

MISTAKEN FOR DEER CLARENCE PHIPPS SHOT DOWN BY HARVEY SUTHERLAND

(From Monday's Daily Guard.)

The same old story—mistaken for a deer—is the cause of the tragic death of Clarence Phipps, aged 17 years, in the hills a few miles northeast of Coburg Sunday afternoon. He was shot and killed by Harry Sutherland, about the same age, about 30 o'clock.

Young Phipps, who was the son of Ira Phipps residing on a farm two miles north of Coburg, accompanied by Rex Green, other boy, left the Phipps home Sunday forenoon for a trip to the hills to hunt for small game. Young Sutherland, son of M. Sutherland, residing in Coburg, left home that morning looking at his traps which he had set the day before expecting to catch small animals over night. While he was walking along in a thick timber and brush during the afternoon after he had made the rounds of the traps, young Sutherland saw something about 250 yards in front of him, and thinking it was a deer, aimed carefully with his rifle and fired. He was horrified on approaching nearer to hear young Green calling out not shoot any more as he had killed Clarence.

The Sutherland boy ran at once where the Phipps boy lay prostrate, and found that his bullet had entered the latter's head just below the left nostril and lodged somewhere in the brain. Death was instantaneous. Neither of the boys knew the other was in the mountains, and young Sutherland says he does not know that any human being was within miles of him.

The weapon with which the boy was killed is a 32-40 rifle of a late date. Soon after he had seen that he had done young Sutherland seemed to Coburg, where he told folks and others of the tragedy. A party of men at once proceeded to scene of the killing, and brought remains of the young man home. They will be interred tomorrow. The Phipps and Sutherland boys were well acquainted with each other and were good friends. One that about there could hardly be any question that the killing was intentional, and the further fact that the Sutherland boy was ignorant of the presence of the other two in the hills would seem to preclude such suspicion. The Sutherland boy takes the killing very much to heart and declares that he will never again go hunting if he does he will be absolutely certain what he is shooting at.

Coroner Gordon was called this morning by telephone to hold an inquest over the remains of the Phipps boy.

A Different Story.
The coroner returned from Coburg this afternoon. He reports that the Sutherland boy tells the story that he saw Phipps' dog and thinking it was a coyote, fired at it, but that his bullet went wild and killed his friend. The inquest will not be held till tomorrow, and the body will be interred immediately afterward.

Rex Green, who accompanied young Phipps, is the latter's nephew.

JOAQUIN MILLER SURPRISES DOCTORS AND GETTING WELL.
"Poet of Sierras" Will Probably Pull Through—Is Much Stronger
San Francisco, Feb. 19.—Joaquin Miller, the 70-year-old "Poet of the Sierras," has given his doctors and nurses at Fabiola hospital, Oakland, the surprise of their lives. They all predicted a week ago that the grizzled veteran of the pioneer days of the coast had only a few days more of life.

When brought to the hospital from his mountain home last Tuesday he was in a state of nervous collapse, and as late as Friday he had frequent spells of unconsciousness, but that night he took a turn for the better, after a surgical operation, and yesterday he was so much improved that he was permitted to sit upon an arm chair in the sun.

Today he was stronger and received many of his friends who called to inquire after him. His illness, it seems, was largely due to cold and neglect, as he had no one to look after his welfare at his cabin in the heights except a Japanese boy who served as cook.

His brother, George Miller, an attorney of Eugene, Or., arrived Wednesday morning and has been at the poet's side ever since. His daughter, Jaunita, arrived from New York this evening and was at once hurried to the Fabiola hospital. Tonight she said she expected her father to be able to leave the hospital within a week or two, and that they were already making plans for the future that would preclude any chance of Joaquin Miller again wanting proper care in case of sickness.

NEW YORK CENTRAL BOILERMAKERS OUT ON STRIKE TODAY
Cleveland, Feb. 20.—Vice-President Weyand, of the Boilermakers and Iron Shipbuilders unions, today ordered out 800 boilermakers employed on the Lake Shore & Michigan division of the New York Central, between Buffalo and Chicago. The boilermakers demand the abolition of piece-work.

