

The Oregon Mist

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 E. H. FLAGG,
 EDITOR AND PROPRIETOR.

County Official Paper

CIRCUIT COURT OFFICERS:

J. U. Campbell.....District Judge
 E. B. Tongue.....District Attorney

COUNTY OFFICERS

James Dart, Judge.....St. Helens
 W. A. Harris, Clerk.....St. Helens
 Martin White, Sheriff.....St. Helens
 W. K. Tichenor, Comm'r.....Clatskanie
 E. E. Quick, Treasurer.....Scappoose
 U. W. Clark, Assessor.....St. Helens
 J. H. Collins, School Supt.....Clatskanie
 C. T. Prescott, Surveyor.....St. Helens
 Frank Sherwood, Coroner.....Rainier

THE MURDER TRIAL

The trial of George Murgatroyd for the murder of Robert Livingstone at Goble in December last began in the circuit court room in this city on Monday last, with Mr. Abel, a noted criminal lawyer of Montesano, Washington, appearing for the defense, and prosecuting attorney Tongue and deputy M. E. Miller, for the State. Mr. J. W. Day, of this city, assisted the defense in the drawing of the jury. It took two days to fill the jury box and exhausted special venires of nearly fifty jurors. This accounts for the fact, unfavorably commented upon by the Oregonian, that three members of the city council and the city recorder were summoned. They were not on the first special venire of twenty, from which it was reasonable to expect the jury would be completed, and were carefully selected from the northern part of the county, apparently with the intention of selecting men who were not familiar with the case nor intimate with the prosecuting officers. Upon being ordered to draw the last special venire of six Sheriff White told the court he had secured every man he could find in the city and would have to go into the country for material.

It may be stated, as a complete refutation of the Oregonian's slander, that two of the members of the council drawn were peremptorily challenged by the State.

The jury trying the case consists of P. J. Popham, Clatskanie.
 F. E. Malmberg, Mist.
 Wm. Barr, Jr., Clatskanie.
 Andrew Erickson, Clatskanie.
 E. C. Corison, Clatskanie.
 Peter Lund, Warren.
 Peter Felton, St. Helens.
 J. C. Johnson, Scappoose.
 Andrew King, St. Helens.
 Chris. Johnson, Clatskanie.
 John Lafferty, St. Helens.
 J. A. Beeler, Warren.

It is a fair and incorruptible jury and may be depended upon for a just verdict.

Deputy District Attorney Miller outlined the case for the State and was followed by Mr. Abel, who claimed the defense would prove the defendant was in Astoria at the time the murder is alleged to have been committed. He intimated that Roy Malone, who has turned State's evidence, is the guilty man, and that his pipe was found on the floor in the cabin where Livingstone was murdered, and that he (Malone) was the last man seen with Livingstone prior to his death.

Several witnesses were put on the stand by the State Wednesday to prove the death of Livingstone, and the attendant circumstances, and then Roy Malone, upon the corroboration of whose testimony the State's case depends, was called to the stand.

Malone, though under twenty years, is evidently a hardened criminal. He is now under arrest for burglary and is undoubtedly testifying against Murgatroyd in the hope of securing immunity or at least leniency for himself. Taken by itself, without corroboration, his testimony would receive no consideration.

He testified that he knew Murgatroyd as Bert Toler, and that his brother Frank Toler, was with him when he met them at Deer Island and went with them to Goble. He parted with them and went to Mrs. Zigler's lodging house in the evening, leaving them at the hobo camp. He said Mrs. Zigler told him Livingstone had over a thousand dollars in his cabin, that he was an old man and did not need the money, and asked him to rob Livingstone. She then asked him to go to the camp and get some one who would do the job, and he got Bert and Frank Toler (whom he claims were the Murgatroyds) and they went with him to Mrs. Zigler. He claimed to have seen the defendant at Goble the night before and the morning after the murder, and that in the morning the defendant showed him a purse and told him he had made a haul.

On cross examination by Mr. Abel, Malone admitted that he was convicted of murdering a midshipman in the United States Navy in December, 1907, and that he was summarily discharged for theft after a trial by court martial. The effect of this disclosure on the minds of the jury was done away with when Mr. Tongue elicited the information that another person had confessed the crime of murder and Malone had been cleared and the verdict set aside. For several hours Malone stood the fire of a scorching cross examination, answering in a slow and careful manner the searching questions of the attorney for the defense, and contradicting himself as little as anyone could have considering the scope that was covered.

