ANOTHER FATAL ACCIDENT.

C. M. Martin Accidentally Shot While Hunting.

Daily Guard, February 1.

Mr S C Smith, Thurston, came to town last night and reported the facts of a fatal accident which befell C M Martin yesterday afternoon.

Mr Smith states that Mr Martin has been visiting him at his home near Thurston. Yesterday afternoon while sitting in the house Mr Smith proposed that they go over and call on a couple of neighbors, Mr Hubbard and Jim Martin, who were engaged in building a fence not far distant. Mr Martin said he would go, and would take the gun with him, he might see some game. The gun was a muzzle loader and Mr Smith advised Martin to be careful with it, as it had gone off accidentally with him a few days before. Mr Martin laughed and said he would be careful. They went down to where their neighbors were building the fence, and after talking a short time, Mr Martin said he would go on across the slough in search of game. He had been gone but a few minutes when the report of a gun was heard not far distant, and Smith remarked that Martin had shot something, perhaps himself; speaking in a joking way.

Mr Smith returned to his home in a few minutes. As evening approached and Martin did not return he became uneasy about him. His boy Frank went over in the bottom after the cows, and he remarked to his wife that Martin would probably return with the boy. But the boy returned without seeing any trace of him. Mr Smith and Frank then started in search of the missing man. They went down in the vicinity of where the report of the gun was heard, Mr Smith going one side of the fence and the boy the other. In a few minutes Frank called to his father that he had found him, and he was dead. True enough, for he was lying near the fence, on his back, his feet toward the fence, and his gun by his side. Assistance was obtained and Mr Martin conveyed to Mr Smith's house. The clothing was not removed, but it could be seen that the charge had taken effect in the heart. It was dark when the body was found, and a couple of hours after the shot was heard.

It is not known how the accident occurred, but Mr Smith thinks that Martin had climbed through the fence and was drawing his gun through or else it caught in the rose bushes and was discharged.

Mr Martin was about 37 years of age, and has resided in Lane county about five years. He owns a farm near Creswell, and has spent the summer working for B F Dorris on his mining claim in the Blue River district. He was unmarried, and had one brother somewhere in California, a brother in Tacoma, another in Kossouth, Kansas, and a sister at the same place. They have been notified of his death

A dispatch was received this noon from Mr Martin's brother at Tacoma to prepare the body for shipment, and it will be brought to town and embalmed. Mr Martin is on his way from Tacoma, and will probably take the body to the deceased's old home in Kansas.

A Mountain Will-o'-The-Wisp.

Nearly every one of the 25 or more men employed in Oley Johnson's logging camp up the Grand Ronde river have witnessed on various occasions a strange light, which appears in the mornings and evenings just above the house where the loggers have their winter abode, says the La Grande Chronicle. This peculiar illumination resembles a lighted lantern, about three feet above the ground, and sometimes it shifts around as if it were guided by an unseen hand. The average logger is not the man to harbor a superstitious notion, and when this phenomenon was first reported there were many men in the camp who believed that it was nothing more than imagination, but nearly every one in turn has had the opportunity to see the strange light for himself.

The thing that interests them now is to find some scientific explanation of the phenomenon. Many of them have seen and all of them have heard of the balls of pale light that hover over marshy ground and over places where there is decaying vegetation, which are scientifically accounted for and which are known as "jack-o'-lanterns" and "will-o'-the-wisps." But up in the mountains there is no marshy ground, and as far as known, there are no other conditions that would produce an illumination of this kind. There evidently is a natural cause for it, however, and that cause will undoubtedly become known in time, as every man in the camp has become deeply interested in the matter, and will do all in his power to probe the mystery to the bottom.

Real Estate Transactions.

Reported daily by the Eugene Abstract company. Office in Tilus block opposite Hoffman House.

COUNTRY.

The state of Oregon to M Wilkins lots 5, 6, 7, 8 and 9, sec 16, tp 16 s, r 3 w, 45 acres; con $98.

Louis E Flegal to Blanche M Flegal lots 2, 3, 4 and a part of se ¼ of nw ¼ section 24 tp 17 s r 1 w, 80 acres; $500.

J B Nettleton to Rosalia S Nettleton lot 3 w blk 8, Christian second add; con $200.

EUGENE.

F M Wilkins to Emma Galtra Wilkins lots 1, 4, 6, 7 blk 1, Mulligans add on west; $1.

