IS AFFIRMED Is Upheld by Supreme Court in Litigation of Woodward **Against Land Firm**

JUDGE KELLY

Judge P. R. Kelly of the lower court for Marion county was affirmed by the supreme court yesterday in an opinion by Justice Rean in the cane of J. D. Woodward against the willamette Valey Irrigated Land company. The action was brought to recover money and involves a contract between the litigants covering the sale of the defendants to the plaintiff of 17.06 acres of land in Marion county, including water right. The price was \$4265. At the time contract was made \$1000 of this amount was paid, the remainder to be by deferred payments.

It was alleged that the land comnany agreed to furnish water for evidence was introduced to show that irrigation of the land between May 1 and October 1 of each year.

The plaintiff gave the defendant a quit claim deed to the property. together with all accounts, on con- opinion directs that a judgment of difion that the defendant repay the \$1000 and pay \$650 for improve- ant, Camp. One portion of the opinments that had been made by the purchasers of the tract. In a counter-claim the land company demanded payment of \$170 for use o fthe mance of that work he was not an affirmed. property. The lower court acquiesc- employe of the Marshall-Wells Harded in the recession.

The supreme court yesterday reversed and remanded to the lower to the manner in which the work court the action of Thomas Malloy was done.' against the Marshall-Wells Hardware company and R. A. Camp, appellants. defendants. Various errors in the in an opinion written by Justice Mo-Camant. The case was tried in the pointed out. lower court for Multnomah county. Judge H. H. Belt, of Polk county. sitting as a substitute.

personal injuries and was brought trict No. 25, Morrow county et al. under the employers' liability act. pppelints: ppel from Morrow; suit The plaintiff in the case was em- to enjoin school district from enterployed as a barn man for the defend- ing nto a contrct to build a school ant company in a barn located at house in the district; opinion by Jus-Portland. Malloy was injured while

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by Justice Burnett; appeal dismissed. DUMMIES TAKE C. A. McCargar et al vs. L. M. Moore & Co., defendants, and the IIlinois Surety company, appellant; heard on motion to re-tax costs; motion denied. G. W. Kenney vs. R. L. Sabin, in-

dividually and as receiver and trustee, appellant; appeal from Multnomah; petition for re-hearing; opinion by Justice Bean, modifying former decree.

tion of an irrigation district; opinion

S. W. Swan vs. William Jones, appellant; appeal from Harney; action for conversion of personal property; opinion by Justice McCamant, judgment of Judge Biggs reversed and case remanded.

Warm Springs Irrigation district rs. Pacific Livestock company, appellant; appeal from Baker; suit to collect attorneys' fees; opinion by justice Bean, Circuit Judge Anderson affirmed. T. H. Craig vs. Crystal Realty com-

pany, appellant; appeal from Malheur: suit to foreclose alleged liens for cearing and improving land; opinion by Justice Moore, Circuit Judge Biggs affirmed.

his back was broken and the ower Oscar Schriber vs. C.L. Gritman et part of his body has remained para- al, appellants: appeal from Morrow: notice of recession of the contract lyzed as a result. The verdict in the suit to foreclose mortgage: opinion about August 10 and offered to give lower court allowed damages for Mal by Justice Burnett, Circuit Jpdge loy and the defendants appealed. The Phelps affirmed.

Wealthy Bedinkfied v3. John P. nonsuit be entered as to the defend-Bedingfield, appellant; appeal from Wallowa: suit over custody of minor child awarded to mother in divorce "The work which the plaintiff was proceedings; opinion by Justice Ben-

doing was his own work, in perfor- son, Circuit Court Judge Knowles Noah Frederick et al, vs. F. H.

ware company. The employers' lia- Sherman et al, appellants; appeal bility act was therefore inapplicable from Mutnomah; action to recover money; opinion by Justice Benson, Circuit Judge Gatens reversed. First National Bank of St. Johns. This upholds the contention of the

appellant, vs. Multromah State Bank. court's instruction to the jury were let al :! appeal from Multnomah; petition for rehearing denied. Davis vs. First National Bank of

Other opinions were handed down today as folows: Albany; motion to recall mandate

Oregon-Washington Railroad & denied. The action was for damages for Navigation company vs. School Dis-

Seventeenth and Lovejoy streets in tice Burnett; appeal dismissed. J. H. Seaward, appellant, vs. Mal- in the same grave, according to Les hoisting wood from the first floor of heur Drainage district; appeal from the barn to the second story, through Malheur; appeal from assessment

EIGHTY-EIGHT IN ONE GRAVE THE HAGUE, May 28 .--- Eightyeight of the persons who were killed when the British air squadron raided Cologne on May 18 were buried

Nouvelles. The correspondent of the newspaper says the inhabitants of the an opening in the second floor, and levied in connection with the forma- city are panic-stricken.

