

THE BROAD AXE.

ESTABLISHED WEDNESDAYS BY
J. F. Amis

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WEDNESDAY MAY 31, 1899.

That Pioneers Association.

What has become of the Pioneers Association of Lane county? A number of years ago a Pioneers Association was organized in Lane county, and one or two reunions were held with beneficial results. But we are sorry to admit that the Association has been suffered to go down. It occurs to us that this Association ought to be kept up. Nothing could be done by the remaining few pioneers, that would be of more interest to them, than to continue to meet, annually, as long as they live, in order that they may rekindle the camp fire, and rehearse the story of pioneer days. We understand that A. S. Patterson is president, and T. G. Hendricks secretary of the Lane county Pioneer Association.

Why will not these gentlemen call a meeting of the pioneers to be held, say, on July 4th in Eugene?

Dewey Coming.

Yes, Admiral Dewey is coming home of which we are glad from one standpoint, but from another sorry. First, because we know Dewey deserves rest and the privilege of revisiting his home and friends in the Green Mountain state in free America, and receiving at the hands of his countrymen the honor which he is entitled as a gallant soldier.

But we dread to see the people lose their heads which they will and go wild in hero worship, forgetting that Dewey is only a man, and the gunners who stood by their pieces and with kee eye, unshaken nerve and true American grit, with unerring aim sent the Spanish fleet to the bottom of Manila bay are in all respects deserving of our equal admiration. Dewey did his duty, his soldiers did the same, and so have our Oregon boys done their duty—all are simply men; all Americans, all patriots, entitled to our grateful thanks. But then they are not to be worshiped as idols. Such a thing is unbecoming, both the people and the soldier.

Compliment.

Mr. M. M. Marks of Eugene has presented this office with a beautiful silver plated miniature broad-axe, of which we are very proud. This axe is finely polished and shows every mark of mechanical ingenuity in its construction. It is bright, and keen of edge, and has neither rust nor flies on it. We appreciate this present and will ask any one who has silver plating to do, to just call on Mr. Marks who will fix up your knives forks and spoons in short order, and this local is offered without Mr. Marks' order or request.

Just So.

The republican papers will now quit making fun of Senator Peffer's whiskers. He has announced that hereafter he will be a republican and not play with the populists any longer.—Eugene Guard.

To which we may add that Senator Peffer has not lost his whiskers. He left them in the ranks of the populist party.—Eugene Register.

Not so, Brother Register. Commissioner Bailey has secured those whiskers and hence the Guard is right—a republican will henceforth dally with Senator Peffer's whiskers.

Recent authentic statistics relative to live stock and their valuation in Oregon are as follows: Cattle 888,298. Value \$14,811,291; horses 299,463, value \$13,715,842; sheep 2,456,077, value \$5,903,382; hogs 204,009, value \$912,760, making a total value of all named stock \$35,343,075. Horses are averaged at \$55.86, cattle at \$16.67, sheep at \$2.40, and hogs at \$4.46, a piece.

Another Man's Neck Saved by Governor Geer.

May 25th Governor Geer commuted the death sentence of Frank L. Smith who was to be hanged at Jacksonville last Friday, to life imprisonment in the penitentiary. The reason given for his action the governor says, is that Smith was an imbecile and that E. V. Carter, ex-speaker; C. D. Watson, district attorney; State Printer Leeds; W. M. Colvig, Charles Nickell and a number of prominent physicians had said that to hang Smith would be legalized murder.

SMITH'S CRIME.

The evidence upon which Smith, who was only 21 years of age, was convicted was that he in company with one "Blackey" and Peter Nelson were beating their way north on a freight train in February, 1898 and that Nelson had a small trunk, some clothes and \$110 and that somewhere between Medford and Central Point Nelson was assaulted and robbed by his companions and thrown from the train. His valise and effects had been cut open and his pocketbook robbed of its contents. There was suspicion that Smith, "Blackey" and several others were implicated but none were apprehended but Smith and another man who was afterwards discharged. Smith was tried in the circuit court of Jackson county in April, 1898 and convicted of murder in the first degree on purely circumstantial evidence and sentenced to be hanged by Judge Hanna on June 10. An appeal was taken to the supreme court where the judgment was affirmed, and on the first day of April term, 1899, Smith was again re-sentenced by Judge Hanna to be hanged May 26. But now the question will arise in the minds of the people how it comes that the courts did not get the facts which the governor says caused him to commute Smith's sentence? Here were all the parties within reach of the courts that could have gone before them and made it clear that to hang Smith would "amount to legalized murder." There was plenty of time given Mr. Smith his attorneys, Mr. Speaker Carter, District Attorney Watson, State Printer Leeds, Messrs. Colvig and Nickells and those prominent physicians referred to, to appear before the trial court and made known the prisoner's imbecility which would have resulted in his acquittal. But if it be said that these parties did not know of the prisoner's condition at the time of his trial before Judge Hanna's court, there certainly was no excuse for his condition not being made known to the supreme court when the case was submitted to them. The conclusion is inevitable that there is some other cause underlying the governor's action in his commuting the sentences of Oberman and Smith, than comes to the surface.

