

# SHEPPERD'S DELL CASE IS AFFIRMED

## Supreme Court Upholds Judge McGinn in Suit to Set Aside Deed; Other Cases.

Salem, Oct. 1.—Efforts of George Holmes and Ed M. Orth, through doubtful methods, to gain possession of Shepperd's Dell, on Columbia river highway, through a sheriff's deed obtained in connection with attachment proceedings, completely failed when the supreme court today handed down an opinion affirming the action of Circuit Judge Henry E. McGinn of Multnomah county in setting aside the sheriff's deed.

After George Shepperd had donated the land in the beauty spot known as Shepperd's Dell, to Multnomah county for a public park, discovery was made that Holmes and Orth had obtained a sheriff's deed on the land. They had secured certain notes of a small amount and instead of seeking to attach personal property owned by Shepperd the land was attached and sold.

George Shepperd and J. H. Shepperd brought suit to have the sheriff's deed set aside. When the case came before Circuit Judge McGinn he pronounced the deed null and void and ordered the deed set aside and refused to hear testimony in the case, but permitted the testimony to be presented before the jury in order to complete the record.

Justice Benson, in writing the opinion of the supreme court, reviews the procedure followed by the lower court in the manner in which Orth and Holmes accepted money from the Shepperds after they had sued on notes and obtained judgment against them.

The statement of facts above set out clearly justifies the decree of the lower court.

In an opinion written by Justice Harris, the supreme court reverses the case of Nellie E. Turnidge vs. J. T. Thompson, appellant, which was tried before Circuit Judge Belt in Yamhill county. The suit was an action for damages for the death of plaintiff's husband, who was killed by coming into contact with a live electric wire which was under the management of Thompson. The lower court gave Mrs. Turnidge judgment against Thompson.

The suit was brought under the employees' liability law and was reversed on the grounds that Turnidge was neither an employee of defendant nor engaged in any business on or about the wire and therefore the case does not come within the scope of the liability law.

Other opinions were handed down as follows: E. S. Hayes vs. J. L. Hayes, administrator of the estate of Alex Hayes, deceased, et al. appellants; appealed from Linn; and Hayes vs. Hayes, oral agreement whereby deceased conveyed to plaintiff 60 acres of land; opinion by Justice Burnett; Circuit Judge Bingham affirmed; Circuit Judge Palmer Haworth Logging company vs. W. G. Henderson, appellant; appealed from Yamhill; action for possession of personal property; opinion by Justice Bean; Circuit Judge Belt reversed and case remanded.

Percy R. Kelly Willing Salem, Or., Oct. 1.—Friends of Percy R. Kelly, judge of the circuit court for Marion and Linn counties, are preparing to make active campaign to elect Judge Kelly to the office of justice of the supreme court to fill the vacancy caused by the death of Justice Frank A. Moore. They are reminding all of Judge Kelly's friends to write his name on the ballot, as that is the only way voters can make their choice for this office.

When asked for a statement or announcement today, Judge Kelly said there was none he could make, other than to say he would feel highly honored if the people of the state chose him for the high office of justice of the supreme court. He pointed out that it would not be fitting or seemly to make an announcement of a candidacy as no names can appear on the ballot and it is entirely up to the voters to make their own choice.

Judge Kelly applied for the Republican nomination for justice of the supreme court in the May primary election and has ambition to serve the state in that capacity.

## HAIK AND BELGIANS WINNING IN FLANDERS

(Continued from Page One)

Hai and Canadians are closing in on it steadily.

Field Marshal Haig reported that the Germans have set the city on fire.

Fighting was begun again this morning north of St. Quentin in Cambrai. The British field marshal reported. The villages of Provins and Tilloy were captured in the advance on Cambrai.

The village of Vendhuille has been in British hands since yesterday afternoon. (Vendhuille lies half way between Cambrai and St. Quentin.)

## Make Gains in Champagne

Paris, Oct. 1.—(I. N. S.)—Two more villages in Champagne, Binerville and Conde Les Autry, have been captured by the French and further progress has been made in the district between the Aisne and Velse rivers, the French war office announced today.

(Binerville is only slightly more than six miles west of Yverness, which the Americans captured in their drive in the Argonne forest area last week.)

Since September 26 the French have taken over 13,000 prisoners in Champagne and over 300 cannon.

## Rapid Gains Made in Flanders

By Lowell Mellett

With the British Armies in France, Sept. 30.—(Night)—The Belgian-British advance in Flanders is continuing rapidly, fighting some of the most terrific fighting of the war. The British, at one point, brought their guns up and established them on a ridge facing the German batteries on another ridge only 500 yards away. There the opposing artillery blasted away at each other until the enemy guns were entirely silenced.

