## A HEALTH POLICY

The system is, from natural causes, debilitated or run-down both in the spring and fall. The seasons' changes are always a tax on the human organism. The blood becomes impure in the spring, and vitality lags in the fall. A little care, a little assistance, and nature will do the rest, as it is always trying to maintain health. Frequently the weakest organ will show the most disorder, and this often leads to wrong treatment.

For the debilitated conditions of spring or fall, or any other time, for that matter, the right thing to do is to build up the whole system. It is not your stomach, or liver, or nerves alone that cause the trouble; you are weakened all over and must have renewed strength and vitality. These you cannot get so quickly or surely or safely as by using

**Dr. HARTER'S IRON TONIC**

When you use Dr. Harter's Iron Tonic you are helping to renew the vigor of every fiber of your body. You are cleansing and enriching your blood; you are strengthening your stomach and increasing the digestive fluids; you are building up and renewing the activity of your kidneys and liver; and you are feeding and revitalizing your nervous system. You cannot do this without getting well, and you cannot take Dr. Harter's Iron Tonic without doing it.

CHICAGO, ILL., Nov. 26, 1901.

The Dr. Harter Medicine Co., Dayton, O.
GENTLEMEN:—I unhesitatingly recommend Dr. Harter's Iron Tonic, as I firmly believe it is the best tonic on the market to-day. Every spring and fall my system seems to be in need of a tonic, and for the past three years I have taken a bottle of your tonic twice a year. HON. JOHN J. FURLONG,
Representative to the Illinois Legislature.
1351 Osgood St., Chicago.

FOR SALE EVERYWHERE.

For

# Good Shoes

Go to

**YORAN'S**
**SHOE STORE**


## SPRINGFIELD MILL IN OPERATION

The Booth-Kelly Lumber Co's big sawmill at Springfield is now in operation, having started up Monday, but with a complete force, however. The machinery is not yet all in good working order.

There are plenty of logs in the pond with which to work on, and it will be only a few days till the big concern is running on full time.

## Brevities

New Furniture.
Chambers' Hardware.

Dunn's solid fruit spray. Loughmiller & Peter.

Ask your grocer for "Silver Spray flour."

Scissors and pocket knives that are good at Chambers.

Dunn's solid tree spray. Loughmiller & Peter.

A few good second-hand bicylces very cheap at Chambers' Hardware.

Mrs L M Wells, a recent arrival here, is moving her household goods into the McCrady residence, West Third and Lawrence.

T E Latimer, editor of The Liberator at Portland, will lecture in Socialists' hall, corner West Eighth and Olive streets, Friday evening of this week. Mr Latimer was formerly professor of economics in the University of Washington.

Mrs Mary B Yerington, wife of A Yerington, druggist, has received a commission from the national president of the Women's Relief Corps giving her the office of National Aide. The honor comes unsolicited and is valued highly by Mrs Yerington.

As has been suggested by the GUARD, Gartner, the pugilist who was sentenced to one year in the penitentiary for attempting to obtain money on another man's check, was here under an alias. His real name is Bert Wooley and his home is in Bakersfield, Cal. Chief of Police Stiles yesterday received a telegram from a citizen of that place asking what Wooley was charged with here and said that his folks were well to do in Bakersfield.

IT SAVED HIS LEG.

P. A. Danforth, of LaGrange, Ga., suffered for six months with a frightful running sore on his leg; but writes that Bucklen's Arnica Salve wholly cured it in five days. For Ulcers, Wounds, Piles, it's the best salve in the world. Cure guaranteed. Only 25cts. Sold by W. L. DeLano, Druggist.

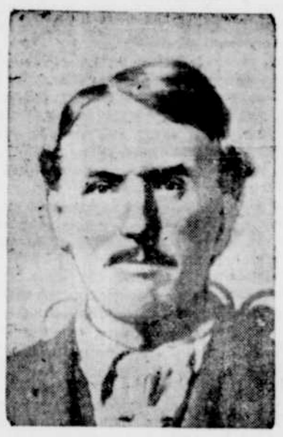
# GUILTY OF THE MURDER

## Jury of the Lyons Case Briefly Deliberate.

### Huge Crowd Listened to the Proceedings --Old Mr and Mrs Lyons Testify for the Defense of a Son.

(Daily Guard, March 4.)

