army.

FIRE DESTROYS ASYLUM

Columbia, S. C., May 29.—The state hospital for insane near this city was destroyed by fire early this morning, and sixteen patients were burned to death. Eleven others are missing, but it is not known at this time if they escaped or were burned in the building. Five more were severely burned, but some of them may recover.

MAIL CONTRACTS AWARDED

Mail contracts were awarded for delivering the mail on the rural routes for the next four years be- ginning July 1, yesterday, according to notices received from the gov- ernment, these notices being sent di- rect to those receiving the contracts. B. F. Shields, a local jitney man, will take the route to Looking Glass and Reston, the consideration for this job being \$1248 a year. Leo Goodman, another jitney driver of this city, has been awarded the Camas Valley route amounting to \$1110 a year. Although not offi- cially

ly verified it is thought that the Oak Creek route will be awarded to Will Thornton.

ACCIDENT IN OVERLOOK

Miss Fredrika Haynes, daughter of Dr. F. W. Haynes, met with what might have been a serious accident in Overlook addition last evening while ascending the steep grade with her father's Overland car. The young lady madd the run up Cass street and came back the other street leading to the addition, which is very steep. Coming down the hill the young lady was unable to turn the corner and crashed into the curve at the right side of the street, smashing the front wheel and other- wise damaging the machine. Out- side of a bad fright the occupants of the car, including Miss Haynes and a number of girl friends, escaped uninjured.

HONOR GUARD GIRLS MET LAST NIGHT

The Girls' National Honor Guard met last evening in the armory and a number of important matters were taken up, among them being the future activities of the Guard. The girls were requested to assemble to- morrow afternoon at the armory promptly at one o'clock and attend the memorial services. The Honor Guard will be sponsors on Friday evening at eight o'clock for a de- lightful dinner in honor of the 40 Douglas county draft boys and the occasion is to be tremendously pleas- urable. The Grand restaurant has been selected for the function and a delicious dinner as well as a jolly social time is being planned. Dur- ing the dinner entertainment will be afforded and needless to say that the affair will be thoroughly appreciated by the boys. The summer prom- ises to bring forth a number of splendid times for the girls and every member is co-operating sincerely and with hearts all wrapped up in the Honor Guard cause.

MISS ALBA MILAN DE- LIVERS FINE ADDRESS

Miss Alba Milan, dean of the home economics department of the Oregon Agricultural College, deliv- ered a splendid address on food con- servation yesterday afternoon. Miss Milan dealt with the present food situation and the use of substitutes and gave very much valuable infor- mation on this important subject. The meeting which was to have been held at the local Paris house, had to be taken to the M. E. church, owing to the size of the audience. Representatives from about 15 home economics clubs of this county were present. Miss Turley, of the O. A. C., state leader of the home demon- stration agents and Miss Corbett, home demonstration agent for Dou- glas and Lane counties took part in the meeting.

SENATOR NEW ELLEGES PARTISAN POLITICS

INDIANAPOLIS, May 29.—Senator New in an address before the Indiana republican state convention to- day, asserted that President Wilson is the most astute leader the democratic party ever had, and also that he is "most uncompromising in his parti- sanship of any man who has occupied the White House since Andrew Jack- son was president. He is partisan in everything he does or thinks." Sen- ator New stated that George Creel, chairman of the committee on public information, with his bunch of "so- cialistic muckraking misfits" is em- ploying party propaganda in every form.

DRAIN BOY HERE

Lester Wimberly, of Drain, who is a member of the present draft call from Douglas county, was in the city today. Mr. Wimberly returned to Drain this afternoon, where he will remain till Friday when he will re- turn to this city to entrain for Fort McDowell, Calif. Lester is a Dou- glas county boy with a host of girl friends whose best wishes go with him as he goes to fight for the cause of democracy.

APPOINTED SCHOOL DIRECTOR

At a regular meeting of the school board Monday evening, W. F. Chap- man, a local druggist, was appoint- ed to fill the vacancy caused by the resignation of R. L. Stephens, who on account of ill health was forced to resign.

