SOLAR PLEXUS BLOW

That Was What Killed Frank Carlson.

SOUND WHEN HE WENT IN FIGHT

Coroner's Jury Finds the Cause of His Death, but Takes No Responsibility as Regards Fixing Blame.

That Frank Carlson was killed Saturday night by a blow in the region of the solar plexus, struck by George W. Bald-win in the fight which occurred at Twenty-fourth and Nicolai streets, was the verdict of the Coroner's jury inquiring into the case last night. Nobody was censured. The new facts in the evidence were that up to the time of engaging in the fight Carlson was in good health; that he and William Baldwin, father of the prisoner, each bet II on the result of the fight; that Carlson's nose was broken, and that several men, one of them named "Seventy" Baldwin, uncle of the prisoner, struck Carlson while the latter and the prisoner were clinched. One im-portant bit of evidence was that young Baldwin butted Carlson with his head and struck him a severe blow in the top of the stomach, where the solar plexus is located. It will be remembered that this is the same kind of a blow which laid out Corbett when he fought Fitzsimmons. District Attorney Chamberlain and his deputy, John Manning, were present at the inquest, and cross-examined the wit-No charge has as yet been filed against Baldwin by the District Attor-ney, who will carefully review the evibefore he will decide what steps to take in the matter.

Justice of the Peace Reid acted as Coroner in the place of Coroner Finley, who is at present absent from the city. Dr. o. S. Binswanger testified that he had performed an autopsy on the body of Frank Carlson, and that the latter died as the result of a blow in the solar plexus. "After a careful examination I am satisfied that Carlson did not suffer from heart trouble," went on the wit-"I found his other organs to be normal condition. Up to the time of the fight he must have been in good physical condition, and he was well developed."

I am the father of the young man who is dead," testified Jones Carlson, of Mont-"Frank Carlson was born in Portland, and was 19 years, 4 months and 6 days old when he died. I had not seen him for two weeks before his death, as he did not live at home with me. He boarded with John Baldwin, Twentyfourth and Nicolal streets, a brother of the man who fought with him."

Carlson's Father Testifies.

"Were you present at the fight?" asked Mr. Chamberlain. 'No. sir."

"No, SIL"
"Were any of your sons?"
"Four of them, I'm told."
Ford Hamilton, 921 Savier street, testified that he knew both Baldwin and Carlson, and that he knew the latter for years. "I was present at the fight, and saw about % persons there, old and young n, and little boys," went on Hamilton "I first learned about the fight Friday night, when William Baldwin, father of the prisoner, stood around Twenty-fourth and Savier streets talking about it. The father said that George Baldwin would be there, and Carlson said; Til be there

"What other persons were present at this conversation?" asked Mr. Chamber-

"Ernest Spitzner, Alfred and Oliver Carlson, and a few others. It was agreed but I did not hear the place. Baldwin's father again said: Til have George there. When Saturday night came I did no think that the boys knew where they were to fight-I mean they did not seen to have a place staked out. The other boys followed them. They thought the was the best place and one of them said: 'Yes, and when the fight is over, we'll be as good friends as we ever were.' Bald-"'What were.'" We'll fight it out here,' Carlson said

ing, anyway?" demanded Mr. Manning "I do not know from my own personal knowledge, but I heard it was all about two girls. Carlson met the girls as they were going down town. Baldwin me were going down town. Baldwin met him and when he saw the girls he said to Carlson: 'You have a nerve, interfer-ing with my affairs.' At the fight there was no timekeeper or referee, at first, but William Baldwin acted as a sort of referee after the start. He gave orders. His son and Carlson were in too much of a hurry to fight, to arrange about pre-liminaries. The boys did not fight by rounds, but they stopped soveral times to get their breath. In the clinch they would break away, take a rest, and then go at it again. At the start someone said that the fight was to be a rough-and-tumble one. William Baldwin pulled tumble one. William Baidwin punctumble one. William Baidwin punctum Carison off his son more than once. The crowd gave lots of advice, and I heard cries of: 'Slug him, Shorty' (Baidwin). I cries of: 'Slug him, Shorty' (Baidwin). I saw Carlson when he fell but I did not nobody try to stop the fight?"

"When the boys stopped to get their wind, some people in the crowd yelled to them to stop fighting, but nearly every body told the boys to go on with the

Why were you there?"

Which side were you on?"

