

OREGON CITY ENTERPRISE

FORTY-FOURTH YEAR—No. 38.

OREGON CITY, OREGON, FRIDAY, SEPTEMBER 17, 1920.

ESTABLISHED 1866

VERDICT IS RETURNED BY JURY AT 4:40 P.M.

"Guilty as charged in the indictment," was the verdict of the jury who heard the case of Russell Brake, who was charged with murder in the second degree for killing Harry Dubinsky a Portland taxi driver.

The jury was out for two hours and returned their verdict at 4:40.

Sentence will be passed Monday morning. It is probable that Tom Garland, District Attorney, will ask for ten days to decide on further action.

The penalty for the second degree in Oregon is the penitentiary.

The murder was committed a few days before the new punishment law for Oregon went into effect or Brake and George Moore, who is now serving a life sentence, probably would have been tried for first degree murder, the penalty of which is capital punishment.

The jury in the case of Russell Brake, who is on trial for the murder of Harry Dubinsky, the Portland taxi driver, was chosen Monday morning after the recall of five of the venire by Tom Garland, attorney for Brake, and one by Gilbert L. Hedges, prosecutor. Mr. Hedges then presented the case to the jury, explaining in detail that the prosecution would prove beyond a doubt that Brake committed the murder, while Garland, in his defense to the jury, said that the defense would prove that Moore committed the deed and that they would endeavor to prove an alibi for Brake.

Garland said that to prove the alibi was difficult on account of his client having been held in jail without being allowed to have an attorney or see anyone for several days and that when they were allowed to seek witnesses who might have seen Brake in Portland on the night of the murder the Shriners convention was on and no one had time or inclination to recall a murder at Oregon City two weeks previous.

Hedges explained in detail the alleged actions of the two young men on the night they are accused of murdering Dubinsky, accusing Brake of doing the actual killing and being the leader in the case.

Moore Assumed All Blame

Garland alleges that Brake and Moore were not together that night, saying that Moore wanted to go to a dance while Brake did not care to go and went to a show instead. He said that Brake and Moore separated and did not see each other until the following morning, when they met at their room in St. Johns. He said that Moore told Brake he had stolen a car and invited Brake to take a lady friend for a ride, which he did. He alleges that Brake did not know of the blood on the car until his passenger called his attention to it. "When Brake was asked where he got the car he called to the girl and said he bought it rather than tell her that his room-mate stole it. He also lied to the officers about it and I will try to prove that the prosecution will work solely on the statements of Moore, who made his confession exonerating Brake on a Sunday after religious services were held in the jail. Immediately after these services Moore called the officers and with his face covered with tears told them he wanted to let them know the truth and said that he alone was to blame for the deed. Moore admitted to Brake it was a murder car after the boys had seen officers watching the car. That was the first Brake knew of the murder."

Jury is Chosen.

The jury selected to hear the case was as follows: Charles Holman, Molalla; A. J. Morrison, Dover; W. C. Heater, Pleasant Hill; William Daniels, Hoff; C. H. Rider, New Era; Fred Wagner, Boring; D. M. Marshall, Estacada; J. E. Dodds, Canby; Spies, Oregon City; James Tracy, Gladstone; Fred Madison, Jennings Lodge; William Rider, New Era.

Defense recalled five of the veniremen, Chas. D. Brandt, William Davidson, W. J. Avison, T. C. Howell, and Rowland Edwards, while the state recalled one, D. L. Erdman.

John Bittner, of Oregon City, was excused on account of illness and J. T. Thornton and E. A. Chapman, were excused when they admitted having formed an opinion, and F. W. Parker was excused as a non-taxpayer.

The case of Russell Brake, who was tried on charge of murdering Harry Dubinsky, a Portland taxi driver went to the jury at 2:41 Wednesday afternoon, the third day of the trial.

Only one witness, F. A. Davis, house detective of the Imperial hotel, was called Wednesday. Davis testified that it was the rule of the hotel to order everyone except the guests out at 1:00 o'clock and that he was on duty the night of the murder but did not remember seeing Brake. Davis admitted that he was not in the lobby all the time and possibly had left for a period of 20 minutes on different occasions. Garland argued that on Saturday night, just before Shriners' week it was not likely the lobby would be practically deserted as Davis alleged.

