LYONS IS CAPTURED

Murderer of Sheriff Withers Now in Jail.

HE OFFERED NO RESISTANCE

Is Overtaken by Posse While Attempting to Board Freight Train Near Creswell-Was Unarmed When Taken.

EUGENE. Feb. 9 .- (Special.) -- Elliot Lyons, the murderer of Sheriff Withers, is now a prisoner in the County Jail. Lyons was captured by a posse at 8 o'clock this morning, while attempting to board a freight train near Creswell, eight miles south of Eugene. The outlaw had thrown away his guns, and was disguised as a tramp.

Lyons was taken by accident more than by following up any trace. Edgar Persons met him this morning in the road and recognized him. Being unarmed, Parsons did not molest the fugitive, but proceeded to gather a number of men, whom were ex-Sheriff Noland, "Butch" Miller, William Buoy and three others. Following up the track they saw Lyons board a freight train near the Morss House. The posse jumped the same train on the opposite side and the conductor stopped the train. As the train stopped Lyons dismounted, and had no more than done so when several guns were leveled at him with the command to throw up. The murderer, who made beasts that he would not be taken alive for horse stealing, acquiesced like a weakling and made no attempt to resist

After the arrest was made the posse telephoned the Sheriff here and started for Eugene with their prisoner. Upon arrival here they were met by Sheriff Fisk and the prisoner was hurried to a cell and now awaits arraignment for his terrible crime. The trial will come up at the March term of the Circuit Court, The public mind is now at ease with the satisfying knowledge that the murderer is safely lodged where he will receive his just reward.

Lyons, when arrested, made no resistance, as he was unarmed. He made a statement to his captors that he passed through Eugene last night and that he slept in a pile of railroad ties near Goshen. Not only did he pass through Eugene, but he went to the house of a man named White, who takes care of horses for Dr. Atwood, and changed his clothing throughout. He was in town for about an hour. He said he did not want to shoot another man, and was about exhausted from his flight across country in the stormy weather.

A large number of extra police and deputy sheriffs are now on duty for the purpose of preventing any attempt to take the man from jail for summary execution, but while there are some who talk of lynching, yet the majority are sober minded enough to insist that the law take its course and will permit no act to reflect to the detriment of the community,

MRS. LYONS TALKS.

Does Not Seem Aware of Seriousness of Charge Against Her.

Oregonian correspondent obtained permission from Prosecuting Attorney Brown to interview Mrs. Lyons in the jail this evening. Mrs. Lyons was deeply de-pressed over the affair and was not inclined to make any statement. She said that on account of Lyons' mother, who is very frail, she did not want to talk on the subject, but did not seem to have in mind her own welfare at all.

By a series of questions it was learned from her that she and her husband were

in the kitchen at the time the Sheriff came to the house, and that she had just finished washing the supper dishes.
"Where were you at the time Withers was shot?" was asked.
"In the dining-room."

"Did Withers come in through the sit-

When first I saw him he was in the which list i saw him he was in the dining-room, which is between the kitchen and the sitting-room. Withers came from the sitting-room into the dining-room and Lyons went from the kitchen into the dining-room.

"How did the two men meet?"
"I saw Withers holding my husband by
the arm. I did not hear either of them say anything. There was not much scuf-fling before the shot was fired. I don't know whether Withers had his pistol in his hand or not."
"Did you attempt to hold either Lyons or Withers?" No answer.

"How long had Lyons been about the

About a week or more. He stayed about the house and when the weather was good was chopping wood and working about the place. I don't know anything about what Lyons did after the shooting I have been married to Lyons 14 years.

I have been married to Lyons 14 years." With this the woman would say no more. Lyons told the officers today that he got lost in the mountains the first day out, and after traveling nearly 24 hours returned to where he had started. Then he made his way to the railroad, threw away his pistol and passed as an ordinary tramp. Last night, while coming into Eugene, he said he was held up two or three times by deputy sheriffs, who, finding him unarmed, allowed him to go. He admits that he had made up his mind that he would kill any man who might draw a gun on him, and Withers happened to be the man.

