TPE MORNING OREGONIAN, TUESDAY, MARCH 26, 1901.

POINTS TO CREEN seen yesterday after the murder and in-formed of it. He said: "Well, I suppose now they will hold **RAILROAD WINS ITS SUIT** Well, I suppose this up against me. now they will hold Late vesterday afternoon Sheriff Tottot

Assassination.

VERDICT OF CORONER'S JURY

Testimony Proved a Double Tragedy Was Narrowly Averted-Diligent Search of Officer for Suspect Unrewarded.

HOOD RIVER, March 25. - Develop ments in yesterday morning's cold-blooded murder of Edson V. Benjamin, at the Wendorf ranch, near Underwood's Landing, Wash., seem to point conclusively to the guilt of James Green, a logger of that vidnity. Green has been suspected of the murder from the start. Both his previous and subsequent acts seem to show the correctness of this theory. Before the murder Green made repeated threats on Benjamin's life. Since its commission, although living only half a mile away from the scene, he has not been found. Sheriff Totton and his posse have made an active search for him. The Cor-oner's jury, after hearing the testimony of eye-with esses of the shooting and Benjamin's death, brought in a verdict late last evening that death came as the result of a gunshot wound inflicted by an unknown individual, but that "all evidence points to James Green as the guilty sarty.

Double Tragedy Narrowly Averted. The fact that only by the splitting of the assassin's bullet was a double tragedy averted is regarded as another scrap of evidence against Green. Mrs. Nellie Brown, daughter of Ed Underwood, sat next to Benjamin at the midnight supper in direct line with the shot. Whet ft-was fired, the builet entered Benjamin's head over the left ear, and on emerging from the heavy right cheek bone split in two. One of the flying places was imbedded in Mrs. Brown's arm. By this it is evident that she was also marked as an object for assassination. Green has often threatened her life, and has been in-sanely jealous of any attentions paid her, however innocent and friendly. Within three months he was engaged to be married to her. They quarreled. The en-Green has repeatedly said:

"I have nothing to live for now. I will kill myself, but some one else will go

Benjamin had often been the object of Green's threats. The dead man was Hef that the man had met his death by charged by Green with being responsible for the loss of the affection of Mrs. Brown, who is hardly more than a girl, sugh divorced from a previous marrlage.

Green is said to have made the asser. tion that Benjamin, who was a married man, and on friendly terms with the Underwood family and the daughter, Mrs. Brown, broke off Green's engagement with Mrs. Brown by "lying talk." In his ire against Benjamin he included all the latter's friends, and all who paid any have been instantaneous. The body is friendly attentions to Mrs. Brown,

New Facts at the Inquest. Two incidents brought out at the Coro-

mer's inquest flustrate Green's jealous pursuit of Benjamin and his former lover. Abe Ames, who was present at the Wen-dorf dance, testified as follows:

"The night of the dance, going from the house to the barn, I heard a man walking away from the corner of the house, about 100 feet away. I couldn't see who it was, nor whether he had a gun. Five minutes later I heard the shot."

"Did you suspect who it was?" "I suspected Jim Green. Two months the los

and his posse arrived. In the evening they went to the Beals ranch and sur-rounded the house. Green was not there. Evidence in the Hood River Beals asked the men inside, then took a lantern and went to the barn. He is reported to have said: New Value Will Be Placed on Prop-

ported to have said: "For God's sake, boys, don't follow me, It isn't safe. Stay there." He went to his barn, and on his return said: "If you fellows don't follow Green tonight I am satisfied that he will give himself up this morning." Green is sup-posed to have been in the barn or the vicinity at that time. In the search to-day no trace of the fugitive was found. Although refusing to act because he was Although refusing to act because he was a witness, Justice Haynes' testimony was unimportant, save in one particular, that Green had called at his house the night of the murder about 10 P. M. in a drunken condition. By the residents in the vicin-ity of Underwood's Landing an unsup-noted runner is held that Green called Company and the Southern Pacific Company against Jackson County. In the is victorious, but the decision of the Supreme Court is not as favorable to the company as was that of the Circuit Court. The costs of the appeal, which will be

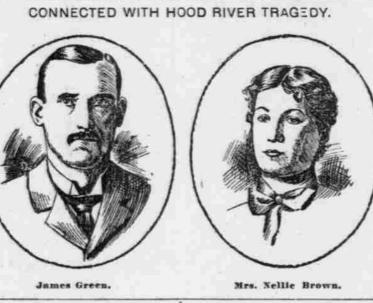
ity of Underwood's Landing an unsup-ported rumor is held that Green called at the Haynes' ranch half a mile from Wendorf's after the murder and made severe threats to Mrs. Haynes in case her husband took action against him. By this means the local machinery of the law was completely blocked, and the suspect

and lands of the Oregon & California Railroad Company. It was charged that was completely blocks, and managed to escape. Sheriff Totton, Constable Woods and Deputy Tyrell are conducting the search. Barticold Company. It was charged until the Assessor, G. A. Jackson, fraudulently assessed the property at an arbitrary and excessive rate, and that later, when he

UNKNOWN MAN MURDERED.