"The Carison side. When both of their noses were bleeding, I called out to Carlson that he had better stop as he was getting the worst of it." In reply to a question from Lawyer A. W. Wolf, who represents Baldwin, with Attorney Henry E. McGinn, the witness stated that before the fight, both young men were searched, one by Ed Carlson, and the other by Harry Fuller. Keys and penknives were taken from both of them.

Were there any women present at the

fight?" was also asked.
"I did not see any," was the reply. First Hint of Trouble.

Charles W. Carlson, Twenty-fourth and Nicolal streets, brother of the young man who was killed, testified that the first hint that his brother had trouble in the affair came to him last Monday morning, when Frank Carlson appeared with his face cut "Frank said he had had trouble, and could not eat, as he was afraid his jaw was broken," continued the "I talked to him privately, and he told me that he had met two girls and that Baldwin hit him on the jaw and kloked him in the face. My brother arranged to fight last Saturday. I advised him not to fight, but he said: I can lick Baldwin.' At the fight, George Baldwin butted my brother on the breast with his head. Harry Fuller took hold of me to prevent me from going to my brother, who was knocked down several times. William Baldwin said that nobody was to interfere. 'Seventy' Baldwin, uncle prisoner, hit my brother, when the latter was separated in clinching with young Baldwin. On the day before the fight started, my brother told me he heard that someone offered to bet \$50 that Baldwin would win in the fight. I do not know if the money was taken. Baldwin struck my brother in the stomach, and I could not get near my brother when he fell be-cause of the crowd. The Baldwin crowd left when the fight was over.

Baldwin said: 'Well, boys, did I not lick him fairly?' Nearly all the crowd said, 'Yes,' I swear that William Baldwin interfered in the fight from the first to the last, and that he interfered only when he found that his son was getting the worst of it. The boys must have fought for about one-half hour. My brother had some supporters, but there must have been one-third more in the Baldwin crowd

Witness for Baldwin.

The chief witness for the Baldwin crowd was William Baldwin, 368 North Twenty sixth street, father of the prisoner. He talked at a very rapid rate, was indis-tinct, and was cautioned by the acting Coroner. "Frank Carlson boarded at my brother's house and I knew the boy for about a year," began the witness. "I never knew that my boy and Carlson had trouble until last Tuesday, when I saw that my boy's head was cut, and he told me he had trouble with Frank Carison. My son did not live at home, he lived with my brother. I did not talk with him until last Friday night, when I told him that about 15 young fellows had spoken about the fight at Twenty-fourth and Savier etreets. Carlson was present, and when someone said: Where's Shorty? Carison said: I can do him.' I told him that I would bet \$5 or \$10 that se could not, and he pulled out one dollar, and I did the same, leaving my money with Moco Carlson. But all the same I told the boys that they should not fight. Saturday night I went down to my brother's house and tried to have the fight called off. Three of the Carlson boys were there, Edward, Alfred and Oliver,

but one of them said that Frank Carlson wished to have satisfaction."
"I did not," broke in one of the Carlson boys. He was cautioned that no interruptions would be allowed. "The boys had a rough-and-tumble fight," proceeded William Baldwin. "I

went to separate them, and I was pushed over them, and my boy said that he had got enough. But I was not able to stop the fight, and I made a rule that the first fellow that was knocked down would be considered beaten, but this did not work and the boys went at each other again and again. No time was called. I saw that the boys were determined to fight, and that they might as well have it out where they were as not."
"Why did you not ask help from the

police to prevent the fight taking place?" insisted Mr. Chamberlain.

"The crowd had been after my boy to fight all week," replied the father, "I thought the boys would not hurt each other, and that the squabble would be over in about two minutes."

Frank Churchley stated that he also tried to prevent the fight taking place, but that Frank Carlson insisted that he had to fight, and asked the witness to be present to see fair play. "The boys walked along together, hunting for a place to fight," said Churchley. "I did not see who struck the first blow. The crowd arranged that they were to fight rough-and-tumble fashion. They came together, clinched, and Frank Carlson was on top. Carlson received several severs blows, and he seemed to get the worst of it nearly all the time. People yelled to somebody to interfere, but only talk resulted. The boys did not strip to fight. They only took off their hats and

The fury decided that Carlson died from the result of blows at the hands of George W. Baldwin. The latter is still at the City Jail. It was remarked last night that the names of the young girls who had caused the dispute to arise be-tween Carlson and Baldwir were not mentioned by a single witness.

EVERYTHING IS WRONG.

At Least the Grumbler Says So, and He Ought to Know.