District Attorney Evans, of Portland, argued the case to the jury from 9:40 until 10:15 and at 10:30 Garland pleaded his case until 11:50 when recess was called. He admitted that his alibi might be weak on account of his client being refused an attorney for several days but argued that the testimony given during the trial was not sufficient to convict. He pleaded that any doubt of guilt be given his client. "No penalty is too severe for the guilty party in this case but it is far better to hang a man than send him to a life of imprisonment as this man will be sent to if you find him guilty. I allege that Brake is innocent or he would have broken down under days of cross-examination before members of the Portland police department."

Garland continued his pleading at 1:00 and finished at 1:25.

District Attorney Hedges presented his case to the jury in an eloquent speech from 1:25 to 2:16. Hedges said that the evidence brought out in the case should prove beyond a doubt that Brake was guilty and that he had absolutely failed to prove an alibi. "His story had been broken in several places. He claimed that he went to bed in the neighborhood of 4:00 after the murder but Mr. Davis, an uninterested witness, who conducts the rooming house, said that the bed was not disturbed that night. Brake failed to give anywhere near a definite time as to his actions on the night of the murder and the house detective of the Imperial told you that it was improbable that Brake had been there at the times claimed."

Judge Campbell's instructions to the jury were given between 2:16 and 2:40 the jury went out.

ONE IS KILLED IN ARGUMENT OVER ELECTION

CHICAGO, Sept. 15.—Voting in the Illinois primary today opened briskly in Chicago during the morning hours, with indications that the total vote cast here might reach 500,000, considerably more than half the number registered.

Michael Fennessey, aged 35, a switchman, was shot and killed by a policeman in an argument said to have started over the election.

Up to 11 o'clock one precinct captain had been reported kidnapped by the opposition, four arrests had been made and one of the special deputy sheriffs sworn in by Sheriff Peters to guard the ballot boxes had been ousted by a policeman.

The weather was fair.

As the day wore on, reports of conflicts grew more frequent. Three automobile loads of armed men kidnaped an election worker at a polling place in the fourth ward, beat a precinct captain in another polling place and shot up a saloon. Both the man kidnaped and the one beaten are anti-Thompson workers, according to Sheriff Peters.

Police and a special deputy sheriff clashed in the second ward and Leo Thornton, a colored deputy sheriff, was arrested charged with assault to commit murder after he is said to have drawn a revolver and threatened to kill a detective sergeant.

Suggestions to extend the boundary lines of Oregon City for the purpose of adding to the taxable property, construction of a Southern Pacific depot, establishment of an auto camp ground and backing a ticket at the coming city election were proposed at the initial luncheon of the Live Wires of the Commercial club Tuesday. The last named proposition was presented by L. A. Henderson.

"The time has come," he said "when we should get into politics and see that the best men are chosen for municipal offices. It would be feasible to cooperate with business men and the American Legion in a ticket that would be strong enough to make a direct appeal to the voters, and knowing that Oregon City is going to choose a mayor, recorder, attorney, treasurer and four councilmen at the November election, no time should be lost in getting into the field a ticket that might be supported by this organization."

Main Trunk Edgar was authorized to name a committee to "solicit the field," and make a report of its investigations.

A. A. Price denounced the depot facilities, or lack of them, maintained by the Southern Pacific Co. "This town has doubled its population and trade since I came here," he said "but our depot facilities have not improved. Only today one of the local transfer companies refused to take freight from the station because of the delay and difficulty involved." There will be a committee appointed to make an investigation.

D. F. Skene was responsible for a proposal that the boundaries of Oregon City be extended, stating that the taxable values might be increased as a result, and another committee will work on this proposition.