The action of the courts have been brushed aside uncerimoniously, ignored and treated with contempt, under the flimsy pretense that other and extenuating circumstances and evidence in these cases which the courts failed to find. But there is one remaining circumstance in each of those cases of commutations: the judges who tried them never asked the governor to interfere, but on the other hand protested against it except in the case of District Attorney Watson who the governor says asked him to interfere in behalf of Smith.

But still further: If the governor believes Smith is in the condition he says he is, why did he not pardon him altogether and send him to the asylum? To immure "a mental imbecile" in the penitentiary for life it appears to the Broad-Axe would be a legalized crime in the governor. The fear now is that Geer, Pennoyer-like, will get into an excessive streak of good nature impetuosity or what not, just before his time expires and throw the portals of the penitentiary wide open and bid those murderers to walk out.

The governor is good at excuses for his actions and he could find an excuse doubtless for ordering a jail delivery at the penitentiary any day.

Indian war veterans the grand encampment of Indian war veterans will meet in Portland June 14, and the Lane county veterans will meet in Eugene Saturday June 3rd 1899 at 10 o'clock to elect delegates.

Decision Handed Down

Judge Hamilton has handed down his decision in the case of the people of Lane county vs the city of Eugene to vacate the streets running through the courthouse square, dismissing the same.

In his findings, the Judge says that by the use of said ground as streets from Sept 8, 1869, to the present time by the consent of the county court, the right to maintain a suit to vacate the said streets is extinguished, hinging his decision on the law of limitation.

Without stopping here to argue the law or the justice of the Judge's ruling, we will say that from our stand point of view it must stand as a kind of emergency decree, like the "Greenback" decision of the United States supreme court. This was made to meet an urgent necessity. In other words, the law by which the Greenback case was determined was judge made law which the emergency of the case demanded. If the court decided that Greenbacks were not money and a legal tender, why no one can approximate the amount of evil such a decision would have entailed. But to have decided the case by law that said that nothing but gold and silver shall be made a legal tender payment of debts would have done that very thing. So the judges just went to work and made some law to fit the case.

Now in our suit to vacate the streets in order to win we had to invalidate the action of the city council in laying out streets and in selling lots and overthrowing deeds and open a very Pandora's box of endless trouble and litigation. Yet strictly according to the law (aside from the law of limitation) the town had no warrant legally for cutting up the people's public square for the use of streets.

So in the absence of law to sustain the cause of the town, the Judge just made some law to fit the case. But we do not approve of judge made law.

Some More Whys.

Why did the city council pay Mayor Harris' expenses while on his recent trip to California on his own private business?

Why should the city buy a rock crusher, if the city is a road district?

Why should the county not pay for an additional rock crusher if the city is a road district and needs another rock crusher?

Why are these gambling dens and slot machines allowed to run in the city in open daylight in defiance of law?

Why not have a lot of officials who will enforce the law in all instances against the guilty, and not make fish of one and fowl of another?

The latest news from Washington is that the situation in the Philippines is extremely grave, and Otis is asking the volunteers to re-enlist for six months.

The much talked of peace in the Philippines is an utter failure, and fighting continues. The volunteers are at Manila awaiting transportation home, and the regulars are sent to the front to take their places.

The jury in the Magers case Saturday brought in a verdict of murder in the first degree. Now let the governor interfere and prevent the execution of the law.

The supreme court has granted a new trial in the case of M. T. McGrath who murdered Charles Turner near Harrisburg in Lane county last October. One of the principal reasons for granting a new trial was because McGrath's wife was permitted to testify against him.

We notice it stated that there has been discovered in Alaska a mountain somewhere in the interior of the county which is 2000 feet higher than St. Elias. And we understand it is proposed to name this mountain Mount McKinley in honor of President McKinley. To this the Broad-Axe strongly protests, not that it would detract from our president's fame in any way, but because we think a more appropriate name would be either Mt. Seward who negotiated the purchase of Alaska from Russia, or Mt. Johnson in honor of President Johnson under whose administration that country was obtained.

Oak Hill Items.