NEW MEMBER OF FACULTY ARRIVES
Dr. Arthur Mitchell, of Harvard Takes Dr. Bennett's Place at University
Dr. Arthur Mitchell, a member of the faculty of Harvard University, arrived in Eugene today to become a member of the faculty of the University of Oregon. Dr. Mitchell will fill the chair of psychology at the University, in the place of Dr. Bennett, who has been transferred to the extension and correspondence school department to fill the vacancy left by Professor L. R. Alderman, who was elected state superintendent of public instruction. Dr. Mitchell received his A. B. at Yale, and his Ph. D. at Harvard and is still a member of the Harvard faculty. He brings the highest of recommendations and is a valuable addition to the Oregon faculty.

VALLEY MILLMEN LOSE CASE IN HIGHEST COURT

Supreme Court Declares Invalid Order of Commissioner

Washington, Feb. 20.—A "transportation rate is not 'unjust and unreasonable,' within the meaning of the interstate commerce laws," merely because it may be pronounced inequitable, according to a decision announced today by the Supreme Court of the United States. The court holding invalid the interstate commerce commission order, reducing the rates on lumber from the Willamette valley to San Francisco.

This decision is really of little importance to the lumbermen, the rate fixed by the commission holding good for only two years, and the time limit having expired. It merely decides a law point. For years the lumber rate from Willamette valley points to San Francisco and other bay points had been \$3.10, but the railroad attempted to raise it to \$5.00. After a hearing, the interstate commerce commission fixed the rate at \$3.20, and the railroad appealed to the courts, losing in the circuit court of appeals, and finally winning, as stated in today's dispatches, in the supreme court.

The rate involved in the case having expired, the railroad company again raised the rate to \$5.00 recently, and the lumbermen brought an injunction suit, pending a hearing before the interstate commerce commission, which was held in Portland, February 2nd. No decision has yet been rendered.

It is probable the second case will be taken through the courts just as the other one was on other law points.

Naval Stores Co. Case
Washington, Feb. 20.—The supreme court of the United States today granted the request that it review the conviction of the officials of the American Naval Stores Co., accused of having violated the Sherman anti-trust law.

The American Naval Stores company, whose officials were concerned in the action of the court today, has been referred to as the "turpentine trust." As a distributor and exporter of what is claimed to be more than fifty per cent of the turpentine and rosin obtained from the long leaf yellow pine trees of the Carolinas, Georgia, Florida, Alabama, Mississippi, Louisiana and Texas, the company long has been a prominent figure in the trade of the world.

Today's action was the outcome of a prosecution began in 1908 in the United States circuit court of Georgia of the company's officers and others, for alleged violation of the Sherman anti-trust law. It had been preceded by other speculations. In one of these Spencer C. Shetter, whose action as chairman of the board of directors had made him probably the most prominent man in the company, found guilty of having violated the Sherman anti-trust law, and fined. In the case before the court today he had been sentenced to prison for alleged violation of the anti-trust law, in addition to payment of a fine.

Employers' Liability
Washington, Feb. 20.—The constitutionality of the law of Iowa passed in 1898, enabling an employee in the operating department of a railroad to sue for injuries, notwithstanding the fact that he had received injury benefits from a relief in the department, supported partially by the railroad, was upheld today by the supreme court of the United States.

No Decisions Today
Washington, Feb. 20.—There was no decision in the United States supreme court today in either the Standard Oil, Tobacco, corporation tax or American Federation contempt cases.

MRS. BUCHANAN'S HUSBAND KILLED
Word was received from Condon by Mrs. Will Buchanan on Sunday morning that her husband had been thrown from a horse and seriously injured. In the afternoon another message was received stating that he had died from the effects of his injuries. Deceased is a son of Mrs. Kennedy who resides in west Springfield, and one year ago was married to Miss Clara Carpenter, a daughter of Mrs. Ed. Dompier. The young man was about twenty-five years of age and was quite well known here, having driven a slab-wood wagon for James Laxton. He had been in east Oregon but a short time, and just how the accident occurred is not learned. His wife left for Condon Sunday, but failed to reach her husband before he died. The remains were interred at that place.—News.

POPE RECOVERS FROM RECENT ILLNESS
Rome, Feb. 21.—The Pope resumed his audiences today, fully recovered from a recent attack of influenza.