The question of the establishment of an auto camp ground was brought up again, and Mr. Henderson urged the acquisition of land near Pulp Station. He said the property had a spring on it, and would be very suitable, but Dr. L. A. Morris and R. L. Shepherd agreed that Canemah Park would be a better spot, and would be available when the new south end outlet of the Pacific Highway is completed. M. J. Lee declared that the highway should come in around the basin and that a grade crossing should be established, with gates as a protection, at Canemah, but it was stated that the state highway commission would not approve such a route and that the high line would relieve the mill and railway congestion near the basin.

"We should keep at work on the south end outlet," said Dr. Morris, "for we cannot get our new bridge across the Willamette until this question is solved. If the county court would take the interest it should, the whole proposition would speedily be concluded."

ADOPTION OF NATIONS LEAGUE URGED BY COX

SALEM, Or., Sept. 13.—The league of nations was advocated by Governor Cox, Democratic presidential candidate, in an address in the armory here at 9 o'clock today, in resuming his intensive campaign.

Introduced by B. F. Irvine, a Portland editor, the candidate urged the league, "to keep faith with the boys who sleep in France—to keep the pledge to make war impossible."

Republican leaders, the "senatorial oligarchy" and Republican contributions were attacked by Governor Cox, who said that corporation contributions to the Republicans, according to the handbook of William Barnes Jr. of New York, "connected big business with the conspiracy to buy the presidency."

The hardest Republican senatorial fights are in Connecticut, where Iran degree is in danger; in New Hampshire, where Moore will be in trouble; New York, where Wadsworth is admittedly in danger, because of the women vote, and in Indiana, where Tom Taggart is giving Senator Watson a hard run.

The Republicans think they have a good chance of capturing Democratic seats in California, Oregon and Nevada. Other states where there are contests are Colorado, Maryland, Kentucky, Wisconsin, Idaho, Arizona, Nevada, Missouri and Ohio. Senator Harding has announced that he will not go into the West unless he takes in all the states where there are senatorial contests.

Olcott Wants Report From Commission

SALEM, Or., Sept. 14.—Governor Olcott has sent a letter to the state industrial accident commission requesting that a report be made covering the progress of the commission's work for the benefit both of interested officials and of the public.

"Because of the wide importance of the work of your commission and the scope of its influence over the welfare of the people of the state," writes the governor, "I deem it would be highly advisable if your commission could prepare for submission to this office, to the members of the committee of fifteen who are examining into proposed amendments to the workmen's compensation act, and to members of the legislature, a report as to the progress of the work of your commission covering a period, say from the time when the committee appointed to investigate your commission made its report. Such a statement, coming from you should be of considerable value, not only to this office and the agencies mentioned, including the legislature, but no doubt will be of great interest to a large proportion of the public as well."

Cottage Grove Cook Loses Eye

Mrs. Hallie Lynch, cook in a hotel at Cottage Grove, whose husband is said to reside in Oregon City, met with a painful accident a few days ago which should be a warning to other women using a curling iron for the hair. Mrs. Lynch was curling her hair, when the iron slipped from her hand and struck her eye in such a manner as to lose sight of that eye.

FAIR NOTES

Among the granges that will exhibit at the fair will be Oswego, Warner, Garfield and Harding. Each member of the organizations is taking an active interest to assist their own home grange to get the first prize, which is \$100. The second prize is \$75; third \$50; fourth, \$25, and the fifth, \$15. Edyth Tozier Weatherhead is to be superintendent of the department.

Hazella and Canby are to compete with each other for the prize offered for the best community exhibit. From indications there will be strong competition. Last year Hazella was awarded first, and Canby won second. The first prize will be \$75; second, \$50, while the third will be \$25.

Already horses are arriving at the fair grounds to be placed in for exhibit. One that arrived a few days ago is a handsome stallion, valued at \$3000, and which was awarded first prize at the Oregon State fair last year.

The poultry show will be larger and better than at any previous fair held at Canby, for there will be an overflow, and the management of the fair has already arranged to secure a large tent for placing some surplus coops.

The sheep and swine barns are to have their share of livestock, for many of the breeders who have never shown before are contemplating bringing some of their prize animals this year.