As was expected the court room was crowded to its utmost capacity this morning at nine o'clock, the time for opening of court and the commencement of the trial of Edward Elliott Lyons for the murder of Sheriff Withers.



E. E. LYONS.

LYONS BROUGHT IN.

Shortly after nine o'clock Sheriff Fisk, Deputies Gainey Mathews and Harry Bown arrived in court with the prisoner, who appeared just the same as on previous days. He has an appearance of trying to withhold tears at all times, his mouth being drawn down at the corners and his eyes were constantly moist and glistening. The prisoner wears the same clothes in which he fled through the country during the exciting chase of a few weeks ago, with the exception of his shoes which were rendered worthless. He wears a pair of arctic gaitors in court, no vest and a soft shirt. He took his seat between the deputies and behind his attorney, and nodded to Prosecuting Attorney Brown. He assumed his customary position, hands clasped in front of him, feet crossed and chin considerably elevated.

At but one time did the accused speak to his attorney and he told him that Juror Jenkins, who was being examined, had conversed with him in jail and had acted as a guard in jail over the accused. On this ground the juror was challenged by the defense. J. E. P. Withers, father of the murdered man, Mrs. Van Duyn, cousin of the sheriff, and Peter Withers, uncle of the sheriff, occupied seats near the prisoner and closely scrutinized his features.

POLICY OF THE DEFENSE.

The policy of the defending attorney was revealed by his questions to the jurors. He has something unexpected on hand. The question Mr. Dorris asked which created the excitement is as follows:

"If we introduce evidence other than what has been published, showing that the accused did kill Sheriff Withers, but that the circumstances are different from what was published, would you give proper weight to the testimony?" From this the policy of the defense is discernable. Lyons will admit that he fired the shot but will either make a defense on the plea of accident or undue provocation with the hope of escaping with his neck.

EXAMINATION OF JURORS.

The examination of jurors was taken up immediately. After the twenty-four trial jurors had been examined, but nine of them were found qualified to serve as jurors on the case. The venire was exhausted and the order given for a new venire of 15 qualified jurymen be summoned. The jurymen selected were allowed their liberty in the interim.

Lyons leaned on his elbow in the meantime and slowly scrutinized the various lawyers and the judge in court.

THE JURY.

The jurors accepted and from which the jury which will try E. E. Lyons for his life, is composed of the following gentlemen:

W. F. Gilstrap,
D. M. McCrady,
Amos Wilkins,
Walter Blachley,
Jerry Atkinson,
Thos. Brown,
J. R. Sellers,
M. J. Hillegas,
Lincoln Taylor,
Marion Smith,
J. D. Campbell,
W. H. Kay.

JURORS REJECTED.

The following jurors were examined and excused upon various grounds:

W. G. Martin, opposed to capital punishment.

L. Gilstrap, served on coroner's jury.

J. W. Neet, opposed to capital punishment.

Palmer Ayers, distant relative of Withers.

B. D. Paine, had set opinion.

G. H. Hale, resides near Mapleton.

B. F. Houston, intimate friend of Sheriff Withers.

J. H. Goodman life-long friend of Sheriff Withers.

S. R. Jenkins, guard over Lyons in jail.

Lane Matlock, challenged by defense.

Geo. Fisher, in posse which pursued Lyons.

Thos. Van Duyn, relative of Withers by marriage.

Wm. Renshaw, had biased opinion as to guilt.

Henry Hoffman, hard of hearing, had opinions which would influence him.

L. C. Skeels, challenged by prosecution.

J. W. Taylor, appeared too willing to serve.

C. E. Robertson, had set opinions.

J. S. McMurry had opinion which would influence his decision.

STATEMENT OF PROSECUTION.

L. T. Harris made the opening statement for the prosecution. He recalled rapidly the events incident to the shocking tragedy of February 5th, and the facts in the case as to the performance of the deed. The statement was brief and to the point, intending to show that Elliott Lyons was the murderer. No recess was here announced.

DEFENSE'S STATEMENT.