Daily Guard, January 31.

CHARGED WITH RIOT.—As a result of a row at a school meeting in the Dick Hayes neighborhood, over levying a school tax, Dick Hayes and his sons, Richardson and Anderson, and John Bowers have been arrested on a charge of riot. They appeared before Justice Wheeler this morning, and their trial was set for next Thursday at 1 p m.

MARRIED.—Mr Alex Eaton and Jane Savage were married at Creswell January 23rd, by G S Miller, J P.

MARRIED.—January 28th, by Rev I G Knotts, Mr L G Johnson and Miss Louisa A. Landschooft.

Early Day Horse Race at Eugene.

Exchange: Away back in the fall of 1854, just when the Indians, under the leadership of that crafty old Rogue River Chief John, were making preparations for the sanguinary war of '55 and '56, a band of Clickitats and Calapooias, about 300 in number, encamped on Spencer creek, about eight miles southwest of Eugene. Henry Owen, sometimes called "Saint Owen," but more recently known as "Swamp Angel," lived adjoining farms to Henry Hadley; these two men were much alike in their make up, they were foxy and cunning, and could drive a bargain in early days to the queen's taste. Hadley owned a race horse called Blucher; he was sired by Tom Tiger and out of Saw Mill, and was a speedy animal; he could measure off a quarter in 22 seconds, hence was regarded as a dangerous antagonist, in a race.

The "Swamp Angel" happened along where the Indians were camped and noticed that the Indians had a race horse that they placed great store by. The Indians said their horse was a "skookum cultan," that he could "hiack clatawa" "hiack cola."

Owen saw an opportunity to relieve the Indians of some of their horses, which by the way commanded a good price in those days, besides buckskins and all their loose cash, and accordingly he proposed to make them a race with the Hadley horse. The Indians accepted the banter with great eagerness. A forfeit was at once put up and the next day was fixed for the race.

In the meantime the Indians through the machinations of some bad white men procured 10 or 15 gallons of whisky. When the hour arrived for the race the Siwashes by reason of their hilarious intoxicated condition were in a fix to wager their all on their "skookum cultan." They would put up their deer skins against almost anything. Hadley became excited and pulled off his coat, vest and pantaloons and bet them against a half dozen buckskins. Bob Hadley, who was afterwards shot and killed by Marshal Felch in Eugene, was selected to ride Blucher. A little bit of an old insignificant, dried up Indian named Crooked Finger John, mounted the "skookum cultan."

By this time the Indians were in a ferment of excitement. At a given signal the horses started. Blucher shot out two or three lengths in the lead. Young Hadley concluded to pull in Blucher and not beat the race too easy. Blucher did not take kindly to this; he got mad and commenced to buck, and threw his rider. The "skookum cultan" shot by Blucher; in the meantime the Siwashes commenced to jump up and down and shout "close, close, close."

When the race was over Hadley begged of the Indians to loan him his pants to ride home in, but Mr Indian sang out: "Toake tickey, cultus waw waw." The result was poor Hadley had to ride home in his shirt tail. His wife, who was one of the most amiable and kind hearted ladies in that country, was much shocked and mortified at her husband's unusual appearance.

In the meantime the "Swamp Angel" was using all his persuasive powers to bring about another race, but his little game wouldn't work; the Indians smelled a certain amount of mice. The Angel wended his way home in a somewhat ill-natured frame of mind.

University Items.

Daily Guard, February 1.

The C A C's will give an entertainment in the gymnasium in the near future.

The program for the oratorical contest will be published next week.

The students are sadly longing for a new piano and a musical director.

Miss Ada Hendricks assisted by Miss Belle Brown will entertain the senior and junior classes this evening.

Many new and valuable books have been received at the library lately, which greatly increases its value.

No better proof of student loyalty and love for the college could be had than the intense disgust and loathing which the traitorous actions of one of their number has excited in the students as a body.

The seniors have handed in the first chapter of the serial orations which will be continued at intervals until commencement, when the public will be inflicted with the conclusions. Howsoever a synopsis will be given and it is hoped that all will end happily.

