

MARSHAL IS HELD

CHARGE OF MANSLAUGHTER AGAINST OFFICER.

Mystery How Bullet Struck a By-stander Who Was Behind the Shooter Out of Range.

W. H. Lucy, city marshal of Prairie City, who was arrested on the charge of killing Ernest Hickman in Len Woods' saloon, on the morning of April 29, was examined before Justice J. W. Mack, and bound over to appear before the grand jury on the charge of manslaughter. He immediately furnished \$2000 bonds. The three women witnesses were held under \$250 bonds each, which they furnished in cash.

The justice, in rendering the decision, stated that although the evidence produced by the state was far from satisfactory, owing to the intoxicated condition of the witnesses at the time of the affair, and the mystery concerning the shooting, which had not been cleared, or explained away by any of the evidence, still, as the defendant waived examination, he would hold the defendant, not on the charge of murder but only that of manslaughter.

Eleven witnesses were produced by the state (none by the defendant) of which eight were present at the time of the shooting, in a much intoxicated condition, who all agreed that Marshal Lucy, the defendant, did the shooting that killed Hickman; that the trouble between the woman and interference by one of the men created an impression that serious trouble was pending, which the marshal tried to prevent, but which Hickman objected to, by placing his flat hand on the marshal's breast and pushing him back (so he fell on the floor, one of the witnesses testified) saying that he was running the house. When the marshal got on his feet the shooting occurred, by which Hickman was killed and Haight was wounded in the leg.

This in brief is the evidence by the eyewitnesses. However, there is a mystery connected with the shooting which was not explained. The marshal was facing Hickman at the time of the shooting, and Haight was standing eight or ten feet behind the marshal, according to the evidence; still the bullet went through the body of Hickman, just below the ribs, and the spent bullet must have struck the wall, bounced back and struck Haight in the leg, which is an utter impossibility, as the bullet was found on the floor of the saloon the next morning, and was not the least dented or flattened.

Special constable T. M. Ray, who had charge of the prisoner, said that the prisoner had been cut in the hand by some sharp instrument, about an inch long, and that blood was on his coat where the hand had been touching.

Lucy, who is a nephew of S. P. Purdy, is well known in Athens. His father, who died in 1903, had been a respected and honored citizen of Umatilla county for many years. He was county judge of this county from 1884 to 1888. Lucy was deputy marshal and special constable for about a year, and whenever any criminals were to be found he always brought his man, and has served as a very efficient officer.

THE EARTH IS CRACKED.

Mud fissures break open in Sisson, California.

Torn up by powerful internal disturbance is the condition of a vacant lot adjoining A. Koletka's livery stable here, says a Sisson, Cal. paper.

Great jagged cracks have opened, from which constant streams of dark colored, oily mud are flowing in great quantities. At about the same time the upper part of a big fill across Big canyon sank 40 feet.

This phenomenon occurred at 10:30 o'clock Thursday morning. The fill across Big canyon was built about six years ago by the McCloud Railway company, and was considered one of the safest fills on the entire road. The sinking of the fill and the upheaval at the same time gives ground to much speculation as to the probable cause.

Many of the older citizens are inclined to favor the theory that Mt. Shasta is on the verge of upheaval. When the mud first began flowing from the lot above the livery stable, Mrs. Koletka was at the barn alone. She saw that the mud would flood the town if left to its own course, so gave the alarm and soon had men at work digging trenches from the barn to the main sewer ditch. The trenches, however, cannot carry the volume of flowing mud and the streets below are gradually filling.

Some of the mud was thrown into clear water, and an oily substance soon covered the top of the water, which indicates the presence of much oil. It is reported that the mesa above town is gradually sinking in several places.

OF ROYAL LINEAGE.

