

# THE ENTERPRISE-SUPPLEMENT

## FRANKE-SHIPLEY WILL CASE.

### Judge Meldrum Decrees in Favor of Contestants.

County Judge Meldrum has rendered his final decision in the notorious Franke-Shipley will case. It reads as follows: "Under the view taken of all the circumstances under which this instrument was executed, coupled with the mental condition of the deceased at the time of its execution, the court must find that the document exhibited, and offered for probate as the will and testament of John Franke, deceased was not his will, and cannot be admitted to probate as such will. And the court further finds, pro forma, that all the material allegations of the contestants' complaint are true. Let a decree therefore be entered accordingly."

The conclusion of this case will be the means of suppressing not a little curiosity and satisfying the considerable interest manifested in it by residents of this county and surroundings. The facts as extracted from Judge Meldrum's decree are given below.

On the 24th day of December, 1889, an instrument in writing, purporting to be the last will of John Franke, deceased, was admitted to probate in common form by Judge W. L. White, on the petition of A. R. Shipley, who was named in the instrument as sole legatee and sole executor.

By inventory and appraisal the estate was valued at \$186 85, of which \$790 was in real property, and \$1195 55 in personal property.

On the 21st day of May, 1890, the contestants, Adolphe Franke, August Franke, Wilhelm Franke, Regina Dant and Christian Dant, claiming to be full brothers and sisters and full heirs of the deceased, by their attorney, filed their petition praying for a decree setting aside the will because of the unusual mind of the testator, and of undue influence exerted upon him by A. R. Shipley to procure it.

The answer, denying the allegation was finally submitted on Dec. 11, with C. D. and D. C. Lamouratte, as attorneys for contestants, and Miller & Miller, F. O. McSwain and W. W. Tuayer as attorney for proponents.

Franke was a native of Prussia and was fifty-six years of age at the time he executed the instruments. He had no education either in his native tongue or our language and was barely able to write his own name. He came to this country when a young man and served as a private in the United States army in the war with Mexico, after which he came to the Pacific coast. He was employed from 1834 to 1838 as a laborer on the farm of H. C. Miller near this place, and during that time he purchased twelve acres of land of Mr. Miller, and on which he lived alone during most of the remainder of his life. In 1872 his cabin burned down. In the excitement of fighting the fire he over-exerted himself and for two weeks thereafter was prostrated with fever at the house of Franklin Ford. He shortly afterwards went to Tillamook, and it was after his attack of fever and prior to this trip during a stay at Shipley's house his will was made.

In 1880 he was pronounced insane by Judge White, and committed to the asylum, from which he was discharged in December, 1887, but he was again sentenced to the asylum on Nov. 30, 1889, where he died in December, 1890.

Mr. and Mrs. Shipley's testimony in the case was substantially the same as was that of the other witnesses who testified, yet none of them offered evidence sufficient to disprove the insanity of the testator or the illegality of the testament, and it is generally conceded that Judge Meldrum's ruling was in every respect a just and fair one.

### The New Bridge.

The new bridge at Salem, which spans the river between Marion and Polk counties, was completed Tuesday, and accepted by the courts of the two counties, meeting in joint session. The cost of the structure complete, including all changes, is \$83,389.99. The grand total is made up from the following sums: Bridge and approach, first plans, contract price, \$60,000; sidewalk, extra grillage, pile-pier protection, etc. \$9982; concrete in the original piers, and changes, \$5087; extra cement in McCoy pier, \$1462.50; removing McCoy pier, \$939 55; cylinder piers, \$8713 49; superintendence and use of tools, \$2218.45. This amount to offset by the following credits: Deductions for pier protection not required after changes, etc., \$1033; Polk county warrants, \$14,005.40; Marion county warrants, (including Salem) \$30,000; total, \$45,701.40, which leaves a balance due the contractors of \$38,701 to be paid by Marion or Polk county—as shall be determined.—Albany Herald.

### To Destroy Stumps.

First—Bore a hole one inch in diameter eighteen inches deep into the center of the stump, and put in one ounce of saltpeter, filling up with water and plugging up the hole. This should be done in the fall. In the spring the plug is to be taken out, and a half-gallon of kerosene poured into the hole and set on fire; it will burn out the stump to the farthest root.

Second—In the fall bore a hole one inch in diameter and ten inches deep, into the center of the stump and put in a half pound of vitriol and plug up very tight. In the spring the whole stump and roots through all their ramifications will be so rotten as to be easily removed.

## COUNTY NEWS ITEMS.

### Notes of a General Nature, Called by Our Corps of Regular Contributors.

#### Meadowbrook.

There has been an unusual amount of gaiety and amusement of different kinds in progress since our last writing.