American Lake Troops Mow Down Army of Artificial Huns in Night Attack **U. S. EFFICIENCY SHOWN** Spotlights Played on Field to

Represent Star Shells Show Up Targets

THE OREGON STATESMAN: WEDNESDAY, MAY 29, 1918

PART IN BATTLE

IN CAMP TRENCH

CAMP LEWIS, Wash., May 28 .-If the soldiers of the 91st division shoot one-tenth as well when they get into the first line trenches in France as they do at target practice. they will be able to account for every man in a Hun army outnumbering

them ten times when the Germans come over the top. This statement is no mere boast but is a matter of cold calculation

from a field officer on the basis of the showing made by organizations of the division in practice night firing on the 200-yard target range-It was the turn of the 316th engi-

neers last night and The Associated Press correspondent was permitted to witness the practice.

Two hundred yards from the American trenches was the German line. hidden somewhere in the darkness. A huge electric searchlight, designed to simulate effect of star shells in spreading a glow over No Man's land played for five seconds on a sector of the German trenches where a platoon of Germans represented by targets stood out against a background of inky darkness. For five seconds

the targets remained in view and in that time five rounds were fired from sixteen men in a designated section of the American trench. Thep another German platoon was brought into the range of the searchlight

and another group of soldiers fired five rounds. And so one until each platoon of the whole regiment had its turn at the enemy.

Average Is High. The average of direct hits was nine out of a possible sixteen, the correspondent was told. Some organizations have made as high as 12 and this after but two nights on the



SOMETHING MISSING.

SCARLET WOMEN

MAY BE PENNED

Speaking at a dinner Senator Duncan U. Fletcher of Florida referred to the difficulties that the book agent has to contend with, and told the following story as an example:

Some time ago a book agent went to a country house with a dictionary he had to sell and, after eloquently exploiting its many virtues, he handed it to the woman who answered his ring for inspection. Carefully she turned every page.

"I don't want it, young man," she finally said in a decided voice, handing the dictionary back. "You neednot think that you can work off a book like that on me."

"L don't quite understand, madame," was the perplexed rejoinder of the agent. "What is the matter with it?"

"It's not all there, that's what's the matter with it," declared the woman. "It haint got no index." Philadelphia Telegraph.

boring states.

to each justice of the supreme court. ed in the argument of a case. Conditions resulting from the war have drawn women into the loneliest

Amendments Are Announced

After Report Made by Jus-

tice McCamant

Several amendments to the rules

Among important changes is an

"It shall not be necessary to at-

"The brief shall also contain a

The briefs shall avoid unnecor-



Extra quality waists, some with dainty frills, some with tucked vest effects.

> **NEW LINGERIE** WAISTS

Some with narrow panels of embroidery, organdy and Val. Laces.

BEAUTIFUL CREPE DE CHINE WAISTS

With beautiful embroi and hem-stitched collars. Some semi-tailored styles. An amazingly attractive assortment

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BOOTERY WILL BE CLOSED ALL DAY THURSDAY

We are maintaining our special low prices on our Pumps, etc. You can buy a nice comfortable summer shoe at prices way below present manufacturers' cost. Many broken lines are less than one half of the cost of production at the present time but they must go.

A lot of splendid Pumps, all lea ers up to \$4.00 grades at	^{th-} \$.95	A lot of sp ers up to \$	lendid Pumps, all leath-\$1.95 5.00 grades at
A lot of splendid Pumps, all lea ers up to \$4,50 grades at	^{th-} 1.65		iendid Pumps, all leath- 5.00 grades at 2.15
Other lots at \$1.79, \$2.45, \$2.6	5, \$2.89, \$2.95up t	o	\$3.95
AL .	SO OXFORDS U	P TO DATE	Martin and Anna and A
Patent Oxfords	Brown Oxfords. Brown Calf, up-		Black Kid Oxfords\$4.50 Beautiful late designs, long

	lf, up-to-date style, Beautiful late designs, long neels. A bargain. toe, very choice.	
White Fabric Oxfords\$3.		
A fine weave white fabric Oxford, turn sole and covered military heels, new las Very light, cool and summery.		

And Men's Shoes of every description at Hard Times Prices.

Shoes for the Kiddies

We make a specialty of our Children Department and "Correct Fitting" is our slogan.

For play use these canvas shoes, leather soles, lace	Smoke Elk Skuffers, nice, easy, splendid wear, 12 to 2,	Baby Service Shoes in Black Kid turned soles, size 2 to 5, no heel
skuffers sizes 8½ to 11 at \$1.33. In 5 to 8 at\$1.28	\$3.29; 8 to 11 at \$2.89 and 5 to 8 at\$2.29	Spring Heel

In 81/2 to 11 at \$2.55. In Patent Button White Cloth Top, 5 to 8, \$1.80. 2 to 5. \$1.49.

Misses and Children's Black Kid, White Cloth top in lace, sizes 12 to 2, \$2.93 Boys and Youths in all kinds, sizes and prices. Buy now while you can save the \$\$

Come in and look over our bargains. We have shoes to satisfy.



range.