Prosecuting Attorney Brown is here

Prosecuting Attorney Brown is here working up evidence in the case against both the prisoners.

BODY LIES IN STATE.

Crowds View the Dead Body of Their Popular Sheriff.

EUGENE, Or., Feb. 2.—(Special.)—The body of the dead Sheriff has been lying in state since 10 o'clock this morning, where it will remain until 1:30 tomorrow, when it will be taken to the Christian Church, where funeral services will be held. The body will be buried in the Masonic ceme-

Throngs of people are viewing the remains as they lie in state, over 400 having passed during the first hour. The murdered officer was more highly esteemed than any who has ever held his position. and his friends deeply mourn their loss.

Just across the street from the Courthouse, where the remains lie in state, the murderer who committed the awful crime and his wife, an accomplice, occupy sep-arate cells in the county jail.

Excitement Is Subsiding.

EUGENE, Or., Feb. 9.—(Special.)—A strong undercurrent of feeling prevailed all day, and threats of lynching were freely indulged in, but cooler judgment has prevailed, and at midnight everything is quiet. Armed guards are patrolling the jail, and the police force has been doubled.

Box-Office Attached. HELENA, Mont., Feb. 2.—The box-office receipts of "Corianton," which has been

playing here for two nights, have been attached and the scenery as well. The at-tachment is at the instance of a firm of New York lawyers who have a claim New York lawyers who have a claim against the Deseret Dramatic Company, of Salt Lake, which is backing the company. There is also due the players \$1500. It was said tonight that help is expected from Banker Thatcher, of Logan, Utah, so the company may get out of town.

DOCKET OF 40 CASES.

Judge Burnett Convenes Marion County Circuit Court. SALEM, Or., Feb. 2.—(Special.)—Judge George H. Burnett convened the criminal department of the Marion County Circuit Court this afternoon. There are about 40 cases on the docket, but there are only a few criminal proceedings to be disposed of. A breach-of-promise suit for \$10,000 damages and a libel suit against the Salem Journal for \$5000 are among the

principal cases pending.

For the first time in about two years grand jury. It is composed of E. C. Churchill, Englewood, foreman; S. G. Pugh North Salem; R. P. Nye, Sidney; Joseph Strupfel, Mount Angel; E. C. Titus, Stayton; X. Stoessel, Mehama; E. A. M. Coole, Butterfile, A. M. Conle, Butteville, Among the cases that it

SHOOTS OUT HIS HEART

JOHN W. PRATT, OF SEATTLE, COMMITS SUICIDE:

Was Well-Known Newspaper Man-One Time Edited New York World-Temporarily Insane.

SEATTLE, Feb. 9 .- John W. Pratt. city grade tax attorney and for years a wellknown lawyer and former newspaper man in this city, took his own life about i o'clock this morning.

The suicide occurred at Mr. Pratt's home, 1415 Thirty-fifth avenue, Madrona Park. A double-barrel shotgun was used. Judge Burnett this afternoon convened a But one cartridge was discharged. The shot passed through his heart, killing him instantly.

The cause assigned for the rash deed was temporary insanity. So far as is known Mr. Pratt had never intimated to is presumed will receive the investigation anyone that he contemplated self-destruc-

WILLIAM HOOPER YOUNG



SENTENCED TO LIFE IMPRISONMENT.

of the grand jury is the recent sensational scandal of the State Penitentiary regarding alleged illicit relations between Mrs. Carlisle, one of the woman prisoners, and one of the subordinate officials of the prison. Another case that will probably be investigated is the reported mucderous assault that was made recently on J. J. McCormick, chapel guard of the prison, by John McMahan allfe-time prisoner from Grant County. McMahan attacked McCormick in the former's cell at the prison one day and with a brick came by a prisoner while in the penitentiary is suicide a capital offense in this state.