BROWN'S GUN FOUND.—Thursday's Roseburg Plaindealer says: Ed Combs, driver of the Coos Bay Stage line, came in from Myrtle Point last night and reports that Sam Brown's gun had been found in the river at the place where the last traces of his tracks were found by the officers in pursuit. This fact leads to the almost certainty that Brown was drowned there last Saturday as reported by the officials who were on his trail. If true, and there is scarcely a doubt of it, it closes the drama and shows that the way of the transgressor is hard, and is a warning to all evil doers. They will eventually close an ignominious life in an ignoble way.

ON THE DIVIDE.—A correspondent writing from that place to the Albany Democrat says: David Eby and wife are now at Uncle Preston Barger's making arrangements for moving him and his aged wife to live with them in the future at their home near Goshen, in Lane county. Mr and Mrs Barger's many friends will be very sorry to part with them, though all will agree in thinking it a very wise decision, as they have long been too feeble to live alone.

CHOPPING BEE.—Eugene camp, Woodmen of the World, has received an invitation to attend a chopping bee to be given by Albany camp February 22nd. A prize of $7.50 is given to the best chopper, and $2.50 to the next best. The Albany neighbors are preparing for a royal time, and nearly every camp in the valley will join them in their good time.

BORN.—In this city Saturday morning, February 1st, to the wife of Geo Croner, a son.

Call For Democratic Convention.

A democratic convention for Lane county Oregon is hereby called to meet at the court house in Eugene the 28th day of March 1896 at 10 o'clock a m. Said convention is called for the purpose of electing 12 delegates to the State Democratic Convention which convenes at Portland April 9th, 1896, and also to nominate a ticket to be voted for at the election to be held June next and to transact any other business properly coming before the convention. Democratic voters of the various precincts in the county are advised to hold their election for delegates to said convention Saturday, March 21st, 1896, at 1 o'clock p m.

The several precincts of the county are entitled to representation in the convention as follows to-wit:

North Eugene No 1	3
North Eugene No 2	3
North Eugene No 3	1
South Eugene No 1	3
South Eugene No 2	3
South Eugene No 3	1
Willamette	3
Springfield	3
Irving	3
Thurston	1
Creswell	4
West Cottage Grove	3
East Cottage Grove	3
Pleasant Hill	2
Goshen	1
Richardson	3
Camp Creek	1
Mohawk	1
Spencer	3
Coyote	1
Long Tom	3
Gate Creek	1
McKenzie	1
Mabel	1
Chesher	1
Fall Creek	1
Glenena	1
Middle Fork	1
South Junction	2
North Junction	3
Florence	2
Siuslaw	1
Lost Valley	1
Hermann	1
Elmira	1
Walton	1
Mound	1
Total	69

All voters who favor taxing luxuries highest rather than the necessaries of life and favor the lowest tax possible for the efficient administration of government both state and county and payment of constitutional salaries only to all state and county officers and abolition of all useless offices are earnestly requested to participate in the election of delegates to the convention.

J. P. RAMSEY,
Chairman Central Com.

F. C. MATTESON,
Sec.

Brevities.

Salem has a city tax levy of 8 mills.

Mr Wm Galloway has been appointed receiver of the land office at Oregon City.

C J Ehrman has been chosen councilman at Oregon City to succeed Jacob Huff, resigned.

Farmers in Polk county have pooled their wheat, and have been offered 52 cents a bushel for it.

"Man is somewhat like a sausage,
Fair enough upon the skin;
But you never know exactly,
How much hog there is within."

The Colonial Entertainment to be given by Prof Baright and Miss DeLashmutt, for the benefit of the Free Reading Room on the night of the 22d of February will, without doubt, be the best of the kind ever presented in this city.

The Dalles Times-Mountaineer says the construction work on the locks is so nearly completed that the contractors have been able to dispense with the services of 150 hands that have been employed on the works.

Ashland Record: J M Martin, the Silver lake stockman, came in Monday en route to Cottage Grove. He will return with his family in June. Mr Martin's brother and several other relatives were victims of the terrible Silver lake holocaust. He is an uncle of Mrs. Gard Van Riper, of this city.

Heppner now has a speed association, with George Conser president and A W Patterson secretary. The directors are: E G Sperry, D A McAtee, George Harrington, E L Matlock and Henry Heppner. The selection of a track and the date for the spring races were left in the hands of the directors. The name chosen was the Heppner Speed Association.