One incident of the trial Wednesday

is worthy a special mention. Mr. Abel, in his preliminary statement, declared the defense would prove Roy Malone's pipe was found in the cabin the day the body was discovered, and on cross examination H. M. Fowler testified to finding two pipes—one a briar, which he testified belonged to the dead man, and the other the clay which the defense claims belongs to Malone. Mr. Abel requested the sheriff to produce both pipes and was informed that one of them was lost. He seems to be proceeding on the theory that there is a conspiracy to railroad his client to the scaffold and evidently thought the sheriff had purposely "lost" the pipe claimed to belong to Malone, and was evidently surprised when Mr. White brought the clay pipe into court, thus spoiling what would have been a very effective play to the jury.

THURSDAY.

Assistant Superintendent Overbaugh, of the O. R. & N., testified as to the hours of arrival and departure of boats. James Kelly testified that he knows Murgatroyd. Worked with him at Junction City Hotel several days, was there when Murgatroyd came. Had a man with him whom he claimed was his brother. Defendant dressed in light shirt, corduroy trousers and patent leather shoes. The man with him wore heart overalls. Was present when Murgatroyd had a row with the hotel manager. Murgatroyd had a cleaver and the hotel man had a knife. Was present at a row between Murgatroyd and a cook. George knocked the man down and said: "I killed one man at Goble and would just as soon take a cleaver and cut you to pieces." He said he killed the man at Goble with an ax. In the room were Mrs. Richmond and her daughter and Mr. Thom.

On cross examination Kelly stated that he is a quarter blood Cherokee and was convicted a few months since of breaking into a house at Eugene. Did not tell Leisure (a local shingler) that Murgatroyd had done him a bad turn and he would send him to hell if he could. Told one of the Lorane girls she was foolish if she sent for her sister out of her own pocket.

Richard Thom testified that he knew Murgatroyd at Junction City by the name of George McArthur. Heard George and the hotel man talking and George said he would kill him if he did not clear out. That he had killed better men than him. Heard Murgatroyd make substantially the same statement at another time. Has talked to Murgatroyd, Sr. since being in town.

On re-direct Thom testified that he was present at the preliminary and testified then that Murgatroyd made the statement in regard to killing a man.

Martin White identified a photo of Geo. McArthur as being one he had shown Malone prior to the arrest of McArthur (Murgatroyd), and Malone identified it as that of Bert Toler. Was present when Malone met Murgatroyd in jail here and Murgatroyd recognized Malone by winking at him. Malone had not been told who Murgatroyd was. Found the ring of a watch in Livingstone's cabin.

On re-direct examination Sheriff White testified that he had interested himself greatly in the prosecution of the case and had conferred frequently with the prosecuting attorney, believing it his duty to do so. Mr. White was asked: "Did you think it was in the interest of justice for you to entertain one of the jurors after this case had begun?" He answered that he certainly did not think justice was injured thereby. [Mr. Carlson, the juror in question, was unable to obtain a room last Monday night, and Mr. White asked him up to his house]. Obtained a statement from Roy Malone as to the case. Mr. Abel then asked, "When did you get the statement?" This was indeed an improper question on cross examination and the attorney was told he could make Mr. White his witness. Abel responded that he did not wish to become responsible for White's credibility, and Mr. White promptly came back with "you appear to have as poor an opinion of me as I have of you." On re-direct examination Mr. White stated that he asked Carlson to lodge with him Monday night, before he was accepted as a juror.

Roy Malone was again called to the stand for the defense and testified that he had no conversation with Murgatroyd on Dec. 10th, when he saw him only about two minutes, but talked that day with Murgatroyd's brother and Phillip Lee regarding the killing. Malone here explained that he did not mean "killing" but "robbing." Did not remember testifying at the preliminary examination that he talked with Murgatroyd about "killing" Livingstone. Did not testify at the preliminary that Murgatroyd told him he was going to kill Livingstone, and afterwards told him he had killed Livingstone.

Bessie Richmond testified that she knew George Murgatroyd, having met him at Junction City, but was in Goble when Murgatroyd went to work at the hotel. She saw the fight between him and the cook, and heard Murgatroyd say he had killed a man at Goble. Said he killed him with an ax or hatchet. Mrs. Richmond and others were present. The witness also saw the row between Murgatroyd and the proprietor of the hotel. On cross examination she said she was related to one of the Fowler family at Goble. She also stated that Mr. Abel tried to "pump" her on the train coming here, and told her that she and her mother were the only ones against Murgatroyd and that if they testified against him they would land in the penitentiary.