Attorney Geo. B. Dorris addressed the jury as to the course of the defense. He said in part: "I have been appointed to see that a human being has a fair trial. I do not appear here to try to defeat the ends of justice but to see that Mr. Lyons secures what every human is entitled to—a fair trial by a jury of his countrymen. If the state fails to prove at every point it is my sworn duty to see that the defendant has the advantage of the omission".

WITNESSES CALLED.

Dr. D. A. Paine was the first witness called. He testified as to the condition and appearance of the dying sheriff when he reached him, on the afternoon of Feb. 6th. He testified that Withers stated to him while under fear of death that Lyons' mother, father and wife had interfered and held him and Lyons had shot him. The course of the bullet was described as being from the front to the back of the neck, extending downward, paralyzing the man from his neck down.

Dr. F. M. Day, the second witness, corroborated the testimony of Dr. Paine, including the damaging statement which Withers had made concerning the interference of the wife, mother and father of Lyons.

SMITH AND CORNELIUS.

Constable A. J. Smith recited the events leading to and subsequent to the shooting as have been published in the Guard. He was with the sheriff and assisted in arresting Elliott Lyons. He heard the sheriff's voice and the shot fired, broke into the house and found Sheriff Withers prostrate with a bullet wound in his neck.

W. J. Cornelius introduced testimony damaging in the extreme to the father, mother and wife of the accused. He was deputized by Sheriff Withers and was stationed with Smith at the rear of the house. He heard a scuffle in the interior of the Lyons home and heard Withers say, "Let go! Let loose! Let go of me!" three or four times during the scuffle just previous to the shot.

"I went in with Smith and found Withers on the floor. He said to us, 'Boys I guess they have got me. Lyons shot me and has gone out the front door. These folks (indicating the mother, father and wife of Lyons) held me and I told them to let loose but they wouldn't."

OTHER WITNESSES.

Marshal Stiles went on the stand and swore to the accuracy of a drawing of the premises which was introduced in evidence.

Sheriff Fisk testified that the warrant for Lyons for horse stealing was in the office prior to the tragedy.

Later he identified a bundle which was taken from the prisoner by the posse at Creswell and also a revolver which was in the bundle at the time. (It will be remembered that Lyons in an interview stated that he had lost his gun).

Justice A. J. Plymale and Sheriff Rader of Jackson County, identified the warrant.

The members of the arresting posse from Creswell were examined. Nothing new was deducted from their testimony excepting that of Hamilton Veach, who said Lyons stated that he only intended to break Withers' arm or shoulder and not to kill him.

Morrison White, a boy of Eugene, testified that he sold two horses for Lyons. J. M. Williams produced the bullet extracted from Withers' body. Justice C. A. Wintermeier recited the arraignment of the prisoner and G. N. Castle, grand juror, said that yesterday Lyons said in jail that anybody who valued his life would not have come after him.

At this junction the state rested its case.

INTENSE EXCITEMENT.

The most exciting and dramatic event of the entire week occurred this afternoon just after 4 o'clock. It was the appearance of the aged and helpless mother and father of Elliott Lyons.

The mother was carried into court on pillows and was attended by several ladies.

Tears came to the prisoner's eyes when he saw his mother.

She testified somewhat differently concerning the events in the house. She said she never heard Withers say anything; never touched him, but pleaded with him to know the reason for the arrest.

Mr. Lyons testified to the same things. The case was argued briefly by the prosecution.

(Daily Guard, March 5.)

After the argument of the state's attorneys before the jury impaneled to try Elliott Lyons for his life was finished last evening, the court ordered an hour's recess and reconvened the session at 7 o'clock and resumed the argument. Geo. B. Dorris spoke a short tme of the legal necessity of having a fair and impartial trial and reviewed the evidence as published in these columns yesterday. After he had finished the judge carefully instructed the jury in their duties in the case.

The prisoner maintained his usual position during the entire proceedings and showed no signs of interest other than solid staring which characterized him during the day.

At 8:35 the jury was closeted and the huge crowd in the courtroom commenced a buzz of speculation as to the probable length of time they would be out. They had not long to wait.