On the 7th instant there was a social hop and a beautiful supper at the new residence of Mr. Frank Baker. And by the way, Frank, accept our congratulations, for we know that you would never have provided so neat a cage had you not been sure of a bird in the near future.

On the evening of the 8th instant a crowd of boys called on Mr. Abey Larkin and his wife and made things lively with shot guns, tin pans, etc., until they dispatched a courier to Molalla corners for "medicine." But the boys couldn't wait and proceeded to Wright's bridge where the "doctor" met them, when care was banished and bog jules and "the boys" reigned supreme. We were not there!

On the 9th instant a large number of our youth gathered at Mr. Robinson's and had a good time "skipping to Malon" and other games.

Mr. and Mrs. William Jennings, of Marquette's, accompanied by their daughter, Miss Lizzie, were up last week on a visit to Mr. Robinson's.

Mr. S. A. Isaac has returned after a four month sojourn near Woodburn, and is now in company with "Phoenix" running a hatcher school at Maple ridge.

A petition was circulated here this week by Messrs. Buckner & Grace to cut off a slice of territory from the north end of our district to organize a new school district. They propose to build their school house between the farm of J. P. Olsen and Clark's post office. We hope they may succeed, for their children are unable to travel the two or three miles to school.

On the evening of the 10th instant Mr. Frank Baker gave another dance to his friends.

There will be a concert at the Gorbett school house in the near future. A general admission fee will be levied with which to purchase a school house flag. We will give date and further particulars in our next.

The roll of honor, published in my last communication, was not for district No. 93, as printed, but for No. 72, Miss Maggie Williams teacher.

We are sorry to say that young ladies are getting scarce in this vicinity; and by the way, ladies, Mr. S. A. says if any of you want him you must be quick about it, or he will seek new fields and pastures green!

"Whyee," we think thee for thy generosity.

January 17, 1891.

#### New Era

George McArthur has gone east of the mountain to teach school.

Will the legislature repeal the indebtedness clause? We guess not.

Prof. M. E. Johnson was collecting the school tax in district No. 63 last Saturday.

H. C. Dorris and wife are both getting better, and we hope to see them out again very soon.

The many friends of J. M. Bacon regret very much to hear of his sudden death, realizing as we do the loss of an esteemed friend and obliging citizen.

The literary society at the Phelps school house is progressing very nicely with C. P. Dix president, James Wilson vice president, and E. H. Mack secretary. The question for debate next Saturday is: "Resolved, That there is more knowledge gained by traveling than by reading."

The tramp school teacher, better known in Oregon City by the name of J. D. Matheson, who wilfully deserted the Phelps school and thereby caused so much trouble in that district, returned one day last week and remained just long enough to get his grip sack.

F. M. Darling, of Mountain View, has been procured to finish the Phelps school, and is so for having splendid success. This will make the third or fourth term for him in that district since its organization.

John Zeek has given up the idea of moving to Canby, and has bought two lots in Mountain View and intends erecting a blacksmith shop on one of them and a residence on the other, and will move his family there in the spring.

There will be a celebration of Thomas Paine's birthday at New Era in the Spiritual Tabernacle on January the 25th, when the highly talented speaker, Miss Kate Khem, will deliver a lecture on the life of Thomas Paine. After the lecture there will be a grand masquerade ball in the Spiritualists' dance hall. There will be good music and a free lunch. All are cordially invited, and a good time is expected.

#### Damasco.

Married—at the residence of the bride's father on the 14th of January, Miss Minnie Bohna M. J. C. Elwood. In the evening the friends of the bride and groom were invited, and all had a general good time.

John Sharich has been under the weather for a few days but is getting better now.

The dance at A. W. Cook's last Friday night was nearly a failure.

Rev. J. C. Elliott preached at the Chris-

tian church last Sunday.

There was a shooting match at Damasco last Saturday.

More Chinese pheasants are in this part of the country than of the common kind.

CRANK.

#### Highland.

Times have been rather dull since Christmas in this locality. Most of the farmers are busy burning out stumps to improve their land for the coming season. Plowing has been stopped on account of the hard frosts during the past week or more, but the weather is mild again and things look as though spring was coming on.

Mr. J. D. Myers has brought his cattle home from the foot hills. They have been out there all summer and until now, and he reports them in good condition.

Mr. John Lezy has his barn nearly completed. It will be a great benefit to him.

Miss Jessie Lezy has returned home from a trip of seven months to the coast with her friends.

