

CIRCUIT COURT CASES.

Writ of Review on Local Option Election to Come up.

The circuit court will convene on Monday, with Judge W. Galloway on the bench. There are not many cases on the docket. Those of most importance to the public is the writ of review on the local option election, in a petition filed by J. S. Lamar, a saloon keeper of this city, the decision in which is awaited with some amount of interest, for if the will of a large majority of the voters is defeated on a technicality it will mean another local option election in Tillamook next June. The other two cases of interest to the people is that of the claim of the county against the estate of the late H. H. Alderman on account of the shortage in his accounts and that in which County Judge W. W. Conder has filed suit against ex-County Clerk Homer Mason to compel him to turn over land office fees, which no one questioned as belonging to the ex-county clerk until this action was brought, as all other county clerks in Oregon have retained and are still retaining the land office fees, and over which the state has no jurisdiction, when county clerks perform government work. Probably the latter case will not come to a trial at this term of court, as Mason's attorneys will move that the complaint specify the amounts of the fees collected.

It is thought probable that another grand jury will be called to investigate several matters which have cropped up since the last term of court, but we are not certain whether this will be done.

State of Oregon, plaintiff, vs. Frank Severance, administrator of Herman Brown, deceased, defendant. Confirmation. Eddy & Botts for plaintiff.

C. & E. Thayer, plaintiffs, vs. Benton Turner, defendant. Action for money. Handley & Thayer for plaintiffs.

James W. Johnson, plaintiff, vs. The Tillamook Logging Co., defendants. Action for money. Eddy & Botts for plaintiff; Handley & Thayer for defendant.

C. A. Keep, plaintiff, vs. The Oregon Pacific Navigation Co., a corporation, F. H. Skinner, J. K. Lock and A. J. Parrington, defendants. Action for money. J. M. Peary and Handley & Thayer for plaintiff.

Geo. W. Kiger, plaintiff, vs. G. O. Nolan and O. J. Painter-Nolan, defendants. Action for money. C. W. Talmage for plaintiff; Eddy & Botts for defendant.

Louis W. Glaser, plaintiff and respondent, vs. Tillamook Logging Co., defendant and appellant. Transcript from County Court. Eddy & Botts for plaintiff; Handley & Thayer for defendant.

Seth F. Moon, plaintiff, vs. R. M. Dings, defendant. Transcript from County Court. Eddy & Botts for plaintiff; Handley & Thayer for defendant.

John Marolf, plaintiff, vs. The Tillamook Logging Co., defendant. Suit for damages. A. W. Severance for plaintiff; Handley & Thayer for defendant.

Tillamook County, plaintiff and respondent, vs. the estate of H. H. Alderman, defendant and appellant. Appeal from county court in probate. Handley & Thayer for plaintiff; Ralph R. Dunaway for defendant.

Z. F. Moody, plaintiff and appellant, vs. W. M. and N. M. Learned, defendants and respondents. Appeal from County Court. Handley & Thayer for plaintiff; C. W. Talmage for defendants.

James M. Mapes, plaintiff, vs. John Weiss and J. D. Morris, partners under the firm name of The Tillamook County Lumber Co., Jobe Foster and the Little Nestucca Toll Road Co., a corporation, defendants. Action for money. Handley & Thayer for plaintiff.

John S. Lamar, plaintiff in error, vs. The County Court of Tillamook County, defendants in error. Writ of review. C. W. Talmage for plaintiff; District Attorney and Eddy & Botts for defendants.

Norris East and Lock Co., plaintiff, vs. Henry Meister, E. W. Stanley and the U. S. Fidelity & Guarantee Co., defendants. Action for money. Handley & Thayer for plaintiff.

Tillamook County, plaintiff, vs. Homer Mason and his sureties, while county clerk, defendants. Action for money. Handley & Thayer for plaintiff; Eddy & Botts for defendants.

George W. Phelps, plaintiff, vs. Tillamook County and G. N. Hodgdon, defendants. Writ of review. Eddy & Botts for plaintiff; W. H. Cooper for defendant.

John Ronetsch, plaintiff, vs. Albert W. and Ellen Mills, defendants. Foreclosure. Thad W. Vreeland for plaintiff.

C. & E. Thayer, plaintiff, vs. R. M. and Rollie W. Watson, defendants. Foreclosure. Handley & Thayer for plaintiff; Eddy & Botts for defendants.