Mrs. L. B. Perry, of Medford, and Mrs. W. L. Melick, of Portland, are in the city for Decoration Day.

UNITED STATES MEN STARTLE ENEMIES

Rapid Movements Put Hun Baby Killers on the Run After Short Fight.

ALLIED LINES HOLDING

Foch Expects German Drive Will Be Effectually Blocked Within 48 Hours—American Spirit Cheers Everybody.

(By Associated Press.)

With the U. S. Army in France, May 29.—Resulting from a most suc- cessful attack, yesterday, the Ameri- can line now runs about 200 yards east of Catigny. A heavy mist hung over the ground when the United States troops struck their first offen- sive blow, and their work was so rapid that French tanks supporting the attack had little to do but endeavor to keep up with the procession. American artillery prepared the way and they dug into the fight with a spiritfulness that is characteristic of western ideals, forcing the enemy back and advancing their own lines materially. Morale of the United States troops was excellent and the wounded seen in hospitals after the battle were in fine fettle, laughing and joking with nurses over their adventures. A counter attack by the Germans west of Montdidier last night proved a disastrous move for the Huns, who were thrown back with heavy losses by Uncle Sam's boys. Several hundred prisoners were taken by the Americans.

DOCTORS TAKEN PRISONS

Amsterdam, May 29.—A Wolff bureau telegram from Berlin, re- counting the battle raging along the Chemin-des-Dames, briefly mentions that among the prisoners taken from the British were a number of American doctors.

ALLIED LINES HOLDING

Paris, May 29.—General Foch, whose military genius checked all previous drives undertaken by the Huns, has the situation on the west- ern front well in hand, is the report coming in from the battle zone this morning. It is also stated that no important line of communication is yet threatened by the German ad- vance, and it is expected that an- other 48 hours will see the Hun of- fensive definitely stopped. French troops are beginning to get the best of German advanced forces in the contest of speed in which re- serves are brought up to the front. High praise has been accorded the reserves for the perfect order in which they are coming into the fight- ing line. Not the least encouraging news to the French and English to- day was the reports of brilliant suc- cesses of the United States troops in the Montdidier sector, where the Americans carried through alone a very important action, hurling the enemy back with heavy losses in killed and wounded.

SLIGHT ADVANCE YESTERDAY

With the French Army, May 29.—While the Germans crossed both the Aisne and Vesle rivers in some places, yesterday, they succeeded in making only a slight advance gener- ally.

BITTER FIGHTING REPORTED

Paris, May 29.—French troops have fallen back to the eastern out- skirts of Soissons, where the battle continues to be fought bitterly, the war office announced this afternoon. Franco-British troops have also dropped back to the heights south and southeast of St. Thierry, where they are holding positions between the river Vesle and the Aisne canal.

RETURNS TO CORVALLIS

Miss Emma Turley, state leader of home demonstration agents, who presided over a county meeting of home economic clubs in this city yesterday morning, returned to Corvallis this morning. Miss Turley was accompanied as far as Eugene by Miss Ruth Corbett, home demon- stration agent for Douglas and Lane counties, whose headquarters are in Eugene. Miss Corbett attended the meeting presided over by Miss Tur- ley.

It was announced yesterday by Elder A. J. Rippey, president of the Southern Oregon Conference of Sev- enth Day Adventists, that in accord- ance with the president's proclama- tion May 30, Memorial Day, will be observed in a special way as a day of fasting and prayer at the camp ground in West Roseburg.

A CLEVER CROOK IS TAKEN INTO CUSTODY

Sam Shove, Who Passed a Worthless Check, Arrested By Detective Cotturri.

COMES OUT OF HIDING

Former Portland Business Man and Was So Represented to Mr. Weaver Who Cashed Check—Has Served Term in Pen.

(By Associated Press.)