SAN FRANCISCO IS CLEAN. Medical Men Declare Port Free From

Bubonie Plague. SAN FRANCISCO, Peb, 9,-Regardless of all the controversies that have existed as to whether there were cases of bu-bonic plague in San Francisco it is agreed by all the medical men that there is none-of the disease here now, and that all the danger, if ever any did exist, has long been past. Every vessel now clearing from this port is given a clean bill of health, showing that there has not been a

ELLIOT LYONS.



Captured.

suspicion of piague here for at least 69 days. In this the local Health Board agrees with the Federal quarantine offi-The health authorities are now precers. The health authorities are now pre-pared to assert positively that San Fran-cisco is a clean port.

In view of the fact that there is positive-ly no trace of the disease in the city, Dr. Vincent P. Buckley has issued the fol-

lowing statement: "During the past 60 days no case of bu-During the past 60 days no case of bubonic plague has been discovered in this city, and at no time during that time has the Board of Heaith, of which I am a member, published or recorded any case of that disease. In view of this fact vessels clearing from this port are given clean bills of health.

"It is with a great deel of pleasure that I make this statement, and at the same time denounce as false any and all statements contrary to what is herein contained. Signed

tained. Signed "VINCENT P. BUCKLEY, M. D."

Highwaymen Sentenced.

SPOKANE, Feb. 9.—William Morrison and Joseph Barrett, highwaymen, were sentenced by Judge Richardson this mornsentenced by Judge Richardson this morn-jng to three years in the penitentiary for holding up and robbing a man named Euenson, on Front avenue in this city, last November. Euenson was drunk and a policeman was following him to see that he went home. This officer cap-tured the robbers.

prison one day and with a brick came nearly murdering the guard before help reached the cell. An assault of this kind tively determined that death was

There was a large wound in the left breast, just over the heart. The round indentations in the flesh made by the muzzle of the gun resting against it. muzzle of the gun resting against it, showed that Mr. Pratt had placed the butt of the shotgun against the wall. The muzzle was pressed hird against his breast and he had leaned forward to hold up the gun, thus making the marks on his breast. Beside the dead man was the ramrod of the gun. With it Mr. Pratt hid pushed the trigger that sent the shot crashing into his body. sent the shot crashing into his body.
Mr. Pratt was dressed in stockings,
trousers and undershirt. The undershirt
he had unbuttoned and pulled aside so
that the gun would rest securely against
the flesh. Everything indicated that
death was by deliberate and cleaned. death was by deliberate and planned suicide, although the decision may have been made quickly.

A strange feature of the case is that neither the undershirt nor the flesh was burned in the least by the powder. Mrs. Selkirk, mother of Mrs. Pratt, was the last person who saw Mr. Pratt alive. Mrs. Selkirk spoke a word or two to her son-in-law just as he was entering the bathroom. Mrs. Selkirk then went on down the stairs where Mrs. Pratt, her two sons and a little daughter were get. down the stairs where Mrs. Pratt, her two sons and a little daughter were getting ready to eat breakfast. Mrs. Pratt left the table to go upstairs and see why Mr. Pratt did not come. She looked into his bedroom and did not find him. Then she called to him and got no reply. She began a search of the rooms upstairs. The bathroom was the last one to be looked into. The moment Mrs. Pratt opened the door she found the body of her husband lying, face upward, straight across the room. The shotgun was beside him.

The report of the shotgun was not heard by any one in the house. This is accounted for by the fact that the bathroom door was closed and the wind was blowing very hard, thus carrying away the sound before it could reach other portions of the house.

Mr. Pratt was home all of last even-

ing. He seemed as cheerful as ever and conversed with his family until a late hour. He arose about \$:30 o'clock this morning. He said he was feeling well and nothing unusual was noticed in his

demeanor.