E. M. Porter, plaintiff, vs. Arabella Tone and David Fitzpatrick administrator, defendants. Foreclosure. W. H. Cooper for plaintiff.

Tillamook County, plaintiff, vs. Edith M. Alderman, defendant. Suit to set aside title. Handley & Thayer for plaintiff; R. R. Dunaway for defendant.

George E. Chamberlain, constituting the State Land Board, plaintiff, vs.

Hiram B. Moore, defendant. Foreclosure. Eddy & Botts for plaintiff. Augusta Hunt, plaintiff, administratrix, vs. Carrie A. Bailey, W. C. Bailey and the Yellow Fir Lumber Co., a corporation, defendants. Foreclosure. Eddy & Botts for plaintiff.

UNFORTUNATE DROWNING.

Cable of Ferry Breaks and Fred Tomlinson is Thrown Overboard.

Another case of drowning occurred on Thursday afternoon of last week, when Fred Tomlinson came to an untimely death in the Tillamook river while operating the ferry. George Coffman left this city on horseback to return to his home at Netarts. On reaching the landing he found that the ferry was on the west side of the river. He attracted a man on the other side of the river, who started with the ferry, which is propelled by pulling at a cable attached to each side of the river. Coffman did not watch the ferry after started, until he heard the cable snap, and looking in that direction he saw that the man was splashing about in the water at the west end of the ferry. There was a strong northwest wind at the time, and when the accident occurred the ferry was one third across the river. The man called lustily for help after he was in the water. Coffman answered him by saying that he would come to his assistance with a boat and not for him to exert himself too much. He expected to find a boat at the end of the landing, but on reaching there found no boat, so had to go to a scow a little way up the river, but the boat had no oars. Seizing a bit of board to propel the boat, just as he was about, he saw the man disappear below the surface and did not come up again. Coffman obtained assistance, and a number of boats dragged for the body, and at low tide soon after six o'clock it was recovered near the spot where it disappeared. It was not known for some time who it was that was drowned, but it was ascertained later in the afternoon that it was Fred Tomlinson. When found, the unfortunate man had no boots on, which he must have removed after he fell into the water, the exertion of doing so may have exhausted him, for they were leather boots and hard to pull off. Tomlinson must have been at the end of the ferry when the cable parted and fell in backwards. The deceased was 37 years of age, and he leaves a wife and four children to mourn his death. He was a sober, industrious man and a good wife and father, as well as a good citizen, and was a member in good standing of the A.O.U. W. lodge in this city. The funeral took place on Saturday, the services being in the M.E. church, conducted by the Rev. C. A. Stockwell, and the burial in the I.O.O.F. cemetery, which was attended by a large number of sympathizing friends.

SOUTH PRAIRIE.

The frost of the past few days have injured the early fruit and strawberries to quite an extent. Charley Wells and Ed Leach captured a young cub bear the other day. Charley also had a bear to wound one of his valuable dogs severely. Mr. Williams, of Tillamook, visited on the prairie last Sunday. Hull Johnson is moving his house to a more desirable location on Bewley creek. W. B. Powell has disposed of his large team of horses, getting smaller ones. John Webber is busy hauling lumber from Tillamook. Fess Quick was on the prairie last Tuesday on business. Chas. Wells was rolling logs with a donkey engine on his ranch last week. Lloyd Powell intends helping to make cheese at the Red Clover factory this summer.

The New York Stock Exchange is confronted with a condition, not a theory. After July 1 a stamp tax of 2 cents per \$100 of par value of stock securities sold or transferred must be paid to the state. To realize what this seemingly insignificant impost amounts to, it might be stated that based on a calculation of the business done last year, Wall street's donation to the state government would exceed \$5,500,000. There have been days on change when 1,000,000 shares, of a par value of \$100,000,000 have been dealt in. Some times the figures run over that, so it can be seen that the state has picked out a great source of revenue—it lasts. Governor Frank Higgins, of Glenn, where they do not have any stocks or bonds, and where Wall street is looked upon as a snare of the evil one, is responsible for the passage of the bill. He had the measure introduced, forced it through the Senate and listened unmoved when a delegation comprising every Republican legislator from the metropolitan district called and urged him to call it off, as it meant the ruin of the Republican party in the Greater City.