"The grumbler" is still in town, and last night went to church and found a victim upon which to discharge some of his stock in trade. The speaker to whom he had listened had a tendency to sift everything to the bottom, and had taken especial pains to prove beyond reasonable doubt everything that he had said. Authorities had been quoted, and the good people were wishing that some of their skeptical friends to whom they had talked of the ole and its teachings could be there that they could say to them triumphantly, "Now, there is what I told you proved beyond a doubt." After the sermon the grumbler waited at the door and found a companion that he knew, and the two started to walk home together. The com panion was thoroughly pleased with the sermon, and at once began to remark upon its excellent qualities. "Yes," said the grumbler, "but I think that it is so tiresome. No one wants to sit and listen to all of that history. If we want history we can read it and get it right. We go to church to hear the gospel preached, and not to talk of ancient history." "He gave that to prove his point," said

said he, "but we are not interested in the exactness of those things. I think that it was very thresome." Seeing that they could not agree, and being in too good a mood to have his feel-ings ruffled over this point, his companion decided to change the subject.

"Which way do you go home? Shall we walk straight down, or shall we take the

"Oh, it is no use to expect a car. I have been in a lot of places, but never in one where the car service is as bad as it is here. We may wait and wait, and never get a car, and then, after we do, it will stop at every corner, and I can walk

nearly as fast as it will go."
"They have a regular time upon which they run, and stop only when some one wants on or off," timidly suggested the companion, but the way that he started out to tell of the great difference between car lines in Portland and other places that he had been showed that it was time to again change the subject.

"Nice crowd that we had at church to-night; the house was nearly full."
"What! Call that a crowd? Why, we ought to have twice that many people out at every meeting. Portland people are more slack at attending meeting than any place that I have ever lived in. I have seen places smaller than this city and there were more churches there, and every one had a better attendance, At one church we used to raise a greater amount

for missions than the whole city does And with an indignant air he thrust his hand into his pocket and brought forth a big pipe, presumably to drown some of the agitation that he felt in a pleasant smoke Thinking that he saw here a chance to somewhat soothe his feelings and right himself for having made such very erroneous suggestions, his companion drew out

a cigar and offered it.
"No," said he, "I will have to stay to
my pipe. Some time ago a friend of mine sent me a box of cigars, and they were fine, but since I have been used to smok-ing them, any others that I can get taste like so much not straw. I have tried every cigar in the city, and all are alike. They used to do me until I got those from my friend, but I can't go them any more. I have tried every way to get another box like them, but they are not making them any more. No, thanks, I will smoke the

The companion lit the cigar, and the two walked on in stlence, the grumbler await-ing a chance to give his opinion of the next topic that should be suggested, but his companion wisely refrained from again venturing an opinion which would again start the wheel in operation.

RECREATION.

If you wish to enjoy a day of rest pleasure, take the C. R. & N. train fi Union depot at S A. M. for a short up the Ceiumbia, returning, if desired boat from Cascade Locks. Tickets particulars at C. R. & N. ticket of

Klamath Bot Springs,

J. MORGAN.

Rev. Alexander Blackburn and Other Ministers Talk at Second Baptist Church.

All the Baptist churches in the city night in the Second Baptist Church, East Side, in memory of Rev. Thomas J. Mor-gan, D. D., LL. D., who died in New York Sunday, July 13, and Rev. G. J. Johnson, who died Monday July 1, in St. Louis both prominent Baptist ministers. Meetings for the evening were suspended in the other Baptist churches, and there was a large attendance at the Second Church, Rev. William Rendall, pastor, conducted the usual devotional exercises. platform were Rev. Alexander Blackburn of the White Temple; Rev. C. A. Wooddy I of the Pacific Baptist; Rev. M. M. Bledsoe, of Calvary Baptist Church, and other ministers of Portland Baptist churches not taking their vacations, the evening was arranged specially for

Dr. Blackburn was the first speaker, and he spoke on the subject, "The Chris-tian Statesman," in which he gave an admirable review of Dr. Morgan's public acts as Commissioner of Indian affairs under President Harrison. He paid a glowing tribute to Dr. Morgan as a public officer and for his pure character., Rev. C. A. Wooddy spoke of his "executive life." pointing to the important events in which Dr. Morgan was the moving spirit. Rev. Mr. Randall spoke of the "Lessons of the Life of Dr. Morgan," The subject of these addresses was spoken of as one of the most useful and able ministers the Baptist church ever had.

