

OREGON CITY ENTERPRISE

FORTY-SIXTH YEAR—No. 14.

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ESTABLISHED 1866

AUTO HELD UP; 1 DEAD

TWO OTHER MEMBERS OF PARTY ARE WOUNDED, ONE DANGEROUSLY

LONE HIGHWAYMAN FIRES 4 TIMES

Young Men On Way From Oregon City To Portland Surprised By Robber—Posses Search For Him

A highwayman armed with a shotgun early today tried to halt an automobile party on its way from Oregon City to Portland. He fired four shots, fatally wounding one and probably two men. George Hastings, a student of the University of Oregon Medical College, died soon after being taken to Portland. His head was almost severed from his body. D. M. Stewart, brother of the owner of the car in a serious condition, but little hope is held out for his recovery. Irvin Lupton, also a student of the University of Oregon Medical Department was shot in the right arm. Two other members of the party escaped injury.

Sheriff Mass was notified of the shooting soon after it happened and with Deputy Sheriff Miles and Dr. W. S. Eddy hastened in an automobile to the scene where they were joined by Sheriff Stevens and a posse from Multnomah County. The surrounding country was searched for the desperado, but at 4 o'clock this morning he had not been captured. Several Oregon City residents who went to the aid of the stricken men, think that the highwayman was insane.

The party had spent the afternoon and early part of the evening in Oregon City and were going at a fast rate of speed when the machine reached Elkrock Hill on the White House road. The ascent had just been started when the driver saw what he thought was a woman in the road.

He soon saw however, that the figure was that of a man who carried a gun. When the machine reached the highwayman he stepped to the side of the road and said: "Halt, or I will shoot."

Stewart put on full speed, and as the machine passed the man he leveled his gun and fired. The first shot struck Hastings in the head and he fell limp on the floor of the automobile. Almost instantly another shot was fired and Stewart cried out that he had been wounded. The highwayman, who evidently had a pump gun, fired twice more in rapid succession, the last shot puncturing the rear tire of the machine. The highwayman then picked up the cartridges which had been thrown from the gun and disappeared in the shrubbery at the side of the road.

The automobile was brought to a standstill, and it was realized that Hastings and Donald M. Stewart were seriously injured. Bruce D. Stewart a brother of one of the wounded men took the wheel and speeded the car to the residence of Judge C. H. Carey, where the wounded men were cared for until the arrival of an ambulance.

H. L. Tabb, who lives at the Multnomah Hotel, escaped injury but a shot pierced the sleeve of his overcoat. Donald M. Stewart lives at 233 East Third Street North, and Bruce D. Stewart is secretary of the Clackamas County, 301 East Seventh Street North. Mr. Tabb is employed in the Northern Pacific Freight Department.

The scene of the hold up was shaded by trees and is densely dark, but the members of the party obtained a fair view of the highwayman. He wore gray trousers and khaki coat. The authorities think he is a resident of the neighborhood where the hold up occurred, for they do not believe it likely that a man would carry a shot gun a long distance to use for murderous purposes. That he is probably insane is indicated by his shooting after the automobile had stopped by him, and he had no chance of robbing them, and by shooting menaced his own life.

Sheriff Mass searched for the cartridges from the gun, thinking they might give a clue to the identity of the man, but none was found, and he evidently picked up all of them.

Another theory is that the highwayman fired first at the driver, thinking that by killing him the machine would be ditched, and the members of the party would be at his mercy. It is also thought that the robber believed that by puncturing one of the tires which he did with the last shot that the machine would be stopped, but it was not until it had gone a quarter of a mile from the place of the attempted hold up.

"We had just crossed the bridge between Oswego and Riverdale," said Tabb, "and were ascending Elkrock Hill when we saw the figure in the road. It looked for all the world like a woman, and one of the party said to Bruce Stewart that he was careful not to run over her. But when we got a little nearer we saw that he had a gun. Hardly had we reached him when he stepped to the right side of the road, and commanded us to halt. As we sped by and hardly before we could realize what was happening we began firing and Hastings fell limp from his seat. Three more shots were fired in rapid succession."

