

WINNING FOR BOTH

Men Who Killed Women Will Not Escape Gallows.

LOWER COURTS UPHELD

Norman Williams and George Lauth Will Pay the Penalty of Their Crimes—Supreme Court Sustains Verdict.

In the trial of a charge of murder, it is not necessary that there should be direct evidence of the killing or that the body of the murdered person be found. Circumstantial evidence, if convincing to the jury, is sufficient. Jealous frenzy over abandonment by his mistress, a man being observed to be affected, does not constitute insanity such as will be available as a defense for the man who killed his mistress.

SALEM, Or., April 28.—(Special.)—Norman Williams and George Lauth will suffer death on the gallows for the murder of women whom they professed to love. Williams killed Alma Nesbitt in Wasco County in 1900. Lauth killed Leonora Jones in Clackamas County in 1901.

The Supreme Court today handed down opinions affirming the judgments of death passed by the lower courts. Williams is at the Dalles, and will be hanged there, his crime having been committed prior to the passage of the act providing for executions at the penitentiary. Lauth is in the state penitentiary, and will be hanged there.

Norman Williams was tried before Judge W. L. Bradshaw, of Wasco County. No evidence was offered in his behalf, his sole contention being that the prosecution had failed to prove that Alma Nesbitt was dead. The jury found against him, however, and on appeal the Supreme Court holds the same.

The Supreme Court says that at one time the rule prevailed that a conviction of murder or manslaughter could not be sustained without direct proof of the killing, unless the body of the supposed victim had been found. Numerous cases are quoted to show how this rule has gradually been abandoned, and the better rule, that the corpus delicti may be proven by circumstantial evidence, established.

"The strict rule contended for by defendant would operate completely to shield a criminal from punishment for the most atrocious crime, and afford him absolute immunity from the consequences of his crime," says the court. "The rule is applied to the case of the victim by fire or some chemical agency, or completely hide it away, or otherwise destroy it, so that the proof of the fact of death, which is the most clear and convincing kind and remove all possible doubt in the premises."

"No conviction should be had on mere suspicion or conjecture, but on proof, as here, the entire circumstances point with one accord to the death of the person alleged to have been murdered, the finding of fragments of the body, and the articles which are positively identified as part of the body of the alleged victim, or as articles worn by him, will be sufficient, believed by the jury, to establish the fact of death, when this is the best evidence that can be obtained under the circumstances."

State vs. Lauth.

State of Oregon, respondent, vs. George W. Lauth, appellant, from Clackamas County, Hon. T. A. McBride, Judge, affirmed. Opinion by Chief Justice Wolverton.

The defendant was convicted of murder in the first degree for killing Leonora B. Jones, his mistress, at Oregon City, in September, 1901. He was found guilty and sentenced to death. The trial court ruled against him, and this forms the most important point at issue in the appeal. Another point at issue was the disqualification of one of the trial jurors, but the Supreme Court sustains the lower court in all of its rulings.

In passing upon the insanity raised by the counsel for the defendant, Chief Justice Wolverton holds, in substance, that a paroxysm of jealousy or sudden anger or frenzy of temper, provoked or superinduced by the intelligence that the accused had been abandoned by his mistress, the object of his lustful affections, he being otherwise in possession of his mental faculties unimpaired by disease or unbalanced by heredity, will not relieve him of criminal responsibility, and the trial court's ruling on observations were in accord with this understanding of the law.

Other Opinions Handled Down.

Robert W. Montague, trustee, appellant, vs. E. L. Schieffelin, respondent, from Washington County, T. A. McBride, Judge, affirmed. Opinion by Chief Justice Wolverton.

Charles Scott, executor, respondent, vs. M. Christensen, appellant, from Marion County, George H. Burnett, Judge, reversed and new trial ordered. Opinion by Justice Bean.

James L. Marshall, appellant, vs. Charles Cardinell, respondent, from Multnomah County, J. B. Cleland, Judge, affirmed. Opinion by Chief Justice Wolverton.

In the case of Milton W. Smith, respondent, vs. J. C. Bayer, appellant, a motion for rehearing was denied.

YAMHILL CROPS DOING WELL

Cereal Yield Will Be the Best in Years.

MINNIEVILLE, Or., April 28.—(Special.)—Yamhill County has not had a better promise of a good yield in cereals for years than it has the present season. Crops generally are thrifty, and of the most color. Owing to weather and crop conditions last spring, the farmers seeded a larger acreage than usual last fall. The fall sowing was mostly wheat, and this is advancing rapidly. Cattle also look well, and there is no sign of blight.