Mrs. Selkirk, every member of the family, his law partners and intimate friends, all agree that Mr. Pratt has been acting strangely of late. He was very absent minded and often talked about things foreign to the subject being discussed. These things were noticed, but no one thought insanity was approaching. So strong is the belief that the suicide was caused by temporary insanity that was caused by temporary insanity that no inquest will be necessary. John W. Pratt was born in England in

John W. Pratt was born in England in 1848. After obtaining a legal education he received an inheritance and was enabled to travel. Visiting all out of the way places in Europe he journeyed around the world and finally settled in South Africa, where he spent some time in the diamond fields of Griqueland, and the gold fields of the Transvanl. He engaged in the publishing of a newspaper, and later purchased an ostrich farm, but his birds were killed during the last Kaffir uprising. He entered the British ermy, was given the rank of Lieutenant-Colonel before his retirement and was presented with a medal for bravery by Queen Victoria. Later he was sent to Mozambique by a commercial syndicate. He came to the Usited States about 1876. For several years he was minaging editor For several years he was managing editor and editor-in-chief of the New York World when it was owned by Manton Marble. He was later connected with Truth and with the St. Louis Globe-Democrat and then he purchased the Dallas (Tex.) Times. He was city editor of the San Francisco Call, then managing editor of the Seattle Post-Intelligencer, and

later an authority on municipal taxation in Seattle. At the time of his death he was practicing law.

FIGHT ON CLEARWATER COUNTY. New Measure Is Now Before the Idaho Lower House.

BOISE, Idaho, Feb. 3.—(Special.)—The first rumbles of battle over the proposed formation of Clearwater County reached the House of Representatives today, when for a time it seemed probable that an acrimonious fight would result. The threatened contest was postponed in the afternoon, however, and present indica-tions are that it will be fought out with extreme bitterness in the near future. Greer of Shoshone asked unanimous con-sent to withdraw his bill for the creation of Clearwater County, stating that he de-sired to press the measure no further. On the strength of this representation the Nez Perce members offered no objection to the withdrawal.

Within an hour Greer introduced another bill creating the County of Clear-water from Southern Shoshone and por-tions of Idaho and Nez Perce Counties, and giving the people the right to vote on it two years hence. This aroused the members from Idaho and Nez Perce, who protested that Greer had committed a protested that Greer had committed a breach of faith. Greer and Anderson of Shoshone vigorously denied this charge, and insisted that the new bill did not resemble the old in any respect. It placed the power of creating the new county in the hands of people who were asked to vote upon the question two years hence Thomas sought to have the bill tabled after its first reading, but could not muster sufficient strength to carry his motion to that effect. It is stated by the oppo-nents of the Clearwater bill that today's action destroys all hope of a compromis

BUSY DAY AT BOISE. Legislature Passes Large Number of Bills.

BOISE, Idaho, Feb. 9.-This was a very busy day in the Legislature, a number of bills being disposed of. The Senate passed the House bill providing for the establish. ment of a Reform School in Fremont County; also a Senate joint resolution pro-posing an amendment to the constitution permitting inmates of Soldies' Homes to vote at the home. Bills passed by the House were: H. B. 24, Matthewson of Lemhi-Em-

powering cities, towns and villages to con-struct sewers and disposal works. H. B. 3, Black of Nez Perces-Provid-

H. B. 33, Riblett of Cassia-Creating a Council of Education.

H. B. 1, Werner of Ada-Making it unlawful to injure or destroy electric lines or power-houses.

An initiative and referendum resolution

Idaho Doesn't Want Referendum. BOISE, Idaho, Feb. 9.-The House today killed the resolution proposing a constitutional amendment for the initia-tive and referendum. The vote was 19 to tive and referendum. The vote was is to 22. The Democrats voted solidly for the resolution and they were joined by nine