It was thought at first that the robber used a rifle but when an examination of the wounds were made at the home of Judge Carey it was found that they had been inflicted with a gun loaded with buckshot. Sheriffs Mass and Stevens added to

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MAN THOUGHT AUTO SLAYER CAPTURED

H. E. ROBERTS HAS PUMP SHOT-GUN LIKE ONE USED BY HIGHWAYMAN

WORKED NEAR SCENE OF SHOOTING

Suspect Asked To Be Shown Way To White House Road—Wadding In Gun Like That Found By Sheriff

In the arrest of H. E. Roberts, alias Jack Roberts, twenty miles southeast of Oregon City Tuesday afternoon, Sheriff Stevens, of Multnomah County, believes he has the lone highwayman who fired upon an automobile party on the White House road last Friday night, killing George Hastings and Donald M. Stewart, and seriously wounding Irvin Lupton.

A pump shotgun answering the description of the one used by the desperado had wadding, like that used upon the improvised mask, which was found at the scene of the attempted hold up, were found in Roberts' possession. The man, who is an ex-convict worked on a farm about two miles from where the men were killed until the afternoon before the attempted hold up, having been discharged because his employers did not like his looks. A belt which he wore when arrested has four shells missing, and the wadding in the other shells correspond with those found by Sheriff Mass at the scene of the hold up.

Sheriff Stevens has learned that Roberts cleaned the gun Friday afternoon and while working on the farm asked his employee the way to the road where the men were killed. He had frequently been there before, having been arrested there several years before while working on a bridge. Roberts has been a prisoner in the jails at Walla Walla, Portland and the Salem penitentiary. Sheriff Stevens was accompanied by Deputy Sheriff Leonard and Phillips, of Multnomah County, when he made the arrest. Although the crime was committed in Clackamas County Sheriff Stevens did not inform Sheriff Mass of the clew.

MAN CALLED AUTO SLAYER IS SILENT

JACK ROBERTS DECLINES TO TELL WHERE HE WAS NIGHT OF CRIME

TRIAL TO BE IN MULTNOMAH COUNTY

Two Indictments Probably Will Be Returned Against Suspect—Stevens Explains Slighting Mass

PORTLAND, April 5. (Special.)—Jack Roberts, the ex-convict under arrest on a charge of killing two members of an automobile party on the White House road last Friday night, although "sweated" until late tonight by Deputy District Attorney Fitzgerald and Sheriff Stevens, refused to utter a single word during the trial. To every question that might incriminate him he replied that he had nothing to say. He has not made any statement that would implicate him, although he knows for what crime he was arrested.

After a conference this afternoon between Deputy District Attorney Fitzgerald and District Attorney Stipp, of Clackamas County, it was announced that the trial would be held in this city. It was pointed out that the crime was committed in two counties, one of the men dying in Multnomah County although he was shot in Clackamas County. It is probable that two indictments will be returned by the grand jury, one charging the murder of Hastings and the other the murder of Stewart.

Judge Stipp showed some feeling because Sheriff Mass, of Oregon City, was not taken along by Sheriff Stevens when the arrest was made. "Turning to Sheriff Mass, who stood nearby, Sheriff Stevens told him if he had found a suspect in Multnomah County, with evidence against him such as Roberts, he would have expected Sheriff Mass to make the arrest at once, without spending time or effort to locate Sheriff Stevens.

In the Multnomah county jail, Roberts, who is known also as "Jack" Roberts and "Jugling Jack," held to silent silence whenever the case was mentioned. He talked freely to his guard on other subjects, however. Sheriff Stevens is convinced that he has the right man. "I feel sure that Roberts is the fellow we want," said the sheriff today. "Our evidence seems conclusive."

One of the strongest circumstances against Roberts that has been made public is the fact that 18 of the 21 loaded Selby shotgun shells found in his cartridge belt when he was arrested in a cabin in the Molalla valley yesterday afternoon, were loaded with No. 1 buck shot. This was the size shot which killed the two boys and wounded Irving Lupton when the highwayman opened fire on the automobile when it failed to stop at his command.

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SHEAHAN EAGER TO REGAIN LEAD

HIGH SCHOOL SPRINTER SETTING FINE PACE IN BIG "CLUB" CONTEST

MISS MCCORD'S FRIENDS ARE LOYAL

Baseball Team, Lodges And Granges Have Excellent Chance To Win Big Ford Touring Car

Table listing candidates for the "Club" contest and their respective vote counts.