The Belgians have taken Dixmude, following street fighting which centered about the town. Four fresh divisions are reported to have reinforced the Germans opposite the Belgians, including the 10th regiment, which sacked Dinant early in the war.

All enemy guns in Houthuist forest were captured, bringing the total taken by the Belgians up to more than 500. The British have taken about 100.

One British division advanced 12,000 yards (about seven miles) in one day. The British are well east of Moorvilde (four miles southwest of Roulers) and hold Derhand. A British general entered Chelverit, astride a captured German pony.

The fighting to the southwest from north of Cambrai to St. Quentin is hearing out the expectation that the Germans would fight for every foot of their strong defenses.

For the past several days, the enemy

## RECONNAISSANCE BY BRITISH FLYERS OVER HELGOLAND REPORTED

French and British Air Forces Bring Down or Destroy 87 Enemy Planes.

London, Oct. 1.—(U. P.)—British air forces have carried out a long reconnaissance flight over Helgoland, the German naval base, it was revealed today in official statements dealing with land and sea operations of the aviators.

French and British fliers brought down or destroyed 87 enemy planes in addition to setting fire to a number of observation balloons, it was announced.

"The royal air force, in conjunction with the navy, is cooperating in the Belgian offensive," said the British statement. "During the period between September 23 and 27, enemy destroyers were bombed by our air forces, and we attacked with machine guns and bombs Zebruggen, Ostend and Bruges. Air-dromes in the vicinity of Ghent were also bombed.

"Twelve hostile machines were destroyed and 14 driven down out of control. Ten of ours are missing. In Helgoland light-a-long reconnaissance was carried out."

Field Marshal Haig's aviation report said: "Yesterday 15 balloons were brought down in flames and many more were compelled to descend. Twenty-seven hostile machines were brought down and nine were driven down out of control. Nineteen of our machines are missing. Thirty-six tons of bombs were dropped.

"Misty weather and low clouds prevented extensive operations Sunday, said the Paris communique. The statement also declared: "The British in the course of fighting, in which ascendancy was maintained by the French, we brought down 25 hostile machines with machine guns and bombs. Our bombing squadrons dropped 26 tons of projectiles on enemy convoys."

With the American First Army on the Meuse, Sept. 22.—(Delayed.)—We shot down three German airplanes today. This evening our planes bombed the Grand Pre station, despite the overcast sky and hampering rains.

## BULGARS REPORTED READY TO FIGHT TURK

(Continued from Page One)

Gradjatska and the northern edge of the Chevro Polja.

"We captured four guns, enormous war material and prisoners," the statement said.

"In the region of Karavozlo there was heavy fighting with the enemy retreating from Flajschakryta mountain. Part of his forces were thrown back eastward. Another part was cut off and forced to retire northward."

## Excitement Caused in Paris

Paris, Oct. 1.—(I. N. S.)—The signing of the armistice between the allies and Bulgaria caused great excitement here as expressing the belief that Turkey will soon follow Bulgaria's lead.

Ferdinand's Abdication Possible Rome, Oct. 1.—(I. N. S.)—Czar Ferdinand of Bulgaria will abdicate his throne in favor of his son, the Vatican learns in advices from Vienna.

Bulgar King Near Vienna

King Ferdinand of Bulgaria has arrived at Essenthal castle, outside Vienna, according to the Frankfurter Zeitung.

This is the first news that Ferdinand has again left Bulgaria. It may mean that the reported revolutionary movement in his country is gaining ground. This summer he spent several weeks in Germany and Austria-Hungary and was said to be suffering from a nervous breakdown.

## Calamity Is Austrian View

London, Oct. 1.—(I. N. S.)—That Austria-Hungary looks upon the signing of the armistice between the allies and Bulgaria as a calamity is indicated in the following dispatch received today from Vienna: "A quarter of a million Austro-Hungarians arrived in Sofia too late."

## Exodus Is Held Abdication

Washington, Oct. 1.—(U. P.)—Czar Ferdinand's exodus from Sofia is viewed as a virtual abdication in well-informed diplomatic circles here today. Malloff, as again left Bulgaria. It may mean that the reported revolutionary movement in his country is gaining ground. This summer he spent several weeks in Germany and Austria-Hungary and was said to be suffering from a nervous breakdown.

## Riots Occur in Constantinople

Copenhagen, Oct. 1.—(I. N. S.)—Riots have broken out in Constantinople, said a dispatch received here today.

Enver Pasha, head of the Turkish army and leader of the pro-German element in Turkey, has sent assurances to the Turkish cabinet ministers that the central powers have not been beaten, the dispatch added.