Sam Shove, the clever crook who has been plying his vocation in this city for the past several weeks, finally winding up his "business affairs" last Saturday by getting a check cashed for \$150, and immediately disappearing, thereafter, was taken into custody today by Southern Pacific Detective Cotturri, when the in- dividual boarded this morning's train at Green station. Shove was anxious to buy a ticket from the conductor of the train clear through to Sacramento, but he could not be so accommodated in this respect so purchased transportation to Ashland, the first division point. Detective Cotturri, who was enroute south, had been instructed by Sheriff Quine this morning to keep a lookout for the forger and while the former was passing through the train his eye fell on Shove, who was clad in a new pair of overalls and a suit shirt which he had bought early this morn- ing at the Myrnat store, near Green, and donned before boarding the train. The detective immediately suspected that he had the man the officers were looking for and at once struck up a conversation with Shove, who at first, refrained from giving any information that would lead to his identity. Finally, after some close questioning, and his suspicions being further aroused, Cotturri es- corted the fellow to the rear end of the train and took an inventory of Shove's belongings, among which was \$139.59 of his ill-gotten gains received in this city and papers and a bank book that fully verified the identity of the crook wanted by the local officers and the fellow was taken off the train at Myrtle Creek, in- formation sent to Sheriff Quine who, in company with Mr. Weaver, im- mediately left by auto for the southern city, returning with Shove about 1 o'clock this afternoon, and, after being questioned briefly, a thorough search was made of his clothing he was allowed to occupy a suite of rooms in the county jail until such time as his case comes up for proper disposition.

SHOVE IMMEDIATELY DISAPPEARED

Shove immediately disappeared Saturday afternoon after he had re- ceived the \$150 on his check and since that moment not a single word had been heard as to his where- abouts, although Sheriff Quine spent the greater part of last night scour- ing the country close to Roseburg, believing that the fellow was in hid- ing and would probably try to make his get-away at the first opportune moment, and that the sheriff had the right clue is evidenced by the fact that Shove's first appearance in the "pen" occurred this morning when Mr. Myrnat notified the official that a fellow answering the description of the much-wanted man had been at his store and purchased a pair of overalls and shirt, and that he was probably heading south.

SHOVE, AFTER CLOSING HIS BUSINESS AFFAIRS IN THIS CITY SATURDAY PROBABLY WENT RIGHT INTO HIDING, THINKING THAT THE MATTER WOULD PROBABLY "BLOW OVER" IN A FEW DAYS AND THAT HE WOULD HAVE CLEAR SAILING TO GET OUT OF THE COUNTRY, BUT IN THIS HE FAILED COMPLETELY.

Further developments in refer- ence to Shove's past career brought to light today the fact that he was formerly in business at Portland, his letter heads showing that he was located at 425 Stark street, and en- gaged in handling tumesless gas heaters. It was upon this showing and the fact that a traveling man who visited Roseburg knew Shove in Portland and the line of business he was operating that Mr. Weaver, of the Umpqua, consented to cash the check presented by Shove, who, from general appearance and manner, one would believe to be above sus- picion from any crookedness. The fellow was neatly dressed in a gray suit, wore a Spanish-American war veteran emblem, bright appearing in every respect and a person one would not judge to be a hardened criminal, which late developments have proven. It having been learned today that he is an ex-convict, having served a term in the Washington penitentiary, but on what charge is not known. This information came to the local officers after a little investigation in- to the fellow's past record.

When searched at the sheriff's of- fice Shove had two alleged releases from a contract that he had stated he entered into to buy the Plinn

(Continued on page 4.)

GRAND JURY FILES LENGTHY REPORT

Advises That All Persons Make Known People Who Are Unpatriotic.

FISHWAY IS CONDEMNED

Recommends That Douglas County Light & Water Company Be Compelled to Install Adequate Fishway at Winchester.

(By Associated Press.)

The grand jury which has been in session here for the past week finished their labors late yesterday afternoon and were discharged by Judge Hamilton, in addition to recommending that all persons mak- ing seditious or unpatriotic remarks be reported to the proper authori- ties, the grand jury condemned the fishway at Winchester, in no uncer- tain terms.

