

GUILTY AS CHARGED.

SLAYER OF SHERIFF WITHERS CONVICTED OF MURDER AT EUGENE.

Jury was out but ten Minutes—Assassin's Mother in Court—Chief Trouble was in Securing Jury—Other News

Eugene, Or., March 3.—Elliot Lyons, the slayer of the late Sheriff Withers, is now free to face with the court of justice which is to determine the punishment he shall receive for his terrible crime. The grand jury brought in an indictment against him, charging murder in the first degree.

Shortly after the indictment was handed in, the prisoner was taken from the jail to the courtroom, which was his first appearance outside of his cell since his incarceration three weeks ago. He was shackled and guarded by two deputy sheriffs, who took every precaution against any violence on the part of any who were along the route. No demonstration of any kind was made, but as soon as it became known that Lyons had been taken up the courtroom quickly filled with spectators, who were anxious to get a glimpse of the prisoner and hear the reading of the indictment to him.

Upon entering the courtroom the shackles were removed and the prisoner was conducted to a seat near the bar. He was immediately called, and District Attorney Brown read the indictment to him. During the reading Lyons showed marked signs of weakness, and it will not be a surprise if before the trial is ended he will entirely collapse. He appeared scarcely able to stand, and leaned heavily upon the two deputies for support, and tears flowed in copious streams down his pale face while the District Attorney was reading the indictment.

It was also evident that the prisoner had some realization of the wrath of the public against him, and he cast furtive glances about the staring audience. It was clear that he could not look to the public for mercy, and his only hope was in the court. He seems to realize the hopelessness of the case and looks for nothing but quick conviction.

The prisoner having no counsel, George B. Davis was appointed by the court to defend him, and he will be called upon to plead tomorrow.

Eugene, Or., March 4.—Elliott Lyons who, while resisting arrest for horse-stealing at his home west of Eugene on February 5, shot and killed Sheriff Withers, of this county, was tonight found guilty of murder in the first degree by the jury in ten minutes.

Eugene, Or., March 4.—The case of E. E. Lyons occupied the entire time of the circuit court today. The entire forenoon was consumed in securing a jury, a large number being rejected for various reasons, finally about noon the jury was completed and sworn, and in the afternoon the trial began. The attorneys for the prosecution and for the defense made very brief preliminary statements outlining the case to the jury, after which the taking of testimony began. The evidence was very much the same as has been published in the papers.

The aged and infirm father and mother of Lyons were brought into court and their testimony taken. It was a touching sight when Mrs. Lyons was brought in on pillows and for the first time since the tragedy, saw her son. Tears stood in many eyes besides those of the prisoner and his mother. Her testimony was mostly on the point of her interference with the officer. She stoutly denied having attempted to prevent the sheriff from performing his duty, but says she was asking the sheriff for what crime he was arresting her son when the shot was fired.

Baker City, March 3.—Two hundred men made a determined attempt this morning to lynch Pleasant Armstrong, in the jail here, for the murder of Minnie Ensminger, at North Powder, December 24. Most of the men were railroad employees, ranchers and miners from North Powder, and who were friends and acquaintances of the Ensminger family.

They gathered at Baker City at midnight and attacked the jail at 2 o'clock this morning.

The sheriff had warning of the approach of the mob and, just in time, spirited Armstrong across the street to the Bowen Building, where

he was kept under guard till daylight.

The mob would not disperse until it had searched every nook and corner of the jail.

The attempted lynching will be investigated by the court and the grand jury, and the leaders brought to trial, if possible.

Armstrong and Minnie Ensminger were lovers. The girl's parents objected to their union and they made a compact to commit suicide together.

Instead of keeping the agreement, Pleasant Armstrong killed the girl and permitted himself to be captured and charged with wilful murder.

Oakland, March 3.—The largest and most significant railroad deal of years has been consummated in San Francisco and virtually the theory which was advanced some time ago that George Gould and his railroad interests are to build west from Ogden to the coast. The latest development is a purchase by the San Francisco Terminal Railway & Ferry Company and the Stockton & Beswick Railroad company of tide lands upon which it is proposed to locate a mammoth freight depot and freight yards. The first cost of the track was \$1,000,000 and it will require at least another \$2,000,000 to fill it in and render it fit for use.