May 29, 1899.

Editor Broad-Axe: I noticed some time ago that the Jasper correspondent of the Register blamed the populists for the hold-up of the legislature a year ago last winter. It's very strange that the populists though few in number had such great power. The republicans had the majority, and could easily have run the legislature without the populist legislators. Why did not they do it? Also that we don't need any women and children to run the government (or vote). Of course this is a thrust at woman's suffrage. Of course it won't do for women to vote for they will put a stop to the saloon business and our Jasper correspondent would not know where to go to get a drink of fire water. Oh for consistency!

A lot of money and work has been subscribed for work on the hill in the Cantrel lane and some work has already been done.

Rev E. P. Kyle of Salem preached here today at 11 a. m. to a large and attentive crowd.

Two Mr Fergusson's and their wives from near Irving and Creswell were guests of Wesley Neet's Sunday.

Mr McCall's are building a new fence.

Mr A Traxler has had 500 oak posts split for to put up a new fence between his and Mr McCall's places.

Mr Joseph Life is working in the hop yard on Mr V Hemenway's farm training the vines on twine.

C W Powell, jr, and family returned last Wednesday from an extended visit at and near Lebanon, Lane county, among relatives.

H A Bower and son Harry went to their ranch on Wolf creek.

Grain and garden stuff is growing some if the weather does keep cool and rainy.

Mr Krenshaw and wife were guests at Mr Christiner's Sunday.

Grandpa and Grandma Powell intend to move into Budd Kompff's house next week.

The Oak Hill school is progressing nicely with Miss Minerva Hemenway as teacher.

We have been informed that the road talked of being opened from the Coyote creek bottom between C W Powell's and McCall's places and Mr V Hemenway's and the Christener places past Oak Hill school house is about to fall through with. It is certainly much needed as it is a natural pass through the foot hills east of the Coyote creek.

People ought to be up and doing now if they want this road.

SAMBO.

A Circus Crowd.

A frog, a duck, a lamb and a polecat started for the circus. When they arrived all were able to pay their admission fee except the poor polecat, he was thus compelled to crawl under the canvas. This is how it was: The frog had a green back, the duck had a bill, and the lamb had four quarters, but the poor polecat had only a scent, and that was a bad one.—Harney Items.

Deaths in the War.

New York, May 24.—A special to the Herald from Washington says: Adjutant-General Corbin has prepared a statement of the number of deaths which have occurred in the army since the beginning of the war with Spain, as follows:

Porto Rico..... 287
Cuba..... 1399
Honolulu..... 45
Philippines..... 606
United States..... 3872
Total number of deaths, 6872.

Manila, May 24.—The Second Oregon and the Minnesota regiments have been sent back from General Lawton's front to the city in order to rest up and prepare for the homeward voyage, which will begin soon, the Oregon regiment being the first scheduled to leave after the California regiment gets off.

A rather sensational episode was last Wednesday morning witnessed in Justice W. D. Smith's court, when his honor imposed a fine of \$10 against Thomas H. Tongue, representative of Oregon's first district, and, upon default, followed with an order committing the attorney and congressman to jail.

Branton's Confession.

Claude Branton, the murderer of J A Linn, it will be remembered gave a sealed package to his spiritual advisor, Rev E M Patterson, on the morning of his execution with instructions to make its contents known after ten days. On Wednesday of last week the Eugene Guard contained the contents of the paper left with Mr Patterson, which proved to be Branton's confession.

It is quite voluminous occupying about six columns in the Guard, and is in some respects a remarkable production. It is too long for publication in our paper entire, and we shall have to content ourselves with a brief synopsis of its contents.

A summing up of this confession will show that Branton shot Linn with the connivance and consent of Green, who it appears had great influence over Branton. But what led up to Branton's downfall and going to the bad is the same old story of disappointed love and youthful indiscretions with women of doubtful virtue, and a departure from his early training and home and going with bad and vicious company. We subjoin the following extracts:

"I am this 6th day of May, 1899, 23 years old, was born near Wallerville in this county and lived my childhood days as happy as ever a child lived amid luxuriant pleasures, thus prattling and playing with my brother and sister, cared for by a dear loving mother's hand, strolling through orchards and meadows green, among the beautiful flowers; every breeze was odor, every noise was music. Pure, innocent, loving children willing away those past happy days of childhood that are gone forever."

At the age of 14 it appears he left home with the consent of his parents and took a trip across the Cascade mountains alone over six feet of snow. Of this first leaving home he says:

"I returned wiser than I left for I had imagined any place was better than home for the past year. My father corrected me and I left home the same year. Was gone a year but all the time I wished I had not left."