Biographical Sketches. Rev. Thomas J. Morgan was the chief executive officer of the Baptist Home Mission Society, and was one of the most widely known men in the Baptist denomi-nation. A year ago he came to Portland and lectured at the Willamette Chautauqua at Gladstone. He afterward delivered the dedicatory sermon of the Second Baptist Church. During his short stay in Portland he impressed every one with his ability and force of character. His serdeep impression for its simplicity and clearness. He was born in 1835, at Frank-ford, Ind., and graduated from Franklin College in 1861. The War of the Rebellion being in progress, he enlisted in the Sev enth Indiana Infantry. He served as First Lieutenant in the Seventieth In-fantry, commanded by Colonel Benjamin Harrison. After this he organized three colored regiments. He took part in many important engagements, and was made brevet Brigadier-General for gallant and

meritorious services. At the close of the war he studied for three years at the Rochester Theological Seminary, from which he graduated in 1868. He was ordained at Rochester, N. Y., September 12, 1869. He served as coring secretary for the New York Union, 1868-71; president of the Nebruska State Normal School, 1872-74; professor of church history in the Baptist Union Theological Seminary, 1874-61; prin cipal of the State Normal School, Pots-dam, New York, 1881-83; principal of the State Normal School, Providence, R. I., 1884-89; Commissioner of Indian Affairs, 1889-33; corresponding secretary American Baptist Home Mission Society from 1893 to his death. He received the degree of D. D. from the University of Chicago in 1874, and that of LL. D. from Franklin College in 1894.

"As Commissioner of Indian Affairs he extended the public school system to the Indian schools, and placed the schools under the civil service rules. His course in opposing the policy of contract schools gained for him the bitter hostility of the Roman Catholic hierarchy, and President Harrison's fidelity in sustaining General Morgan probably cost him his re-election. As chief executive officer of the American Baptist Home Mission Society his work was extended and arduous. The extension of schools for the colored people in the South and West was one of the mary interests of the society, and it has been well said that General Morgan's at-tainments as an educator and administrator fitted him to increase the efficiency of this branch of mission work. He stood for a middle course between misplaced philanthropic efforts at too ambitious cul-ture, and what he considered the too strictly industrial training advocated by such men as Booker T. Washington," Dr. Johnson, whose memory was also honored last night, was born October 2, 1824, in Trenton, N. Y., and graduated from Madison University and the theoogical serminary at Hamilton, 1548. began his career at Trenton, N. Y., and served the Baptist denomination in every position, station and capacity, being missionary bishop, educator and secretary of the Publication Society. During his time as missionary he traveled 400,000 miles, visiting every state and territory in the Union. His death is regarded as a severe loss to the Baptist church.

TWO SERMONS BY DR. DRIVER,

Eugene Divine Preached Morning and Evening at Grace Church.

Owing to the absence of the Rev. Dr. J. R. T. Lathrop, pastor of the Grace Methodist Church, the pulpit was filled by the Rev. Dr. I. D. Driver, of Eugene, Dr Driver is known as a strong and convinc ing speaker, and the church was well filled at both the morning and evening services. In the morning his theme was "The Exaltation of Christ," and in the evening "The Death of Moses." Mrs. M. H. Cilley, of San Francisco, was present at both meetings and sang some enjoy-able selections. In his sermon in the evening Dr. Driver took his text from the 23d chapter of Deuteronomy, and showed from the death of Moses that the books of Moses taught the immortality of the soul, and that those works were founded upon fact. In the verse that he read, Moses was commanded to go upon the mountain, and told that he would gathered unto his people. "Now," said Dr. Driver, "his peo

were dead, and this could not have meant that he would be gathered to his people in the body, and the only conclusion that we can draw is that it meant in the soul. Again," said he, "the inquiring mind will ask. How do we know that these books are true? They have stood for 1500 years, and not one statement in them has ever been disproved. The events that they mention have monuments erected to perpetuate their memory. The Jew ish race today is scattered over the en tire world, yet at a certain time ever one of them commemorates the Feast of the Passover. It is not reasonable to suppose that such a custom could have grown from something that never hap pened. Just as our observance of the Fourth of July shows conclusively that on that date our forefathers declared that they were a free and independent Nation, so the observance of the Jews shows that there was a Passover.

neither of these customs could commemo rate an event that had never happened. "In my debate with Bob Ingersoll, he said, 'Just let me see one miracle, and I will, believe.' Now, it is owing to the face that these things are contrary to nature and rare in their occurrence that they are miraculous. If they happened often enough that all of us could see them they would cease to be miracles. The fact that monuments of their occurrence still exist is strong enough proo-

of their truth." Dr. Driver also showed the strong argument that is presented in the nomen-

clature of objects in the Holy Land. He said that the very laws of our country were first introduced by Moses, and that he could have got them no place else but from the Father.