McAlropa 34160 Combines the Blood of Two Great Sires

McAlropa 34160, owned by J. A. Baddeley of Weston, and making the season in Athens, Weston and Helix, is a handsome son of the great Mc-

kinney, who has more colts in the 2:15 list than any other sire of his age, among them Coney 2:02, Sweet Marie 2:04, China Maid 2:05, You Bet 2:07, Reta H. 2:11, Mack Mack 2:12. His dam is by Altamont, sire of Chehalis, Del Norte and other celebrated horses. He is 16 hands high and weighs 1200 pounds. He won first in the standard bred class at the Walla Walla fair in 1903, and no stallion on the coast has better blood than McAlropa. The current issue of the Rural Spirit says of him:

"This grandly bred son of the great sire, McKinney 2:11, will be in the stud at Weston, Helix and Athena, and at a price that any farmer can afford to pay. There are but few better bred stallions any where than McAlropa, and his sire makes him doubly valuable as a sire. He has four splendid dams, two of them in the great brood mare list, sired by the best stallions ever brought to Oregon. His own sire, McKinney, is without question the leading sire now before the public. Had McAlropa been brought from the East, bred as he is, people would be wild to patronize him, but he's an Oregon bred stallion and we overlook the fact that he is one of the best ones in America. Breeders can make no mistake in getting the blood of McKinney through a channel of this kind."

Saved By Dynamite.

Sometimes a flaming city is saved by dynamiting a space that the fire can't cross. Sometimes a cough hangs on so long you feel as if nothing but dynamite would cure you. Z. T. Gray, of Calhoun, Ga., writes: "My wife had a very aggravated cough, which kept her awake nights. Two physicians could not help her. So she took Dr. King's New Discovery for consumption, coughs and colds, which eased her cough, gave her sleep and finally cured her." Strictly scientific cure for bronchitis and la grippe. At McBride's drug store, price 50c and \$1. Guaranteed. Trial bottle free.

Terrific Race With Death.

"Death was fast approaching," writes Ralph F. Fernandez, of Tampa, Fla., describing his fearful race with death, "as a result of liver trouble and heart disease, which had robbed me of sleep and of all interest in life. I had tried many different doctors and several medicines, but got no benefit until I began to use Electric Bitters. So wonderful was their effect that in three days I felt like a new man, and today I am cured of all my troubles." Guaranteed at McBride's drug store; price 50c.

Cleared for Action.

When the body is cleared for action, by Dr. King's New Life pills you can tell it by the bloom of health on the cheeks; the brightness of the eyes; the firmness of the flesh and muscles; the buoyance of the mind. Try them. At McBride's drug store, 25c.

No-To-Bac for Fifty Cents. Guaranteed tobacco habit cure, makes weak men strong. "Blood pure." See, E. L. All druggists.

BLACKSMITH AND REPAIRING SHOP

A. H. LUNA, Proprietor.

Shop West of King's Barn, Athens.

THE WRIGHT LIVERY AND FEED STABLE



GOOD HORSES AND RIGS. REASONABLE PRICES. DRIVER FURNISHED WHEN DESIRED.

Horses boarded by the day, week or month. Stables on 2nd street, South of Main street. J. F. Wright, Proprietor.

THE ST. NICHOLS HOTEL

J. E. FROOME, PROP.

Only First-class Hotel in the City.

THE ST. NICHOLS

Is the only one that can accommodate commercial travelers.

Can be recommended for its clean and well ventilated rooms.

COR. MAIN AND THIRD, ATHENS, O.

MONEY FOR BOYS
 Boys of small size in every town, large or small, in the Oregon country—can earn money, and save it, by selling THE DAILY and SUNDAY JOURNAL. No money is required to make the sale, and only the ability to read is needed. To any boy who will try the plan we will send 10 copies of THE SUNDAY JOURNAL, to be sold at 5 cents each. After that all papers that are required will be delivered to him by mail or express at wholesale prices, and he becomes a "full fledged newspaper dealer." You can start any time, and if successful handling THE SUNDAY JOURNAL, this offers can be sent to THE DAILY JOURNAL.
 THE SUNDAY JOURNAL contains ALL THE NEWS, and many special features of interest to men and women, and besides, has all the children's comic pages carried by the big Sunday papers of the east.
 JOURNAL boys are making as much as \$5 to \$8 a week to small towns in the northwest. Don't you want to try it?
\$25 IN CASH
 As extra prizes, will be divided monthly, in addition to the regular profits, among those JOURNAL boys who do the best work—who increase their orders the largest percentage. In this way the boys in the smaller places will have as much chance to earn this extra money as those in the large towns. Get in THE JOURNAL. MAIL application: THE JOURNAL is a winner. Address: THE JOURNAL, Portland, Or.