Body Discovered Alongside Railroad

Track Near The Dalles. tried before Judge H. K. Hanna, and re-sulted in a decree reducing the assess-THE DALLES, Or., March 3.-The body of an unknown man was found alongeide the O. R. & N. Railroad track, near Sum-mit, seven miles west of here yesterday ment. The county having appealed, the Supreme Court, in a lengthy opinion by Judge C. E. Wolverton, modifies the deafternoon. The discovery was made by a section hand. The body was jying face downward and was partially covered with a blanket. This gave rise to the be-the time when Assessors are beginning



their year's work, will be of great public value.

erty Where Officials Act Arbi-

trarily-Other Decisions.

SALEM, Or., March 25 .- The Supreme

attempted to be levied upon the roadbed

sleeping on or too near the track. Coroner Butts was notified and brought History of Case. the body to this place late last night. At the inquest held today the fact was dis-It appears that Jackson was elected As sessor of Jackson County in 1894, and in June, 1896, was elected County Clerk, Afclosed that a bullet which entered at the right eye and lodged in the brain was the cause of death. Fifteen dollars in coin, ter his election as Clerk and before his term of office began, he assessed the property of the Southern Pacific, then re-signed and took the office of County Clerk, by virtue of which office he was a mem-ber of the County Board of Equalization and took the office and the second a watch and pistol were found on the body. The pistol was carefully wrapped in a cloth and wedged tightly into a and sat in judgment on his own work as Assessor. He had assessed no other prop-erty than that of the Southern Pacific lying at the city morgue as yet unidenti-fied. The clothing is that of a working man, consisting of overalls, jumper and Company, leaving all other property to his successor. His assessment was as follows:

Held for Cattle-Killing.

VALE, Or., March 25 .- Sam Winchester and Harry Hinton, of Westfall, were The roadbed and franchise were assessed at \$10,000 per mile. The Southern Pacific Company asked the County Board of brought here yesterday from Ontario, where they were tried in the Justice Court for killing a 3-year-old steer belonging to the Pacific Livestock Company. They Equalization to reduce the assessment to \$3500 per mile on roadbed, and to 35 cents are held in \$200 bonds to await the action of the Circuit Court. It seems that Manper acre on Congressional and indemnity land, which request wus denied. The board struck out the word "franchise," how-ever. Before the taxes became delinquent ager Kliburn, of the livestock company, was informed that the animal had been killed, and was directed to the spot where

high-laced logger's boots.

a railroad, which may be said to have no current value, several elements must be taken into consideration, namely, the cost of construction, the cost of replacement. its connections with roads and advantages in a commercial way for commanding the commercial trade, its rental value, its net earnings, and the market value of its stocks and bonds." JACKSON COUNTY ASSESSMENT CUT BY SUPREME COURT.

The opinion reviews the testimony showing that in 1895 the county board reduced the assessment on roadbed and rolling stock to \$33,257, and that the estlmates of a number of other County As-sessors placed the value of the roadbed

and rolling stock at from \$3500 to \$6000 per mile. Jackson, in an affidavit made for the purpose of vacating the preliminary Court today modified the decision of the injunction, stated that he took into con-sideration the fact that the company had Circuit Court for Jackson County in the suit of the Oregon & California Railroad borrowed \$33,600 per mile on its road and had since made valuable improvements thereon; that the same line in California is assessed at \$17,500 per mile; that the board did not consider earnings as a basis suit on the whole the Southern Pacific of assessment, and that Manager Koehler admitted that it would cost \$20,000 per mile to rebuild the road. It was shown, large, are taxed to the company. The suit was brought by the plaintiffs to enjoin the collection of certain taxes however, that the California valuation is an average of the whole line, much of which lies in a thickly settled country, where all property is of great value, and

where the earnings are much greater. The opinion then says: Other Property Not on Same Footing. "At any rate, the standard of compari-son of one road with another lying in a