Mrs. Fanny Richmond next testified. She became acquainted with defendant last January, when they were both cooking in a hotel at Junction City. Was present at the row between defendant and the hotel proprietor, when Murgatroyd told him that he had killed better men than he. Saw the row between Murgatroyd and the old cook, whom he knocked down and dragged out

doors. Witness told him that he ought to be ashamed, and he said, "I don't care. I killed a man before coming here and would just as soon kill him." Heard Murgatroyd say that he could not sleep on account of his troubles and headache. Gave witness the address of a hotel man in Kalama where she could get work. Said he could not return on account of trouble he had at Goble and Kalama. On cross examination said that her sisters husband with whom she stopped at Kalama was a brother of Harvey Fowler. Here the State rested with the intention of producing witnesses in rebuttal of the attempt of the defense to prove an alibi. Attorney for the defense made a formal motion that the jury be instructed to return a verdict of acquittal, upon the ground that the State had failed to establish any probable case.

The motion was overruled without argument.

RENEWING THE BATTLE

The Oregonian and other papers of the State, under its leadership, are renewing the fight against the direct primary law, and especially against that feature of the law known as Statement No. 1. It seems to them wrong for a legislative candidate to pledge himself openly to the people instead of adhering to the good old plan of private pledges to individuals. A man should be independent, don't you know, and be in a position to tell the fool voters to go plumb to Arizona if they don't agree with him after he is elected. Of course, during the campaign he can give them any old story, so long as the boss knows that when the time comes he will vote according to his secret pledge. This was the old rule and the Oregonian knows that no legislature was elected without a great number of its members having given p-e-election pledges to vote for a certain candidate for United States Senator. Sometimes they pledged to more than one candidate and when the legislature met they voted "Independents" and sold their votes to the highest bidder. It was a great system and such men as Depew, Aldrich, Platt, Elkins, et al, heartily indorsed it and are now advocating its reinstatement, while men of the stamp of Hughes and LaFollette still defend and favor the direct primary.

It won't do to tell the people that the direct primary law is solely responsible for the election of a Democratic United States Senator, even if it be admitted that large numbers of Democrats voted as Republicans for the nomination of Mr. Calkins, believing him to be a weaker candidate than Mr. Fulton. The responsibility for Mr. Chamberlain's election rests upon Mr. Fulton's friends, who, in sufficient numbers, deserted their party and voted to give Mr. Chamberlain a plurality in the general election, hoping that by methods in which they are adepts they could induce their representatives to repudiate their pledges and vote for Fulton for United States Senator.

They failed, and they will fail now in any attempt they may make to induce the people to abandon the direct primary law or Statement No. 1. Having secured this means of electing United States senators of their own choice the people will not abandon it, and further agitation of the subject will only perpetuate discord in the Republican party

and give opportunity for Democratic success next year. This is a good time for the fight, because, as the Oregonian has repeatedly pointed out, the dividing line between Democracy and Republicanism in the United States Senate has become so dim as to be almost indiscernible.

No candidate is compelled to take Statement No. 1, but we predict that the one who fails to do so, if opposed by a Statement candidate in this county, will be permitted to stay at home, and that Mr. Murrill will do his best to bring about that result.

DIRTY JOURNALISM.

The article in Monday's Portland Telegram, purporting to be a special dispatch from this city, dated as if it were sent from the telegraph or telephone office here, was a fake, a lie, and a dirty libel upon the administration of justice in this county. Murgatroyd's preliminary examination was more than fair. His father was present and they were asked if the young man did not desire counsel and stated that he did not, that his father would represent him. Murgatroyd, Sr., questioned the witnesses, and every courtesy was extended him. To misrepresent county officials and accuse them of using unfair methods to railroad a man to the scaffold seems to us to be a serious matter, and to put such a charge as a special dispatch in a reputable paper is a moral if not a legal crime. We can hardly conceive of a worse offense against public morals. The yellowest kind of yellow journalism could hardly do worse.

Secretary Wilson believes that the high price of foodstuffs is largely due to the scarcity of farm hands. If this be the correct explanation it is almost certain that prices will keep on soaring, because the yeomanry are each year becoming less inclined to work on the farm.

It was through the prestige given by the wonderful timber along the Coast regions that the Pacific Northwest first became famous as a timber country. That the timber resources of the Pacific Northwest are by no means limited to that locality is now quite generally known, but \$2,000,000 timber deals as far inland as the Coeur d'Alenes are exceptionally interesting. A single transaction in which 30,000 acres of timber was sold for \$2,250,000 was reported on the St. Marie and St. Joseph Rivers, in Northern Idaho, this week. Practically all of the manufactured product from that region will find a market in the East, but a considerable portion of the money that it sells for will be spent in this city or in the territory for which this city is the trade headquarters—Oregonian.