THE FOLLOWING IS THE REPORT FILED WITH JUDGE HAMILTON:

In the circuit court of the state of Oregon, by Douglas county.

To the Honorable J. W. Hamilton, circuit judge:

We, the grand jury duly empaneled for the county of Douglas, state of Oregon, beg to make the following report:

That we were duly empaneled at the November, 1917, term of this court, and that we have been con- tinued as the grand jury from term to term by Your Honor.

WE HAVE INVESTIGATED AND INQUIRED INTO ALL CRIMES ALLEGED TO HAVE BEEN COMMITTED AND TRYABLE WITHIN DOUGLAS COUNTY, OREGON, AND HAVE INDICTED ALL PERSONS WHERE IN OUR JUDGMENT WE HAVE DEEMED THE EVIDENCE SUFFICIENT, AND HAVE RETURNED TRUE BILLS IN THOSE CASES WHERE IN OUR OPINION THE EVIDENCE WAS INSUFFICIENT TO SUSTAIN THE CHARGE, UNDER THE INSTRUCTIONS GIVEN US BY YOUR HONOR.

We feel that it might be of inter- est and importance to call the at- tention of the taxpayers of Douglas county to some of the investigations we have made, to-wit:

1. A GREAT MANY CASES OF SEDITION ARE REPORTED TO THE PROSECUTING OFFICERS. WHILE WE HAVE HAD SOME OF THESE CASES BEFORE US, YET WE ARE ADVISED THAT THERE IS STATE LAW TO COPE WITH THE MAJORITY OF THESE CASES. WE RECOMMEND, HOWEVER, THAT EVERY PERSON WHO HAS KNOWLEDGE OF ANY SEDITIOUS OR UNPATRIOTIC REMARKS UTTERED TO IMMEDIATELY REPORT THE NAME OF THE PERSON MAKING THE SAME, TOGETHER WITH THE NAMES OF WITNESSES TO SUBSTANTIATE THAT FACT, AND ALSO THE WORDS USED, OR THEIR IMPORT, TO THE PROSECUTING OFFICERS, UPON WHOM WE CHARGE THE DUTY OF VIGILANTLY AND RESENTLESSLY INVESTIGATING AND PROSECUTING THE OFFENSES. THESE REMARKS ARE NOT ONLY DIRECTED AGAINST OUR GOVERNMENT, BUT INTERFERE WITH EVERY WAR ACTIVITY THAT IS BEING UNDERTAKEN BY OUR LOYAL AND PATRIOTIC CITIZENS, AND IN MANY INSTANCES SLANDEROUS REMARKS ARE MADE AND THE GOOD MOTIVES OF THESE PATRIOTIC PEOPLE QUESTIONED.

2. THERE ARE MANY PERSONS, ABLE-BODIED, HALE AND HEARTY, WHO ARE LOADING OR ENGAGED IN OCCUPATIONS THAT HAVE NO PRODUCING POWER. WE RECOMMEND THAT THE OFFICERS ENFORCE ANY AND ALL LAWS WHICH WE HAVE UPON THE STATUTE BOOKS REQUIRING THESE PERSONS TO ENGAGE IN USEFUL OCCUPATIONS IN THIS TIME OF NEED, SO THAT THEY MAY PRODUCE SOMETHING WHICH WILL SUPPORT THE GOVERNMENT AND HELP TO FEED OUR ARMY ABROAD. WHILE OUR LAWS MAY NOT BE SUFFICIENT TO COPE WITH EVERY CASE, YET THE COUNCILS OF THE VARIOUS TOWNS OF OUR COUNTY CAN PASS ORDINANCES THAT WILL BE SUFFICIENT TO COPE WITH EVERY CASE.