He remains now at his home until he is 18, when he accompanied his brother Clarence to California, but before leaving he says: "I met my hearts idol, and could not stay and turned homeward again." Here he says:

"I spent two years of pure bliss and happiness worshipping the idol of my heart. The happiness unsurpassed by any earthly joy, even those days of childhood. True love is rare, known but once, and never forgotten; but alas, my youthful lust for trifling with other girls and an occasional moonshine buggy ride with other men's wives through gossip of others scandalized my lover, and through parental influence, she desired to dissolve our vows, which we did through tears, with many a bitter sigh. She carried away a heart I had opened to her as true as ever beat in any man's breast. From that very day the clouds of despair began to gather around me. I was slighted by old friends and spurned by strangers. I could hear people say, 'He has trifled with another heart.' The winds and rippling brooks seemed to murmur against me. All nature in her gay beauty whispered loneliness in my ears as I roamed through forests and over plains."

"I had just passed my 21st birthday, and had lived free from tobacco, whiskey and cards, and all debasing habits save one: I was too intimate with the strange women Solomon warns us against. I had loved my friends and every lady with the kindness of a brother. But I had been encouraged by my lusts against my mother's will and teaching to trifle with the hearts of women, and that marriage was only planting a tree of trouble, which I must shun. I can only speak thus of my passion which thought it was marking out to me the road to happiness, to warn other parents of this road to ruin, glory and destruction, for her house inclineth unto death and her path unto hell."

"One year previous to this while I was 20 I was away at Condon preparing for future comforts where I was accounted most worthy by all, when the news came to me that my parents had separated, which I laid to heart with grief for it was the first sorrow I had ever known."

While at Condon he meets Mr Linn and in 1898 returns to the valley to get a stallion for Mr Linn who gave him \$120 to bearish expenses. Here the people treated him with the same coolness as formerly, which went to his heart like smoke to the eye, causing him to contemplate suicide. He says: "For the past three years I had tried to atone for my conduct the two years previous, but found the people would not allow me to, so I resolved to end my miserable career, for I had never been sick or dependent in any way since I was very young and was under no obligations to live for any one, not thinking my death would hurt any one as much as I had disgraced my people. I even thought my family would be better off without such a wretched member. I meditated on my way of destruction and looked on my open grave (I had not aught against any person)—I aimed to write a note stating I was sorry for my conduct those two years and had tried to atone for it the three succeeding ones by living a pure life, and if I cannot be respected in my own neighborhood I will bid you all farewell."

But he did not kill himself and returned to Condon. Now "Courtie Green" enters the scene, and visits Branton often and tries to get him to enter into partnership with Linn in the horse business, and let him (Green) kill Linn and take his part of the property. Branton says:

"He always said the old man would feel better dead than alive anyway. One time, just to please Green, I said 'I would not tell anybody if he did kill him, but I cannot do what you say.' The old man had been my friend, but since I had worked for him he treated me so mean I did not like him any more, but had no idea of helping to destroy him. He wouldn't settle with me anyway, but just kept trying to get me to enter into some kind of partnership business, or take his business on the shares. His mistreating me so many times and Green's winning talk soon got me to consent to his destruction in a brutal way, for he was a man apparently of no heart. He left me dying on the range once and when he saw I did get in he seemed mad and said I gave you due warning of that animal (the one that kicked me) I told Courtie and we swore vengeance against him."

But at any rate Claude and Courtie agreed to take Linn's horses and consent to have Linn accompany them. But before leaving Condon Linn asked Branton to see a Mr Monroe and ask him if he would pay a note before it was due which Monroe consented to do, and at the same time told Branton to have "nothing more to do with Linn, for he was a man of no principle." But nevertheless Branton, Green and Linn gathered the horses and came to Squaw creek in Crook county, and here some kind of a settlement with Linn was effected. Of this settlement Branton says:

"Clarence went out with me and saw Mr Linn. We told him just to say how he wanted to settle, we were not particular how, but it must be done. He was generous in his settlement and made me a present of two head more. Then said he had no friends or money and away from home, and asked if he could travel with me. Courtie said: 'You have friends while Claude and I are here, and can travel with us.' Clarence left us, charging us to do the right thing, to which we promised."

"That night (the night of the killing) Green seemed to be more conscious of the awful deed than I, and insisted on letting it go. But I, in firmness of mind, and prompted by the fact, that I had betrayed the confidence of my friend Mr Monroe and it would come to his ears, and I would rather confront death than be found out to be a traitor; blinded from the faintest glimpse of realization of such act, with Green's consent, I pulled the fatal trigger that meant more than mortal mind can realize.

