

Abbott Case Dismissed

JUDGE HYDE DECLINES TO BIND HIM OVER On Charge of Assault With a Dangerous Weapon on William French.

The preliminary examination of A. Abbott on a charge of assault with a dangerous weapon, alleged to have been committed upon Wm. French at China camp bridge on March 28th, took place yesterday afternoon before Justice of the Peace W. H. Hyde, and resulted in the discharge of the defendant.

Deputy Prosecuting Attorney Farrin handled the state's case, assisted by Attorney C. F. McKnight. J. W. Bennett acted for the defense. Mrs. Francis McCloud took down the testimony in shorthand. Wm. French the man hurt, was present in court, but was not placed on the stand.

The witnesses for the prosecution were A. A. Simmons, section hand, Chas. Lavine, section foreman, and Dr. Mingus, the latter's testimony being merely as to French's injuries. The witnesses for the defense were Lester Smith, E. M. Kardell, trainmen, Chas. Gilbert, engineer and Abbott, the defendant. F. P. Norton, Chris Rasmussen, J. H. Flanagan and C. A. Johnson were also placed on the stand to testify to the good character borne by the defendant.

The witnesses for the prosecution all told the same story and told it very straight. The witnesses for the defense also told an equally straight and symmetrical story. But the story of the prosecution and the story of the defense were two different stories on very essential points.

All agree as to the train leaving Beaver Hill with the men aboard, running to China camp bridge and dumping the load of rock. Also as to the fact that the section men had been drinking and that they had a bottle of whiskey along, and that French was considerably under the influence. All agreed that French came along on the running board of the dngola while Abbott was standing at the side of the car winding up the door of the dngola with a wrench used for that purpose, this wrench being about 3 1/2 feet long and made out of 1 1/2 inch iron.

They agreed that French stepped on Abbott's hand and that it was probably done accidentally.

Then the stories diverge. Simmons said he was on the inside of a car, and heard a disturbance. Heard Lester Smith say: "Don't hit him Abbott, Don't hit him with that wrench." Then he came out and saw the two men standing on the ground about 3 or 4 feet apart facing each other near the end of the car. The ground here was about 1 1/2 feet below the top of the ties. Abbott had the wrench in his hands, French had nothing in his hands, which were hanging at his side. Witness started along and said to Abbott: "Don't hit him; I will take care of him." When he was about 4 feet from French, coming up behind him, Abbott swung the wrench and struck French, knocking him over the side of the dump. Nothing had been said and no demonstrations made after witness came in sight. The men had not moved out of their tracks. Heard French say, before he got off the car: "I will teach you how to railroad; I have railroaded before I ever saw you." French was pretty drunk.

Chas. Lavine, section foreman was the next witness. They were winding up the doors of the dngola when French's foot slipped and he stepped off Abbott's hand. "Abbott told him to get off, and witness also told French to get off and to get off the car. French got off at the end of the car and fell as he got off, then picked himself up and stood there, having moved about two steps toward Abbott in getting up. Ab-

bott must have gone toward him about ten feet. Both were standing on the ground, and witness was standing on the running board five or six feet away and over them. Could see their hands. French made no demonstration and his hands were at his side when Abbott struck him. Lester Smith was not on the same car, but was on the next car when the trouble occurred.

This witness was recalled later and testified to a conversation with Abbott on the following Monday, when Abbott told him to send French's time into the office while he was laid up and he, Abbott, would fix it in the office.

Doctor Mingus, who attended French, told of his injuries, which consisted of a punctured wound on the cheek and a fracture of the cheek bone. The injuries will cause a permanent deformity and perhaps impairment of the movement of the lower jaw. Blow must have been a hard one, as the cheek bone is very hard and requires a considerable blow to fracture. The patient was in a state of semi consciousness when Doctor reached him, and this may have been partly due to liquor.