had become County Clerk, he and County Judge Crowell, as a majority of the Coun-ty Board of Equalization, fraudulently different state, for the ascertainment of values for assessment purposes, is unsafe and unsatisfactory. It is in evidence also that the mileage rate of assessment sustained the assessment. The sult was of the roadbed of the railroads within this state, in other counties, from 1891 to 1896, ranges from \$20% on branch lines to \$1500 on main lines and of the Oregon & California system from \$2000 to \$4500 per mile. It may be safely affirmed that real property, other than that belonging to the railroad company, was assessed in to the rainfoad company, was assessed in Jackson County in 1896 at about 50 per cont of its real cash value. . . . It is a matter of which the court may almost take judicial cognizance that the assessing officers have been valuing real prop. erty at a very large percentage below its

real cash value, and the practice in Jackeon County is by no means an exception to the prevailing rule. If all real propcrty was assessed at the same ratio of value, there could be no inequality. If one class of real property, however, is as-sessed by a percentage valuation higher than another, it needs no argument to demonstrate that it would be inimical to the constitutional requirements of uni-

formity." The court says that it is plain that Jackson made his assessment with the intent of setting a preconceived and arbitrary value upon the roadbed and Congressional and indemnity lands of the company, and that the assessment was capriciously made in he first instance. It is also said that the evidence tends to show that the county board adhered to this overestimate by design.

Rate of One-Half of Worth Fixed.

The opinion states that a computation pon the basis of earnings shows the road to be worth on an average \$11,133 per mile, which should be reduced 50 per cent, to correspond with other property, making the mileage value \$566. This, however, includes rolling stock, depots, etc., which are estimated at \$1028 per mile, and should deducted. The bonded indebtedness is \$29,040 per mile, which, at market value, would be \$21,780 per mile, but this is secured not only by the railroad, but also by the land grant and guaranty of the Southern Pacific Company. This value reduced 50 per cent would be \$10,850. The evidence as to the value of the lands is reviewed, and the opinion says: "It is not the province of this court to

make assessments of property in the first instance, or to revise such as are made and equalized by the lawfully constituted boards; but, when it is confronted with the condition that an assersment and equalization have been arbitrarily and ca-priciously made, it must ascertain and determine, as nearly as practicable, the ap. propriate value at which such property should be assessed, so as to require that justice be done the parties involved. The estimate of the value of the roadbed placed upon it by the court below at \$4500 per mile appears to be fair and equitable,



About sixty? And yet probably you are not a day over forty! At this time of life gray hair adds twenty years to the looks. What is to be done? Just use Ayer's Hair Vigor, that's all. 'Twill bring back the old, dark color to your gray hair every time, all the dark, rich color your hair used to have. It isn't a dye, something that suddenly changes your hair ; but it's a hair food, something that gradually but surely brings back the old color.

Ayer's Hair Vigor also stops falling of the hair, and keeps the scalp healthy.

"I have used Ayer's Hair Vigor for over thirty years and can testify to its wonderful merit. It has kept the scalp free from dandruff and the hair soft and glossy and has prevented it from turning gray."- Mrs. F. A. Soule, Billings, Mont.

One dollar Ask your druggist first. If he cannot supply you, send us one dollar and we will express a bottle to you. Be sure a bottle. and give the name of your nearest express office. Address, J. C. AYER CO., Lowell, Mass. All druggists. SEND FOR OUR HANDSOME BOOK ON THE HAIR

little outlay of time and money. The question is, 'Why are they not done?' "The answer must lie in the character

of the people themselves. They have forgotten, or, perhaps, they have never realized how much benefit can be derived from pleasant home surroundings. Here is the teacher's opportunity. Many of these people are only waiting for the suggestion.

"We have all felt the uplifting influence of a school or home where there is a characterizing air of refinement and beauty. That such homes and schools are within the reach of all, even the humblest and poorest, should be indelibly impressed upon the minds and consciences of the children under our care. They should be taught how to love beautiful things, and how to bring them into their own lives.

"Let us make Arbor day a red-letter day in our school year, but let us not fix upon this as the limit of our responsibility, for we should not confine our efforts simply in endeavoring to awaken an enthusiasm for the best things of life during one day in the year, but rather let it increase from day to day until the results will be manifest in the life and character

to Hiram and Daniel Fellows. In his will he specified that Orlando, Julia Ann and Joseph, three other children, should receive \$1 each, because they had al-roady been provided for. It appears that and sliver. upon the same day Hiram Fellows made his will, he deeded to his son, Joseph, a farm of 160 acres, but gave Orlando and Julia Ann nothing of value. It is for this reason that they now ask to have the will broken. They charge that their father was unduly influenced, and that he was not of sound mind when the will was executed. For two days the court has heard the evidence, and an adjourn-ment has been taken until April 2. Hi-ram Fellows was one of the best known

Millions of Aphis Larvae.

farmers in Ciackamas County and lived at Highland.