Independence West Side: Judge Warren Truitt, late judge of Alaska, spent a few days this week in Independence visiting old friends. He informs us that he will make a permanent residence in some town near the Willamette river. The judge looks hale and hearty. There is considerable talk among his friends that he would be a wise selection for congress from the first district. Should the judge conclude to have his name used, Old Polk would give him her hearty support.

The Roseburg Review refers to the accident to the presiding elder of the M E church for the Grant's Pass district as follows: Rev T L Jones met with a painful accident Friday night, by slipping and falling while attempting to remove the overalls he wore while riding to town. A badly sprained ankle was the result and he was carried to the McClallen House, where Dr Bradley attended him. Mr Jones' many friends sympathize with him.

Daily Guard, February 3.

LIVE ALLIGATORS.—I L Campbell sent Wm Renshaw three live alligators which he obtained while in Florida. They are little fellows about nine inches long. They came by express, in a box about 4x4x9 inches, with an air hole in each end. When they reached here they appeared to be dried up and dead, and Mr Renshaw was going to throw them away, but was induced to place them in water and they soon soaked up and became quite lively. He now has them in a tub of water, and they have received many callers during the day. With them came instructions not to feed them before the first of May.

REFEREE'S REPORT.

Mr. Woodcock Files His Report in the O. P. R. R. Case.

A C Woodcock, referee to report on validity and priority of claims against the $100,000 purchase money for which the Oregon Pacific railroad was sold to Bonner & Hammond last spring, has filed his report.

It will be before Judge Fullerton for approval at Corvallis, February 5, at 2 p m. Mr Woodcock, assisted by Stenographer Wilkins, has at great labor and pains sifted the millions of dollars of claims presented and his findings are given below:

APPORTIONMENT OF CLAIMS.

	Allowed.
Material and supplies, claimed $59,167.84 and interest	$ 68,632 99
Laborers for recr., claimed $118,976.44 and interest	138,013 43
Hiedlebeck, assigned lbr., claimed $40,000 and interest	48,132 88
Insurance certificates, eld. $13,867.79 and interest	16,674 19
Benton county taxes claimed $19,466 63 and interest	19,468 63
City of Corvallis taxes	423 00
School district No 9 taxes, claimed $586.70	530 45
Lincoln county taxes, eld., $20,619.22	15,941 56
Linn county taxes	10,041 56
Marion county taxes	9,343 15
John P Fay, attorney fees, claimed $7,603.95	.....
Bronaugh McA & F., attorney fees	8,861 00
L Flinn, attorney fees eld. $3,655 and interest	3,155 00
John Burnett, attorney fees	1,250 00
J K Pendleton, attorney fees claimed $3,000	.....
Page & Kelley, attorney fees	4,000 00
E C M Rand, expert fees claimed $12,754.43	.....
F L & T Co and Attorneys Turner, McClure & Bryson claimed $38,276.50	.....
W L Law, recrs. certificate claimed $41,000	17,221 00
D B Monteith, recrs, certificates claimed $7,000 and interest	8,880 00
W L Vance, recrs certificates claimed $10,000 and interest	12,400 00
L Flinn, recrs. certificates, claimed $7,000 and interest	8,880 00
John A Crawford, recrs. certificates, claimed $5,000 and interest	6,240 00
J W Whalley, former referee claimed $500	.....
M O Wilkins, sten. fees	59 15
Roseburg Review, advertising	55 00
Geo S Coe, trustee rents, claimed $3,021.78	.....
Wm M Hoag, rents and O D Co., claimed $15,041.78	.....
T E Hogg, receiver, claimed $5,594.66	.....
Chas Clark, receiver, no claim; accounts approved	.....
E W Hadley, receiver, eld. $10,000; account approved	3,000 00
T E Hogg, receiver; accounts not approved; short $30,084.27	.....
Levi & Ferguson, et costs	463 35
Amount of fund on hand	94,312 17
Expenses of proceeding	1,360 60
Balance for distribution	92,942 00

The report shows that the Hogg receivership is over $30 000 short, and that no legal reports were made to the court for over eight months prior to his removal.

Other claims not in the hands of the court are as follows:

$25,000, less officers' fees of about $5,000 deposited in Hamilton & Job's bank, which will pay a percentage. Also about $27,000 proceeds of the sale of steamship Willamette.

Salem attorneys who are conversant with the facts say the report made by Mr Woodcock is very creditable to the gentleman.