Lester Smith was the first witness for the defense. French was very much in the way; was wild and running around over the cars. He came over the edge of the car and stepped on Abbott's sore hand. Abbott told him to get off, French got off the car and came up to Abbott, calling him vile names, and kept making demonstrations. Abbott told him to keep off or he would hit him with the wrench. Abbott was standing on the end of the ties. Had been fastening the latch. Witness was on the inside of the car with Lavine and could see both French and Abbott. French came up to Abbott, making demonstrations as though he would pull Abbott down, and Abbott struck him with the wrench held in both hands. French had called Abbott vile names, to which Abbott had made no reply. French could have got out of the way of the blow if he had wanted to. French stood on the ground about three and one-half feet lower than Abbott, who stood on the end of the ties. Witness was positive that he did not tell Abbott not to hit French with the wrench. After the blow was struck, and French fell, witness said to Abbott: "You hit him too hard, Bert." Abbott replied: "What am I going to do; I told him to keep away."

E. W. Karkell took the stand. He was on the opposite side of the dngola when the trouble occurred and did not see it, but heard what was said. Heard Abbott tell French to get off his hand, and French call Abbott vile names. Heard Abbott tell French to keep away. Walked around between the cars. French was lying where he had fallen over the side of the dump and about opposite the middle of the car. He was about opposite where Abbott would be standing to wind up the door of the dngola.

Chas. Gilbert: Was running the engine. Saw what occurred but could not hear what was said. Saw French get off the car and come up to Abbott where the latter was closing the door of the dngola. French had his hands up. Abbott hit him with the wrench. Abbott was a peaceable man to work with. Abbott was placed on the stand. He was pulling down the wrench, winding up the door of the dngola, when French stepped on his hand. Told him to get off, but French told him to get his hand out of there. Lester Smith pulled him off. French went to end of car and got down. Came at witness, saying: "I'll fix you." Witness struck him with the wrench. Witness had no hard feelings toward French. On cross-examination Mr. Abbott gave his own weight at 185 pounds. Said he did not think that he could have handled French, with his sore hand, and had no way of getting away from him. The ends of the ties were too short to walk along without holding onto the car.

Abbott was recalled, later, and told of his conversation with Lavine on the following Monday, corroborating Lavine. Did it to preserve good feeling and not

to avoid prosecution. The material point of difference between the stories of the prosecution and defense was as to whether Abbott came to French or French came to Abbott after the latter got off the car; and as to whether French made any demonstration of attack.

At the conclusion of the testimony the attorneys commenced their arguments. An adjournment was taken until 7 o'clock and the case terminated about 8:30 in the discharge of the defendant.

STATE AND GENERAL NEWS.

Thomas Guinean of Portland, was fined \$5 Thursday for laying a sidewalk without a permit.

The funeral of the late Wm. R. Dunbar, Register of the United States Land Office at Vancouver, Wash., took place Thursday at Salem.

Six car loads of beef steers from Ontario passed through LaGrand, Or., Thursday for the Portland market.

By the cause of a fire at Ashland, Or., last Thursday, several small department stores were gutted, with the loss of \$2500, small insurance.

Orders have been received at Astoria for the lighthouse tender Manzanita to fit out for a cruise in Alaskan waters. She will be ready as soon as the repairs to her boiler are completed, which will be in about two weeks.

The case of State vs. James Aiken, who is now for the third time on trial for his life, accused of killing a Chinaman at Raleigh on Dec. 3, 1901, commenced Monday at Hillsboro.

The school directors of Tillamook have accepted the bid of S. A. Brodhead, for \$5,000, for the construction of a new two story, eight room school building at that place. The bids call for the building to be completed by Sept. 1st.

Ferguson and Houston, of Astoria, have received the contract for erecting a new factory for the American Can Co., at Portland. The contract price is \$95,000, and five months is the time required to complete the work.

The prospect for a large yield of fruit of all kinds was never more favorable than in Linn county at the present time.

H. E. Huntington, the railway magnate, will found a model town near Los Angeles, Cal., to enter the felt making business.

Pauline Silk the La Grande girl who threatened to commit suicide last week because her sister punished her, is with friends at Island City Or.

Brigadier-General M. E. Foote brought home from the Philippines a loving-cup of carved silver, presented by his old regiment, the Twenty-fifth Infantry.

John Mityter, a hotel proprietor of Vancouver, was frozen to death on the trail between Klondike and Koyukuk, less than two miles from camp last Saturday.