Every candidate in the big automobile contest is striving hard these days to land "Club" subscriptions, which if turned in by Saturday, are worth extra votes. A "Club" of three subscriptions for a year each is worth 500 free votes and for a "Club" of five yearly subscriptions turned in at once before Saturday, 1000 free votes will be presented. Sheahan, the young High School sprinter is keen on regaining his former position at the head of the list, which location is now being held by Miss Ruby McCord whose great popularity and willingness to work hard are causing a legion of friends to rally around her standard. The present special ten day contest for the \$15 merchandise certificate is also claiming the attention of every entrant out for the big black touring car. The present contest closes April 15 and the one getting the most votes between last Monday and April 15 will be awarded the special prize. Every vote cast in the special contest goes to help out in the grand totals for the \$755 Ford-door Ford, but the standards of the candidate previous to last Monday will have no bearing whatsoever in this special race. Thus it is, that those special contests present to every entrant the same chance to capture the honors as the award is based on the results obtained in the specified time.

The "Club Offer" is presented to the candidates at this time as a special feature to help them in their efforts to win the automobile. The big roster will go to the one who works hardest and gets the best results; and the "Club Offer" is merely one method of the contest managers to show their appreciation of the work done by the entrants to know that they are ready at all times to give every possible assistance to help them secure more votes. Votes are given for every subscription to the Daily or Weekly Enterprise, and generous are valued the same as new subscriptions. The entrant is the field in the race which is open to every resident in old Clackamas. Comparatively speaking the game is still young and the Enterprise (Continued on page 4)

WORK ON NEW OREGON CITY CANAL STARTS

Under the direction of Assistant Engineer Thomsen the work of test for a foundation for the new concrete wall to be built as a means of dividing the locks and canal on the West Side from the property of the Portland Railway, Light & Power Co. was instituted Tuesday.

REGISTRATION BOOKS ARE OPEN AT NIGHT

To give the millworkers an opportunity to register, County Clerk Mulvey Monday announced that the registration books would be kept open until 7:30 o'clock in the evening all this week. Mr. Mulvey says the registration is a little above the average and he believes will go above that of last year by several hundred.

O. D. EBY NAMED LIVE WIRES' HEAD

EASTERN MAN THINKING OF STARTING BIG SHOE FACTORY IN THIS CITY

HOUSES FOR WORKMEN DISCUSSED

Paper Mill May Construct Large Number Of Small Homes For Its Men—Mill Supply Pure

The Live Wires of the Commercial Club at their monthly supper Tuesday evening elected officers for the ensuing quarter and discussed a number of matters of prime importance to the city and county. The following officers were chosen by unanimous vote: Trunk Line—O. D. Eby. Sub-Trunk Line—L. Adams. Transmission Wire—Dr. Clyde Mount. Guy Wire—E. E. Brodie.



O. D. Eby, a well known attorney, who was Tuesday night elected to the position of Main Trunk Line of the Live Wires of the Oregon City Commercial Club.

shoe manufacturing establishments in the East is figuring on starting a shoe factory in Oregon City and that he has proposed to acquire the plant of the Capen Shoe Co. at Willamette and move it here. It is understood that the plant of the Capen Shoe Co., which is in liquidation, can be obtained for a reasonable amount and Mr. Herlihy will be invited to come here next Tuesday and be the luncheon guest of the Live Wires, who propose to render him whatever assistance lies in their power in the proposed undertaking.

Following a lively discussion of the need of more houses in this city for workmen, B. T. McElin, mill manager of the Willamette Pulp & Paper Co., said his concern has had the matter in hand for several months, and that it is possible the Willamette Pulp & Paper Co. will arrange for the construction of a large number of small houses that would be suitable for men of moderate means. Mr. McElin said he hoped to be able to report something definite at a later meeting.

An echo of the typhoid fever scare that prevailed here a few months ago was heard in the statement of Dr. L. L. Pickens who advanced the theory that cattle drinking contaminated water would transfer typhoid germs into the milk, and from there into the butter.

This statement was promptly refuted by M. J. Lazelle who said it had been proven that typhoid fever in water could not be detected in milk from the cows that drink such water. He said typhoid bacteria in milk usually occurred in cases where water from wells that had become infected. Mr. Lazelle pointed out that modern creameries and dairies wash their milk cans with scalding hot water instead.