FLORENCE COMMERCIAL CLUB PREPARES TO ADVERTISE TOWN
Meeting Held and Committee Appointed—Other News
Notes

The regular meeting of the Florence Commercial club was held Monday evening. President Monroe being absent. Vice-President Marion Morris occupied the chair and directed the business of the meeting.

The following committee, which had been selected by the president, were announced: Correspondence committee, F. E. Monroe, H. L. Bergman and E. H. Kyle; finance committee, H. L. Bergman, Dr. George P. Edwards and Dr. E. B. Phelps.

There was considerable talk about advertising this part of Oregon, and nearly all those present expressed themselves in favor of having some pamphlets prepared giving a description of Florence and vicinity to send out to people who are making inquiries about this section.

Items of Interest
High tides the first of the week carried away some of the boat houses on the Glenada side of the river. D. M. Kemp's boat house drifted off up the river Sunday and was tied up near Acme the next day. Lowe's boat house and wharf to which it was attached floated away Monday night, taking with it Lowe's launch and J. L. Furnish's row boat. The property was picked up next day some distance down the river and towed back to its place.

News was spread from Gardiner a week ago that Mrs. J. P. Christy, nee Lillie Bernhardt, was very ill and that she was to be taken to a hospital at Coos Bay for treatment. Her father and mother left for Gardiner at once. No further reports have been received as to the patient, so far as we can ascertain.

Marion Hayes, Frank Drew and Lillie Spencer have been summoned as witnesses before the next term of circuit court in Eugene. Subpoenas were also served on Ike Martin and wife, but they went to Siletz several weeks ago and the papers will probably be served on them at that place.

Wednesday morning Samuel Leppert brought to town a turnip that is hard to beat. It was raised by Mr. Leppert on his ranch on Duncan slough. The turnip measures 38 1-2 inches in circumference, 13 inches in diameter one way and 11 the other, and 8 inches from top to root. It weighs 15 1-2 pounds.

Another barber shop was opened in Florence this week by O. C. Kaschner, who came here recently from Astoria. He has the room in Nadeau's building on Front street formerly occupied by F. E. Raymond. Mr. Kaschner has employed V. D. Havens to assist him in the shop.

Among those preparing to erect new residences in Florence is E. R. Roberts, who has lumber on the ground for a new house on his lots in Chicago addition.

Mr. and Mrs. R. H. Bernhardt went to Gardiner last Friday, being called there on account of the illness of their daughter, Mrs. J. P. Christy.

Yesterday Will Saffley began hauling material to build a house on his lots at the corner of Jefferson and Front streets near the "West" office.

The steamer Lillian is again busy towing rock from the quarry to the jetty at the mouth of the river.—Florence West.

MARRIED
At the Evangelical parsonage in Florence, Thursday, February 16, 1911, Roy E. Johnson, of Glenada, and Miss Nina E. Douglas, of Smith River, Rev. L. H. Wood officiating.

MARRIED
At the home of Henry Jackson in Florence, February 12, 1911, Frank H. Drew and Miss Julia Barney, Rev. Thos. A. Yost officiating.

DIED
Sunday evening, February 19, 1911, at her home at 120 East Fifteenth street, Mrs. Sarah Murphy, aged 94 years, five months and three days. Death occurred at the home of her daughter, Mrs. C. M. Demore, and the funeral will be held from that place tomorrow morning. Rev. Hammond will officiate. Interment will take place at the Odd Fellows' cemetery. The deceased leaves two sons and four daughters.

OWEN MAKE SARGE SALE OF FARM AND BRICK BLOCK

A real estate deal of much importance and one of the best made here in a long time was completed in Eugene Saturday evening, by H. E. Owen, the bustling young real estate dealer of this city, assisted by H. A. Rust, of Junction City. The A. W. Weaver farm of 320 acres two miles south of Junction City, was sold to F. E. Dunn, of this city, and Mr. Dunn's half of the Dunn-Williams block on West Eighth street, known as the St. Francis apartments, was sold to Mr. Weaver. The deals were separate and apart, for the purchase of the farm by Mr. Weaver had decided to purchase the brick block. The two deals involved over \$70,000, and make a splendid fee for Mr. Owen and Mr. Rust.

The deal for the Weaver farm had been on for some time, but it was not until Saturday evening that it was consummated. It is one of the finest farms in the county. It will be subdivided by Mr. Dunn, who declares that there is more money in dealing in farm lands now than in city property. Mr. Dunn paid \$100 an acre for the land.