3. WE HAVE INVESTIGATED THE FISHWAY AT THE DAM OF THE DOUGLAS LIGHT & WATER COMPANY'S PLANT AT WINCHESTER, ORE., AND WE FIND SAID FISHWAY TO BE ABSOLUTELY AND WHOLLY INADEQUATE AND THEREFORE RECOMMEND THAT THE STATE BOARD OF FISH AND GAME COMMISSIONERS IMMEDIATELY PROCEED TO CONDEMN SAID FISHWAY, AND HAVE A NEW, UP-TO-DATE, ADEQUATE AND SUFFICIENT FISHWAY INSTALLED IN ACCORDANCE WITH SUCH PLANS AND SPECIFICATIONS AS MAY BE DETERMINED BY SAID STATE BOARD OF FISH AND GAME COMMISSIONERS.

We find that said Douglas County Light & Water Company has in the past kept said fishway free from obstruc- tions, but on the other hand, that its agents and employes have openly and continuously violated the fish laws of the state of Oregon, and we wish to recommend that in the fu- ture said company be held responsi- ble for any and all acts of its agents.

WE FURTHER RECOMMEND THAT SAID FISHWAY BE PLACED AT THE MOST CONVENIENT PLACE FOR THE FISH TO PASS. WHILE WE DO NOT POSSESS AS EXPERTS UPON THIS SUBJECT, AND WILL HAVE TO LEAVE THE SELECTION OF THE SITE FOR SAID FISHWAY TO THE STATE BOARD OF

fish and game commissioners, but in the event that said board should de- termine upon a new fishway on the north bank of the river at the site of the present so-called fishway, then and in that case, we would recom- mend that the north side thereof be built of concrete, with a fence or other barrier constructed so that a person or the public can be kept from said fishway. The fishway to be constructed is to be adequate and sufficient for all seasons and for all stages of water, so that any and all fish can pass said dam without being gaffed or mutilated in attempting to do so.

WE FIND THAT THE LAW MAKES IT INCUMBERT UPON THE OWNERS AND OPERATORS OF ALL MILL DAMS TO CONSTRUCT FISHWAYS AND KEEP THE SAME IN REPAIR AND OPEN AND FREE FROM OBSTRUCTIONS TO THE PASSAGE OF FISH AT ALL TIMES. WE FURTHER FIND THAT EVERY OWNER OR OPERATOR OF SUCH DAM FAILING OR REFUSING TO KEEP THE SAME OPEN AND FREE FROM OBSTRUCTIONS, SHALL BE GUILTY OF A MISDEMEANOR; THEREFORE, WE CHARGE SAID BOARD OF FISH AND GAME COMMISSIONERS WITH THE DUTY OF IMMEDIATELY NOTIFYING SAID DOUGLAS COUNTY LIGHT & WATER COMPANY TO CONSTRUCT SUCH ADEQUATE FISHWAY AS IN THE OPINION OF SAID BOARD OF FISH AND GAME COMMISSIONERS WILL BE SUFFICIENT, AND THAT THE SAME BE KEPT OPEN AND FREE FROM OBSTRUCTIONS AT ALL TIMES.

And now we wish to state to Your Honor that we have finished our labors as far as we can at the present time without remaining in session in- definitely, and having conscientiously performed our duty to the best of our ability, we now ask that we be relieved from further duty at this time.

GREEN STOCKINGS AT ANTLERS FRIDAY NIGHT

Many faces were upturned toward the sky today on the corner of Cass and Jackson streets and upon "get- ting in the swim" and following the crowd one was startled to see an im- mense pair of green stockings which were suspended from a wire strung across the street. Inquiring the meaning of this unusual spectacle from a bystander who appeared to "know it all," a News representative was informed that "Green Stocking" an up to the minute roaring English comedy, was to be played at the Antlers theatre Friday evening by the Junior class of the Roseburg high school and that included in the cast were many of the city's best talent. The bystander also said that nearly every one in the city was planning to attend and that seats would be at a premium unless engaged at once. The play has been in rehearsal for several weeks under the management of one of the most efficient directors in the high school, Miss Alice Ueland and the cast has been carefully selected. The play is comedy from start to finish and shows the country side in fashionable English life, including a mixture of love, humor and politics. In addition to "Green Stockings," a number of stunts will be featured during the evening and all are prom- ised two hours of fun, such as they will never have the opportunity of en- joying for many a day. The play starts at 8 o'clock and it is predicted that a record house will greet the players. Included in the cast of characters are the following well known high school juniors: Admiral Grace, (steady old gentleman of about 35)—Theodore Abraham, William Faraday, (fashionable fish- man of middle age)—Geo. Houck, Colonel Smith, (a dignified military man of 40 years)—Clifford Reibel, Robert Tarryer, (an empty headed young swell)—James Pearson, Henry Steele and James Raleigh, (typical Englishmen of leisure)—Collin Macnab and Arthur Davis, Martin, (man servant)—Loris Britt, Cella Faraday, (an unaffected woman of 29 with a rare sense of humor)—Bessie Jewett.