BANNER SALVE

the most healing salve in the world.

PROMPT & RELIABLE SERVICE
A. L. JONES
 WANTS ALL KINDS OF HAULING
 Goods taken best care of and carefully handled. Phone 13 for Express and Baggage.

Troy Laundry

Walla Walla, Wash.
 Elmer Lane, Agent in Athens

Work Guaranteed
 Washings are called for each Tuesday and are returned Friday morning

MILLINERY

The Latest Modes and Fashions in Street and Dress Hats.
LA HUE MILLINERY CO.
 Third Street, Athens.

Foley's Honey and Tar
 for children, safe, sure. No opiates.

CHARLES GAY
 ...Dealer in...
Candies, Nuts, Fruits, Tobaccos, Cigars
 FRESH BREAD, PIES, CAKES, ETC.

McAlropa 34160

SON OF THE GREAT **McKINNEY 2:11 1-4**
 Sire of Coney 2:02, Sweet Marie 2:04, China Maid 2:05, You Bet 2:07, Charley Mac 2:07, Kinney Lou 2:07, Jennie ac 2:09, Hazel Kinney 2:09, Zoelock 2:09, The Roman 2:09, Dr. Book 2:10, Reta H. 2:11, Mack Mack 2:12, and fifty-two others. Dam ALICE MANN (full sister to Trumont 2:11) by

ALTAMONT
 Sire of Chehalis 2:04, Del Norte 2:08, Ella T. 2:08, Doc Sperry 2:09, Alameda 2:09, Pathmont 2:09, Altac 2:09, and forty-two others. Second dam Minnie M. (dam of Satin Royal 2:19, Trumont 2:21, grandam of Atlas 2:15) by Rockwood. Third dam Sally M. (dam of Pathmont 2:09, Altac 2:09, grandam of Bill Frazier 2:14, Pathmark 2:11, Belle Air 2:14) by Oregon Pathfinder, sire of the dam of Prince Direct 2:07, etc. Fourth dam Sally-Come-Up by Paul Jones, sire of Jane L. 2:19, Hannibal Jr. 2:26.

McALROPA 34160

Is a handsome black stallion 16 hands high and weighs 1200 pounds. He won first in standard bred class at Walla Walla fair in 1908. He combines the blood of the best trotting families on the coast, and has four spanking good dams. You can't make a mistake by breeding to this good son of McKinney. He will make the season of 1908 at

Weston, Athena and Helix

TERMS, \$25 TO INSURE, payable July 1. Money refunded in the event of mares proving not with foal.

J. A. Baddeley, Weston, Ore.

Painting

Paper Hanging, Wall Tinting, Sign Writing, etc., satisfaction guaranteed by
L. J. Robinson.
 Shop, corner 3rd and Jefferson, Streets, Athens, Oregon.

T. L. TERHUNE,
CONTRACTOR & BUILDER
 Estimates Furnished and Satisfaction Guaranteed. Residence on
 Hunt Ave. - - - Athens

Pianos of Worth.

We sell the kind of Pianos that those who are critics, buy. They are Reed & Sons, noted for strength and volume of tone. The Henry F. Miller, Boston's oldest and sweetest toned make. The Steger, musically equal to the best, and the popular Singer.

Whitman College

purchased pianos of us last year valued at \$4,000, and all were of the above makes. The College buys only the highest grade pianos. We buy direct from factory and can save you money. Pianos delivered on ten days trial free. It will pay you to get our prices and easy terms.

Dwelle Herrick Music Co.,
 51 East Main Street
 4 Doors Above Bridge,
 Walla Walla, Washington

ED. BARRETT,
CONTRACTOR & BUILDER
 Estimates furnished on all kinds of buildings. Satisfaction Guaranteed.
 Office at New Lumber Yard, Athens.