The County Court disallowed the bills of the prosecuting witnesses in the whisky cases for the time they were in jail, pending the disposition of the cases by the court. When they testified before the grand jury they were required to give bonds for their appearance before the trial jury. Not being able to raise the bonds, they were committed to jail. The money however, has been raised by the temperance people of Baker City and the amount made good to them.

COMMISSIONERS' COURT.

Lowest Bid for Court House is \$19,500—Contract to be Awarded on Saturday.

An adjourned meeting of the board of county commissioners was held on Monday, with County Judge W. W. Conder and Commissioners G. W. Bodyfelt and Geo. Loerpel present.

The bids for the county court house were as follows: H. Snook, of Salem, brick.....\$19,500.00 S. A. Brodhead, of Tillamook, brick..... 22,205.81 A. F. Peterson, of Corvallis, brick..... 24,480.00 Extra, for concrete 800.00

As the bid of H. Snook did not specify whether he intended to include the jail and vault doors, it was Tuesday afternoon before the court could reach Mr. Snook by telephone, and having done so, he stated that his bid was for the court house complete. He was advised to come to Tillamook on Saturday next, when his bid will be accepted, unless something should turn up in the meanwhile to stop it.

In the matter of the cancellation of tax sale of S. W. 1/4 of Sec. 16, tp. 3 S., the sheriff was ordered to cancel the sale upon sales record.

In the matter of taxes on Wagner land owned by A. Gubser, the sale was cancelled.

In the matter of the tax sales of Ne 1/4 of sec. 8, tp. 1 S., R. 8 W., and it appearing that the tax had been paid, the sheriff was ordered to cancel same and issue redemption certificate.

In the matter of the tax sales of E 1/4 of sec. 33, tp. 2 S., R. 9 W., and it appearing that the tax had been paid, the sheriff was ordered to cancel the same and issue redemption certificate.

In the matter of tax sales of E 1/4 of W 1/2 of sec. 33, tp. 1 S., R. 8 W., and it appearing that the tax had been paid, the sheriff was ordered to cancel the same and issue redemption certificate.

The County Clerk was ordered to return certified checks to unsuccessful bidders of court house and bridge.

Tillamook Herald was awarded the contract for bid on printing in the sum of \$182.15.

Chas. I. Clough was awarded the contract for bid for office supplies in the sum of \$74.50.

The contract entered into between the County Court and Chas. H. Burggraf, architect, on the 11th April, to furnish plans and specifications for the court house was approved and ordered placed on file.

The bids for the construction of a court house were continued until Saturday, when the court will meet again.

The bond of W. D. Wood for the construction of the bridge across the Nehalem river was accepted.

The bids for the Nehalem bridge are as follows: Olds & Harris, Oregon City.....\$2,368.75 C. F. Royal & Son, of Salem 2,678.80 W. D. Wood, Bay City 1,600.00

The bid of W. D. Wood, of Bay City, being the lowest, was accepted. Bill of James Christensen, for \$15, was rejected on account of not being specific. Bill of Tillamook Logging Company for 150 feet of wire cable at \$12, was continued.

Geo. W. Bibe, receiver Oregon City for list of land, final receipt T. H. McCormick, witness and mileage fees in circuit court. 4 80 Oak Nolan, witness and mileage fees grand jury..... 2 20 Todd & Co., merchandise..... 4 75 Yellow Fir Lumber Co..... 2 80

Oregonian advertising for bids for Court House..... 6 70 W. A. Williams, strap..... 1 00 G. B. Lamb, 1 mo salary as clerk..... 3 88 G. B. Lamb, incidentals..... 3 88 K. Mills, 1 mo salary deputy clerk..... 50 00 Thos. Coates, salary as deputy sheriff 1 mo..... 50 00 C. A. Johnson, salary as deputy assessor 1 mo..... 50 00 C. H. Wolfe, salary as sheriff 1 mo..... 133 35 P. W. Todd, salary as Treasurer 1 mo..... 45 83 A. M. Hare, salary as assessor 1 mo..... 100 00 Headlight, printing..... 8 00 W. W. Wiley salary as supt. 1 mo..... 55 60 W. W. Wiley, incidentals..... 5 60 Fred Arthur, service as deputy sheriff..... 25 00 Fred Zaddach, work on road..... 30 00 F. L. Sappington, plans and specifications Nehalem bridge..... 15 00 Bill of S. J. Sturgeon of three claims allowed in sum of..... 22 95 Oscar Bergman & Co., for work on Nehalem dyking..... 400 72 T. B. Handley..... 2 50 George Bodyfelt, commissioner..... 13 00 George Loerpel, commissioner..... 24 00 W. W. Conder, county judge..... 50 00