OREGON CITY, March 25.-"There are millions of aphis larvae in the newly-plowed ground " said George Randali, of New Era precinct today, "and unless the weather conditions are such as to desiroy the eggs, considerable damage will result. The Fall-sown grain in most localities looks exceedingly well. The hops are beginning to sprout, and many growers have

ledge was reached a large vein of lead was in sight. Assays mide in Portland show \$24 per ton in lend, besides gold

In the state of the second

Quotations of Mining Stocks.

SPOKANE. March 25.-The closing quota-tions for mining stocks today were:

	Ebt	Ask.	131d.	A86.
5.	Amer. Boy 8	10	Mtn. Lion 20	25
			dorn, Glory 4%	-414
5	Butte & Dog. 14	. 2%	Horrison 5%	644
i	Crystal	34	Frin. Maud 14	15
8			tamb. Car25% tepublic21	11
1.0	Dewey 24		deservation 3	1.5%
2	Evening Star	- 65 -	Boos, Glant 255	23.54
1	Gold Ledge . 1%	154	Jullivan 374	
5	U.X. L	21	Fom Thumb 12	10.
ε.,	fron Mask	-\$19	Waterloo 2	2%
	. P. Surp 7			
1	diller Creek	2	201 PT 1	

SAN FRANCISCO, March 25-Official closing

ations for mining studies	s today:
es	can
llence Con 16 Beg. Bar 15 Sierr	Belcher I a Nevada II r Hill III 42

NEW YORK, March 25 .- Mining stocks today

Allee 38(Ontario 1 29) Breece 1 29)Ophir Brunswick Con 23 Phoenix Comstock Tunnel 5;Puosi Concal, & Va. 1 00 Savage Deadwood Terra. 50 Sterra Nevada Horn Silver 1 10 Small Hopes Iron Silver 58 Standard Leadville Con ... 59

Funeral of Wesley B. Ewing.

DALLAS, Or., March 25.-The funeral of Wesley B. Ewing, who died at Wardner, Idaho, March 20, occurred here yester-day. Mr. Ewing came to Oregon when a

toy, and was well known in this section

marched Benjamin down the hill at the point of a rifle, saying he was going to finish him. I ran after them with Ed Thornton. We followed until we came up with them. Benjamin had talked Green out of his murderous intentions on the way down the road. Going back, Benjamin said he felt lucky to be walking unharmed with us; that people had been telling Green things which were not true and that they had compromised and were as good friends as ever. Benjamin was On the way down, he said Green had fallen and dropped his rifle. He had given Green his hand and helped him up.'

The second incident was at a dance at a neighbor's, Koontz's, Green had been drinking, according to the testimony, and raised a disturbance. As to the early part of the evening, William Underwood testified:

"Green called me out and asked wheth er 1 had anything against him. I told him no, but that he was wrong in going after Benjamin. He said I would have done the same thing if I knew the facts. He said Benjamin had talked about him, and if he had, it was all off with the latter. Later in the evening, when the logging men had gone home Green broke into the house as the last set was being danced, and attempted to strike Mrs. Brown with a heavy slung-shot."

Mrs. Brown's Story.

Mrs. Nellie Brown gave the following details of the murder and the suspicions che holds against Green:

"We were discussing the cake when the report came, filling the room with smoke. was sitting next to Mr. Benjamin, saw him reel and fall. I then ran into a corner and called, 'Blow out the lights,' to prevent him from shooting the rest of us I afterwards blew them out. The bullet struck me in the shoulder. I suspect Jim Green. He threatened to take the life of Benjamin two months ago. He also threatened my life, and last Thursday said he would kill himself, only some me else would go first. He has repeatedly threatened my life."

Mrs. Brown said, in an interview: "Since our engagement has been broke Green has been madly jealous. We had quarreled and agreed to part. He was not satisfied with that, and wanted to renew our engagement. That I would not do. Since that time he has been jealous of any one that spoke to me. Mr. Benjamin was an old friend of ours, and was present at the dance given by Mr. Wen-

party of neighbors. Green was dorf to a not invited, and I suppose was jealous."