MADGE—MRS. ROCKINGHAM—(WIFE OF AN ENGLISH ARMY OFFICER)—MAYBELLE MILLER. EVELYN (LADY TRUNCKARD)—VELMA BATES. PHYLLIS (THE YOUNGEST SISTER)—LOIS GEDDES. MRS. CHISLUM FARADAY, OF CHICAGO, (AUNT IDA)—LOIS RUSSELL.

FORMER PRINCIPAL HERE

Prof. and Mrs. F. C. Fitzpatrick, Miss Vera Tipton and Walter Ber- cher, of Weston, arrived in this city last night. Prof. Fitzpatrick, who was for seven years connected with the Roseburg schools, the last four years being principal of the high school, is now principal of the Weston schools, to which position he has been re-elected. Miss Tipton and Mr. Bercher are teachers in the Weston school and have also been re-elected for next year. Mr. and Mrs. Fitzpatrick and Miss Tipton will spend the summer in this city and Mr. Bercher will be at his home in Dillard.

SERGEANT RAY LAHEY, OF THE 16TH COLOMBIA, WHO HAS BEEN ENJOYING A TEN DAY FURLUGH IN THIS CITY, RETURNED TO FORT STEVENS THIS MORNING.

Upon cross examination by Mr. Eddy Johns denied stating that it Cardwell did not come through with \$50 that he would bump him and that he could bump him 3-4 m hard. He further denied having made the state- ment that Cardwell had not delivered any hogs to Kohlhaagen. The witness admitted that when Mr. Bayless told him that he ought to have \$50 for appearing as a witness for Car- dwell and that he (Johns) had stated he believed he would pump him for \$50. John further stated that he had told Bayless and Pearson the above to see what they would do, that he was not under oath and did not have to tell them the truth.

MRS. W. W. CARDWELL WAS THE NEXT WITNESS CALLED BY THE DEFENSE, WHO TESTIFIED THAT THE HOGS WERE KILLED FOR THE KOHLHAAGEN MARKET, AND CORROBORATING.

(Continued on page 4.)

MYSTERIOUS PORK CASE IS UP AGAIN

What Became of 36 Hogs Is Question That the Jury Must Decide.

THIRD TIME IN COURT

Loquacious Mr. Cardwell Told Secretary of Merchants Association He Might Go to Hades—Witnesses Testify.

(By Associated Press.)

The famous "hog case," which has excited much interest in this county was called for trial late yesterday afternoon, and the work of securing a jury was commenced. The exami- nation of the jury was not concluded until almost noon today, twenty two jurors being examined, two of which were excused by the plaintiff, three by the defense, and four that had been submitted were excused by Judge Hamilton, who is presiding over the trial.

THE JURY AS SELECTED FOLLOWS: SAM BELL, GEO. SEIFENBAUGH, J. R. DALRY, JAS. WILLY, W. F. FECK, H. S. HAT- TON, WM. RADER, JOHN FAUS, B. R. BANNING, GEO. W. THIEL, AL TOMPKINS AND C. F. MORNINGSTAR.

The opening statements were then made to the jury. The plaintiff claims that a promissory note for \$755.50 delivered by W. W. Cardwell in 1915 and bearing interest at the rate of six per cent had not been paid. The plaintiff asked for \$80 as reasonable attorney's fees. The defense denied the allegations of the plaintiff, claiming hogs had been delivered to Kohlhaagen on March 1, 1917, which were to apply as payment on the note, according to a prior agreement between the plaintiff and defense. The defense declared \$80 an unreasonable attorney's fee.