A session of the Grand Lodge of the Ancient Order of United Workmen will begin at Olympia Wednesday.

Spokane post office receipts show a gain of 25 per cent. over the corresponding quarter last year.

The printing of the Oregon session laws of 1903 has been completed, and the publication is now coming from the bindery.

Several people have died at Baker City, in the last few months, of lump jaw, which is caused by eating the flesh of cattle afflicted with the disease. There is no cure for the malady, and the patent dies as in a case of malignant cancer.

Public Spirited Citizens.

Springfield, Mass., celebrated her golden jubilee by providing for a park along her river front, \$101,291.25 being raised by popular subscription to purchase the land. Happy Springfield, with such public spirited citizens! Wise Springfield to invest in beauty for her people!

More Railroad Building

SANTA FE COMING UP THE COAST Stimulated by Jim Hill's Aggressive Plans for a Coast Road

The Los Angeles Times recently published the following press dispatch from San Francisco: Capt. A. H. Payson, assistant president of the Santa Fe, and W. A. Bissell, assistant traffic manager of the same line, have returned from Eureka, where they went several days ago to inaugurate the work of building a southern extension of the Santa Fe's recently acquired Humboldt county railroad properties.

They have given out the information that the work of building the projected new coast line, to connect this city with Eureka is to be hurried along as expeditiously as possible, and that a contract for the construction of the first ten miles will be let immediately.

NORTHERN COAST RAILROAD ACTIVITY

(Editorial in San Francisco Chronicle) Santa Fe Railroad officials make no further effort to conceal their plans in the northern coast counties. Matters have reached a stage in that section where concealment is no longer possible and nothing is gained by a resort to denial. These officials are admitting the Santa Fe's ownership of the Eureka and Eel River Railroad, and the short lumber line leading from the heart of the redwood belt to the various landings on the coast between San Francisco and Humboldt bay. The only point in the only point in the company's projected operations in the northern coast counties not fully explained is the route to be followed through Marin county to reach the bay shore. The California Northwestern is reported to have been acquired by the Southern Pacific, and the Santa Fe is reported to be dickering for the North Shore Railroad. The latter may, however, be nothing more than a blind, and the true purpose of the company may be to reach Point Richmond and the main trunk of the Santa Fe system by the shortest and most direct route, namely, by crossing the Narrows from San Pedro point to San Pablo point on an elevation high enough above tide water to allow ships with the loftiest spars to pass underneath without dropping their topmasts.

The primary purpose of the coast line of the Santa Fe is to get the lumber of the redwood belt into the Eastern market, where there is unlimited demand for it. It has been figured that the belt, within easy reach of the surveyed road, will furnish at least 15,000 carloads of lumber annually for the next hundred years which means profitable business from start. A contract for the first ten-mile extension southward of the Eureka and Eel River Railroad will be let at once.

The activity of the Santa Fe in the northern coast counties is doubtless stimulated, also by the aggressive plans which J. J. Hill of the Great Northern is preparing to put into effect there. Despite the denials to the contrary, and the assertions that the surveys made in Sonoma county under the financial agency of J. M. Beck are intended for an electric railroad to Cloverdale, the "Chronicle" has good reasons for asserting that Beck is Hill's representative here, and that the Great Northern magnate's plans for the construction of an extension of his system from Portland,

Or., to the north shore of San Francisco bay are all well matured. The line has been surveyed the whole way. It will pass through Coos Bay, Crescent City and Eureka, Humboldt county, on what is said to be the easiest grade ever adopted by a railroad. The route, furthermore passes through a well settled and productive country near the coast, not now tapped by any railroad, and the road is to be built as rapidly as men and material can be put on the line of survey. Hill is in a hurry to reach San Francisco to compete for its growing commerce. Thus, the northern coast counties will soon be the scene of great rivalry in road construction between two, and possibly between three, of the great transcontinental systems.