The spring sowing is practically finished and the earlier spring grain is up and growing well. Farmers generally have made a larger sowing of spring grain than usual. There is a growing tendency in this county to make the spring crop consist chiefly of oats.

Hop conditions, while good, cannot be called excellent. The growth has been extremely uneven, some vines having grown rapidly, and are already trellised, while others have not advanced far. Otherwise, the crop looks well and has not been harmed by frost. In a few yards

THE LEAVES HAVE BEEN SLIGHTLY NIPPED,

but practically no harm done to the hops. As far as can be ascertained, every yard in the county is being cultivated, and a fair crop is anticipated. Hops are not discouraged by the uneven growth, and are having the yards thoroughly hoed and the more advanced hops twined.

Apples and other fruit, except prunes and cherries, will yield abundantly. The cherry crop will be very light in all parts of the county, owing to late frosts. The prune crop will also be less than normal. The prospects were exceptionally good until visited by the recent frost. Near Dayton and sections along the Willamette River, there will not be over a third of the usual yield, while on the prairie about half a crop is expected. In the more protected sections there may be three-fourths of a crop, but in no parts will it be up to the normal output.

PRODIGAL HUSBAND RETURNS

Wife-Deserter Comes Back to Share Woman's Earnings.

BAKER CITY, Or., April 28.—Minot Austin, of Austin Station, on the Canyon City road, who so mysteriously disappeared four years ago, and from whom no word has since been heard, returned to his deserted wife and home last week.

This reception was not like that of the prodigal son. The wife told him it was too late. No explanations nor contributions nor reconciliations were in order. The brother-in-law invited him outside, and by the persuasive influence of a Winchester induced him to leave. He went to Wright Station, a mile away, and passed the night, the next morning came to Baker City and pawned a diamond ring at the Club Saloon and again disappeared. He threatens to return and make trouble, and it is so feared.

A few years ago Minot Austin stood among the foremost men of Eastern Oregon. He was wealthy and prominent in both local and state politics. He did a large business and had extensive credit. He was high in rank among Masons.

Secretly and cunningly, he converted everything he could realize upon into money. He then disappeared, and at the same time there went a lady friend, a Sumpter widow, who without a doubt became his traveling companion.

A double loan fell upon the shoulders of the deserted wife. Creditors came and levied attachments. All the property was found to be heavily mortgaged. What could she do? All she had would not under forced sale satisfy the creditors.

"Give me time," she said, "and I will manage this property and pay every man dollar for dollar." And she did. She has the respect and sympathy of all the John Day country. He is universally hated. If he comes back to make trouble it will be serious, indeed.

When Austin was at Tipton he registered as from Denver, Colo. He did not bring the woman back with him, and denied all knowledge of her.

NOT THE SAME ISLAND.

Washington Contends That Sand Island Is a Recent Formation.

OLYMPIA, Wash., April 28.—The decision of the War Department to proceed with the leasing of the fishing rights on Sand Island in the Columbia River, notwithstanding the protest of the Governor of this state, will probably lead to the bringing of an action in the Federal Court to prevent the leasing of the island to jurisdiction over the island. The island was reserved for military purposes by President Lincoln. The authorities of this state claim that the island was not a part of the original Government reservation, but that it was a recent formation.

Governor Mead and the Attorney-General have not altered their plan of visiting the Columbia River and the contested island next week.

BOY A HERO AT SEVEN YEARS

Pushes Into Burning House and Rescues Infant Sister.

WEISER, Idaho, April 28.—(Special.)—A brave act was accomplished by a seven-year-old boy, named Harry, yesterday morning. While his parents were away from home, leaving him and his 2-year-old sister in the care of a neighbor, a fire broke out in the house. The boy ran out leaving his sister in the house. But, seeing that she did not follow, he rushed back into the burning building and carried her out. He had scarcely left the building the second time when it fell to the ground. Everything in the building was consumed.

JAPANESE PICKET SAWMILL

Use American Methods to Prevent Strikebreakers From Working.

VANCOUVER, B. C., April 28.—Serious trouble among striking Japanese developed today at the suburban village of Fraser, where Japanese laborers in the mill of the North Pacific Lumber Company, who have been on strike for a week in sympathy with a discharged countryman, came into conflict today with some of the strikers who were sent to show them out. A fight was started, but a squad of provincial policemen sent from this city and from New Westminster succeeded in restoring order.