"A republican form of government," said he, "was instituted by him that was similar in every respect to the govern-ment under which we live, and it lasted for 450 years. All of these ideas were new in the world at that time, and could have come from no other source except that they were given to Moses by the Father."

ELKS TO GIVE EXCURSION Moonlight Ride on River Tomorrov Evening.

With their customary energy and atwith their customary energy and at-tention to details, the Elks will give a moonlight excursion tomorrow night which will be the event of its kind of the season. Proceeds from the affair are to be used toward swelling the fund for the Elks' Carnival. The more money there is available, the more attractions the management can secure for the big Fall entertainment. The steamer Harvest Queen and a roomy barge have been chartered for the occasion. The flotilla will start from Ash-street wharf at 8:30 P. M. While there is no particular destination In view, the ride upon the placid waters will be enjoyable, and the steamer and barge will travel for several hours. After these warm, sultry days a refreshing moonlight journey upon the Willamette and Columbia Rivers will prove a treat. Both boat and barge are to be attractive-ly decorated for the occasion, and a arge orchestra has been engaged for the evening. Good music and dancing are as-sured, while the accommodations of the Harvest Queen and the barge are suffi-cient for 1000 excursionists. No liquor will be sold on the excursion, and a pleasant time is guaranteed all strending. The Elks want thousands of people to visit Portland during the Carnival. They are advertising the show extensively, but this work can be helped by the merchants of this city without cost and yet do a great this city without cost and yet do a great deal of good. It is suggested that the business men make it a point to invite each one of their customers and corre-spondents out of town to visit Portland during the Carnival. In this plan the Elks are prepared to do their fair share. The Board of Directors has prepared a neat sile of mare, upon which the folneat slip of paper, upon which the fol-lowing invitation is printed: PORTLAND ELKS CARNIVAL

STREET FAIR, CIRCUS AND MENAGERIE, PORTLAND, OREGON, 1902, SEPTEMBER 1 TO 1-, INCLUSIVE. The Writer and the Citizens of Portland Invite

You to This Unique Fall Entertainment. THE ELKS WILL DO THE REST. These slips are intended to be inserted in envelopes with the communications sent out daily by Portland business men. By oursuing this course, the entire North-west will be covered by personal requests to visit Portland, and these, together with the remarkably low rate offered by the railroad companies, will induce thousands to come who might otherwise remain undetermined as to the course to adopt. Merchants can obtain a supply of these slips by informing the officers at Eiks' headquarters at Seventh and Stark streets. From an altitude of 2000 feet the Eiks are advertising their Carnival. A balloon has been engaged which makes ascents, and when at a diszy distance from the earth a cloud of tissue paper dodgers are liberated, floating through the air like a disintegrated rainbow. The bits of paper are of many colors, and the effect is as beautiful as it is startling. Upon each piece of paper is printed the message from the clouds telling of the grand Carnival. The person collecting the largest number of these slips and presenting them to the secretary of the Carnival will re-ceive a season ticket. The person presenting the next largest number will be given a ticket entitling the bearer to see very show inside the grounds. This bailoon has already made an ascent at Al-bany, and is to be sent up at other points throughout the state.

PRIZES FOR ELKS' PARADE. Liberal Cash Premiums to Be Paid for Best-Drilled Lodges.

The following prizes have been offered the Portland Elks' Fair and Carnival First prize, \$500 in cash, for Elks' Lodge in line presenting best appearance, not less than 50 men participating. Points for udgment: First, uniform; second, drill

Second prize, \$350 in cash, for Elks' Lodge in line of best characteristic dis-play, and not less than 40 men participating. May be characteristic of the order generally or of the locality which the

Third prize, \$150 in cash, for Elks' Lodge with largest number of men in line, uni Fourth prize, \$100 in cash, for Elks

Lodge in line presenting best comic effect, not less than 10 men participating. Manager Rowe is a busy man these days, attending to all the details of preparation for the great Fair. The various committees are working diligently, and there is every reason to believe that the project will be a grand success. B. B. Rich, chairman of the committee on subscription, says that a large amount of money has been raised, but that the fund is still several hundred dollars short. However, he believes that the whole \$12,000

OBEYED ORDERS AND WON War Incident That Shows Value o

Unquestioning Discipline.