JURORS FEES. Marion Chance..... 3 20 Wm Hamilton..... 2 20 J. W. Buckles..... 3 40 Alex Finlayson..... 3 40 Alfred Magnusson..... 3 40 Martin Ripley..... 3 40 W. S. Hays..... 3 40 J. R. Harris..... 3 40 Robert Watt..... 3 40 John Larson..... 3 80 C. N. Drew..... 2 20

ROAD DISTRICT NO. 1. Dan Hickey..... 6 00 J. K. Hicks..... 6 40 Wm Schoellmeier..... 14 40 G. M. Cobb and team..... 17 00 Wm Snyder..... 6 40 Wm Crawford..... 10 00 John Braunersreuther..... 4 00

The court adjourned until Saturday. Makes a Clean Sweep.

There's nothing like doing a thing thoroughly. Of all the Salves you ever heard of, Bucklen's Arnica Salve is the best. It sweeps away and cures Burns, Scalds, Bruises, Cuts, Blisters, Ulcers, Skin Eruptions and Piles. It's only 25c., and guaranteed to give satisfaction by Chas. I. Clough, Druggist.

Editorial Snap Shots.

Rollie will quit talking so much about a "wet" town when he commences to nurse his off-spring.

The press dispatches says that Admiral Rojstuvensky has fooled Admiral Togo. That entirely depends upon what the latter admiral is up to.

We suppose, if the local option election is defeated in the circuit court on a technicality the Herald will fall all over itself and the people will have a number of "wet" issues of that newspaper.

It is reported that several young men in the neighborhood of the Miami have hit the trail for fear of being arrested on a charge of criminal assault, and if they don't want to go to the pen they had better bite a way.

It will be noticed that but very few business houses have failed in Tillamook, and those who have taken the short cut through the bankruptcy court have been saloon keepers, so the "tangle foot" that made so many of our citizens feel good must have made the wholesale liquor dealers feel bad when so many men took drinks at their expense. This is only another instance of the treating abuse magnified.

The Lincoln County Leader says: "A bicycle store at Corvallis has been forced to quit business. It is presumed that since the booze stores were chased out of that town the male citizens have gradually regained the use of their legs and are again able to walk uprightly and in a straight line." We fail to see, however, what the closing of a bicycle store has to do with local option or male citizens being able to walk straight.

The editor of the Oregonian is being smothered with unusual honors. The good evangelists now laboring in Portland are making him the subject of special and earnest prayers.—Lincoln County Leader.

Harvey Scott is not the only editor who has come in for this special honor. But of all the professions none need the prayers of the church more than editors. For, coming in touch with all conditions and classes of people, they see and hear a great many things which make them cynical.

The Eugene Register takes the Headlight man to task for some remarks we made about the recent railroad flutter and the amount of freight now going out of Tillamook. If the Register man had lived where the air had been impregnated with railroad procrastination for twenty years, as some of the inhabitants of Tillamook have, he, too, would feel pessimistic, when every once in a while a railroad "wind bag" comes here, opens his safety valve and blows off his 'hot air.'

The site for a court house is likely to cause some amount of friction, for it is stated that a block in the Gangloff property will be offered to the county. On the other hand, there is considerable opposition to locating it there by those who think the present site is the best and most convenient. No one can deny that, and it is not probable that the members of the court will want to change the site simply to depreciate the value of some property to enhance the value of other property in the city.

The Headlight has recorded a large number of deaths of Tillamook people since it made its advent in 1888, and by the way some of our best known and oldest citizens have been passing to the great beyond, for one after another keeps dropping out of sight and into the city of the dead. It is an unpleasant duty to write up their obituary. We say a good word for the departed and we breathe a word of sympathy for the sorrowing, but in doing so this thought always flashes through the editor's mind, Who will be the next?

That the Oregon Traction people will extend their line on to Tillamook, there is no doubt. For several weeks their chief engineer with cruisers have been busily engaged in locating a feasible route, and from what The News is able to learn the route has been located and will be used at once.—Washington County News.

We sincerely hope that the News is correctly informed and that its predictions will come true, for Tillamook people are anxiously waiting the advent of the iron horse and it cannot come too soon or too swift.

