

SUPREME COURT REVERSES WASCO CIRCUIT JUDGE

Held That Balance Due Contractor From County Payable to Surety Company.

USUAL GRIST OF DECISIONS

Trial Courts Upheld in Other Decisions on Appeals; Rehearing Before I. A. C. Is Denied.

Salem, Or., April 23.—Circuit Judge Bradshaw of Wasco county is reversed by the opinion handed down today by the supreme court in the case of Wasco County vs. New England Equitable Insurance company, appellant, and French & Co. bank, respondent.

This was a suit to determine whether \$920 held by Wasco county for payment on a contract for highway work should be paid to the New England Equitable Insurance company or to the French & Co. bank. The highway work was performed by Henry Cromer, who went into bankruptcy before the road contract was completed. County officials agreed not to require the surety company to complete the contract if it would pay all outstanding claims against Cromer for labor and materials. These claims were paid by the surety company, when it was learned that the bank had loaned Cromer \$900 to pay labor and material men. So a dispute arose as to whether the county should pay \$920 still owing to the contractor to the surety company or to the bank. Circuit Judge Bradshaw held that the money should be paid to the bank, while the supreme court holds that it should be paid to the surety company. Other opinions were handed down as follows:

Katie A. Vogt vs. Marshall Wells Hardware company et al, appellant; appealed from Marion; suit to quiet title to real property; opinion by Chief Justice McBride; Circuit Judge Galloway affirmed.

The Oregon Home Builders, appellant, vs. George P. Eisman et al; appealed from Multnomah; action to recover damages for alleged breach of covenants and warranty in conveyance of real property; opinion by Justice Moore; Circuit Judge Kavanaugh affirmed.

David Curtis et al, appellants, vs. Tillamook City; appealed from Tillamook; petition for rehearing denied; opinion by Justice Harris.

Petition for rehearing was denied in case of O. Enneberg vs. State Industrial Accident Commission.

YANKEES STOP HUNS AND THEN MAKE RAID

(Continued from Page One)

back to the German trenches and their number is unknown. Heavy damage was inflicted by Franco-American artillery where the lines join.

The number of wounded men reveal the bravery of American groups in resisting and driving off several times their number of enemy troops in Saturday's engagement.

One "dead man's curve" was defended by a machine gun squad under constant and deadly German fire, keeping the line of communication open.

A grenadier who was in the front line, asked if he was scared, replied: "I didn't have time; I was too busy fighting. I had two green men with me, so I had to set them an example. I was scared at first, but I saw them watching me. Soon they were fighting like veterans. We stuck until we were all wounded."

Hun Attack Carefully Planned
By Henry Wood

With the French armies in the field, April 23.—(U. P.)—Storm troops who supported the German regiment attacking American forces Sunday morning, were specially trained and rehearsed for this operation.

An official French note says French troops, during a raid in Lorraine, the night of April 16, captured prisoners who said the Germans were preparing for an important attack.

At dawn Sunday, after a most intense bombardment, they attacked the Americans on a mile front. Additional details show the Americans jointly attacked with the French and chased the Germans out of Remieres wood (half a mile northeast of Selcheprey), where they had established themselves by an attack on the French.

The Franco-American troops retook all the ground lost, captured a number of prisoners and left the barbed wire entanglements filled with German dead. The ground where the battle was fought is hilly. The Franco-Americans reestablished their line on the hills supporting both Selcheprey and Remieres wood.

Pershing to Make Own Reports
Washington, April 23.—(I. N. S.)—No reports of American operations in France will be given out for publication.

tion by the war department, according to a statement of Secretary of War Baker.

Mr. Baker says that as a result of conferences which he had with General Pershing while in France, it has been decided that all news of the part which American troops play in the battles against the Germans would be given to the newspapers at General Pershing's headquarters in France.

When asked if the participation of a large number of troops from the United States would bring a daily communique from the war department, Secretary Baker said: "Under no circumstances will a daily communique be issued here. All news will be given out at the headquarters in France. We are too far away from the battlefield to attempt to give out a statement of what may be transpiring."

DISLOYAL LITERATURE CIRCULATION BANNED IN SALEM BY COUNCIL

Emergency Action Taken as Result of Distribution of Russellite Publication.

Salem, Or., April 23.—As a result of the distribution throughout Salem early Sunday morning of "Kingdom News," a publication of the International Bible Students' association, the city council Monday night introduced and rushed through to final passage an ordinance making it possible to suppress the circulation of seditious or disloyal literature.

This issue of "Kingdom News" purported to inform the public as to why the distribution of "The Finished Mystery," one of the Russellite books, had been suppressed by federal authorities.