I had friends everywhere except at my old home.

While at Condon he meets Mr Linn and in 1898 returns to the valley to get a stallion for Mr Linn who gave him \$120 to bearish expenses. Here the people treated him with the same coolness as formerly, which went to his heart like smoke to the eye, causing him to contemplate suicide. He says: "For the past three years I had tried to atone for my conduct the two years previous, but found the people would not allow me to, so I resolved to end my miserable career, for I had never been sick or dependent in any way since I was very young and was under no obligations to live for any one, not thinking my death would hurt any one as much as I had disgraced my people. I even thought my family would be better off without such a wretched member. I meditated on my way of destruction and looked on my open grave (I had not aught against any person)—I aimed to write a note stating I was sorry for my conduct those two years and had tried to atone for it the three succeeding ones by living a pure life, and if I cannot be respected in my own neighborhood I will bid you all farewell."

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"As the morning dawned it raised the old gloom and temporary wave of insanity or despair that vain hopes and evil imaginations had given in me, leaving me to realize the awful deed in innumerable depths of sorrow. Then I saw the world in all its glory, the air sweeter, the sun bluer, the foliage prettier—all just to increase my unending ab's terror. To think

I had driven a man out of this beautiful, bright world forever into eternity.

Grief was in my heart so abundantly, I could not have lied to save my life. My first impulse was to come back there at the age of 45 (that was his age) and shoot myself. I thought of my mother and longed to be at her feet, never to get a mile from her. Some divine power was accusing me every minute. I had to tell some friends who thought the world was hard to live in, of the peace, rest and purity of an innocent man and the unutterable misery and villainy of the guilty, and of the bright world and the blessings for the innocent, which they should be thankful for, over the sin-cursed guilty person. Everything murmured shame and guilty in my ears.

"When I left my folks for the last time unawares to my mother and children, I slowly rode off with tears in my eyes. Going over my old stamping ground, the unceasing guilty haunt never left me. In Arkansas I consulted a ticket agent about a life policy for a railroad tour, aiming to fall between the wheels of the train, but it looked so plain I knew they would not pay it, (the policy). I came back to be of any use I could to my folks, taking the chances of being betrayed by my friend Green, for there are no successful criminals. They may live and escape death at the hands of the law, but there is an infallible, unceasing haunt worse than death, that will take time to overcome to any degree, and say the least. My desire to be at home and live a pure life was greater than my fear of the gallows."

"I have been wavered around by divers of advisers, and now sit here in two days of death thanking God that I have had the opportunity of learning His Word and not hid behind the dark gloom of despair, but the world is bright, with the roads plainly marked to me to life or destruction. But for the desire to live and teach this necessary doctrine of God's, I would be more willing to go; in spite of all pretended weakness I have exhibited through deceit to a purpose of no avail, I am at last in the hands of a pure and just God awaiting my hour and judgment, which, without great mercy would be eternal damnation."

"I have given you but a frail glimpse of my conscience-accused corruption, pain, misery and wretchedness, which incessantly follows the guilty of such crimes. I have given you a brief sketch of my experience previous to the deed, not for fame or clemency in the unworthiness of the grave crime, for I have many dear to me who do not believe me guilty of such a deed; but Jesus says: 'For sake all, come and follow me.' So I write this with good intent, that many may turn from their wicked ways and walk in the paths of righteousness, and to show how easy a person may fall into perdition unawares."

Baker City Record: If our prayers, ammunition and whiskey hold out we will have those Filipinos civilized yet.

The many friends of Editor B. F. Alley will regret to learn that he is quite ill, and they trust that his recovery may only be a matter of a very short time.

Miscellaneous.

Up to May 22, the sheriff of this county had paid over to the treasurer taxes amounting to \$95,640.11, thus leaving a balance at that date yet to collect of some \$54,550.01.

For several weeks bears have been playing havoc with sheep in the hills, a dozen miles west of Corvallis. Looting parties have scoured the woods and canyons, but all efforts to rid the country of the marauders have been futile. Last week Caleb Lavis of Woods creek, set up a bear trap made of logs, that has already made short work of two bears.

Troop A, Fourth cavalry, left Fort Waila Walla at 7:30 last Thursday morning, on the O. R. & N. for San Francisco, to embark for the Philippines. A special train has been engaged and horses will be taken along.

The man who forged a note on G M Spores for \$15) and got the money on it from the First National Bank of Eugene last week was arrested in Portland Saturday, and was brought to Eugene Monday and now rests in jail awaiting the action of the district court.