CARRIES OUT HIS PROMISES. Grant's Pass Mayor Enforces Ordi-

nance for Sunday Closing. GRANT'S PASS, Or., Feb. 9.-(Special.)-Mayor Bashor, previous to his election as chief executive of Grant's Pass, deciared he would, if elected, enforce the law and order, and other ordinances of the city. He is making that promise good and has begun by demanding the Sunday closing of saloons. Yesterday morning for the first time in several years both the front and back doors of every liquor house in the town were closed and the marehal ordered to keep them closed throughout the day, and every Sunday so long as Bashor is

The edict came somewhat as a shock to the edict came somewant as a stock to the saloon proprietors of the city, as Sun-day has been a good and undisturbed day for business in the past. Yesterday the crowds that loaf about the front of saloons on Sunday were conspic was unusually quiet.

Astoria News Notes.

ASTORIA, Or., Feb. 2,-(Special.)-Four large coast defense guns to be mounted at Fort Columbia arrived here yesterday from the East. They are loaded on a barge, and will be taken across the river to the fort as soon as the weather mod-

The preliminary survey for the logging railroad to be built by the Bremner Logging Company from the Harris timber tract on Upper Youngs River to tide water, below the falls, was completed on Saturday. The road will be about three miles in length, and will tap a valuable body of timber.

The city schools, which have been closed on account of the prevalence of scarlet fever in the city, will be reopened next Monday, February 16, as the disease is now under control.

The Wheeler Lumber Company has stopped operations at Nehalem, and the mill there has shut down. It is understood that the mill and timber lands of the company in that vicinity have been bonded to an Eastern syndicate, which contemplates building a railroad from Ne-halem to tide water at some point on the A. & C. Railway. The steamer Geo. R. Vosburg, which has been operated by this company between Astoria, Tillamook and Nehalem, will be laid off after another

A southwest storm of unusual severity passed over this section of the country last night, but, so far as can be learned. very little actual damage resulted, either

Supreme Court Dates. SALEM, Or., Feb. 9.—(Special.)—The Supreme Court today made the following

State of Oregon, respondent; vs. George Smith, appeliant; ordered on motion that appeliant have leave to serve and file a typewritten brief in lieu of printed brief and deliver these copies to clerk. First National Bank, plaintiff, vs. Ore-gon Pulp & Paper Company, defendant; E. E. Merges et al., appellants; J. L. Mc-Creary, respondent; ordered, on motion

Creary, respondent; ordered on motion that appellants' time to file petition for rehearing be extended 30 days.

J. H. Middleton, respondent, vs. Victor Land Company, appellant: ordered on stipulation that appellant have until Feb-ruary 25 to serve and file its brief. In the matter of the death of Finley C. Perrine, late bailing of this court, it was ordered that the resolutions of the Marion County Bar Association, in memory of

Dyspepsia? Don't lay it to your wife's cooking. It's your liver. Take a good liver pill, a vegetable pill, just one little pill at bedtime-

If it's gone so far that you are pale, weak, nervous, then talk with your doctor about taking Ayer's Sarsaparilla also. He knows. 1.C. Aper Co.

Chamberlain's Cough Remedy

This preparation is intended especially for coughs, colds, croup, whooping cough and influenza and has become famous for its cures of these diseases over a large part of the civilized world.

It can always be depended upon and is pleasant to take.

It not only cures colds and influenza, (grip) but counteracts any tendency toward pneumonia.

It contains no opium or other harmful substance and may be given to a baby as confidently as to an adult.

The case of George P. Lent et al., ap-pellants, vs. the City of Portland et al., respondents, was argued and submitted

Gambling Must Close at Billings. BILLINGS, Mont., Feb. 9.—As the re-County Attorney has sent out an order that all games must close. It applies to all parts of Yellowstone County, which is the greatest cowboy county in the state, and this is one of the greatest railroad centers, being the connecting point of the Burlington and Northern Pacific.

Forger Given Five-Year Sentence. BUTTE, Mont., Feb. 9.-Andrew Jennessy was today sentenced to five years in the State Penitentiary by Judge Mc-Clernan after pleading guilty to the information charging him with passing worthless paper. Jennessy victimized about a dozen persons in Butte with bogus chacks.