As an illustration of the idea of obedi ence and discipline inculcated in the West Point cadets, James Barnes tells a story full of significance. During the Civil War of the '60s, a young officer reported to a volunteer brigadier commander that he had orders from division headquarters to take a battery that held the top of a sweeping slope on the front of the Confederate line, the shells from which were playing havoc with the Union infantry that were deploying through a wooded

"What!" exclaimed the volunteer Briga dier; "are you going to try to take those guns with cavairy? Impossible! You can't do it.'

"Oh, yes, I can, sir," was the reply, "I've got the orders in my pocket." This West Pointer did not doubt in the least what he was going to do, nor his capacity and, strange to say, he did it, for, advancing at a charge suddenly from the wood seross the open ground, he took the battery in the flank before they could change eff ctually the position of the guns, and he brought them back with him.

THEATRICAL ENGAGEMENT

Mount Tabor, This Week Favorable approval from many source and the success of the entertainment each night last week at Mount Tabor, given by City & Suburban Rallway Company, demonstrates the necessity for the continuance of wholesome diversion, and each night this week will be occupied with a clear vaudeville show, covering an extensive programme. The dog and monkey circus, gramme. The dog and monkey circus, slack wire, buck-and-wing dancers in black, brother and sister act, poly

This entertainment, opening Monday evening, will be kept to a high standard during the entire season. A 10-cent admission will be charged at the door. from Third and Yambill will be adequate for the service every evening. The entertainment on the summit, in the open. pavilion, will be an enjoyable treat. Roof garden theatricals go in the Eastern cities, and this first-class selection is second to

Meier & Frank Company

Great Dollar Shoe Sale between 4 and 5 this afternoon.

Printed list of the sales passed out at the doors.

HourlySalesToday

Fifty-five remarkable values--stirring bargains that should bring every economical person in town to our counters today. A printed list of the items will be passed out at the door, or see yesterday's Oregonian == COME EARLY.

Meier & Frank Company

Meier & Frank Company

INTENDED TO DO EVIL

WHAT EVIDENCE SHOWED ABOUT SOUTHERN OREGON MURDER.

Gibson Not Defending Himself When He Killed Old Man Schonbachler-Play for Sympathy.

JACKSONVILLE, Or., July 26 .- (To the Editor.)—I think that your editorial in The Oregonian of Wednesday, July 23, concerning the Gibson murder trial in Josephine County, Oregon, ought not to go unanswered. I have always regarded The Oregonian as in favor of the enforcement of law and the punishment of ment of law and the punishment of crime. I am necessarily led to believe, therefore, that your observations upon this case are made from a misunderstand-ing of the facts as developed by the evi-dence.

It is plain that the facts, as you have them, are to the effect that Gibson shot B. Schonbachler in the heat of passion, and while both were engaged in a quarrel over a boundary line. If these were the facts, stur conclusions would be correct; however, the facts are very differ-

It is true that Schonbachler and Gibson had had some trouble over the boundary line between Schonbachler's place and the place which Gibson was renting and upon which he lived. Because of differences between the two men, Gibson, in the pres ence of two witnesses and at about three days prior to the shooting, threatened to kill Schonbachier. Upon the evening before the shooting, Schonbachier had been to Grants Pass, and, as was his custom, had imbibed liquor a little too freely, and in his talkative way had made threats against Gibson. But the old man was a narmless and inoffensive neighbor, and as helpless as a child,
During the entire day on which the

shooting occurred and almost up to the time of the homicide, Schonbachler had been confined to his bed. In the evening he heard a gray squirrel barking about hree or four hundred yards from his ouse in a grove of oak and pine trees, and took with him a harmless old muzzle loading, single-barreled shotgun and con-taining less than a teaspoonful of black for the Elks' day parade, which will be taining less than a teaspoonful of black given on Thursday. September 4, during powder separated by a small piece of aper from a charge of bird shot of the same amount. was not sufficient to have done violence to a humming bird at twenty-five yards. It is plain from the character of the weapon and the charge that Schonbach-ler was not in pursuit of Gibson; how-ever, there is other evidence which establishes this fact beyond any question.