AT 1:30 THIS AFTERNOON THE EXAMINATION OF WITNESSES BEGAN. THE FIRST WITNESS CALLED WAS ATTORNEY GEAR E. WIMBERLY WHO TESTIFIED THAT HE CONSIDERED \$100 A REASONABLE ATTORNEY'S FEE IN THIS KIND.

George Kohlhaagen was then called and testified that no part of the note mentioned above had been paid. W. W. Cardwell was then called by the defense and stated that 36 hogs had been delivered at the George Kohlhaagen market on Jackson street on March 1, 1917, and were delivered to Cookman and Hoefling, employes of Kohlhaagen.

THE WITNESS TESTIFIED THAT HE CALLED FOR MR. KOHLHAAGEN THE DAY THE HOGS WERE DELIVERED, AND WAS TOLD THAT HE WAS NOT IN TOWN. MR. CARDWELL STATED THAT THE FIRST HE KNEW THAT HE HAD NOT BEEN GIVEN CREDIT FOR THE HOGS DELIVERED WAS WHEN E. C. BENSON, OF THE DOUGLAS CREDITORS ASSOCIATION, APPROACHED HIM IN OCTOBER, STATING THAT HE HAD A NOTE FROM GEORGE KOHLHAAGEN AGAINST HIM, AND THAT MR. KOHLHAAGEN WAS DEMANDING PAYMENT.

Mr. Cardwell stated that he told Benson that he (Benson) could go to hell so far as he was concerned and take Kohlhaagen with him. When asked upon cross examina- tion why he withdrew from March until October, he testified that he had not been given credit for the hogs deliv- ered was when E. C. Benson, of the Douglas Creditors Association, approached him in October, stating that he had a note from George Kohlhaagen against him, and that Mr. Kohlhaagen was demanding payment.

MR. CARDWELL STATED THAT HE TOLD BENSON THAT HE (BENSON) COULD GO TO HELL SO FAR AS HE WAS CONCERNED AND TAKE KOHLHAAGEN WITH HIM.

When asked upon cross examina- tion why he withdrew from March until October, he testified that he had not been given credit for the hogs deliv- ered was when E. C. Benson, of the Douglas Creditors Association, approached him in October, stating that he had a note from George Kohlhaagen against him, and that Mr. Kohlhaagen was demanding payment.

MR. CARDWELL STATED THAT DURING HIS TIME AS COUNSEL FOR THE PLAINTIFF HE HAD TRIED MANY CASES FOR HIM, ONE OF WHICH INVOLVED THE SUM OF ABOUT \$5000 THAT MR. KOHLHAAGEN WAS SUING FOR.

Murray Cardwell was the next wit- ness called and practically corroborated the testimony of his father. The evidence of Frank Langen- burg in the preceding trial, was then read, which corroborated in the principal points at issue, the testimony of Mr. Cardwell and son.

WM. JOHNS WAS THE NEXT WITNESS CALLED AND CORROBORATED MR. CARDWELL'S TESTIMONY REGARDING THE KILLING OF THE HOGS.

Upon cross examination by Mr. Eddy Johns denied stating that it Cardwell did not come through with \$50 that he would bump him and that he could bump him 3-4 m hard. He further denied having made the state- ment that Cardwell had not delivered any hogs to Kohlhaagen. The witness admitted that when Mr. Bayless told him that he ought to have \$50 for appearing as a witness for Car- dwell and that he (Johns) had stated he believed he would pump him for \$50. John further stated that he had told Bayless and Pearson the above to see what they would do, that he was not under oath and did not have to tell them the truth.

MRS. W. W. CARDWELL WAS THE NEXT WITNESS CALLED BY THE DEFENSE, WHO TESTIFIED THAT THE HOGS WERE KILLED FOR THE KOHLHAAGEN MARKET, AND CORROBORATING.

(Continued on page 4.)