It was explained to the correspondents that it would take the Germans two minutes to cover the 200 yards between the two lines of the trenches. The rifles have a capacity of ten rounds in 30 seconds, or 40 for the period of time necessary for SUPREME COURT the Germans to reach the American line. Taking into account the increased accuracy of fire as the range shortens, officers say that the Camp Lewis soldiers will be able to prevent a force ten times their size but one-tenth as well as they have on the range with but two nights practice.

But the value of night firing in he training of troops is more than practice in markmanship. Its chief purpose is to accustom the soldiers to work together in the darkness of the Oregon supreme court have and to train the non-commisioned been adopted and were announced by officers in the handling of men unthe coutt yesterday. Justic Wallace der adverse conditions. McCamant was appointed a commit-

Battle Begins at Dark, tee to submit proposed amendments It was hardly dusk when the men and the changes are made by an adreached the range and they were option of his report. The court rules gathered in groups, singing, joking are printed in the 56th Oregon Reor smoking the familiar cigarette as ports and as amended will be printed they waited for darkness to swallow in the 88th Gregon Reports. Refup the German trenches marked erences made in Justice McCamant's plainly with the target numerals. report are to the pamphyet copy of Then only a red light was visible the rules. across No Man's land and soon the

huge searchlight played up and down elimination at the close of rule 3 the line, exposing in view the tarof the necessity of printing bills of gets, representing German troops in exception in abstracts when the mills kneeling posture. of exception are in typewritten form.

At a signal the lights disappeared Cutting off of expense is the purpose and then showed again. There were of this elimination. After the word bursts of flame from all along the 'evidence" in the first line of page line. Little clouds of dust in No 5 the following sentence is added: Man's land revealed the first round short of its mark, but the later spurt tach the exhibits to the bill of exof dust were at the top of the enemy ceptions, but the exhibits must be trenches and before the five seconds identified by the certificates of the had passed, the bullets had found tria judge." their mark. In lieu of the last sentence of rule 10 the following is inserted:

· There were sharp commands and the soldiers sprang from the trenches to be followed by another wave general statement of so much of the of men. facts as shall be material and rele-

It was almost like battle for the want to the questions raised by the soldiers and happy cries of "I got appeal. Either in the statement of him that time" could be heard above facts or in the argument the brief shall clearly point out the evidence the staccato of rifle fire.

More Men Received.

relied on with appropriate references Three thousand four hundred and by page to the bill of exceptions or wenty-six men had been received the transcript and to any exhibits into the national army at 6 o'clock which are material. Unless the evrdence be printed or specified in aptonight in the biggest day of the May draft and 1582 others due before pellant's brief as required by this midnight should bring the total for rule the court will not notice assignthe day to 5008. Delay of special ments of error which are based on trains brought in several hundred the evidence. The evidence may be rom Minnesota and the Dakotas in printed either in narrative form or in the language of the bill of exthe early hours of this morning and there was no sleep last night for the ceptions or transcript. In either personnel of the receiving station. event it shall be accompanied by which checked up the men and sent proper references to the pages of the them on to their training battalions record on which it is found. as rapidly as they could be handled. Chester T. Raymond, connected sary repetition either of facts or of

with a Portland bank, has come to argument." Camp Lewis as building secretary of After the word "rendered" in the Y. M. C. A. hut No. 5, succeeding fifth line from the bottom of page Fred Witham, designated for over-9 the following is inserted: seas service.

E. W. Oliver of Los Angeles, secretary of Y. 8, has been assigned to take charge of Y. M. C. A. work with the incoming draft men and departing troop trains during the absence of Tom Davis of Butte, Mont., who left today for New York for temporary duty in the industrial branch.

to the reporter, to the Supreme Court hour Library and to the Multnomah Law American occupation, that of herding Library." sheep on the great ranges in remote The Vollowing language at the con-, and closing arguments. The resections of Wyoming and the neigh-

clusion of rule 16 is stricken out: ing hour belongs to respondents." "and if in either case it appear to

the satisfaction of the court that the appeal was taken for delay only, may recover such damages as the court serted: shall order" The following is substituted for **RULES CHANGED**

rule 19: "Unless otherwise ordered prior to furnished." the beginning of the argument, not more than two hours can be employ-'en" is substituted for "five."

"Seven copies of motions to d miss and of arguments in supp and in opposition therete shall

lants and may be divided by the

After the word "pply" on the st

ond line from the bottom of pa

12, in rule 23, the following is

as they see fit between the ope

In the ninth line of rule 25, "se

Order Your Groceries TODAY OUR STORE CLOSES ALL DAY THURSDAY **Memorial Day Specials** EXTRA FANCY CLARK SEEDING STRAWB 2 for 25c CALIFORNIA SEEDLESS GRAPE FRUIT 4 for 25c

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OLIVES, SPECIAL STUFFED OLIVES	.20c
GREEN OLIVES	400
EHMAN SPECIAL RIPE OLIVES	
LARGE JARS	
FANCY DILL PICKLES, per dozen	
COTTAGE CHEESE	.20c
HAM, DRIED BEEF and MINCED HAM.	21 8

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