Stout Bros. are doing a progressing business since they started in their new enterprise. We wish them success.

Mr. Davison has improved the appearance of his place lately by clearing away a quantity of timber.

Mr. Hargraves, of Oregon City, will preach here in the Baptist church on the 18th instant.

Mr. Jas. Ward is now superintendent of the Sunday School, which has a large attendance.

January 17, 1891.

#### Molino.

Spring seems to have overstepped herself and suddenly sent us sunny days and clear nights, with strawberry blossoms and wild flowers. Who would not live in grand old Oregon?

Last Sunday Grandpa Darrell had a hive of bees swarm. Who can beat that?

Mr. E. H. Cooper had the misfortune to lose a fine young horse with the blind stagers a few days ago. It is one that he raised and brought from Kansas last fall.

Miss Mathe Hobbs gave a quilting bee yesterday in honor of her mother's birth day. A goodly number of ladies were present, and an enjoyable time is reported.

Mrs. John Gillett, of Mountain View, is visiting friends at Molino.

The hop growers are in good spirits over the high prices last fall, and many are setting out larger yards.

Professor J. R. Edwards has just signed a successful term of singing school, and as he is a very efficient teacher those who secure his services are very fortunate.

The Grange, which holds regular meetings once a month, is in a very flourishing condition. A special meeting was held last Saturday to initiate a class of four.

A much needed improvement in Molino is a new school house, also a portable saw mill.

C. T. Howard's roller mill is now being run by Mr. J. W. Smith, a well known miller of Oregon City.

We hear on good authority that Mr. Howard has gone to Portland to purchase more mill machinery with which to further improve his mill for next year's crop. The mill will continue to run while the improvement is being made. The mill gives general satisfaction, and we say, success to you, Charley.

January 20, 1891.

#### Molalla.

We'll venture the assertion for what it is worth, that no Oregonian in the '30's' or '40's' ever saw such a splendid winter as the present one down to date. It scarcely freezes at night, and the mercury is 50 deg. in the shade to-day, the 19th. The ground is in fine condition for plowing, and the farmers are turning over the earth to beat the spring time. The grouse, however, withholds his hooting, and the frog his part of the spring melody.

The Molallas are conducting a literary society at the school house every Saturday evening. They will thresh the Alliance platform soon in a continued debate for three sessions, gathering the kernels in line and tossing the chaff to the four winds.

Born to the wife of Whitcomb Briggs, a bouncing boy. All doing well, and Whit forgets about getting his ribs broken, thinking what help he will have by and by.

Considerable improvement is going on south of the prairie. Mr. Al. Shaver is having forty acres of brush slashed, and M. Jordan is getting a hundred acres slashed. Quite a good deal of grubbing and rail making is going on. Several of the discharged railroad men have found employment about here.

Our new merchant has taken charge of the store at the Hardesty corner.

It is rumored that the Southern Pacific railroad company proposes to build a branch road from Barlow station to the Soda Springs via Molalla, and another branch from Mount Angel to Scott's mills, as feeders, to keep out another company which is making an effort to get a road through this country.

January 19, 1891.

#### Frog Pond.

The weather is fine and feels more like spring than the middle of winter. The fall wheat is growing finely, and there is pros-

pect of a good harvest if nothing happens. Sharp Bros. are preparing to build a large new barn in the spring. They don't get it before they need it.

The dance at F. P. Larson's last Thursday evening was well attended, and every body seemed to enjoy themselves. It was given on account of Charles and Oscar's birthdays, one being on the 15th and the other the 16th. It will long be remembered by those present.

The supervisor, P. A. Baker, built nearly a new bridge across Gosser creek last week, the connecting link of the two noted places Plattsburgh and Frog Pond.

I understand they had the Plattsburgh correspondent up before the court last week in Oregon City because he refused to work the roads when notified by the supervisor. Live and learn is a good motto, and pay as you go, and then you know how you get there.

Fred Huslika is up from Portland visiting friends in Frog Pond whom he had not seen for four years. Fred is running the California shooting gallery in Tor plant, and is doing well.

Mr. George Saxon is nearly ready to raise the upper story of his saw mill, and expects to be ready to saw in about a month, provided it rains so the wheel will turn.

John Kruse is busy shipping his spuds to San Francisco as fast as possible; about 200 sacks per steamer.

Pleasureboats went up the Willamette to-day, making it look like his along the river once more.

The county school superintendent made our school a call last week to see how the institute is progressing, and reports everything O. K. Brother Thomson, call again when the cake is out. I don't think it will be long; so look out, boys.