The ordinance provides heavy penalties for anyone distributing literature which "tends to hamper or discourage enlistments, registration for the United States army draft, or which is reasonably likely to hamper the United States government in any of its work or war enterprises."

At a meeting of the council Monday night an ordinance was introduced hitting at idlers. It gives authority to the police to round up pool hall idlers and other loafers and see that they go to work.

SEC. BAKER DESCRIBES HIS TRIP TO THE FRONT

(Continued from Page One)

on the western and Italian fronts. He was expected to submit to the committee his estimates of the number of men that would be required in the American army during the next 12 months, but he did not do so.

This and other matters would be laid before the committee in a few days, he said. He wanted a few days more to reach mature decisions before submitting definite estimates on which to base the military appropriation bill.

Baker did indicate, however, that he would be opposed to raising the draft age to 40, as proposed by the committee. He said that the committee had been told by influential members of the military affairs committee.

Work of Engineers Praised
Young men were the men needed to fight this war and bring final victory to the allied arms, he said.

"Things move more speedily over there than anyone on this side can have any conception," he explained. "Every day seems to be taking two steps to the one he would take on this side. Every American soldier seems to be moving at the rate of 60 miles an hour."

The spirit of the troops was excellent, Secretary Baker said. They are all "itching to get into the fighting."

Their physical condition was unequalled by that of the men of any of the allied armies, he said.

The secretary's admiration for the achievements of the army engineers in charge of construction work was unbounded. The storage facilities already erected behind the west front would make a room 50 feet wide and 200 miles long—"almost as long as from here to New York," he said.

Military Secrets Intrusted
The artillery and aviation schools established for training American fighting men in these branches Baker had no hesitation in characterizing as "the finest in the world."

Baker revealed to the committee many military secrets of major importance, but requested that they be treated as absolutely confidential. The entire hearing was held behind locked doors.

Few general observations were made by the secretary. He made no guess as to when the war would be over, but he predicted the result with the utmost confidence. He left no doubt in the minds of the committeemen that the responsibility of delivering the final punch rested with America.

Senate to Hear Baker
Washington, April 23.—(I. N. S.)—Secretary of War Baker will appear Wednesday morning before the senate military affairs committee. It was announced this afternoon. It was expected that Mr. Baker would be asked by the committee to state his position on phases of the new army policy now under consideration.

SOLDIERS PROUD OF OREGON'S DASH IN THIRD DRIVE

Oregon Boys in Aviation Camp at Garden City, L. I., Felt Thrill at Oversubscription.

SPIRIT BEHIND LOAN COUNTS

Soldiers' Letters From Various Camps Tell of Work, Recreation and Determination of Men.

Writing home to his mother, Mrs. V. A. Buntzel of 162 East Eighth street north, Victor Buntzel, sergeant in the 44th Aero (repair) squadron, at the aviation camp, Garden City, L. I., N. Y., expresses the soldier's pride in Oregonians for going over the top in the last drive.

Extracts from his letter follow: "Last night I received father's letter and today The Journal. All of us proud of you Oregonians (most of the men in his squadron are from Portland and all from Oregon)."

"I could not help but think if the folks back home could only see their boys—boys from all walks in life, professional men, mechanics, clerks and students, digging ditches, shoveling mud, wheeling wheelbarrows, their overalls covered with mud and their clothes wet to the skin—what would they think of them now. The next day a light snow covered the ground and while we were eating breakfast a newsboy with the Times came by. Reading by the light of a candle the first headline that caught my eye was: "Oregon the First State to Oversubscribe Its Liberty Loan Quota."

"There was my answer! I couldn't help shouting and when the other boys in the tent found out what bit me they joined in the celebration. The mere financial backing is only a secondary thought with us now. We are used to the life and can get along happily in all sorts of conditions—but the spirit behind the loan is what counts. The oversubscription in three and a half days is a fine piece of patriotic work, and for one I was greatly cheered by it. I felt like wiring the thanks of the squadron to the Liberty loan committee—but thought it would be too much like seeking notoriety. You speak of Portland being Liberty loan crazy. Well New York is too. There are four or five automobiles on each block with several men with megaphones. They buttonhole you on the street and almost stick a bond in your hand and take the money out of your pocket. * * * If you can get hold of a magazine called 'Flying'—the April issue—by all means do so. It has some very interesting airplane pictures in it."