..The..
COMMERCIAL
 LIVERY, FEED and SALE STABLE.
 Best Turnouts in Eastern Oregon
 Stock Boarded by the Day, Week or Month
KING BROTHERS Prop

PARKER & LANE'S
Barber Shop.
 Shaving, Haircutting, Shampooing, Massage for Face and Scalp.
HOT BATHS.
 Shop North Side Main Street, Athens, Ore.

O. R. & N.
OREGON SHORT LINE
AND UNION PACIFIC
TWO TRAINS EAST DAILY
 Through Pullman standard and sleeping cars daily to Omaha, Chicago; tourist sleeping car daily to Kansas City; through Pullman tourist sleeping cars, personally conducted, weekly to Chicago, with free reclining chair cars, seats free, to the east daily from Pendleton.

| DEPART Daily | TIME SCHEDULES ATHENS, ORE. | ARRIVE Daily |
|--------------|--|--------------|
| 4:53 p. m. | Fast Mail for Pendleton, LaGrande, Baker City, and all points east via Huntington, Ore., Also for Umatilla, Heppner, The Dalles, Portland, Astoria, Willamette Valley Points, California, Tacoma, Seattle, all Sound Points. | 8:57 a. m. |
| 9:52 a. m. | Walla Walla, Dayton, Pomeroy, Lewiston, Colfax, Pullman, Moscow, the Couer d'Alene district, Spokane and all points north. | 4:53 p. m. |
| 7:05 p. m. | Mixed train walla walls and intermediate points. | 12:20 p. m. |
| 12:20 p. m. | Mixed, for Pendleton and intermediate points. | 7:05 p. m. |

Water Routes. **SAN FRANCISCO-PORTLAND ROUTE.** Steamer sails from Portland 8 p. m. every 5 days. **Snake River Route.** Steamers leave Bismarck daily except Saturday returning at 4:30 a. m. leave Lewiston daily except Friday, at 7 a. m. M. W. Smith, Agent, Albena.

BIG PUBLIC SALE!

The first of a series of public sales to be given in Athens by F. G. Lucas will take place on the lot west of Wright's Livery Stable in
Athens, Saturday May 13th
 Commencing at 11 o'clock a. m. the following property will be sold to the highest and best bidder.

HORSES
 One brown gelding, 4 years old, weight 1000 lbs; 1 grey horse unbroken, 4 years old, weight 1200 lbs.; 1 grey mare unbroken, 4 years old, weight 1200 lbs.; 1 sorrel mare well broken, 8 years old, weight 1200 lbs. Several head of horses will be offered at private sale.

COWS
 One roan cow, half Jersey, 6 years old; 1 spotted cow, calf by side, 3-4 Jersey, 4 years old; 1 thorobred Jersey, 3 years old with calf by side, pedigree given to buyer; 1 fresh Jersey cow, 4 years old; 1 Jersey cow, 2 years old, calf by side; 1 spotted cow, 6 years old, 20 qt. milker per day.

HOGS
 The famous boar, Tecumseh Wilks, No. 95253, and 3 standard bred pigs from the well known Poland China herd

owned by A. L. Swaggart.
VEHICLES
 One single buggy, has top and is in a good condition; 1 hack, has end springs, is in first class shape; 1 single buggy without top, in good repair.

HARNESS
 Two set single harness, 1 set hack harness, 1 set heavy work harness complete with collars.

MISCELLANEOUS
 One 12-foot header, 1 Dufur 12-foot weeder, 1 hack tongue, 2 spring tongue supports, one pair 3-horse equalizers, 2 pair 3-horse doubletrees, 2 pair lead bars, 10 foot log chain, one pack saddle, one bedroom suite, one bed spring and mattress, one 3-section lever harrow, one feed chopper; other articles too numerous to mention.

TERMS
 All sums under \$20, cash in hand; all sums over \$20, six months time will be given without interest, if paid when due, otherwise 8 per cent from date. Four per cent off for cash. All property to be settled for before removed.
O. G. CHAMBERLAIN, Clerk.
F. G. LUCAS, Auctioneer.