Attempts Suicide in Kansas.

KANSAS CITY, Mo., Feb. 2.—(Special.)

Miss Jennie Cameron, who claims to be a daughter of ex-Senator John Cameron. of Pennsylvania, now of Salem, Or., at-tempted suicide at Lawton this afternoon.

Light Docket at The Dalles. THE DALLES, Or, Feb. 8.—(Special.)—
The Circuit Court convened here today
with a docket which promises an unusually
short term. Two criminals, 19 equity and
20 law cases compose the list.

Took Polson by Mistake. EUGENE, Or., Feb. 2.-(Special.)-E. C.

the deceased, be filed in this court by the Hughes, a liquor dealer, had a narrow escape from death by accident today. Before noon he went to take a dose of Eprom salts, but made a mistake and took a large dose of sulphate of zinc. He at once discovered his mistake and sum-moned a doctor. By the use of strong emetics and restoratives he is now re-

ported to be out of danger.

VESSEL MAY BE LOST. Four-Masted German Bark Battling With Breakers at Mouth Columbia.

ASTORIA. Or., Feb. 9.—(Special.)—A vessel is in the breakers at the mouth of the river, about a mile and a quarter south-southwest of Cape Disappointment light and half a mile west of Peacock Spit. The crew is still on board and appear to be all right, but the vessel will probably be a total loss.

A report reached here from Fort Stevens at 7 o'clock this evening that a vessel will be a second or the second of the seco

ens at 7 o'clock this evening that a ves-sel was ashore on Peacock Spit and both of the bar tugs and the lighthouse tender Columbine hurried to the north of the river as soon as their crews could be gathered. The line to Fort Canby was down so no information could be learned the until the return of the Columbine at midnight.

Captain Richardson reports that he reached within a half-mile of the stranded vessel and with his searchlight found it to be a four-masted bark painted a lead color and red hull, the lower masts being painted white, as were the tops, and there was a German flag flying from the foremast. The crew could be seen on the top-gallant forecastle. All seen on the top-gallant forecastle. All Honduras, where a Central Am the sails had been furied, but later the fore and main-topsalis were shaken out. The vessel was headed directly for the New York, Marblehead and Ranger

shore and the southwest gale which blowing was driving waves against stern, but as water was going over amidships or forward, she app to be still driving in shore. She about a half-mile inside the channe in the weather it was impossible either of the two life-saving crews, were present, to approach the vessel, tugs and life crews will stand by were present, to approach the vessel tugs and life crews will stand by night, but are belpless to do anythi present. Captain Richardson conthat there is a good chance to save on board, but little for the vessel t

TERMS OF ACRE PEAC Transit Dues on Amazon Abolia

there is a radical change in the

Hague Court to Settle Affal RIO JANEIRO, Feb. 9.-The temp settlement of the dispute between and Bolivia regarding the Acre ter provides, in addition to the occu and administration of the territo abolishing of the recently enacted pr transit duties on the River Ar international court of arbitrati The Hague is to render the final

ions regarding the matters in dispu-Glass' Fleet Sails Tony. SAN FRANCISCO, Feb. 9.—Res miral Glass has received his sullir ders and the Pacific squadron wi lying away tomorrow morning. As has do be stated, the squadron goes to Am All Honduras, where a Central Am

HEADQUARTERS FOR TOURISTS

THE NEW Pullman tourist car excursion service established by the Oregon Railroad & Navigation Company to St. Louis and Memphis is fast growing in favor. Each carhasa conductor and porter who make the entire trip and look after every want of the passenger. No change of car after leaving Portland.

For particulars, telephone, call upon, or write

Third and Washington Sts.

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San Francisco, Cal. New York, N.Y.

For sale by all druggists. Price fifty cents per bottle.



Louisville, Ky.