H. M.

#### Fairview.

This week has brought us some fine weather. Where are those eastern people that never saw any of our good weather. They are not willing to trade this climate for the eastern at the present.

Before this is printed we will have a picnic at the Graham school house, it is to be Tuesday night January 19th, 1891. Hope it will meet with more success than the entertainment which failed to be given.

I will now try to give a description of this place. It is situated about five or ten miles south of Oregon City on the Molalla road. I think is five miles in the summer and ten in the winter, or will be when Commissioner Moeonke gets the road fixed out to here. We have good soft cushioned streets compared with Oregon City. We cannot boast of motor lines, cartway roads and corner lots. But we have a good blacksmith, and also have a great water fall but it is so located that we can't run mills with it, although we can make good use of it with a sled. There is a good schoolhouse here and also a church, a sawmill and a postoffice. This is generally a healthy place. Just now Miss Eaton is in Portland at the hospital, but we hope she will soon return to her home, a ain.

Vonderhahe had all of his cattle dehorned last fall. They are all doing well except a few which were very poor at the time of dehorning.

The boys at the sawmill claim there is a spirit down there under the house. They did not say whether it was in a bottle or not, but it rapped all the same.

Mr. J. K. Graham is having some wood cut on his suburb property over by Al. Howlands.

John Bond has bought another pony from H. Hunter.

Mr. Hayward has just been making some rails out of our fine Oregon timber two hundred and fifty can be made in a day by one person.

Mr. J. Jones is building an everlasting fence he is making it out of ground seeds.

Our school will be out this week. The scholars all think Miss McArthur a fine teacher.

January 19, 1891.

**Hopes Our Representatives Will Not Be Cajoled.**

Mr. Epprox: Like myself, I think the citizens and public at large have been led to believe that the necessity of a readjustment of our assessment laws arose from a feeling of the unjust burden of taxation. But, sir, from a report of the proceedings of a convention of the judges and commissioners of the respective counties of the state, as appears in the proceedings of the 9th inst., the cloven foot was inadvertently permitted to be seen in the appointment of a committee to proceed to Salem and urge upon the legislature the great necessity of increasing their salaries, the judges from \$100 to \$500 each, and commissioners to \$5 per day. Now, sir, if we can get a revision of the constitution, and all the rest of our officials, clerks, recorders, sheriffs, justices, constables, etc., will meet in a series of conventions to consider and discuss this assessment matter, and resolve themselves, as this one has done, we will wake up to the facts that the great fundamental principle of democracy will have become engrafted on the republican party, and the farmers in ten years will have lost their estate, and become the tenants at will of this vast band of political office-seekers, from the increased levy of taxation rendered necessary for their support. It is to be hoped that the members from this county will not be cajoled by his Royal Highness.

January 19, 1891.

## Mr. Louis Replies.

The last issue of THE ENTERPRISE contained a small item on the departure of Mr. Frank J. Louis, of this city, formerly of the firm of Olson & Louis, which we believe upon inquiry, did that gentleman injustice. Herewith is attached a letter from Mr. Louis in which he explains his relations with the firm, and notes the particulars of his departure. We take pleasure in giving it space in our columns:

ROSEBURG, OR., JAN. 19, 1891.

### THE ENTERPRISE,

#### Editor:

In your issue of Jan. 16<sup>th</sup> you have published an article which does me an injustice. First, I did not leave for parts unknown, I notified my partner where I was and gave an account of all my acts. I have a letter from him dated January 3rd. My friends also know where I have been and am at the present time.

As to emptying the till, this is false. I drew a few dollars from the till, and also drew a check on the bank, but exhausted neither. I gave full account of what I did. You stated that I departed while A. T. Olson was on a business trip to Portland, so I did, but may I inquire the nature of Mr. Olson's business there?

We entered into co-partnership almost two years ago, neither of us had very much money. I invested about 700 per cent. more than he and gave him half interest in the profits thereof. Then I rustled on the outside for almost a year and a half and worked hard and in good faith, after which I began to realize that it was like shoveling grain in a bin with a big hole in the bottom of it. No matter how hard I worked the results all went out of the hole. At one time we had the stock in such a shape that we could have disposed of it and nobody would have been loser but myself, to which I was in favor of. He then a knowledgeable his negligence and extravagance and promised faithfully to amend his ways, but I guess he forgot that he ever made a promise. I might go on and mention a number of facts which would show the disposition of Mr. Olson, but it is not necessary. All I wish is to make an explanation in behalf of myself and what friends I may have. Oregon City. Extravagance and gambling will get away with the best business.

Yours Respectively,  
FRANK J. LOUIS.

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