Search Was Dilatory.

Had the search for Green not been conducted in such a half-hearted manner he would probably be in prison. Immediate-ly after the eye-witnesses had recovered from their terror at the cold-blooded brutal murder, messengers were sent for Constable William Woods and Justice of the Peace A. J. Haynes. When they arrived there was a quibble as to their Justice Haynes at first started to hold the

inquiry, then ceased, saying: "I can't hold this inquiry. I am a witness." Constable Woods objected but the Jus-tice maintained his decision. The body was not touched until daylight, and n Warrant was issued for the suspected murderer. Then messages were sent to Sheriff Totton, Prosecuting Attorney Moor and Justice of the Peace Grinder, of Cold rains for the past few d Stevenson

Green Leaves for Brush

The morning of the murder, Green re-turned to the house of Ben Beals, where he has been living for several weeks. He packed up his blankets, took a supply for the last few days, and it is ex of food and left for the brush. He was that a number of kids will be lost.

the hide had been buried. When the hide was dug up, it was found that the part containing the brand had been cut out. Winchester was arrested and taken to Ontario for trial. Harry Hinton was one of the witnesses, but the evidence implicated him, and he was put under arrest as a party to the crime.

SUED FOR CARELESS SHOOTING.

Man Who Was Taken for Wildcat Asks Damages.

SALEM, Or., March 25 .- Thomas Graham, of this city, today began an ac-tion in the Polk County Circuit Court against Webb Lewis, to recover \$3214 damages. Some time ago Graham was hunting in Polk County, and while up in a tree was shot by Lewis, who asserts that he took his victim for a wildcat. Graham was perforated by 28 buckshot, fell 20 feet to the ground, was unconscious for 24 hours, and has but recently recovered. Attorney L. H. McMahan, recovered. counsel for Graham, says it is the intention to make an example of one o those who "didn't know it was loaded" and "thought he was a deer." Lewis is a well-to-do farmer.

It is announced that the plans for the new \$45,000 buildings at Chemawa Indian School will soon be complete, and the structures erected this Summer.

"Limpy" Jim, a Salem Chinese, well known for his peculiarities, died today of consumption.

The building committee of the Salem Young Men's Christian Association held a business meeting tonight, and decided to call for sealed bids for a vacant lot or a lot with a building on it, in the busi-ness part of town. It is thought that perhaps a suitable building may be offered, and that it will not be necessary to erect one.

SAID ANGELS WOULD PROVIDE.

Father Leaves Children-They Are Sent to Aid Societies.

ALBANY, March 25.-Mildred Flower and Al Ross, daughter and stepson of J. W. Flower, of this place, aged 13 and 9 years, today were ordered sent to the Boys' and Girls' Home at Portland by County Judge Palmer, and were taken there this afternoon by Sheriff McHargue. Two other children of Mr. Flower were sent to the Albany Orphans' Home. The posing unequal burdens upon certain of case is a peculiar one. The mother died some time ago. Several weeks ago the the taxpayers.

father, a carpenter, who had been at work on an ork preparatory to the world being drowned a second time, went off to work, leaving the thildren without any one to them, telling them that the angels would look out for them. They were cated for by neighbors until the authori-ties were notified of the situation.

GAS IN POLK COUNTY.

Large Body of Land Bonded and Development Probable.

DALLAS, Or., March 25 .- A good flow of natural gas has been struck by Seth Riggs, of the Riggs neighborhood, a large body of land near Crowley, 10 miles from here, and wholesale boring is prob. able.

The Polk County Sunday School Asso-

Cold rains for the past few days have retarded seeding, but are considered a great benefit to fruit trees.

Goat shearing in Polk County has been completed. Sheared animals suffer much from the cold rains which have prevailed for the last few days, and it is expected

the company paid the amount assessed against its rolling stock, depots, depot grounds. improvements and contract lands, and also paid upon its railroad bed at the rate of \$5500 per mile, and upon its Congressional and indemnity lands at 35 cents per acre. The county having begun proceedings to collect the remainder, suit was brought for an in-

junction. A demurrer to the complaint was overruled, an answer filed, the cause tried, and a decree rendered assessing the roadbed at \$4500 per mile and the land at 50 cents per acre, from which the county appealed. The principal questions in the Suprem

Court were whether a sult of this kin can be brought, and, if so, whether the complaint is sufficient. The contention of the county was that the company could not enjoin the collection of the tax by a suit. The opinion says:

Unjust Assessments Not to Be Upheld "It is a rule of equity jurisprudence that a suit will not be entertained to enjoin the collection of a tax upon the sole

It is that courts of equity will not use the injunctive process to restrain revenue of-ficers in the collection of income cause the property of a citizen may have been irregularly or illegally assessed, unless it be to protect his rights where he is afforded no adequate remedy at law. But there exists another rule, equally well authenticated, that, where officers with

whom is lodged the duty of making and equalizing assessments act fraudulently or capriciously in the discharge of that duty, with the purpose of casting a pub-lic burden unequally upon certain prop-erty-owners, or class of such owners, contrary to the spirit and purpose of the law, equity will interpose to prevent the consummation of the fraud, and to that

end will enjoin the collection of a tax based upon such fraudulent assessment, to the extent, at least, that it may ap-

ments, and boards of equalization, sitting

in review of their work, act in a judicial capacity, or in the exercise of a judicial function, and when the roll is made up it stands in the nature of a judgment; hence their findings and judgments are not sub. ject to review or revision, except in the manner pointed out by law, nor can they be disturbed or annulled except when they proceed arbitrarily and in willful disregard of the law intended for their guidance and control, with the evident purpose of im-

payers. . . Measured by this anding of the law, the complaint must be held sufficient. .

Getting at Values.

"We come now to the manner of assessing plaintiff's property. . . . Coun-sel differ widely as it concerns the proper method of determining the value of the real property of the plaintiff, namely, the 'roadbed,' as it is termed in the roll, the

depots and buildings appertaining thereto including the lands upon which they are situated, and the lands granted by Con-gress and in ald of construction.

The 'roudbed and franchise' were asse The Toudbed and franchise were assessed as the property of the Oregon & Call-fornia Railroad Company, but the term franchise was stricken out by the Board of Equalization. There was, however, no reduction in the valuation on that account. Real estate, or land, is required to be as-sessed at its true cash value, 'which shall be held and taken to mean the amount

such property would sell for at a volun-tary sale made in the ordinary course of business.' A railroad, considered in a commercial sense, differs widely for other property. Sales and transfers so infrequent and unusual, except for the purpose of reorganization, that a current value cannot be said to attach to it."

After citing numerous authorities, the opinion continues;

"In determining, therefore, the value of

considering the earning capacity of the road and the rate at which other property in the county is assessed. This estimate, under the circumstances and conditions, seems to be the best to which resort can be had. And as it concerns the Con-gressional and indemnity lands, we are nelined to adopt, in the main, the assess ment made by Woolridge and Hoffman (in

1893 and 1894), and the rate fixed by the Board of Equalization, eitting prior to the one whose action is involved, as the most reliable and trustworthy. We conclude, therefore, that those lands should be

valued at 75 cents per acre as a whole. The decree is that, upon the company's paying the taxes on these valuations, the injunction be made perpetual.

L. N. Browning, respondent, vs. L. A. Lewis and W. H. Hampton, appellants, from Josephine County, H. K. Hanna, Judge, affirmed. Opinion by Justice Moore

In this case the plaintiff secured in the ourt below an injunction restraining the defendants from interfering with his right to use 180 inches of water from Grave Creek for mining purposes. The injunction is made perpetual.

S. A. Miles, respondent, vs. North Paclife Lumber Company, appellant, from Multnomah County, Alfred F. Sears Judge; affirmed. Opinion by Wolverton This suit was brought to recover lamages for the conversion of a quantity of logs, The plaintiff prevailed in the Circuit Court, and again in the Supreme Court.

D. R. Hawkins, respondent and crossappellant, vs. Citizens' Real Estate & Investment Company et al., defendants and George S. Clark, appellant and crossrespondent, and A. S. Nichols, C. L. Nichols and W. A. Gordon, appellante, from Multnomah County, John B. Cleland, Judge; affirmed. Opinion by Chief Jus

tice Bean. This was a suit by a judgment creditor of an insolvent corporation to reach and subject to the payment of his judgment inpaid balances on the shares of stock of the company, subscribed for by the de-The plaintiff prevailed in the fendants. lower court, and no error being found, the decree is affirmed.

> J. T. Mayes, appellant, vs. R. L. Stephens, respondent, from Douglas County, J. W. Hamilton, Judge; on petition for rehearing. Opinion by Justice Moore; pe tition denied.

MAKE IT A RED-LETTER DAY.

Superintendent Ackerman's Arbo Day Suggestion to Teachers.