Within twenty minutes the jurors filed back and resumed their seats in the box. The foreman, M. J. Hillegas, handed the slip of paper, upon which depended the life of a human being, to the bailiff of the court who handed it to Judge Hamilton.

After a moment's persual the judge read in a clear voice the contents of the paper which were as follows:

"We, the jury empaneled to try the above cause, find the defendant, Elliott Lyons, guilty of the crime of murder in the first degree as charged in the indictment.

"M. J. Hillegas, foreman."

Upon the announcement being made the prisoner gave a slight start and lowered his gaze to the table, his face assuming more of the agonized expression which is always with him, for a moment. Then he regained his former position and further evidence that he had received his death sentence was absent.

The court immediately announced that sentence would be passed Friday morning at 10 o'clock and adjourned after dismissing the jury.

QUICK JUSTICE.

Today is the 5th of March. One month ago this evening at about 7:15 o'clock our brave Sheriff Withers was shot by Elliott Lyons while discharging his duty as a peace officer.

Lyons was captured on the 9th near Creswell. He was arraigned for his crime on February 10th before Justice C. A. Wintermeier in this city.

He awaited the convention of the circuit court on March 2nd when he was indicted by the grand jury for murder. March 3rd he plead not guilty to the indictment. March 4th a jury was impaneled, evidence taken and a verdict of guilty returned.

Tomorrow, Friday, he will be sentenced to hang by the neck until dead. It will be 29 days from the time the bullet was fired. Probably less than two months will elapse from the date of the crime untill Elliott Lyons has expatiated, in one poor way, his crime of February 5th.

This is quick justice and the kind that is not encouraging to criminals who wish to take a fellow human being's life.

# CANNOT COME TO TRIAL NOW

### Mrs. Lyons in Delicate Condition — Law Says She Cannot Be Tried.

Mrs. Elliott Lyons, who was held by the justice's court for several days under the charge of being an accessory in the murder of Sheriff Withers with her husband, and released by the efforts of her attorney, Hon. J. K. Weatherford, of Albany, under $1000 cash bonds to appear before the circuit court, is said to be in a delicate condition.

If this is the case the law steps in and is her protector where it was a prosecutor before. It says that she can only be indicted but cannot come to trial.

# THE LYONS REWARD PAID

(Daily Guard, March 5.)

The County Commisisoners' court in session today ordered the $1000 reward for the capture of Elliott Lyons paid to the members of the Creswell posse who effected the capture.

The members of the posse drew up an agreement that each person was to receive the sums set opposite their names as follows:

| | |
|---|---|
| W. E. Parsons | $300 |
| J. E. Noland, | 150 |
| James Shaub, | 150 |
| W. H. Miller, | 100 |
| W. W. Bouy, | 100 |
| James Law, | 100 |
| I. H. Veatch, | 75 |
| O. E. Veatch, | 25 |
| Total, | $1000 |

# GRIND OF LAW IN CIRCUIT COURT

### Day's Session and It's Results--- Light Attendance at Court--- Civil Cases Disposed of.

(Daily Guard, March 5.)

Today's grind of law in the circuit court was not of the deep interest of yesterday's session and but a small attendance of spectators were in the seats at the opening of the day's business at 9 o'clock.

The first case on the docket was E J Frasier vs J M Sherwood, suit to recover commission for the sale of the latter's hotel property in Cottage Grove. The case is one which was tried at the fall term of court and disagreed upon. Thompson & Hardy appeared for the plaintiff and Lark Bilyeu, J S Medley and A C Woodcock were attorneys for the defendant. A jury was called.

The case went to the jury at 4 o'clock this afternoon.

GRAND JURY REPORTS.

The grand jury was announced. The foreman handed two bills to the court. One was against Edward Trimble for selling liquor in Coburg without a license, and the other was against Mose Getz and C. C. Hardwick for larceny by bailee, being accused of borrowing and selling a team of mules with harness and wagon belonging to A. B. Dariman, of Saginaw.

Mose Getz has been in custody but Hardwick is still at large. Getz was brought into court and asked if he wished council. He stated that he did. John M. Pipes was appointed by the court to appear for the prisoner.