Nothing definite has been given out concerning the intentions of the purchasers, but it is very well known that Gould has intimate connection with the management of the two companies interested in the recent acquisition and there is absolutely no need for such yards and buildings as are in contemplation were they intended solely for use by the small lines which have made the purchase.

The freight depot and terminal grounds has an area of 76 acres and is located in an advantageous district.

For months there have been rumors current that Gould would put his road, which has its present terminus at Ogden, through to the coast in opposition to the Southern Pacific and the Santa Fe. It is now considered a certainty that this action will be taken.

Washington, March 3.—Senator Mitchell, as was feared some time ago, is apparently overtaking his strength in his endeavors to dispose of a great mass of correspondence that has accumulated during his six weeks' illness. He did not appear in the senate until a late hour today, when he escorted Senator Fulton. He went out against the protest of his nurse, who is with him constantly. The senator's temperature today went up to 102, and he felt his lack of strength as he attempted to get about. Endeavors have been made to induce him to refrain from work until he is stronger, but the pressure upon him from his constituents continues, and he dislikes to leave the work undone.

Immediately after escorting Mr. Fulton to the senate this afternoon Senator Mitchell returned to his hotel and went to bed, under direction of his doctor. His condition is not regarded as serious, but merely a result of overexertion. The delivery of his eulogy on Representative Tongue last Sunday affected him more than was apparent at the time, and yesterday he visited several of the departments, tiring himself by the effort. If possible his doctor will restrain him from further exertion until he recovers his strength.

Summons.

In the Circuit Court of the State of Oregon for Benton County, Seth H. Childs, Plaintiff, vs. R. E. Longbottom, J. J. Longbottom, A. Roy, Saddle Roy, Amanda M. Longbottom, John Longbottom, Hattie Longbottom, Defendants.

To R. E. Longbottom, J. J. Longbottom, A. Roy, Saddle Roy, Amanda M. Longbottom, John Longbottom, Hattie Longbottom, Six of the defendants above named: Inasmuch as the State of Oregon, you are hereby summoned and required to appear in the above Court at the Court room thereof, in the City of Corvallis, Benton County, State of Oregon, on the 10th day of February, 1903, at 10 o'clock in the forenoon, to answer the complaint now on file in said Court in this suit and if you fail to appear and answer for want thereof the Plaintiff will take a decree of said Court for the following described premises to-wit: That the Plaintiff is the owner in fee simple of the following described premises to-wit: Beginning at a point where the E. line of the Quarter of Section 2 being the S. W. Corner of Robert Grier's homestead claim; and running thence W. 80 rods; thence N. 87 and 1/2 rods; thence N. 80 rods; thence E. 1/2 rods to the place of beginning; also a narrow strip land being a part of Lot No. 3 in said Section 2, and bounded as follows: On the E. by the S. E. Quarter of the N. E. Quarter of said Section 2, running thence N. 22 rods; thence W. 2 rods and 16 links; thence S. 22 rods; thence E. 3 rods and 16 links to the place of beginning containing half an acre, except the following:

Beginning at a point where the E. line of the James Edwards Don C. I. Not. No. 7870 C. I. No. 47 running thence East 61 degrees South 1/2 chain and 64 links thence S. 55 degrees W. 2 chains to Aissa River; thence following said river to where it intersects said E. line of said James Edwards land claims thence N. to the place of beginning containing one-fourth acre more or less all being in Section 2 T. 11 S. E. W. Will in Benton County, State of Oregon, and describing that you have no right, claim title or interest in or to the above described premises and that you are not asserting any claim or interest therein. This summons is published by the order of Hon. Virgil E. Waters, Judge of the County Court of the State of Oregon for Benton County made on the 10th day of February, 1903, to be published for six consecutive weeks and the date of the first publication thereof to be February 11, 1903.

W. S. and J. N. McPadden, Attorneys for Plaintiff.

SCALED THE WALLS

OF STATE PENITENTIARY WITHOUT BEING DISCOVERED BY GUARDS.

Second Warden McPherson did it—Guards Removed by Governor for Inattention to Duty—Brownell and Union Labor—Special Election Called.

Salem, Or., March 3.—In order to test the vigilance of the night guards on the prison wall, Second Warden E. A. McPherson last Sunday night climbed over the wall, went through the shops and climbed out again. He scaled the wall where Tracy and Merrill crossed it last summer.