The labor and material men will get about 10 cents on the dollar and if anything is realized on other funds the labor and material men will get it all. There is not much probability of an appeal to the supreme court.

Commissioners Court.

At the Commissioners' court Friday the following proceedings were had:

Resignation of L Flegal as supervisor of road district 49 was accepted and A F Post appointed to the place.

The following bills were allowed and the clerk was ordered to draw warrants for the amounts:

L Flegal, road supervisor road district 49	$12 00
Peter Harpole, road supervisor district 39	8 00
H A Bowers, piling for road	1 65
E F Chapman, lumber	2 33
Sweet Bros, lumber	11 00
Wheeler Bros, lumber	3 45
Jno Wingard, lumber	5 55
A W Bond, bridge stringers	1 20
J C Goodale, lumber	1 88
Day & Henderson, coffin and box for pauper	10 00
J B McNutt, gravel	75
Jos Sharp, gravel	2 19
M J Harper, gravel	6 00
E R Hollenbeck, gravel	17 04
Calvert estate, gravel	3 60
J C Jennings, gravel	3 60
C W Washburne, gravel	12 00
A C Jennings, stamps for registering supervisors, appointments, etc	12 20

Bond of Frank Reisner as distributor of indigent soldier fund was accepted.

Ordered that all road supervisors in Lane county be required to estimate the amount of gravel obtained from the premises of private parties for use on public highways, by the yard instead of by the load as heretofore practiced.

Ordered allowed:

W T Kayser, lumber	$10 12
J P Zumwalt, lumber	6 00

Daily Guard, February 3.

CANDIDATES.—The Oregonian today has the following concerning two gentlemen well known in this city: The republican judicial nominations in the Eighth district—Baker, Union and Wallowa counties—seem to have been practically agreed upon. Mr Robert Eakin will be nominated as circuit judge, which place he has filled since the resignation of Judge James A Fee, and Mr Frank L Moore, of Baker City, will have no opposition as candidate for the position of prosecuting attorney.

Binger Hermann has entered the race for re-election by the river route. He will begin the ascent of salt creek in June or earlier.

The state government of Oregon is unnecessarily expensive. The last legislature and the present state officials are responsible for this. Their promises have not been kept, and the people will remember this when they come to the polls.

Statesman: The Eugene merchants can't get their freight by boat because a new sandbar has formed in the river near Junction, the stump puller is tied up to a stump, and the government has gone duck hunting. Will this great valley allow things to drift on this way for another twelve years?

The people are paying $10,000 a year for a railroad commission which is not worth one cent, and $3,000 for an attorney general who does not earn one-tenth of that sum, besides half a dozen other useless commissions. No less than $50,000 a year could be saved by doing away with some of those useless commissions and getting electric lights and neccessaries for state institutions at Salem at what they are worth.

East Oregonian: If the people, the tax payers, would continue to demand in no uncertain tone less expense of government and particularly of courts, taxes would go down to the minimum. The people are paying too much for running court machinery for the benefit of lawyers, litigants and court officers. And United States courts appear to be the most expensive to the people of any. The urgent deficiency bill which has passed the house of representatives at Washington carries $5,415,922, of which sum $3,242,582 is for expenses of the United States courts.

Senator Alley has read a great deal of unfavorable comment on the extravagance of the last legislature and tries to remove any burden of responsibility from his shoulders in the following: "The people begin to understand, too, since they are informed that the expenses created by thirty members of the last legislature were less than one-third of that heaped upon the tax-payers by forty-two, and that the same analogous relations will follow in other expenses." An analysis of the vote of the last legislature, however, shows that Senator Alley voted for every appropriation bill coming before the senate, with one exception, when he was absent, and but for that absence would have headed the list of senators for amount of appropriations voted. His vote on appropriations exceeded Senator McClung's by $1,266,435,99.

East Oregonian: Robert G. Smith, a member of "the late demented" legislature, writes a long letter to the Oregonian in which he favors a special session of the legislature so the republican majority and plurality of that body may have a chance to redeem the platform pledges of their part and set themselves right before the people, in order that they may be entitled to renomination and re-election. That's it! A special session is only wanted so that the reign of the most extravagant body of legislators on earth may be prolonged. They will and should turn down every member of it because they failed to keep their solemn pledges on the strength of which they went into office the first time. The people will not be fooled the second time by similar pledges from the same men. Never.