The Southern Pacific Railroad has arranged to have the trains leaving Canby at 3 o'clock to remain until 7 o'clock, thus giving the fair visitors a chance to listen to the evening concert to be given by the band.

LIVE WIRES TAKE UP IMPORTANT QUESTIONS

The people of Oregon City and others living in the southern part of the county will be able to make trips to the fair this year at any time they desire during the day or evening, for M. J. Lee is to have three large buses in operation leaving Oregon City at 7:30 A. M. to run continuously, and leaving Canby after the dance each evening.

N. H. Smith, one of the prominent Jersey breeders of Clackamas county, is to be at the fair this year with ten head of his fine Jerseys. He will also enter some of his cows in the dairy contest. Mr. Smith's dairy farm is located at Redland. He will also enter some of his Jerseys at the State fair.

Mr. and Mrs. H. H. Hughes of Redland, well known breeders of the Guernsey, will be among the Guernsey breeders to enter for prizes, and to show visitors just what Clackamas county can do when it comes to breeding. They will take a herd of 20 animals, and from the county fair will go to the state fair, where they expect to get some of the prize money offered in the class there.

Miller-Parker Company will exhibit at the fair with a lighting system.

Hall & Sons, of Oregon City, are to meet the public at the fair and show them a full line of Buick and Chevrolet cars.

Grant White of Canby is to have a big line of Ford cars and trucks on exhibition.

The Browning Shows will arrive on the fair grounds Friday morning and will have their shows ready to operate Monday morning, the opening day of the fair.

For the first time the Rutledge Seed Company of Portland will exhibit at the fair.

Kerr-Gifford Company of Portland will be represented at the fair this year with a demonstrator for poultry feed, and will also give instructive talks to the poultrymen on the care and proper feeding of their birds.

The Moose band of Oregon City has been engaged for the four days of the fair, and Manager Koehler and his men are to play many of the latest selections.

As Oregon City day is Tuesday, September 22, a number of the business men of this city have asked to have the stores closed for the afternoon.

The Swan Piano Company of Portland will have a big line of pianos and player pianos in the building.

Miss Cis Barclay Pratt visited Canby this week to arrange for the Red Cross rest room to be on the second floor of the pavilion.

The building for the exhibits has been thoroughly cleaned up from now until Sunday night there will be a steady stream of people bringing in exhibits. An effort will be made to allow only those having exhibits to bring or those helping in the building to be in the pavilion on Sunday, as visitors cause much confusion and are in the way of those trying to erect booths and arrange their displays.

There will be aeroplane flights every day of the fair. Lawrence B. Hickam, representing the Oregon

The Windjammer

The hoydenish exhibition of Governor Cox in making claims concerning campaign funds that he was unable to substantiate has cost him votes. In wet centers the majority of the wet people are for Cox. In dry communities the majority of the drys are against him. The governor started out with a flourish of trumpets and has finished in a dirge, but he has, at least, succeeded in creating a condition wherein both Democrats and Republicans will find it harder to raise money to grease the wheels of the campaign. Mr. Cox, however, gave Will H. Hays the opportunity of his life to play astute politics at the senate hearing, when Hays quietly presented two authentic letters from the president of the New Jersey Association of Liquor Interests to a prominent liquor firm, saying:

The organized liquor trade of New Jersey has set out to do its part toward the election of James M. Cox as the next President of the United States. . . . The nomination of Governor Cox for the Presidency by the Democrats is a big victory for our interests. . . . Governor Cox is a pronounced "wet" and he can be relied upon to approve an amendment to the Volstead act. . . . It is now up to our trade organizations to stand unitedly behind the ticket of Cox and Roosevelt. . . . Jump in and help us fight. Give as much as you can afford.

But after lambasting the Republicans for attempting to "get the money," Mr. Cox needs must look after his own finances, and we turn with comfort to the pages of the New York Times, a Cox supporter, which under the heading of "Gerard to Fill Cox Purse," announces the appointment of Former Ambassador James W. Gerard as treasurer of the National Committee. The new officer says he will accept all contributions offered and uses the words "without limitation of amount," and the Times has this unsavory comment:

Mr. Gerard has had a great deal of experience in raising money for campaign expenses. Beginning in the old Croker days and up to the time when he became a Justice of the Supreme Court, he was Treasurer of Tammany Hall in many campaigns.