This feat on the part of the warden was accomplished at the risk of his life, for if he had been discovered by one of the guards he would very probably have been instantly shot. As a result of this test Governor Chamberlain today asked for the resignation of the two wall guards, T. E. Hammersley and D. J. Ferree, on the ground that they had neglected their duty, to the serious peril of the safety of the prison.

McPherson is the new second warden appointed about a month ago. He has believed for several days that the wall guards were not vigilant, and declared his belief that he could safely scale the wall at night. He made known his intentions to the guard inside the wall, Simpson, and about 11 o'clock at night, Sunday, he went around to the north side of the enclosure, put a ladder against the wall, climbed up, and then transferred his ladder and climbed down the other side. He went all through the shops and the yard, and then climbed back on the wall. He went into one of the guardhouses and took the guard's hat and overcoat, and then left the wall and went back to the office. Here he locked up the clothing he had taken, and on Monday morning reported to the governor. It is said that the governor ordered the discharge of the guards at once, but that he afterward countermanded the order and gave the men a hearing today.

McPherson and Simpson both told of the occurrence, and the guards were given an opportunity to cross-examine their accusers or to make any statement they wished. They had little to say, except that they had perhaps dozed a little, and claimed they were not derelict in their duty. It is understood that friends of the two men interceded in their behalf, urging that the humiliation of discovery was sufficient punishment, but the governor would not see it that way. He held that the discipline of the institution required the immediate dismissal of any guard found lacking in vigilance, and would listen to no plea. "If you were my own brothers," he is reported to have said, "you would have to go."

It is quite certain that the rifles with which Tracy and Merrill did their deadly work were taken into the prison shops by some person who climbed the wall at night. At that time there was no night guard on the wall, and only one inside the enclosure. Now there are two on the wall and one inside. While the wall is long for two guards to watch, two can maintain a constant survey of every part of it, if they are vigilant. On Sunday night the guards were probably together at a distant part of the wall, or were not giving attention to their work. The only charge against them is that they failed to detect McPherson while he was entering and leaving the enclosure.

It is evident from this move on the part of the new administration that efficiency and performance of duty are to be requisite qualifications for holding a position at the state prison.

Salem March 4.—Governor Chamberlain tonight issued a writ ordering that a special election be held Monday, June 1, for the purpose of electing a congressman to fill the vacancy caused by the death of Thomas H. Tongue. The writ will be printed and forwarded to the different sheriffs in a day or two.

The issues of this writ will be the signal for the starting of all the political proceedings by which the candidates of the different parties are nominated, and will also be the signal for all the candidates to begin their work. The writ issued by the Governor commends all the sheriffs of the different counties to notify the judges of election to hold a special election. This is in accordance with section 2844 of the

code. Section 2765 of the code makes it the duty of the County Clerks, ten days before a special election, to mail to each judge and clerk of election two printed notices of the election, which notices are to be posted by said judges and clerks.

Both the Democrat and Republican Congressional committees will be called together to fix a time for holding Congressional conventions, and then each county committee will fix dates for primaries and county conventions for the purpose of selecting delegates to the Congressional conventions. When the Congressional conventions have named their candidates, the nominations will be filed with the Secretary of State, and that officer will certify the nominations to the County Clerks, who will prepare the ballots. The nominations must be filed not less than 45 days prior to the election. The writ issued by the Governor is as follows:

"To the sheriff of each and all of the counties comprising the First Congressional District of the State of Oregon, greeting. In the name of the state of Oregon: Whereas, by reason of the death of Thomas H. Tongue, Representative in Congress of the United States for the First Congressional District of the State of Oregon, I do order that at the date hereinafter named, a special election be held in the First Congressional District of the State of Oregon to fill the said vacancy, and you, the said sheriff of the said district, and each of you are hereby commanded to notify the several judges of election in each and all of the several election precincts in your respective counties to hold a special election in each of said counties and precincts on Monday, the 1st day of June A. D. 1903, in manner and form as general elections are held, and pursuant to the statutes in such cases made and provided, for the purpose of filling the vacancy aforesaid caused by the death of Hon. Thomas H. Tongue, and for his unexpired term."