During the entire day Gibson had carried a 20-30 rifle back and forth over the nall clearing of probably 50 acres com-

prising the two farms. While his presence in the field had dur-ing all this time been unknown to the old man, still there are witnesses who observed him, and he could have had no possible business there unless he were waiting an opportunity to carry into execution the threats he had made against

the old man's life. A According to Gibson's own testimony he was obscured from Schonbachler's view at the time that Schonbachler left his own house, and he at that time made up his mind that he would kill Schonbach-ier. He was then only about 100 yards from his own house and 200 yards from Schon-bachler's. He was behind the brow of a long low hill which would have obscured him from Schonbachler's view until he could have reached his own house without ever having been seen by Schon-

towards the grove for which he started and carrying his old shotgun under his arm. His course was not toward Gibeon at all, but was rather parallel with the course which Gibson says he followed from then to the time of the shooting. By Gibson's testimony, the old man walked 250 yards from his house to the place where he fell, and during this time

and up to the shooting Gibson walked probably 75 yards upon a parallel line, It is plain, therefore, that Gibson must have loitered behind this hill waiting an opportunity to kill the old man, for there is no good reason why he should have been there, and if he had walked with the same speed with which the old man walked, he would probably nover have been seen by Schonbachler. He claims that while at a distance of about 190 yards from Schonbachler he called to him to throw down his gun, as he had threat-ened his life. He says that in obedience to this, Schonbachler whirled and turned his old gun towards him. From this ex-pression it is plain that Schonbachler had not, up to this time, if Gibson were to be believed, known of Gibson's presence. He says that he then shot Schonbachler and walked some 10 or 20 steps after the old man had fallen, and shot him again, He says that he aimed the first shot at his heart and intended to kill him; that the reason why he shot him the second time was that he heard him groaning and saw his arms moving and thought he might not be dead. It is very evident, however, from the other testimony that Gibson does not tell the truth as to where he stood when he fired either the first or the second shot. Charles Van Dorne, whose reputation in the community is above reproach, saw the entire tragedy, He was across the river at his which stands upon an eminence and over-looks the entire scene. When he saw Gibson the latter was walking leisurely be-hind a little knoll which obscured Gibsor from Schonbachler, who was coming from his house towards the grove. He saw Gibson loltering about this place without apparently doing anything more than waiting, when suddenly Gibson hurrled up, rushed to the top of the little knoll between Schonbachler and himself and in plain view of Dorne drew his rifle to shoulder, took all the time required for oting at a mark, and fired. then walked about 30 yards and called to Van Dorne to come across the river. Van Dorne replied that he could not because his boat was on the other side.

Olds, Wortman & King

SEE OUR VERY

Extraordinary Announcement

Page Three

OF THIS WEEK'S JEWELRY SALE

Lyman Woy **EXCEPTIONAL REDUCTIONS**

IN SEASONABLE GOODS ADVERTISEMENT—Daily (excepting Sunday) will appear on THIRD PAGE.

Sunday advertisement on Page 9

which it had entered. struck the old man in the left arm and I believe the jury could not have but felt ranged downward towards the spinal that much of the crying upon the part of column, which range was probably due to the defendant was the result of bad act-

At the time of the shooting, Mrs. Schonbachler was upon her porch at a distance of 250 yards from the old man, but upon an elevation which commanded the entire situation. She agrees in all things with Van Dorne. She says the old man was walking leisurely towards the grove with a gun under his arm when the defendant called to him to put down the gun and then fired. Her testimony is that the old man had never even seen Gibson and that he did not see him even at the time the shot was fired. She testifies that the old man never changed the position of his gun from that in which it was carried, She ran from her house that distance of 250 yards to the body, and saw that the top of Schonbachler's head had been taken away by the bullet; that he was dead, and rushed to the river to call Van Dorne, He answered her as he had Gibson, and she rushed back to the body, having trav-eled probably a distance of 80 yards in addition to the 200 yards. She then start. ed to leave the body to go to the house of a neighbor for ald, when Gibson fired

the second shot. When you consider the amount of ground covered by Mrs. Schonbachler between the two shots you have some idea of the time which must have elapsed between the two. From the point where Gibson was first seen by Van Dorne, Gib-son could have disappeared into the brush in a walk of no more than 25 yards. He was at that time obscured from any view of Schonbachler by the little knoll separating them. He was in plain view Schonbachler's house because it stood up-on a higher elevation than the knoll between the two, so Schonbachler must have been seen by Gibson when Schonbachler left his own door, as Gibson says he was. Gibson's own testimony is that at the time Schonbachler left his own door-step he, Gibson, made up his mind

to kill him. When you consider the distance that the old man walked from that time until the time he was killed, and consider that Gibson had waited where he was until the old man came within range; that he shot him at a distance of 125 yards and walked 200 steps before shooting him again; that he says that he intended to kill him during all this time; that he shot with the intention of killing and that he fired the second shot because he in the first degree.