Some of the cities that cannot have a rose arrival or a cherry fair might get up an annual land drawing. Spokane expects a hundred thousand visitors at the Spokane-Coeur d'Alene Flathead "gambler," beginning next Thursday.

Fifty-five million bushels of wheat from the Pacific Northwest in one year is worth while, and it will bring \$1 per bushel, or thereabouts. Look out for lively times in the Pacific Northwest the rest of the year, and longer.

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Lind & Turner, Props.

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Phone at our expense, or write, and we will call and furnish estimates.

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FOR PORTLAND DAILY

STEAMER

AMERICA

Leaves St. Helens 6:00 A. M. Arrives Portland 10:30 A. M. Leaves Portland at 2:30 P. M. Arrives St. Helens at 6:30 P. M.

ADMINISTRATOR'S NOTICE

Notice is hereby given that I have been appointed by the County Court of Columbia County, Oregon, administrator of the estate of Samuel Johnson, deceased, and all persons having claims against the said estate are hereby notified to present the same to the undersigned at my residence near Fallowhawk, Columbia County, Oregon, or to my attorney, Howard M. Brown, at his office in the Court House in Astoria, Clatsop County, Oregon, within 60 days from the date of this notice. Dated St. Helens, Oregon, June 13, 1910. JOHN HELDLOD, Administrator of the Estate of Samuel Johnson, deceased.

ANNOUNCEMENT

Having purchased the interest of J. W. Dart, of Dart & Muckie, we wish to announce to our friends and patrons that the business will be continued under the name of Jas. Muckie & Son. We solicit the patronage of the public, assuring them of courteous treatment and lowest prices, quality considered. Respectfully, JAS. MUCKIE & SON.

NOTICE OF ADMINISTRATOR'S SALE OF REAL PROPERTY.

Notice is hereby given that in pursuance of an order made and entered of record on the 30th day of June 1910 in the County Court of the State of Oregon for Yamhill County, in the matter of the Estate of Margaret J. Smith, deceased, I will as administrator of said estate on or after the 10th day of July 1910 at Sheriff Oregon sell at private sale to the highest and best bidder for cash, based on the sale the following described real property belonging to the said estate of Margaret J. Smith, deceased, a tract of her death, Lots 11 and 12 in Block 11 in the Home Addition to the town of Vernonia, as surveyed and platted and recorded in the office of the County Clerk at St. Helens, County of Columbia, and State of Oregon. Give notice by hand this 10th day of June 1910. J. H. BROWN, Administrator of Estate of Margaret J. Smith, deceased.

DR. R. L. JEFFCOTT

DENTIST

Office with Dr. Cliff. ST. HELENS

Steamer Iralda

C. J. Houghbird, Master.

RAILROAD TIME.

Leaves Rainier daily (except Sunday) for Portland at 8 A. M., departing from St. Helens at 9 o'clock. Returning, leaves Portland at 2:30 P. M., arriving at St. Helens at 4:45.

Passengers and Fast Freight.

FOR PORTLAND DAILY

PORTLAND LANDING, TAYLOR ST.

ELECTION NOTICE.

Notice is hereby given that there will be a special election held in the lower room of the Masonic hall building, in the City of St. Helens, on Monday, August 2nd., for the purpose of voting upon the adoption of an amendment to the City Charter. Polls will be opened at 2 o'clock p. m. and will be closed at 8 o'clock p. m. By order of the City Council. JOHN Q. GAGE, Recorder.

BIDS WANTED.

Notice is hereby given that sealed bids will be received by the Recorder of the City of St. Helens, up to 8 p. m., July 10th 1910, for the construction of an eight inch vitrified sewer on Columbia street, from a point 50 feet north of the south line of St. Helens street, to a point 50 feet south of the south line of Columbia street, in the City of St. Helens. In accordance with plans and specifications on file in the office of the Columbia County Abstrait and Trust Company, and the office of C. T. Treadwell, Engineer. The right to reject any and all bids is reserved. G. D. GILSON, Recorder.

AT A BARGAIN—Two lots in the East Side addition to Scappoose. Lots 60 x 100 feet each. About three blocks from postoffice. Inquire of J. R. Beeler, Warren, Oregon.

A big business in paints, nails, jacks, hinges, shingles, is done at Gray's.