When asked if a plea should be entered Getz answered quickly, "Not guilty." Mr. Pipes withdrew the plea and asked that 2 o'clock be set to hear the plea.

Getz appeared with his attorney at 2 o'clock and plead not guilty to his charge. A jury was drawn this afternoon and the trial will proceed tomorrow morning.

The grand jury returned true bills against A. N. Scoggins and Mrs. Clara Wilder, both on charges of lewd cohabitation. Mr. Benson, father of the woman, has been in Eugene since the first of the week, trying every means to free his daughter. The parties plead not guilty to the charge.

NOTES AND CIVIL CASES.

Amos Wilkins, of Coburg, was excused as juror for the term.

The divorce case of Fannie E. Hinton vs. Jas. G. Hinton was referred to court reporter to take testimony. L. Bilyeu is attorney for the plaintiff and J. M. Williams for the defendant.

The case of J. W. Shumate vs. E. P. Cadwell, suit to recover money. Judgment given for $50.70 for plaintiff.

Hon. J. K. Weatherford, of Albany, has been an interested attendant in court this week.

The grand jury made a trip over the court house and inspected the building this afternoon. Every thing was found to be in good working order and in good condition.

At 4:30 the court adjourned until 7 o'clock this evening.

# TAKE RESIDENCE IN PENITENTIARY

(Daily Gurad, March 4.)

During the delay caused by the exhaustion of the venire of jurymen in the Lyons case this morning, Wm. Allen was called up and sentenced to serve one year in the state penitentiary for larceny from a dwelling. He took cash to the amount of $2.50 from a house near Cottage Grove.

David Humbolt, the confessed thief of Ben Davis' mare secured the longest term yet given to a criminal this term. He appeared sorry for his crime. Three years were his portion.

## Mrs. Ann Smith.

Mrs. Ann Smith, wife of James H. Smith, died at Creswell, Oregon, March 5th, 1903, of chronic stomach troubles, aged about 71 years.

Mrs. Ann Smith, nee Miss Ann Bates, was born in Devonshire, England, August 21, 1832; came to Illinois in 1845. They were married at Neponset, Illinois, Aril 5th, 1853, and started soon afterwards with teams across the plains, arriving in Lane county, Oregon, Nov. 3rd, 1853. They came by the Middle Fork route, and like all the emigrants who came that way had a very serious time in making their way through the Cascade mountains, for the reason that the road had not been opened.

Mrs. Smith was a consistent member of the Methodist church all her life, and leaves a devoted husband, a numerous family and many dear friends to mourn her death.

## Born

In Eugene, Sunday, March 1, 1903, to Mr. and Mrs. W. W. Moore 408 Madison street, a daughter.

## Personals.

(Daily Guard, March 4.)

E H Meade is here from Burns.

J W Shumate is down from Walterville.

W B Hawley, of Lorane, is in Eugene.

W W Martin went to Cottage Grove this afternoon.

Rev G H Feese returned to Cottage Grove this afternoon.

Lincoln Taylor is among the Cottage Grove people in town.

Wm Perman came down from Cottage Grove this afternoon.

M R Potts returned this afternoon from a short trip to Portland.

Dr Hugh Penland made Junction City a professional visit this morning.

W T Kayser, proprietor of the Kayser House at Cottage Grove, was in Eugene today, returning home this afternoon.

Mrs Charlotte Zigler and granddaughter, Lucia Campbell, returned this afternoon from a visit at Monmouth and Salem.

Rev Frank E Jones, pastor of the Christian church at Palouse, Wash, is here visiting his father-in-law, N B Alley, who is very ill. Mr Alley seems no better today.

Sam Harrier of the upper Willamette, who was thrown off a mule not long ago and suffered a broken leg, left for home today after being here under the care of Dr Atwood. His leg is doing nicely and he is now able to be around on crutches.

(Daily Guard, March 5.)

C Cole was down from Marcola today.

Dr T B Ford went to Yoncalla today.

Attorney L E Bean has an attack of the grip.

Bert Woods came down from Cottage Grove today.

J W Ginley and wife, of Creswell, are in Eugene.

F E Dunn is home from a business trip to Portland.

Miss Faith Johnson came down from Creswell today.