heard him groaning and thought he was not dead, it is difficult to see how the case could be anything other than murder I note what you say as to Gibson being a physical wreck and as to his weeping and wailing during the progress of the second trial. To understand the situation you ought to know something of his appearance and conduct during the trial, which occurred 10 days after the shooting. In the first trial Mrs. Schonbachler was called as a witness, and nat-urally, when the old lady was asked to describe the appearance of her husband when she first reached his body, she could not refrain from bursting into tears. The questions naturally recalled tears. The questions naturally recalled to her mind the scene of her husband lying upon the ground and with his brains scattered round about her, and as she wept upon the stand in her endeavor to tell the story, Gibson laughed and smiled quite freely. His face was the only one to the court room which were a will and in the court-room which wore a smile and his countenance was the only one that did not give some evidence of pain at the situation. When he went upon the stand in his own behalf he spoke more as a in his own behalf he spoke more as a braggart than as one who regretted having taken life, and told his story without betraying any emotion and without any evidence of either remorae or regret. He did not hesitate to say that the shots were fired with the intention of killing. nor that he had simed at the heart, nor that he shot the second shot to slience the old man's groans. When the second trial was had, Gibson had been confined

************************************* and called to Van Dorne, making the in a close cell from April to the middle of ame request and receiving the same re- July, and had probably come to realizedy. He then walked 110 yards farther more seriously the magnitude of the nearly the top of the hill from which charge against him. It is difficult to say says he first saw Schonbachler, and whether his weeping upon the witness topped at a distance of 100 yards from stand in the second trial was the result where the old man was lying, and after of better schooling as to his conduct, or having himself walked 200 yards. At this whether the confinement in full had tendpoint he fired the second shot. The first ed in some way to weaken him; nevertheshot had been fired at a distance of 125 less, to one who had seen the two trials yards and the bullet struck the old man his conduct seemed rather designed for in the center of the forehead, completely the purpose of influencing the jury than emptying the brain cavity, and passing out upon about the same elevation at looked as if he had over-done the matter, which it had entered. The second shot

fore the deed was committed than afterwards. I have gone thus briefly into a detailed statement of the facts with the view of giving you an opportunity to correct the injury which might be done by allow your statements to go unchallenged. is not correct that the verdict was a great surprise; you are mistaken in the suggestion or inference that the community expected an acquittal. Except the immediate friends and advocates of the de-fendant, the majority of the people in the community were firmly convinced before the verdict was returned that the case was one of murder in the first degree, and the only doubt was as to whether the jury would have the courage and nerve to perform so painful a duty as was repuired of them under their oaths and citi-

I have not written this statement with the view of inviting any discussion of the facts, for the evidence is all a matter of record and can be read in detail. I trust, therefore, that you may see your way clear to at least modify, editorially, the strong statements which you have made as to the magnitude of the offense, and as to what punishment ought to follow The Oregonian certainly recognizes that inless our laws are enforced no citizen is infe. When a case shows a clear one of murder in the first degree there ought to be no good citizen in the land who would

in the enforcement of the law we cannot have, universally, the support of the

protest against the extreme penalty of the

people.

No one regrets more than the State's attorney the necessity of the infliction of the death penalty in a case which he has tried; nevertheless these duties must be performed, however painful they may be, and the State naturally expects such a power and influence as is wielded by The Oregonian to be always upon the side of law and order.

With apologies for the space consumed, these facts are respectfully submitted.

A. E. REAMES, District Attorney.

"A WORD TO THE WISE"

taken advantage of our July Clearance Sale of high-grade shoes for men, wom-en and children. These are no Cheap John goods, but are first class in every particular and are guaranteed.

To make room for our large Fall stock, our prices will be reduced during this

Our regular \$5.00 values, sale price \$4.15 Our regular 4.00 values, sale price 3.35 Our regular 3.50 values, sale price 2.85 Our regular 2.50 values, sale price 1.85 We have also 400 pairs of ladies', mi and children's show-broken lines-to be closed out at less than cost,

This sale will close August 2, 1972, as ad-rertised.

M. BLILINGS, 22 Morrison street.

EXCURSION RATES TO SALT LAKE CITY.

For the Eiks' convention at Sait Lake, August 12-14, the O. R. & N. will sell 20-day round-trip tickets at rate of \$25 60; for return through San Francisco via rail or steamer, \$44 Tickets on sale August 9 and 10. Call at O. R. & N. office, Third and Washington, for further information.

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