It wouldn't take long to save sufficient money to build a bridge across the south fork of Nehalem river if the county court would cut out the useless office of road master. There are too many bosses and taxpayers have to pay for them. For instance, the road supervisors boss the people who work on the roads, the road master bosses the road supervisors, the county court bosses the road master, and the county judge bosses the whole outfit. Cut out the road master boss and appropriate the salary towards building a bridge across the south fork of the Nehalem, and even then there will be more than enough bosses left. We hope that every Nehalemite will say, with true piety, "Amen! and Amen!" to what we here advocate for their benefit.

We must congratulate the county court upon getting plans and specifica-

tions for a court house that is commodious and in securing bids that come as near what the county could afford as the most rigid economist could wish, and for that reason there ought not to be any objections, but congratulations that the county will obtain a good court at so reasonable a figure. Mr. S. A. Brodhead has been instrumental in saving the county several thousand dollars, for the court appealed to him and he spent considerable time with the court previous to and after the plans were received, and when it became known to the outside contractors that a local man was going to bid, this caused them to cut down their bids. For instance, A. F. Peterson some months ago offered to build a court house, quite a bit smaller than the one that is to be built, for \$27,550. Quite a number of persons think that the court should have awarded Mr. Brodhead the contract, being the home contractors, and especially as the bid of H. Snook was vague. It is plain to see that some few persons have worked hard to get the job away from the home man, and the speculation amongst people is that the county court will decide in favor of the outsider.

A Cottage Grove man has established a trout hatchery with a capacity of 60,000 eggs, and a sportsman's club will be organized to see that full protection is afforded the fish after they are hatched and turned loose. This private enterprise suggests that it might be a good plan for the men who are most interested in catching and canning salmon to adopt the same plan. Let them get together and hatch their own fish as the Cottage Grove man is doing with the trout. This would settle a vexed question, and if the canners and fishermen knew that they had to pay for replenishing the supply of fish out of their own private funds they might be a little more careful in their violation of the laws.—Oregonian.

If your cemetery is neglected and a disgrace to your community, interest the women in its improvement. If your school house grounds are a libel on our modern system of education, elect a live woman as school director. If you want a real live farmers' institute, elect a bright woman as secretary. In a word, if you want any public improvement pushed and completed, set the women at it, for they know how to pull the money out of your pocket and how to spend it to the best advantage. Women can do lots of things besides go to church, take care of the babies and cook your meals.

The effects of the threatened referendum upon the general appropriation bill is already being felt by the employees of the state institutions at Salem, where, in case it is desired to realize upon their vouchers or certificates at the present time, it is necessary to discount them at the rate of 15 per cent, or 85c. for \$1.00. This state of affairs, coming at this early date, with prospects of a further discount later, is creating anything but satisfaction among the employes.

It appears from the session laws just received that there was passed by the last Legislature a bill exempting from collecting all delinquent taxes on property at the end of six years from the time when such taxes became due, and declaring void all proceedings attempted to be taken for the collection of such taxes after the lapse of such time.

General Linievitch has piloriated a number of officers displayed cowardice during the battle of Mukden, publicly disgracing them by posting their names at all the division headquarters, while some of them are ignominiously drummed out of camp.

A Great Sensation. There was a big sensation in Leesville, Ind., when W. H. Brown of that place, who was expected to die, had his life saved by Dr. King's New Discovery for Consumption. He writes: "I endured insufferable agonies from Asthma, but your New Discovery gave me immediate relief and soon thereafter effected a complete cure." Similar cures of Consumption, Pneumonia, Bronchitis and Grip are numerous. It's the peerless remedy for all throat and lung troubles. Price 50c., and \$1.00. Guaranteed by Chas. I. Clough, Druggist. Trial bottles free.

\$100 Reward, \$100. The readers of this paper will be pleased to learn that there is at least one dreaded disease that science has been able to cure in all its stages and that is Catarrh. Hall's Catarrh Cure is the only positive cure now known to the medical fraternity. Catarrh being a constitutional disease, requires a constitutional treatment. Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous surfaces of the system, thereby destroying the foundation of the disease, and giving the patient strength by building up the constitution and assisting nature in doing its work. The proprietors have so much faith in its curative powers, that they offer one Hundred Dollars for any case that it fails to cure. Send for list of testimonials. Address: F. J. CHENEY & CO., Toledo, O. Sold by Druggists, etc. Hall's Family Pills are the best.