Dr Paine left for Florence this morning on a business trip.

Miss Anna Awbrey, returned this afternoon from Junction.

W E McElroy today returned from a trip to Salem and Portland.

Scott Morris, editor of the Gardiner Gazette, was in Eugene yesterday.

Mr and Mrs Wm Perman returned to Cottage Grove this afternoon.

John Paul Jones, traveling passenger agent of the S P Co, is in the city.

Mrs L M Lane returned to Walker this afternoon, after a short stay in the city.

Miss Elsie Perkins, of North Yamhill, a former popular co-ed at the U O, arrived in Eugene today on a visit.

N B Alley, Mrs Ella Fisher and daughter Gladys went to Roseburg today. Mr Alley, who is quite ill, will consult physicians there.

W G Wilke and wife, of Lincoln, Neb, who have been in Eugene for some time, left for home today. They may conclude to move to Oregon.

J F Hope and family left today for May, Coos county, where they have purchased a large stock farm. The GUARD will follow them to their new home.

F W Tobey left yesterday for The Dalles to look for a house for his family who have been in Colorado for the past several months. Mr Tobey says he regrets to leave Eugene, but the health of his wife demands it.

## Married.

Chas H Taylor, a former well known Eugene young man, was married at Weston Feb 17, to Miss Olive E Morgan. Mr Taylor is now a leading merchant of Weston. His many friends here tender congratulations.

# MRS. JOHNSON PASSED AWAY

### Died at the Good Samaritan Hospital This Morning—Been Ill Since January 1st.

(Daily Guard, March 5.)

Mrs. Vashti Johnson, who has been confined in the Good Samaritan Hospital in Portland since the first of the year with a chronic trouble, died this morning at the hospital. The news was sent to Eugene to Mrs. J. T. Rowland, sister of the deceased woman, in Eugene.

Mrs. Johnson was born in Ohio 61 years ago. She removed to Oregon in 1874, being a resident of Lane and Linn counties since that time, being well known throughout the valley.

She leaves a husband and two children, Dr. Dell Johnson, of Portland, and Chas. Johnson, in business in St. Louis. Three of her children are deceased.

## Election June 1st.

Governor Chamberlain has ordered a special election for Monday, June 1st, to select a Congressman to fill the vacancy caused by the death of Thomas H. Tongue.

The sheriffs of the several counties will now notify the judges of election to hold a speical election. Printed notices for the same must be issued.

Nominations for congressman must be filed with the secretary of state not less than 45 days prior to the election.

Hon. T. W. Harris, chairman of the congressional committee for the first Oregon district, said a meeting of the committee would be held March 12, either in Eugene or Portland.

## Garden Seeds.

Fresh garden seeds of all kinds in bulk.

Lightning peas, earliest pea, 5 cents per pound.

Red Weatherisfield onion seed, 75 cents per pound.

Nice small Yellow Danville onion-sets, 10 cents per pound.

Others in proportion.

Remember we are still giving each child making a 25-cent purchase a nice little present.

AX BILLYS' DEPARTMENT STORE.

TRAGEDY AVERTED.

"Just in the nick of time our little boy was saved" writes Mrs. W. Watkins, of Pleasant City, Ohio. Pneumonia had played sad havoc with him and a terrible cough set in besides. Doctors treated him, but he grew worse every day. At length we tried Dr. King's New Discovery for Consumption, and our darling was saved. He's now sound, and well." Everybody ought to know, it's the only sure cure for Coughs, Colds and all Lung diseases. Guaranteed by W. L. DeLano, Druggist. Price, 50c and $1. Trial bottles free.


**Mail Orders**
**IN THE**
**Book and Stationery**
**Line**
**Promptly Filled.**
**SCHWARZCHILD'S**
**Book Store.**

School Reward and Report Cards. 592 Willamette st, EUGENE, - - OREGON

# CHAMBERS HARDWARE.

See Oliver's New Gang, and all sizes and shapes of Walking Plows.

The 40 Walking,
The 40 Sulky,
The Oliver Steel Plow,

are all known to be adapted to this soil.
You can get Oliver extras when you need them.
Also all other kinds.

**Farm Implements.**

New Stock Furniture.