## Offer to Make New Offer

Amsterdam, Oct. 1.—(I. N. S.)—German reclusive socialists have been officially informed that Germany will make another peace offer to the allies as a result of the action of Bulgaria, according to the newspaper Tyd. It is said that the new offer will be of a decisive nature.

## Capitulation Is Predicted

By Floyd MacGriff

London, Oct. 1.—(I. N. S.)—(2:37 p. m.)—The capitulation of Turkey within three weeks was predicted in well informed political circles this afternoon. At the same time it is expected that Austria-Hungary will probably surrender by Christmas if the allies continue their progress on the western front.

## Austria Seeking Peace Move

Amsterdam, Oct. 1.—(U. P.)—Following the Vienna crown council it was announced that Austria-Hungary is still striving to conclude an agreement with Germany for a peace as soon as possible that will preserve the monarchy's integrity, according to a Budapest dispatch received today.

## Constantinople Press Worried

Amsterdam, Oct. 1.—(U. P.)—Constantinople newspapers express the hope that Germany will keep the Berlin-Vienna-Constantinople road open. Upon this question, they declare, will depend Turkey's attitude.

## Resignations Reported Accepted

Amsterdam, Oct. 1.—(U. P.)—The Miting Zeitung reports that the Kaiser has accepted the resignations of Chancellor Von Hertling and Foreign Minister Von Hintz.

## Your Eyes

A Wholesome, Creamlike, Refreshing and Healing Lotion. Murine for Redness, Soreness, Gravel, Stinging, Itching and Burning of the Eyes or Eyelids; "2 Drops" After the Movies, Motoring or Golf will win you Murine Eye Remedy for Burning when your Eyes Need Care. Murine Eye Remedy Co., Chicago

## What Doctors Use for Eczema

A soothing combination of all of Wintergreen, Glycerine and other healing ingredients called D. D. D. Prescription is now a favorite remedy of skin specialists for all skin diseases. It penetrates the pores, gives instant relief. Try D. D. D. today. 50c, 90c and \$1.00.

## D. D. D. The Liquid Wash

The Owl Drug Co. Skidmore Dr. Co.

## Shipworker Hurt By Falling Block; Yard Record Goes

The non-accident record of the Supple & Baile shipyard was broken Monday afternoon when Ervin D. Foss sustained a fractured skull, when another workman let a block of wood fall. Foss is in a critical condition at Good Samaritan hospital.

N. M. Mason of 121 Lombard street fell from a scaffold at Grant Smith-Porter shipyard early this morning and sustained a fractured back and left shoulder. He was removed to St. Vincent's hospital by the Ambulance Service company.

Ed Jones suffered a broken nose this morning when part of a riveting machine struck him at the Willamette Iron & Steel works. He was taken to St. Vincent's hospital.

## Two Speeders Are Given Jail Terms

Two speeders were given jail terms in the municipal court Monday afternoon. The penalties inflicted were as follows: E. Elliott, \$50, sentenced to one day in jail; G. E. Pifer, \$15; H. Erickson, \$25; Clay S. Moore, \$10; F. R. Freeman, \$30; O. Roseboom, \$25; J. Lang, \$7.50; S. H. Anderson, \$17.50; A. E. Davidson, \$10; Sam Stacey, \$25 and 12 hours in jail; Austin Houghland, \$15; W. M. Ling, \$15; E. S. Schwaner, \$25; Ray Anderson, \$25; George Wirz, \$25, and B. R. Butt, \$25.

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## SMASHING EXPOSE NOW PLAYING

# SAN FRANCISCO'S RED LIGHTS PAINTED WHITE

—IN—

# THE FALL OF BARBARY COAST

—OR—

# THE FINGER OF JUSTICE



## Children Under 16 Not Admitted

25c 35c

# STAR THEATRE

## JUDGE COKE DECIDES TO BE A CANDIDATE FOR SUPREME JUDGE

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Lieutenant Wells went into the war with the Kansas troops, his widowed mother now residing at Wichita. He won his commission in one of the first training camps for officers, and was afterward an instructor at Fort Riley.

The grandfather of the young man, now 82 years of age, was a soldier in the Civil war, and while grieving for the loss of his grandson and the last male member of his branch of the Wells family, he today expressed pride that the young soldier had made the great sacrifice for his country.

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A Humdinger of a Comedy

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Liberty Community Chorus

"She's the Daughter of Rosie O'Grady"

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## Murtagh's Concert Sunday on Our \$50,000 Organ



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# "WITHIN THE CUP"

The Story of a Woman Who Loved Not Wisely, But Too Well.

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