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BRITISH GAIN MORE GROUND NEAR ALBERT

(Continued from Page One)

"Raiding parties entered enemy trenches near Fampoux (10 miles east of Arras) and penetrated their support lines," Haig said. There was hostile artillery activity yesterday afternoon and last night west of Albert, south of the Nieppe forest and east of Ypres.

The artillery engaged hostile concentrations in the Villers-Bretonneux sector and in the neighborhood of Serre."

London, April 23.—(I. N. S.)—Increasing raiding and artillery activity along the Somme and Aisne river banks at numerous points north of the Lys river indicated a twin battle was brewing and that it would break out in all fury, perhaps simultaneously, on both the Picardy and Flanders fronts.

The Germans carried out raids on Monday in the sector of Hamel, south of the Somme, and immediately south of La Bassée canal, but gained no advantage. Northwest of Festubert a German raid was carried out in such force as to amount to a virtual local attack. The Germans succeeded in penetrating a British advanced post, but the operation was without significance, as the same post has changed hands a number of times in the recent fighting.

Artillery-Firing Increases
The French war office, in its official report on Monday night, told of the growing violence of the artillery-firing in the Montdidier sector, but said there had been no infantry actions.

Both sides have been digging trenches and improving their lines by local operations while the big guns have been carrying out intense duels.

The big question is where will the Germans deliver their main stroke? It may fall in the district of the Kemmel ridge, in Belgium, a position of the highest strategic importance, or it may come in the sector of La Bassée canal, where the Germans tried several times before to break through in the direction of the British railroad position at Bethune. There has been an increase of activity south of the Scarpe river, opposite Arras, but the last German thrust there received a check so decisive that their hope of breaching the British front in that district probably was shattered.

Attack May Cover Wide Area
A renewal of the drive on the Picardy front probably will see simultaneous blows struck against both the British and French. The strategy of this would be to widen the salient in front of Amiens.

These attacks doubtless would fall against the French between Montdidier and Noyon, against the mixed Anglo-French forces south of the Somme, and against the British in the district around Albert.

Military critics are of the opinion that General Foch has split up the allied reserve army and that the forces are being held at strategic points from which they can be quickly rushed to the points most seriously threatened by the Germans.

British Awaiting Another Big Drive
New York, April 23.—(U. P.)—The Germans are preparing for a third drive to be launched against the British between Arras and the Somme, according

to official British war office reports received here today.

"The operations on the west front are proceeding according to plans evolved by General Foch," the communique said. "The Germans are now preparing a further offensive between Arras and the Somme."

"It is extremely probable that the British will have to meet this third great enemy effort on a similar scale."

The Teutons still greatly outnumber the British, the report states, adding that on March 21 Germany had 33 surplus divisions concentrated in the sector where the British and French lines joined.

The enemy is prepared to attack both fronts as a consequence of his critical positions and excellent railway system. He can concentrate on Picardy against the British or in the Champagne against the French quicker than the allies can concentrate reserves," says the report.

British losses have been exceedingly heavy, the cable states, and as a result of a month's continuous fighting Haig's army is "very tired."

"The exact casualties cannot be given," the communique states. "They have fought an entire month against German forces three times their strength. Almost the entire British army has been engaged. One fourth of the French troops have been engaged and their losses are less than one fourth of those suffered by the British."

According to the cable, the Germans concentrated 2,000,000 troops against Haig's army, intending completely to annihilate it by one master stroke.

Million Sent Against British
London, April 23.—(U. P.)—One hundred and two enemy divisions should have been employed against the British since March 21, Field Marshal Haig reported in a resume of the German offensive today. Many of these were used in the last drive.

"Resisting the heavy blows of such a concentration, all ranks of the army behaved with gallant courage and resolution, which cannot be too highly praised," Haig said.

The British commander especially commended the Guards, the Thirty-first, Third, Fourth, Twenty-first and Twenty-second divisions, detailing distinguished services.

Artillery Active East of Rheims
Paris, April 23.—(U. P.)—Artilleries were active along the Somme and east of Rheims, the French war office reported today.

"German raids between Laasigny and Noyon, northwest of Rheims, and in the Vosges fell down, we taking prisoners."

FARMER TO FACE ESPIONAGE TRIAL

Julius Rhuerg, Naturalized German Farmer of Kent, Or., to Be Tried Wednesday.

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Following federal investigation of the report that Rhuerg had been a registrant that they should throw up their hands and go over to the German side when they got to the fighting front, he was arrested by Sheriff McKean of Sherman county.

Sheriff McKean says Rhuerg told him that it was no use for America to attempt to whip Germany and that he boasted of "German efficiency."

He is charged with espionage in four counts, among them being that he attempted to obstruct the military program by discouraging enlistments.