SALEM, March 25 .- Superintendent of Public Instruction Ackerman has issued a programme for Arbor day, which occurs April 12. The programme is a neat 16-page pamphlet, full of new verses and essays appropriate to the occasion, On introductory page Superintendent Ackerman has an address to the teachers, in which he makes the following timely remarks;

"This little manual is designed to furnish suggestive material for the appropriate observance of Arbor day, and also to call your attention to the advisability. and even the necessity, of awakening an interest on the part of parents and pupils in the importance of beautifying the sur-

rounding of our schools and homes. "As one goes from place to place, he is impressed with the fact that many a school and many a home could be made more inviting by clearing the yard of rubbigh and debris, by repairing a fence, by planting a shrub, vine or flower. In most

of those who may co me under our super vision. In what better way can we do this than by getting our children interested in the growth of a shrub or flower. or, perchance, simply in cleaning up the

yard a hit and by endeavoring to keep it in a neat and tidy condition. "Let us hope that in the future Arbor

day will prove more and more an incentive to the study of nature and all that pertains to right living."

LIVER FLUKE AMONG SHEEP.

Dr. Withycombe Discusses Disease and Tells How It May Be Avoided.

CORVALLIS, Or., March 25 .- At the Oreon Agricultural College Experiment Staion a thorough investigation of the fatal ilsease among sheep reported in Saturday's Oregonian from Salem is in prog-ress. Considerable data relative to the extent of the losses have been collected.

and the station staff is busily engaged in a scientific investigation of the dis-case. When asked relative to the matter, Dr. Withycombe, vice-director of the station, replied that from information at hand the percentage of fatality reported was overstated. He said:

"From information gathered by the ex-periment station, 5 per cent or less is indicated as the loss of sheep from the ravages of the liver fluke." However, in-dividual flocks have suffered serious losses Citizens of Seaside contemplate starting a high school. With an institution where the higher grades are taught, it is thought that many familles owning cottages at the rom this disease, and farmers owning beach would be induced to remain there infected animals should give the matter careful consideration. The Oregon Experthe greater portion of the year. ment Station has undertaken an investi-Prominent Educators to Attend. gation of distomatosis, commonly known as the liver-fluke disease. The data re-SPOKANE, March 25 .- Prominent edu-

cators from three states will attend the lating to the metamorphosis of these disfourth annual convention of the inland Empire Teachers' Association at Moscow omes is somewhat incomplete. Enough, however, is known to indicate that to March 28, 29 and 30. Over 2000 visitors are expected. Among the speakers will City School Superintendent Saylor. Spokane; Professor J. H. Miller, principal of the State Normal School at Cheney, Wash.; President Frank Graves, of the State University at Seattle: President Penfection from fluke, as swampy places o stagnant pools are the habitat of its in rose, of Whitman College, Walla Walla, President Beattle, of the Eastern Oregon Normal School at Weston; President Knepper, of the Idaho State School at Lewiston; Miss Permeal State Superintendent of Schools of Idaho; City Superintendents of Schools Ransom of Colfax, Beam of Pullman, and Nowlin

of Pendleton. Met Death Under Wheels of Train. SEATTLE, March 25 .- Roy Thormburg, ap a switchman in the employ of the Northern Railway, met a frightful death under the wheels of a freight train at therefore the owner of such land should exercise care not to introduce infected stock upon them. When the time sheep are free from fluke is determined, then Interbay, a station near this city, this afternoon. While attempting to make a afternoon. While attempting to make a coupling, Thormburg lost his footing and the period it is safe to put sheep upon non-infected land may be ascertained. A fell on the track, two cars passing entirely over his body. Both arms were severed, and his lower limbs so badly mangled that

wet Spring and Autumn generally causes a wider distribution of the fluke, entailamputation would have been necessary had he survived. Thormburg lived for ing greater losses of stock from the dis-ease. Since it is thought the fluke cannot be expelled by medicines, the only hope over three hours, and was conscious during the greater portion of the time. remaining to the owner of an infected flock is to feed liberally, so as to keep up the constitutional vigor of the victims, Ex-Officer Sues County for Pay.

ing the evidence in the Hiram Fellows will case. The will has already been probated, the present action being a con-CREGON CITY, March 25,-There is considerable stir at Sandy over the discovery of a rich body of lead on Sheeny Creek, on claims owned by the Meinig

in December, 1899, leaving an estate worth \$6000. His will was made October instances, these things can be done with 20, 1898. He bequeathed his entire estate the ledge at a lower level. When the

set out small patches of Hungarian hop Gould & Curry... 15 Utah Con 5 Hale & Norcross. 14 Yellow Jacket 17 from sprouts sent out by the Agricultural Department."