The meeting of the Live Wires was cut short by the conference of the Commercial Club with a delegation from Eastern Clackamas and just prior to adjournment it was stated that a majority of the owners of property on Main street north of Eleventh and on Seventh street had signed petitions asking for hard surface pavement and this matter will be presented before the council at Wednesday night's meeting.

HORSE STOLEN FROM DARLING STABLE

"Dolly," the pet horse of F. M. Darling, the forist, who lives in Mountain View, was stolen from the barn Monday night, with the buggy, harness, robe and an overcoat. Mr. Darling learned of his loss when he went to the barn to feed the horse. The animal had been a family pet of the Darlings for the past seven years. It is a light bay with a small star in the forehead and is ten or eleven years old. Mr. Darling followed the tracks of the horse as far as possible. It is thought the horse was taken to Portland.

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SEVEN ENTER RACE FOR LEGISLATURE

TIME FOR FILING DECLARATIONS ENDS AND BALLOTS WILL SOON BE PRINTED

HACKETT AND MASS FOR SHERIFF

County Clerk Mulvey Opposed By Furman Buzbee And Assessor Jack By Two Republicans

The time for filing declarations for county offices expired Wednesday afternoon, and the number of candidates for Republican and Democratic nominations are about the same as usual. County Clerk Mulvey said Wednesday night that the names of candidates who mailed their petitions in time to reach him this morning would be placed on the ballots. The candidates for the republican nominations and their declarations follow:

Representative—Samuel O. Dillman, "Statement No. 1. Will support the initiative and referendum, recall, good roads for farmers;" F. W. Lehman, "Statement No. 1, the application of business principles in the enactment of laws;" M. A. Malone, "Statement No. 1, economy, will of the people all the time;" E. D. Olds, "Statement No. 1, less taxes, roads for people not for automobiles;" Gustav Schoerer, "Statement No. 1, against single tax and excessive appropriations;" C. Schuebel, "Statement No. 1, taxing appropriated water powers and franchises and better labor laws;" F. M. Gill, "For Statement No. 1, will support initiative, referendum and recall, good roads for farmers."

County Commissioner—W. H. Mattoon, "Improve all roads in all parts of the county."

Sheriff—E. C. Hackett, "A square deal to all."

County Clerk—Furman Buzbee, "Economy, efficiency and courtesy;" W. L. Mulvey, "Business all the time."

Assessor—E. P. Carter, "Progressive Republican;" James F. Nelson, "Just and Equitable Assessment for all."

Recorder—C. W. Strucken, "Eastern part of county should be represented." L. E. Williams, "Efficiency."

Treasurer—J. A. Tufts, "Courteous treatment to all."

Superintendent of Schools—T. J. Garry.

Coroner—William J. Wilson, "Prompt attention and efficient service."

Surveyor—D. T. Meldrum, "Accuracy and courtesy to all."

Justice of the Peace—Pleasant Hill, Tualatin and Union, N. O. Say; Oswego, E. L. Davidson; Milwaukie, Harmony and Sunnyvale, E. M. Kellogg; Oregon City, Abernethy, Canemas F. H. Bennett and W. H. Holt; Hammond and W. W. H. Samson; Oak Grove and Clackamas, George Bingham; Canby and New Era, William Knight; Cascade, Cherryville and Bull Run, J. E. Pomeroy; Killen and Neely, B. F. Smith.

Constable—Oswego, J. C. Haina, Jr.; Oregon City, etc., George A. Brown and D. E. Frost; Oak Grove and Clackamas F. H. Bennett and W. H. Holt; Cascade, Cherryville and Bull Run, Bert Johnson.

The following are the candidates for the Democratic nominations: County Commissioner—George M. Mattoon, "Economy and efficiency without favoritism."

Sheriff—E. T. Mass, "Strict attention to official duties."

Assessor—J. E. Jack, "Equal and uniform assessments."

Justice of the peace—Marquam, Molalla and Soda Springs, F. H. Dungan. Constable—Marquam, Molalla and Soda Springs, J. F. Adams.