Oregon City, March 3.—After the regular meeting of the Federal Labor Union, held last evening, about 45 members of the different unions of this city met in a mass meeting to take action on the failure of the legislature to pass the two labor bills known as 148 and 149. The resolutions are as follows:

"We, the members of the several labor unions affiliated with the Federal Labor Union pass the following resolutions condemning the judiciary committee, and also Senator George C. Brownell, from this county. Therefore, be it

Resolved, That it be the sense of this meeting that we condemn the action of the judiciary committee in reporting adversely on labor bills Nos. 148 and 149, and for not letting said bills come before the said senate for its action. And, therefore, be it

Resolved, That George C. Brownell, posing as a friend of labor for the purpose of securing votes in Clackamas county, did say that if he was elected senator he would secure the passage of these labor bills referred to above. Therefore be it

Resolved, That we, as Union labor people, do hereby condemn the said George C. Brownell for speaking an untruth in regard to labor principles, and we also condemn him as a traitor to all organized labor in Oregon, and would recommend that in the future, we, as union people, withdraw all our political support from the said George C. Brownell.

Disolution Notice. Notice is hereby given that the copartnership existing between Homer Lilly and Oliver Wicks is this day dissolved by mutual consent. Mr. Wicks retiring from the firm. The business will be continued at the old stand by Homer Lilly, to whom all accounts are due and payable and by whom all debts of the firm will be paid. Dated at Corvallis, February 28, 1903. Homer Lilly, Oliver Wicks.

Nut Butter Is a very popular substitute for fats and oils. At Zieroff's. For Sale.

Shropshire sheep and Poland China hogs. Wanted to buy or take on shares, a band of goats. L. L. Brooks.

Notice of Final Settlement. In the Matter of the Estate of James Marvin Applewhite, deceased. Notice is hereby given that J. E. Wilson, administrator of said estate of James Marvin Applewhite, deceased, has filed his final account as such administrator with the clerk of the County Court of Benton County, State of Oregon, and the said Court has fixed Saturday the 14th day of March, 1903, at the hour of 10 o'clock in the afternoon of said day as the time, and the County Court room in the Court House in Corvallis, Benton County, Oregon, as the place for hearing any and all objections to the said final account and for settlement thereof. Dated this February 7, 1903. J. E. WILSON, Administrator of the Estate of James Marvin Applewhite, deceased.

PONY LIVES ON COAL DIET.

A Pet Shetland in Chicago Develops an Appetite for Bituminous Fuel.

A Chicago butcher is greatly annoyed by the insatiable appetite his pet Shetland pony has shown of late for soft coal. One day lately the pony broke its halter strap, and finding the barn door locked, squirmed through a hole in a partition between the barn and a coal shed, where it was found some time later, contentedly munching the fuel.

The owner was at a loss to account for the unusually large amount of coal his family had used this winter until he found the pony in the coal bin. The discovery also explained, he thought, why the pony had been "off its feed" of late, and why condition powder had failed to restore its appetite.

In his opinion, the pony had been in the habit of appeasing its hunger with soft coal for several weeks past. The animal has grown fat on its unusual diet.

A New National Park. Katherine Louise Smith tells in Outlook the need—and the opportunity—for a new national park in north central Minnesota. There stands to-day a piece of ancient forested America (in fact, the only great northern pine forest between the Rocky mountains and the Atlantic ocean) which it is possible still to save from destruction. Within the limits of the Chippewa Indian reservation, along the Leech, Cass and Winnebago lakes, there are, as if ready and waiting for this purpose, 611,592 acres of land and 218,270 acres of water surface. It is the land of the original Dakotas and Ojibwas—the cradle of northwestern story and tradition.

Considerate of the Thief.

The following advertisement recently appeared in a London paper: "Milk—If the individual who stole the milk off my doorstep this morning will be good enough to knock at the door on the occasion of his next professional visit I'll give him a drop of rum to put in it. Milk taken neat on cold mornings and an empty stomach is likely to injure the internal economy of outdoor workers. Address, etc."

Reduction in Water Rates.

We are proposing to reduce the rates on water, and to arrange with all consumers so that all may be treated the same. To do this we must insist on all bills being paid in advance or by the 10th of the month as our rules and regulations call for, and as all other cities require. We have no desire to have any trouble with any consumer, but to treat all alike. Our rules must be enforced. If anything should happen that the water is not used after being paid for, the money will be refunded. Very Truly Yours, Corvallis Water Co.

Notice of Final Settlement.