Since obtaining his citizenship papers, about 20 years ago, Rhuerg has made four trips to Germany, the last time in 1913. According to Assistant United States Attorney Goldstein, Rhuerg sold his patent rights to an Oregon homestead and invested the money in Germany. All his savings up to the time the United States entered the war are said to have gone towards these interests.

Rhuerg's case will be the second espionage case to be tried in the federal court here. The first was that of Floyd Ramp, Roseburg Socialist, who is now serving a sentence on McNeil's island.

Poindexter's Words Bring Out Comment

Seattle Labor Leader Wants to Know If Senator "Has Gone Crazy, Too," Mooney Strike to Be One Day Only.

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Poindexter branded the proposed strike as "treason" and its promulgators as "disloyal traitors, deserving the extreme penalty of death," in his speech before the senate Monday.

Duncan says the strike outlined in the resolutions passed by the Seattle labor council was not planned to continue until Mooney was granted a reprieve. But one day's strike is contemplated, he said.

Italy's King Glad to Have American Aid

Rome, April 23.—(U. P.)—King Victor Emmanuel, receiving Captain La Guardia of New York, the American congressman aviator, said he was glad to see Americans on the Italian front and that he hoped more would be sent. He declared it was good propaganda.

Suggestion on Eczema

It will take just a few moments to step in and ask us what our experience has been in the way of grateful customers with the soothing wash of oint. D. D. D. See and know. Your worst headache unless the first bottle relieves you. Ask today.

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CAMPAIGN SHEET NOT NECESSARILY PATRIOTIC TEST

This View Held by Hopmire Merchant, Who Does Not Want Governor's Picture in Window.

STATE AUTOS MADE USEFUL

Alleged That Many State Employees Devote Time to Governor Withycombe's Campaign.

Salem, Or., April 23.—Last week Joe Keller, state parole officer, and a man by the name of Martin were out in a state-owned automobile putting up campaign picture of Governor Withycombe in country stores and along the country highways.

They went to the store of S. A. Harris at Hopmire, north of Salem. Keller remained in the automobile while Martin proceeded to the store with the pictures.

"I want to put a picture in your window," Martin said to Harris.

"What kind of a picture?" asked Harris.

"A patriotic picture," replied Martin. "I want to see the picture first," insisted Harris.

"It's a picture of the governor," said Martin, as he displayed the campaign picture.

"As I am not supporting the governor I don't care to have his picture in my store," Harris said.

"Well, you might be patriotic, at least," retorted Harris, who emphatically replied that he was as patriotic as Martin or anyone else and

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he objected to having his patriotism questioned because he declined to support the governor's campaign for reelection.

The incident has aroused many of the friends of Harris, who join in his view that it will become the supporters of the governor's campaign to charge disloyalty against patriotic citizens simply because they are opposed to the governor's reelection.

Before they reached the store, Keller met an acquaintance who recognized the state automobile and Keller introduced Martin and sought to explain their mission by saying he was out showing Martin the roads, as Martin was to have charge of the prison bloodhounds.

Many of the governor's appointees are now putting in much of the time, for which the state is paying them a salary, campaigning for the governor. As the penitentiary is directly under the governor's control that is the center of much political activity.

Warden Murphy, according to reports, has been sent to Portland two or three times recently on political missions. It is said he is endeavoring to build up some strength for the governor among the employees of the shipyards.

Ship Launchings Show Big Increase

Washington, April 23.—(U. P.)—Showing a marked acceleration over the previous week, launchings from government operated shipyards for the week ended today aggregated 62,300 tons. This figure includes six steel and two wooden ships. Two ships were placed in service.

British Officer's Warning Message

New York, April 23.—(I. N. S.)—"Great Britain has no reserve army to send to France. We bend, but never break; but for God's sake get there before we die," was the message of warning which Lieutenant Colonel F. Fraser Hunter, British provost marshal in the United States, sounded for Americans today.

"The 7,500,000 men enrolled by Great Britain since the outbreak of the war

have fought and died on 37 fronts," he said. "We simply have not the men or we would not say our backs are against the wall."

Troops Keep Watch On Mexican Border

El Paso, Tex., April 23.—(U. P.)—American guards were on watch today

against clashes with Mexican troops en-trenching opposite the Big Bend district. Five thousand Mexicans were reported at one point with a smaller force opposite Fabens, Texas.

It is believed here that recent forays into the United States have been the work of American cavalry into following the raiders across the border. Mexican authorities have threatened to resist any invasion. Anti-American propaganda of Teutonic aspect has flooded northern Mexico.

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