JURORS FOR APRIL TERM ANNOUNCED

The following jurors to serve during the April term of court have been drawn by County Clerk Mulvey: F. S. Baker, Gladstone; Alfred Bell, Sandy; J. V. Harless, Molalla; James E. Wilson, Milwaukie; M. Huiras, Canby; Frank Haberhick, Clackamas; W. H. Bremer, Hubbard; Geo. W. Judd, Eagle Creek; Chris Murralt, Oregon City; John McGehee, Gladstone; J. J. Wifrel, Barlow; Thos. McCabe, Sandy; P. L. Schmeel, Aurora; W. S. Maple, Canby; C. W. Risley, Milwaukie; I. S. Mullan, Milwaukie; Jas. Roake, Oregon City; John F. Wetzel, Milwaukie; Bert McArthur, New Era; Thomas Mooney, Clackamas; W. B. Stafford, Oregon City; N. C. Michels, Oregon City; A. J. Lewis, Oregon City; John Gabler, Jr., Aurora; Otto Aschoff, Mannot; Henry Githens, Estacada; F. F. Mueller, Oregon City; Jack Monk, Oswego; Chas. A. Bartlemy, Boring; Thos. Faden, Oregon City; John Heft, Oregon City.

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LARGEST PAPER MILL PLANNED

CROWN-COLUMBIA PLACES ORDER FOR MAMMOTH MACHINE

CAPACITY IS SIXTY TONS DAILY

Definite Decision Not Reached As To Whether Plant Will Be Located Here Or In Camas, Wash.

The installation of the largest paper mill for the manufacture of news print paper in the world at Oregon City is contemplated by the Crown-Columbia Pulp & Paper Co.

The order has already been placed for the machine and delivery is expected within the next two months, but the company has not definitely concluded to install the machine at Oregon City, having in mind its plant at Camas, Wash.

This machine will make paper 166 inches wide, nearly 30 inches wider than the largest machine of the Willamette Pulp & Paper Co., and will produce about 60 tons of paper per day.

The Crown-Columbia Pulp & Paper Co. maintains paper and pulp mills at Oregon City, and a large amount of the pulp manufactured at its East side mill is transported to Camas, where it is made into the finished product and sold as Washington paper. The cost of transporting pulp from Oregon City to Camas runs into thousands of dollars annually, and the establishment of another paper mill on the West Side, adjoining the present paper mills of the Crown-Columbia Company would mean that the raw pulp could be piped across the river from the pulp mill direct to the paper machine.

W. A. Huntley, L. Adams, Frank Busch, M. D. Latourette and J. E. Hedges were on Tuesday night named as a committee from the Live Wires of the Commercial Club to confer with the officials of the Crown-Columbia Pulp & Paper Co. with the object of bringing the machine here, as it is stated that the employment of about 100 more men would follow.

BOOSTER DAY TO SET NEW RECORD

COMMITTEE DECIDES UPON INDUSTRIAL SHOWS INSTEAD OF CIRCUS VARIETY

ALL EXHIBITIONS FREE TO PUBLIC

Rose Society Committee Confers With Promotion Department Regarding June Carnival

The Publicity Department of the Commercial Club has decided to have the big horse show and booster celebration Saturday, April 27. The advertising and boosting, under the supervision of Marshall Lazelle, secretary of the department, will be started at once. The street exhibitions will be of an industrial nature, instead of being furnished by a carnival company as last year. All the shows will be free to the public.

The Portland Railway, Light & Power Company has promised to have an electrical show with demonstrators present, and the Willamette Pulp & Paper Company will have an exhibit showing how paper is made. It is expected that all mills will have displays. The merchants will be urged to have demonstrators in their show windows. The big horse and automobile parade will be given in the morning, and all the vehicles in the pageant will be gaily decorated. Mr. Lazelle expects to induce the management of the Oregon Agricultural College to send its demonstration train to Oregon City that day.

Mrs. A. C. Warner, Mrs. George A. Harding and Mrs. Rosina Pouts representing the Rose Society met with the Publicity Department and the rose show was discussed. The exhibition will be held in June, and all the stores will be asked to make the day a bargain one. The Publicity Department will give a prize of \$10 for the best rose exhibited, and will donate the front page of the June number of Oregon City Publicity to advertising the exhibition. Mr. Lazelle will prepare the entry lists and the office of the Publicity Department will be headquarters of the officers of the rose show from now on.

The committee is negotiating with the Portland Railway, Light & Power Company to erect a large electrical sign over the suspension bridge. It is the desire that the sign be at least 100 feet above the span so it can be seen by persons on steam and electric trains. The sign which probably will contain the words, "Oregon City," is intended to be permanent and will be illuminated every night.