We have a profound respect for Mr. Gerard. He has plenty of money and spends it with discretion, being able to grab an ambassadorship in return for a contribution of something like \$30,000 for Woodrow Wilson. If he don't "get the money" from deserving Democrats, who can?

Plans for an intensive campaign over Clackamas county in behalf of the Republican nominees for national, state and county offices are being formulated by the county central committee, which will arrange a series of meetings in the centers of population. The methods employed in the campaign of 1916 will be used, to some extent and an effort made to carry Clackamas county for Harding and Coolidge by a plurality in excess of that given to Charles Evans Hughes four years ago, when this county had more than 1000 Republican votes to spare for the Republican candidate for president.

Meetings will be held in Beaver Creek, Canby, Carver Colton, Damascus, Estacada, Logan, Milwaukie, Molalla, Oswego, Sandy and Wilsonville, and speakers with reputations beyond the state will be secured. The committee also plans to have musical features for its principal meetings.

Aside from the national tickets the chief interest here is in the election of a United States senator, and county judge, sheriff and district attorney. The Democrats have set out to capture the last named offices, but have no candidates for state senator, representatives, commissioner, clerk, treasurer, assessor, recorder, school superintendent, surveyor and coroner, and are centering their efforts to elect their nominees for three positions. All of the Democratic candidates are old campaigners. District Attorney Hedges is seeking another term, being opposed by Levy Stipp, who served for years as deputy district attorney and as justice of the peace. Ex-Sheriff Mass is making a try to oust Sheriff "Billy" Wilson, whose enforcement of the prohibition laws has created for him many enemies as well as thousands of friends, and Robert B. Beattie, twice sheriff and who served as county judge until he was recalled, is making a quiet but thorough canvass of the county to secure votes in behalf of his own candidacy for judge. He is running against Harvey E. Ross, who has been in the state senate and house of representatives, and who has an unusual grasp on county affairs, being one of the heaviest taxpayers in Clackamas county. While the friends and supporters of Mr. Cross do not deny that Beattie will have some Republican adherents, they assert that many Democrats are going to be for Cross on election day.

DRY LEAGUERS MAKE THREATS AGAINST JUDGES

WASHINGTON, Sept. 15.—A committee was appointed today at the Anti-Saloon league conference here to draft a resolution warning federal judges that unless they "sacredly perform their sacred duties" in enforcing prohibition laws the league will seek their impeachment.

The committee was named by the Rev. P. A. Baker, general superintendent of the league, after speakers at the conference had vigorously criticized federal judges for alleged laxity in meting out punishment to those convicted of violation of the prohibition amendment and enforcement law.

Charges were made that some federal judges had "coddled bootleggers and moonshiners" and that prohibition laws were being made "a farce" in some sections by the light punishment.

NEW TEACHERS NAMED.

Three new teachers have been chosen for the school year in this city and are Carl Landerholm, a graduate of Harvard to teach chemistry and French at the high school. Mr. Landerholm taught for two years at Lancaster, Wash.

Mrs. Winifred H. Osborn, a graduate of the Aberdeen, South Dakota, normal and of the College of Puget Sound, will teach science and teachers training at the high school, and Miss Helen M. Stanton has been chosen to teach the second grade of the Eastham school.

LICENSE TO WED.

Charles Swanson, 27, of Portland and Annetta Alma Davis, 20 of Estacada, were issued a marriage license by the county clerk Tuesday.

Washington & Idaho Airplane Company, was in Canby a few days ago to look over the grounds, and finding the electric wires in the city that would be somewhat dangerous to his flying machine, the electric company, under the supervision of Mr. Robinson, had the wires placed at a different angle so as not to have anything prevent the flights from being made in safety.

There will be two floral displays, one by H. J. Bigger of this city, and the other by the Starker conservatory near Meldrum.