County Court Proceedings

Expenses in vacation after January, 1902 term,	
Indigents	\$ 362 00
Telephone, etc.	26 23
Salaries	915 01
Scalps	12 00
Regular April, 1903.	
E Bender drawing jury list	3 00
L W Traver, assistant	2 00
A H Bender	2 00
E G Holden, drawing jury list	3 00
J S Lawrence, assisting	2 00
W Rich, assisting	2 00
A D Morse fees, state vs Newhall & Nelson	5 70
E M Blackerby cons, fees and expenses	22 00
Roy Holman, dep't con	3 00
O A Kelly, acting coroner Al-len Urquhart inquest	5 00
Wm Robn constable	2 45
G W Liggett, juror,	1 00
M Hayter, juror	1 00
R Copley "	1 00
W Kay "	1 00
J Chaney "	1 00
W Williams "	1 00
Alex Urquhart witness	1 50
Frances Urquhart witness	1 50
Arenie Stewart witness	1 50
A Cavanagh, clerk of election, Summer June 1902	3 00
Stationary and Printing	
S Gallier, stamps etc, sheriff's office.	34 82
L H Hazard, stamps, etc. clerks office	21 25
L Harlocker stamps etc. judges office.	10 60
J B Dulle, stamps etc, Treasurers office	4 50
Coquille Herald, printing supt office, \$11; January court, \$2 90	43 90
Bulletin blanks for sher \$2.50; blanks for assessor, \$6.50; blanks and printing clerk, \$9.75; notices, 80; January court proceedings, \$32.55	62 10
C O Dryden, blanks for clerk, \$2; for treat, \$2	4 00
G A Bennett, blanks for clerk, \$5; for assessor, \$87.50 Hancock-Whitney Co 2 vol Oregon reports	92 50
O H Crocker & Co 2500 cash pol tax receipts	7 50
J S Dillingier Co blank books and receipts	15 03
Glass & Prudhome deed records and blanks	26 00
Irwin Hodson Co tax receipts, \$29.10; carbon and holder and warrant book treat, \$13; 5 m litho rd warrant blanks linen, \$36.75; 1 road warrant, record, \$15.75	26 00
	94 60

CENTRAL HOTEL

Corner of Front and A streets, MARSHFIELD, OREGON, JOHN SNYDER, Proprietor. THIS WELL-KNOWN AND FAVORITE HOTEL has just been entirely refitted and is again open to the public for patronage. New beds and spring mattresses have been placed in almost every sleeping room of this house and neither trouble nor expense has been spared to put everything in first-class order.

Fast and Commodious Steamship ALLIANCE

HARDWICK, Master.

Makes regular trips between San Francisco and Portland via Humboldt and Coos Bay, calling at above ports each way.

The ALLIANCE is a first-class passenger boat, and has all the modern conveniences, and is one of the fastest steamers of her class.

For freight and passenger rates or sailing dates, apply to

C. H. MERCHANT, Agt MARSHFIELD, OREGON

THE STEAMER **ARCATA.** H. C. NELSON, Master. Will Make Regular Trips -BETWEEN- **COOS BAY** -AND- **SAN FRANCISCO** -CARRYING- PASSENGERS AND FREIGHT -AT- **LOWEST RATES.**

Oregon Coal & Navigation Co., Proprietors. F. S. DOW, Agent, Marshfield, Oregon S. O. CO. Agent, Empire City, Oregon

Flanagan & Bennett Bank

DIRECTORS: T. R. Sheridan, J. W. Bennett; PRES: H. C. Flanagan; VICE PRES: R. F. Williams, CASHIER. Capital, \$50,000. MARSHFIELD, OREGON

Coos Bay Wholesale Liquor House.

HEADQUARTERS FOR HIGH GRADE LIQUORS CHOICE WINES AND PURE BRANDIES.

LEADING BRANDS OF BOTTLED BEER Family Orders Solicited.

SOLE AGENT FOR THE CELEBRATED

RAINIER BEER

Family orders for Pops, pints and quarts, delivered by the case.

Robert Marsden.

GEE FEE.

DEALER IN GROCERIES FRESH FRUITS, VEGETABLES PROVISIONS, FLOUR FEED, ETC., OF THE BEST QUALITY. PRICES REASONABLE. FROZEN OYSTERS EVERY DAY.

1 Street, Marshfield, Ore.