PLANING MILL STARTS OPERATION IN THIS CITY

The Adkins Lumber Company started its planing mill in the northern part of the city Wednesday, and there is a crew of seven men at work filing orders that have been placed with the company. About \$5000 worth of lumber was shipped to the company's plant this week from the Lower Columbia river.

JAGGAR, IN DEBATE, RAPS SINGLE TAX

ROAD BUILDER PROVES WORTHY FOEMAN OF W. S. U'REN IN ARGUMENT

SPEAKER URGES LAW ENFORCEMENT

Large Crowd At Opera House Hears Interesting Discussion Of Big Issue Before Voters

In his debate Saturday night on single tax with W. S. U'Ren, Frank Jaggar declared that there were enough laws on the statute books, the trouble being their non-enforcement. He scored the land tax theory and insisted that all branches of industry should bear a just proportion of the expense of conducting the various governments. Mr. U'Ren made use of the usual arguments for a land tax, and declared that it was wrong to tax the labor of the people. The debate was held at Shively's Opera House before a large crowd and both speakers were cheered enthusiastically throughout the addresses. Mr. Jaggar, although he has had but little experience in forensic oratory, demonstrated that he is a thinker and a student of economic questions. He made a fine impression.

George Randall presided and introduced the speakers. Mr. U'Ren, in opening, arraigned the present system of taxation, charging that it is a tax on industry. He contended that a man raises more stock or clears a piece of land, his taxes should not be increased. The difference he said, between the value of raw land here and in the foothills is due to the community—the increase in the population. It is the same speaker asserted with the lot in town—those near the city are more valuable than those on the outskirts of the towns. The theory, in regard to these valuations, is that the owners are all instrumental in making high prices and all should benefit from them.

Mr. U'Ren charged that the present system is justified in the eyes of many persons because each should pay all the taxes he is able. He said that the merchants do not pay in proportion what the farmers do.

Many references were made to the single tax roll prepared by Mr. U'Ren and others in which they attempt to show by comparison that single tax is the "greatest good for the greatest number." The assessments in the tax roll are taken from the valuation made by J. E. Jack, county assessor, except where under it personal property is exempted, and the value of the cultivated land is made the same as that of the uncultivated land. In his argument Mr. U'Ren endeavored to show that the corporations were not paying taxes in proportion to the farmers.

When J. E. Jack, the county assessor attempted to tax the money, notes and discounts, he could only find \$164,000 in the report of the State Bank Examiner came in, said Mr. U'Ren, it showed in the Bank of Oregon City, Bank of Estacada, Canby Bank and Milwaukie Bank a total of \$476,000. Mr. Jack's integrity was not questioned but it merely showed the unreasonableness of making a just taxation of all the monies in the country. In his argument Mr. U'Ren endeavored to show that the corporations were not paying taxes in proportion to the farmers.

One point which did not seem to please the audience was the admission by Mr. U'Ren that the Clackamas County Single Tax Bill would abolish the saloon licenses. In Oregon City alone, this would decrease the municipal revenue about \$16,000 a year.

Mr. Jaggar indulged in pleasantries at the expense of Mr. U'Ren by stating that they were as different as day and night and would probably never agree until they were both good Indians. In launching his argument, the Road Builder said that the idea of not taxing labor sounded good, but questioned as to whether or not that was the issue at stake.

The trouble is not with the law at present he said, but with their non-enforcement. If the present laws governing taxation were enforced, the state would be much better off. One big trouble said Mr. Jaggar is that all persons dislike paying taxes. "Our homes, our savings, stocks of merchandise and, in fact, all personal property, is protected by law by the expenditure of taxes which are realized from them so why should they be exempted?" asked Mr. Jaggar. The speaker said emphatically that he was never in favor of changing laws, unless the people would be greatly benefitted thereby.

The man who is never wrong, is never right, hence Mr. Jaggar wants to be shown.

"In exempting the personal property from taxation, we would be making a radical change which would affect the very vital interests of our government system and before so doing we should go over the subject with care and thought," declared Mr. Jaggar.

In refuting Mr. U'Ren's argument concerning the holding of timber for speculative purposes, Mr. Jaggar contended that the single tax bill was not the proper cure for the evil. If the timber were all forced upon the market at once, the slump would injure the state.

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