The Oregon City Enterprise will have a booth in the main pavilion, where samples of ruling, printing and bookbinding will be on display.

The Clackamas County Auto and Truck Company will be on hand with a big display of Franklin, Studebaker and Don't cars, with Jake Riskey and Carl Wiewersiek in charge. They are planning on having an attractive display.

Carlton Boy Killed.

MINNVILLE, Or., Sept. 9.—Carl Willis, 14-year-old son of George Willis of Colton, was killed at that place this morning when he was thrown from his bicycle while holding onto an automobile and coasting. His skull was fractured, and death followed soon after the accident.

NEIL HART SENTENCED TO DIE ON NOVEMBER 5

PENDLETON, Or., Sept. 15.—Emmett Bancroft, alias Neil Hart, self-confessed slayer of T. J. Taylor, sheriff of Umatilla county, July 25 last, was sentenced to death by hanging on November 5 by Circuit Judge Phelps today. The judge gave W. R. Taylor, sheriff, 20 days in which to remove the sentenced man to the state penitentiary.

The stoic Indian, garbed in his prison attire of blue overalls and blue shirt, received the sentence without emotion and the crowded courtroom likewise received the sentence in silence. Bancroft has assumed an air of complete unconcern in all proceedings since his capture following the murder.

Preceding the sentence, Dr. W. McNary, superintendent of the eastern Oregon state hospital testified that the murderer is sane, and R. W. Fletcher, former of the grand jury, explained that Bancroft had been fully informed of his rights and the fact that he could have a trial by jury if he wished it.

Only once did the defendant show any interest in the proceedings. Following the testimony of Fuy Wyrick, rehearsing details of the hand-to-hand struggle which was staged in the sheriff's office in which Bancroft fired the fatal shot, the prisoner said he wished to make a statement. He said that he was not in the office when the fight first started, but came in answer to a call from Kerby. He picked Sheriff Taylor's revolver from the floor at the entrance to the office, he said. It was but a slight digression from the details given by Mr. Wyrick.

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SCHOOL HAS FLAG.

A handsome new flag is waving from the flag staff on the new high school building at West Linn. This has been purchased for the building, and all the students of the institution are proud of the Stars and Stripes.

It is planned to hold dedication exercises of the new building as soon as the students have been settled in their various classes. This will be an evening event and will be open for the public.

HAWLEY PAPER CO. PURCHASES TIMBER ON NECANIUM RIVER

The Hawley Pulp & Paper Co. has a timber supply for 15 years on the present basis of consumption, according to a statement made here Tuesday by Willard P. Hawley, Jr., general manager of the concern.

"We have just purchased 10,122 acres of spruce and hemlock in the upper Necanium river district in Clatsop county," said Mr. Hawley, "for which we paid \$850,000. We acquired practically all of this property from the Jones-Wheeler Co., and it has enough timber to make around 200,000 tons of paper."

The Hawley Co. is manufacturing about 100 tons of paper daily.

COUNCILMAN TOBIN IS ASKED TO BECOME MAYOR CANDIDATE

Petitions were placed in circulation Tuesday asking J. J. Tobin to become a candidate for mayor, and are receiving a large number of signatures. Mr. Tobin has been a member of the council from the first ward for several years. He is chairman of the finance committee and is one of the keenest students of municipal affairs in Oregon City.

Pacific Highway At Oswego Impassable

Motorists are warned that the Pacific highway is impassable between the Multnomah county line and Oswego, due to two short fills being made to the approaches to Tryon creek at Wilsonia. The approaches, which were almost ready for the crushed rock dressing Friday, have been made veritable quagmires by the rains of Saturday night and Sunday. These fills, which are each about 200 feet long, will be rocked as soon as the weather permits.

In the meantime motorists are advised to detour at Fulton by continuing out, Virginia street, which leads into the Boone's Ferry road, and avoid Macadam street and Riverside drive south of Fulton. The Boone's Ferry road should be followed to about the nine-mile post, where there is a sign "Oswego One Mile" Turn to left and continue without any sharp turn until Oswego is reached.

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