BOSTON, March 25-Closing quotations BOSTON, March 2s. - Closing quotations: Adventure 15 75 Humbalit 3 25 00 Bing, M. Co. 25 37/Osceola 37 10 Atlantic 25 37/Osceola 22 00 Atlantic 3 30 Quincy 174 06 Beston & Mont. 367 00 Santa Fe Cop. 5 00 Butte & Boston 10 50 Tamarack 312 00 Cai. & Hecla. 55 00 Utab Mining 34 25 Centendial 27 50 Winema 6 42 Franklin 22 50 Wolverines 51 50 EXHIBIT FOR BUFFALO FAIR. Clatsop County Mill Will Send

Spruce Log and Fir Lumber. ASTORIA, Or., March 25 .-- Clatsop Coun-

ty will have at least one creditable exhibit at the Pan-American exposition. It is being prepared by the Necanicum Spruce Lumber Company, of Seaside, and will consist of a 16-foot spruce log, 8% feet in diameter, a number of carefully prepared hemlock planks, a quantity of selected spruce finishing lumber and an assortment of the various kinds of boxes manufactured by the company. The exhibit is now ready for shipment and will be under the personal supervision of For. estry Expert Johnson.

The strike of the laborers at the North Pacific brewery is still on. Mr. Kopp, the proprietor, has learned nothing new about the cause of the trouble, and the mer seem to be equally uninformed. They have no knowledge when the strike will be called off.

where he had resided for a number of years.

Payment on State Tax. SALEM, March 25,-Union County today puid \$4124 53 on its state tax for 1899, and 555 79 as interest on its delinquency for the same year.

-98

Normal

Great

WALLA WALLA, Wash., March 25 .- W.

Rich Body of Lead.

STOP HACKING

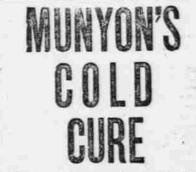
A hacking boy will soon chop down a cherry tree, and a hacking cough will soon chop down a man. For the latter there is noth-ing better than DUFFY'S PURE MALT WHISKEY. It has cured thousands the latter there is noti-No. It has cured thousands B. who were drifting into consumption. It

will cure you if taken in time, In most cases nature needs assistance in throwing off a cold, and DUFFY'S PURE MALT WHISKEY furnishes just the aid required. A trial will convince you.

Over 7,000 doctors prescribe it, and 2,000 hospitals use it exclusively.

It is the only Whiskey taxed by the Government as a modicine. This is a guarantee. All druggists and grocers. Refuse substitutes, they are injuri-ous. Send for free medical booklet.

DUFFY MALT WHISKEY CO., Rochester, N. Y.



Nearly everybody seems to be taking Prof. Munyon's (ald (ure whenever a cold appears. It relieves the head, nose, throat and lungs as quickly diphtheria or pneumonia. A vial of the Coid Cure is like a life insurance policy. Every one of his remedies is as sure. Mustly sec, vial. Guide to Health free. Musty, New York and PhDedatation MUNION'S INHALEE CUBES CATABBI.

thus enabling them to survive the migratory period of the parasite.' G. Sayles, will tomorrow begin suit against Walla Walls County to collect the UNDUE INFLUENCE ALLEGED. sum of \$2929, alleged to be due for salary Suit to Break Will of Well-Known

for service as County Eurveyor for the years 1899 and 1900. The claim has been Clackamas Farmer. refused by the County Commissioners. OREGON CITY, Or., March 5.-The Probate Court has been engaged in hear-

test on the part of two of the heirs to reopen the case. Hiram Fellows, an Oregon ploneer, died

brothers. They went 1000 feet below where they had been prospecting a gold-bearing ledge, and sunk a 190-foot tunnel to tan

avoid infection sheep and goats should not be permitted to graze upon swampy land in July, August and September. In fact, it is not safe to pasture these ani-mals upon such land at any time. Underdraining will remove the danger of in-

termediate host. This season the work of the station in the investigation of the diseases will be mainly an endeavor to as-certain definitely the migratory period of the distome. Scientists generally concur in the opinion that the flukes leave the gail ducts of the liver and are expelled

some time during the Spring. Hence defi-nite information is desired in regard to this point, so that the period when sheep are rid of this parasite may be determined, All pasture lands, even if they ar swampy, are not infested with fluke