Mrs. W J Burwell, of Oakland, California, has surprised the people of that city by appearing upon Broadway clad in bloomer costume. Mrs. Burwell who stands high in society, has the very latest in winter costume, and proposes to try and introduce the fashion among the women of Oakland. She desires it understood that she is not a new woman, but is simply the advocate of a fashion which she believes will avail much good to her sex. During a recent heavy snow storm Mrs. Burwell got her skirts wet and contracted a severe cold. It was then that she made up her mind to abandon skirts during the winter and to wear bloomers. She laid the matter before her husband and explained to him the advantages to be derived by a woman wearing bloomers over one wearing skirts. Mr. Burwell went out into the storm and observed women dragging their dresses along in the mud and rain. Then he returned home and decided in favor of bloomers, and Mrs. Burwell lost no time in preparing a costume which she designed herself. It consists of bloomers very full, and reaching to the knee, and knit leggings, which reach down over the shoes. The coat buttons up around the waist and hangs gracefully about the form.

Lane county can find in San Francisco and other coast cities a market for all the first-class poultry she can produce.

Something should be done to secure the services of Capt Hatch and his snag boat. It is important that the river be kept open.

The Associated Press informs the world that John L. Sullivan has been on another spree. If trouble was taken to ascertain a time when he is sober it might make a readable item.

Criminals who are now brought to justice find they have no Pennoyer to help them out of their troubles, and that the law of the people is respected by their chief executive.

Proper disposition has now been made of Lloyd Montgomery, the triple murderer, and the authorities of Linn county are entitled to credit for the manner in which they have carried out the law. No community is safe with such a person running at large, and when one of this character is apprehended no time should be lost in protecting the people, whose lives have thus far been spared. All such persons begin their work of destruction of human life at the wrong end of the list, and spare their own lives until others have been sacrificed. Those who have hoped the death penalty would be spared Montgomery because of his age, had not a proper realization of the enormity of the crime, and the danger to a community of allowing such persons their freedom. The people among whom he resided could be assured of the safety of their lives from the hands of this monster in no other way than that practiced. Prison bars have been tried, but found to furnish only temporary restraint. Pity may be human, but justice is commensuate with the needs of humanity in general, and there is no justice to a community in exercising any but the extreme penalty of the law on criminals of this class.

Perhaps the most "techy" man around the state house, says the Salem Statesman, is Secretary of State Kincaid on the question of law suits involving his official actions. It has been his fortune, good or bad, to have made a party to several during his short time in the position, and he does not enjoy the distinction which a court presence gives him, hence it is said to have been the heighth of amusement yesterday to see his moods and tenses when Attorney Idleman suggested the possibility of his beginning another action to enjoin the building of the Eastern Oregon insane asylum. The supreme court in its decision of the day before said that the attorney-general would be the proper party to begin such an action, so that gentleman yesterday told Mr. Kincaid that he was going to examine the decision thoroughly with a view to making up his mind whether to begin another suit or not.

Mr. Kincaid's English is as vigorous as has been proverbially credited to Andrew Jackson and it is said that he gave the attorney-general to understand he didn't give a whoop how many law suits he commenced, but with such force as to convey the idea that he was entirely sick and tired of suits and attorneys and courts generally.

A Statesman reporter asked Secretary Kincaid yesterday what the program of the state beard is in the relation of the proposed asylum. He said if not again interrupted by a law suit the board would proceed and have the building put up in accordance with the acts of the legislature, in 1893, when it was first provided for, and in 1895, when the bill providing funds for it was passed with very little opposition. He says of course the matter can be kept in the courts indefinitely, but he does not see the good purposes to be served thereby.

Mr. Kincaid says new buildings will be necessary next year somewhere; that the capacity of present accommodations is already overtaxed and the number of patients is constantly increasing; that the institution under the recent ratio of increased demands, will need more money than has been appropriated, notwithstanding the fact that it is being conducted with the strictest economy consistent with good service. He says the main buildings received additions to this space last year to the full extent possible, by enclosing an open area at a slight cost and fixing up several rooms in the addition thus built, but that this is not enough and is only a question of a short time until extensive additional house-room will be necessary. He thinks under all the surrounding circumstances the wisest thing to do is to permit the erection of the new structure as contemplated, with out the additional and annoying trouble and expense of continuous lawing.