KILL THE COUGH AND CURE THE LUNGS WITH Dr. King's New Discovery FOR CONSUMPTION, COUGHS and CROUPS, WHOOPING COUGHS and COLDS. Surest and Quickest Cure for all THROAT and LUNG TROUBLES, or MONEY BACK.

DIE IN LAND FEUD.

Straut Brothers Killed by J. H. McBain.

WALLOWA, Or., April 10.—There occurred at West Grossman, about 25 miles northwest of this place, some time yesterday, the most sensational shooting of many years.

J. H. McBain, an engineer, of Grand Junction, Colo., who came here several weeks ago to take a homestead, shot and killed two young men named Straut, who had jumped his claim. McBain came west several weeks ago, surveyed the claim, putting up notices to that effect, and made a contract with B. S. Brady to erect a house on the land.

When Brady went to work on the place he was ordered off by the Straut brothers, who had taken possession. McBain, who had in the meantime returned to Colorado, was notified. The story of the encounter is that when McBain went to his claim he worked one day without molestation, but on the second day met the claim jumpers and ordered them off. Then one of the Strauts raised an ax against him.

In self defense McBain shot him. The other brother shot a hole through McBain's hat with a single-barrel shotgun. McBain then shot him to death while he was attempting to reload his gun.

Thomas Brady, a timber locator, heard the shooting and went to the scene, where he found the two men dead and McBain keeping watch.

Gives Himself Up.

Brady then advised McBain to come to Wallawa and give himself up. He came to Wallawa, and went to the Wallowa Hotel, where he ordered supper. It was set before him, but he could eat nothing. He then called A. S. Cooley, attorney-at-law, and told him the circumstances.

An attempt was made to get Dr. Seely, County Coroner, at Lostine, but this could not be done. Early this morning McBain, Cooley, Dr. Gregg and Justice of the Peace Miller left for the scene. Nothing was said before their departure, and particulars were not generally known until the arrival of the stage from Promise, about 2 o'clock this afternoon.

No one witnessed the shooting except the men participating. Whether the Coroner's jury which will be convened by the Justice of the Peace will develop anything new remains to be seen. This is the first trouble known in this county over claim jumping for many years.

Coming Home for Trial.

WASHINGTON, April 10.—Representative Hermann will leave Washington tomorrow for Portland. He will be on hand in time to be arraigned next Monday. Mr. Hermann has been unable to learn when his case will be called for trial in this city, but is satisfied there is no hurry about it, and feels confident the case will not be reached until the Fall term of court. The District Attorney for the District of Columbia says he does not know when the case will be set for trial.

Mr. Hermann goes home confident that he will be acquitted on every indictment returned against him. He has talked over his case with friends in Washington. He has had much correspondence with friends in Oregon, and from assurances he has received is satisfied that the various cases against him will collapse when brought into court. Mr. Hermann has no more concern over his coming trial in Portland than over the Oregon trials. In fact, he regards the indictment returned in Washington as trivial. Were it considered important by the Government, the Government would have urged prompt trial. As it is, the Government has given the case no consideration since the indictment was returned, and apparently has no intention of calling it up at the present term of court. Every inquiry as to the case has failed to bring forth any definite reply. The District Attorney's office has no idea whatever when the case will be reached, but expects that the docket is now crowded and there is little time available for consideration of cases not yet on the docket.

Mr. Hermann expects to remain in Oregon until his case has been disposed of. He will return to Washington whenever notified that a time is set for his trial, but he does not expect to receive such word before October.

Joseph Thompson, the railroad contractor who stabbed Alex. Goeruke at Thompson & Snall's camp near Condon December 29, 1904, was sentenced to imprisonment for life by Judge W. S. Bradshaw. A verdict of murder in the second degree was returned against Thompson at 11 o'clock Saturday night after the jury had been out seven hours. Self defense was the plea, and Thompson's attorneys put up a desperate fight, but the state made out a conclusive case. The defense is moving for a new trial, and is seeking a stay of execution which has not yet been secured. Thompson and Goeruke were boss and cook, respectively, in a construction camp on the O. R. & N. Arlington Condon branch. In an altercation, during which Thompson claimed the cook made a pass at him, the murderer grasped a big knife or the table and plunged it into Goeruke's stomach. The injured man died the same day.