In the matter of the Estate of William Allen, deceased. Notice is hereby given that I, Mary C. Allen, as administratrix of the estate of William Allen, deceased, have filed my final account as such administratrix with the Clerk of the County Court of Benton County, State of Oregon, and the said Court has fixed Monday the 6th day of April, 1903, at the hour of one o'clock in the afternoon of said day as the time, and the County Court room in the Court House in Corvallis, Oregon, as the place for hearing any and all objections to the said final account and for settlement thereof. Dated this March 7, 1903. Mary C. Allen, Administratrix of the Estate of William Allen, deceased.

Notice of Final Settlement.

Notice is hereby given that the undersigned, executrix of the estate of John Burnett, deceased, has filed her final account in said estate in the County Court of the State of Oregon for Benton County, and on Monday, April 6th, 1903, at the hour of ten o'clock a. m., at the County Court room in the Court House in Corvallis, Benton County, Oregon, is the time and place fixed by the Court for hearing objections, if any, to said final account and settlement thereof. Dated this March 7, 1903. Mary C. Burnett, Executrix.

Administrator's Notice to Creditors.

Notice is hereby given, that the undersigned has been appointed administrator of the estate of Kinman Vanderpool, deceased, and all persons having claims against said estate are hereby required to present the same duly verified as by law required to me at Wells, Oregon, or at the office of Yates & Yates, Corvallis, Oregon, within six months from this date. Dated at Corvallis, Oregon, this 7th day of February, A. D. 1903. VIRGIL A. CARTER, Administrator of the estate of Kinman Vanderpool, deceased.

Referee's Sale of Real Property.

On the 7th day of March, 1903, at the hour of one o'clock P. M. at the front door of the Court House in Corvallis, Oregon, I will sell at public auction to the highest bidder, for cash, the following described real estate to-wit: Lots nos. 107 and 114 in block no. 25 in the City of Portland, Benton County, Oregon. Said sale is made under and in pursuance of an order and decree of the Circuit Court of the State of Oregon, for Benton County in the suit of George H. Burtch, et al. Plaintiffs—vs—Jennie Churchill et al., Defendants, a proceeding for the partition and sale of real property. M. P. BURNETT, Referee appointed by the said court to sell said real estate.

Notice for Publication.

Timber Land, Act June 3, 1878. United States Land Office, Oregon City, Oregon, July 12th, 1903. Notice is hereby given that in compliance with the provisions of the act of Congress of June 3, 1878, entitled "An act for the sale of timber lands in the states of California, Oregon, Nevada, and Washington Territory," as extended to all the Public Land States by act of August 4, 1892, Adalbert D. Perkins, of Toledo, county of Benton, state of Oregon, has this day filed in this office his statement No. 6009 for the purchase of the N. 1/2 of NE 1/4 of Section No. 28 in Township No. 12 S Range No. 1 West, and will offer proof to show that the land sought is more valuable for its timber or stone than for agricultural purposes and to establish his claim to said land before Victor P. Moses, Clerk of said land before Corvallis, Oregon, on Wednesday, the 8th day of April, 1903. He names as witnesses: John W. Ryde of Philomath, Oregon. Frank M. Spencer of Philomath, Oregon. William Braxton of Toledo, Oregon. Charles Kregger. Any and all persons claiming adversely the above described lands are required to file their claims in this office on or before said 8th day of April, 1903. CHAS. B. MOORES, Register.

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Time Card Number 21.

2 For Yaquina: Train leaves Albany 12:45 p. m. " " Corvallis 2:00 p. m. " arrives Yaquina 6:25 p. m. 1 Returning: Leaves Yaquina 6:45 a. m. Leaves Corvallis 11:30 a. m. Arrives Albany 12:15 p. m. 3 For Detroit: Leaves Albany 7:00 a. m. Arrives Detroit 12:05 p. m. 4 from Detroit: Leaves Detroit 12:45 p. m. Arrives Albany 5:35 p. m. Train No. 1 arrives in Albany in time to connect with S. P. south bound train, as well as giving two or three hours in Albany before departure of S. P. north bound train. Train No. 2 connects with the S. P. trains at Corvallis and Albany giving direct service to Newport and adjacent beaches. Train 3 for Detroit, Breitenbush and other mountain resorts leaves Albany at 7:00 a. m., reaching Detroit at noon, giving ample time to reach the Springs the same day.

For further information apply to EDWIN STONE, Manager. H. H. Cronise, Agent Corvallis. Thos. Cockrell, Agent Albany.

J. P. Huffman, Architect Office in Zieroff Building. Hours from 8 to 5. Corvallis, Oregon.

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