After the farm deal had been completed Mr. Weaver decided to buy Mr. Dunn's half of the St. Francis block, and that deal was quickly made.

Mr. Owen, who has been in the real estate business in Eugene only a comparatively short time, has made some of the largest deals ever recorded here, and the sales of Saturday are the kind that the people like to hear about. Hank says he has a number of others up his sleeve and hopes to spring them in the near future. He is certainly making good at the business. He sees a bright future for the realty business in Eugene, and predicts that this summer will be one of the best in that line that the city has ever experienced.

Mr. Owen expects to sell Mr. Weaver a fine residence property here in the near future and the latter and his family will move from the farm to the city to reside.

CHIEF CLERK FLAGG TO REVISE JOURNALS

Salem, Or., Feb. 21.—Ruling that the act of the legislature of 1899, to the effect that the calendars of both houses shall be revised by the chief clerk and the calendar clerk of each house was constitutional, Circuit Judge Galloway last evening decided that the senate could not by resolution prevent Chief Clerk Flagg of the senate from doing this work. The senate by resolution 45, passed late in the evening of Saturday, directed that Calendar Clerk Ritter, W. G. D. Mercer and John P. Hunt should comprise a committee to revise the calendar. Chief Clerk Flagg, who was deprived of ten days more of a job which pays well, refused to turn over the records and documents of the senate to the new committee and engaged McNary Brothers, lawyers, to represent him. On petition of these gentlemen, Judge Galloway yesterday morning gave a temporary injunction restraining the committee from proceeding with the work of revising the senate calendar.

FINE YOUNG WOMEN MAY COME WEST

Boston Minister Writes Governor If There Is Room for Right Kind

Can Oregon make room for thousands of young women who have their own way to make in the world? That is the question asked Governor West by the Reverend Herbert S. Johnson, of the Warren Avenue Baptist church of Boston, in a letter received yesterday.

In his letter Reverend Johnson states that he is pastor of the church mentioned and that there are literally thousands of young women of fine character and excellent ability working for next to starvation wages all around his church. He asks the governor if there is any proper employment for these thousands of wage-earning women in the great state of Oregon.

Reverend Johnson states that he is willing to answer any questions that may be desired by anyone that can give him the information he seeks.—Salem Statesman.

ANOTHER DIVORCE SUIT ON CHARGE OF CRUELTY

Mrs. Clara L. Fenner Seeks Legal Freedom from Richard R. Fenner

Another divorce suit was filed in the circuit court late yesterday afternoon, in which Clara L. Fenner is plaintiff and Richard R. Fenner is defendant. According to her complaint, the couple were married at Possil, Oregon, on January 20, 1910. She alleges cruel and inhuman treatment in that her husband refused to work and provide for her and her two children by a previous marriage, but he would stay around the house and annoy her, and at times would go away and leave her to look after herself and children. The plaintiff asks that her name be changed to Clara L. Kerr, the name which she bore before she married Fenner and which her children now bear. W. G. Martin is the attorney for the plaintiff in the case.

OMNIBUS WAR CLAIMS BILL PASSES HOUSE AFTER SPECIAL RULE IS ADOPTED

Washington, Feb. 20.—The omnibus war claims bill, which has been under consideration since Friday because of the filibustering by Congressman Mann, passed the house today shortly before one o'clock.

As soon as the house resumed its session this morning a point of no quorum was made. The clerk reported 201 members present and the reading of the bill for amendment was begun. Roberts, of Massachusetts, one of the filibusterers, offered as an amendment the entire list of French claims and demanded the reading of seventy printed pages. Mann, of Illinois, made a point of order that the amendment was not germane, and at this point Dalzell, chairman of the rules committee, brought in a rule providing for the suspension of rules on all bills from now until the end of the session. He said the state of public business demanded its adoption.

Dalzell's rule carried by 173 to 43, a great majority of the democrats voting with the republicans.

The rule practically puts the entire conduct of affairs for the next two weeks in the hands of the speaker.

Representative Mann, of Illinois, who conducted the original filibuster, ended his fight Sunday, when he succeeded in having the old French spoliation and the navy-war overtime claims stricken out. This was accomplished when the house voted to substitute the house bill for the senate bill. The house bill carries only war claims which have been adjudicated in the court of claims.

The democrats, who are particularly interested in the war-claims affecting southern persons, were opposed to the spoliation claims. When they voted to strike out the latter, however, they lost the support of the republican members, who favored the omnibus bill because it included the French claims.

Realizing that the new bill probably had not the slightest chance of passing the senate, Mr. Mann opposed it.

Reciprocity Hearing.
Hearing on McCall's bill to carry out the provisions of the Canadian reciprocity agreement were begun today by the senate commission on finance. During the forenoon the only witness examined was John Strange of Neenah, Wis., a paper manufacturer, and former lieutenant governor of that state. Strange opposed the bill in vigorous language, charging that the sentiment in favor of it had been manufactured by a league of newspapers, which he believed to be in violation of the Sherman anti-trust law.

Fortify Panama Canal.
Representative Fitzgerald of New York, member of the committee on appropriations, announced in the house today that the sundry civil bill would carry a provision for the fortification of the Panama canal. His statement was made in response to a question from Helges of Alabama, and was greeted with applause.

Real Estate Transfers

F. L. Chambers to Mary Chambers, N 60 feet of lot 19 in blk. 3 of Packard's add to Eugene; \$2000.
Charles E. Babcock to Frederick R. Welch lot 2 of Fruitvale in tp. 17-4; \$900.
W. L. Christenson to W. H. Wagner 1 acre in sec. 9-30-3 W; \$50.
Ben Marquis et ux to E. S. Rolfe 5 acres in sec. 14-18-4 W; \$100.
Clarence E. Parker to Riley Winfrey tract in tp. 18-2 W; \$2000.
George F. Comer to Cynthia Osmond 1/2 of lot 2 in blk. 3 of D. G. McFarland's 5th add to Cottage Grove; \$115.
D. G. McFarland to Woonster B. Osmond lot 8 in blk. 3 of D. G. McFarland's 5th add to Cottage Grove; \$350.
Edgar King to A. H. King, SE 1/4 of NW 1/4 of sec. 21-20-3 W. Also other tract in 21-20-3 W; \$1000.
Freston W. Green to Clarence H. Green lot 8 in blk. 3 of Valleyview add to Springfield; \$10.
Star Land Co. to Wm. D. Rich, N 1/2 of NE 1/4 of NE 1/4 of NW 1/4 of sec. 36-19-11 W, 5 acres; \$270.
W. A. Moore to Joseph Berg tract in sec. 23-14-4 W; \$10.
Geo. Melvin Miller to F. H. Snodgrass lots 11, 12, in blk. 48 of Miller's part of Florence; \$10.
G. E. Everson to John B. Ferguson SE 1/4 of NE 1/4 of sec. 29-19-3 W; \$100.
Ole J. Kayser to Martha J. Kayser NE 1/4 of sec. 30-18-7 W; \$1.
John H. Kirk to Anderson S. Ward 3.45 acres in sec. 3-21-2 W; \$350.
Charles H. Fisher and Elmer E. Mink to J. J. Lampshire lot 5, in blk. 3 of Blair street add to Eugene; \$250.
F. B. Howard to R. L. Heustis 500 acres in tp. 15-4 W; \$5000.
W. W. Branstetter to George S. Davis tract in tp. 17-5 W; \$10.
Louis J. Glick to Robert C. Martin lots 1, 2, in blk. 19 of Gross add to Eugene; \$10.
R. C. Martin to Louis J. Glick 15 acres in sec. 12-18-4 W; \$10.
C. E. Skiller to James H. Foster tract in sec. 2-18-3 W; \$425.
S. H. Jacobs to Wallis H. Weeks 1 1/2 acres in tp. 19-1 W; \$50.
Henry E. Walker to L. A. Walker 49 acres in sec. 2-11 tp. 19-1 W; \$10.
Grover O. Walker to L. A. Walker 15 acres in tp. 19-1 W; \$10.
Sarah A. Lawrence and Wesley N. Lawrence to L. E. Parks 1-8 int. in 5 acres in tp. 18-2 W; \$100.
Louisa H. Harding to S. L. Montelth 38 acres in tp. 20-3 W; \$100.

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Four full quarts KENTUCKY ROSE WHISKEY (Two stamped) \$4.
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