Dan May Acquit

OREGON CITY, Or., April 28.—(Special.)—After being out for 15 hours, a jury in the Circuit Court this afternoon returned a verdict acquitting Dan May of a charge of horse-stealing. From 9 o'clock last night, when the jury retired, until noon today the jury sat 8 to 4 for conviction. While the testimony on the part of the prosecution was entirely circumstantial, its character, it is generally believed that May participated in the theft and shared the profits of the transaction. May was jointly indicted with Charles McKelvey, W. E. Milan, and there are still two other indictments against the trio, alleging horse-stealing. It is probable that these three will be tried by District Attorney Allen tried his strongest case first.

Loan Proved a Sale

OREGON CITY, Or., April 28.—(Special.)—Judge McBride today reversed the local Justice Court when he decided in favor of the defendant in the case of Mrs. A. M. Walters against L. Tolpelt. This was a proceeding to recover personal property, consisting of a watch and a ring, or damages therefor. Securing from Tolpelt, who is a second-hand merchant, a watch and a ring, Walters signed what proved to be a bill of sale, and when she tendered the amount of the loan, together with the interest, she was refused. She then brought in the Justice Court, the plaintiff winning the case, which was appealed.

Fine Stock Ranch Sold

MAYVILLE, Or., April 28.—(Special.)—The fine wheat and stock ranch belonging to W. A. Townsend & Son, containing over 3000 acres, has just been sold for a consideration of \$30,000. The buyers are J. H. Hughes and A. D. Hopper, of Spokane, Wash.

The ranch is well stocked with graded Hereford cattle and large draft horses, and is known to be one of the finest stock ranches in Gilliam County.

EPILEPTIC

Tom Brown So Declared by Younger Brother.

DEGENERACY NOT INSANITY

Much Testimony Introduced in Chehalis Murder Trial to Prove Parricide Morally Incapable of Deliberate Act.

CHEHALIS, April 28.—Mrs. Vaughn, a neighbor, was the first witness examined this morning in the Brown murder trial. She said she had worked at the Brown home three months, and told of Tom's sickness at night; how he would sit and gaze into space. Her evidence aided to prove his melancholy disposition, and his tendency toward being an epileptic. She said she had heard quarrels which satisfied her that Tom was in fear of his father taking his life.

Charles Brown, the 15-year-old brother of Tom, who was with his father at the time the shooting occurred, was the most important witness of the morning. He said he had seen Tom five times and tried to describe two of them; he told of Tom putting a bolt on the door to his room so that his father could not enter, although his father was not then living there; he also said that his mother had to break in through the door to his room when Tom was asleep soundly. He told of his father and himself going after the load of hay, placing 500 pounds of it on the wagon and trying to pull it with a light team. Tom's horse, over which the light team arose, weighed about 800 pounds. The trouble at the wagon, he said, occurred about 7 P. M.

When cross-examined by Mr. Falkner, he said Tom's birthday was in June. His mother yesterday swore it was last Monday. The boys had worked together all their lives, and he said he never saw anyone but Tom have a fit. When the father was bawling he did not want the boys to come to see him, but Charles went to live with him and Tom stood with his mother to prevent trouble. The boy denied specifically having told half a dozen or more witnesses for the state that Tom was epileptic. Tom came up to the wagon where he and his father were with the load of hay. Tom cursed his father and his father said but little, and that when his father climbed from the wagon he cursed Tom and, as the latter climbed over the fence from his father, the latter threw the necktie at him and swore that he would never eat another bite of his table food. He detailed what happened at the wagon at the time of the unlighting. Re-examined by his attorney, he said that his father had been drinking, and that he and the men had a drink together when they were after the hay.

At this point, Attorney Langhorne for the defense called Attorney Falkner for the prosecution on the stand. He put several questions to Falkner, and the latter in his capacity as attorney objected to each as incompetent, irrelevant, etc., and he was sustained by the court and excused.

Doctors on the Stand.

Dr. E. L. Kniskern, who was on the stand yesterday for the defense, was called and examined by Attorney Falkner for the defense. He had had experience with the insane at the Oregon State Hospital. He went into a detailed explanation of epilepsy, grand mal and petit mal, its degrees. The doctor stated the causes that lead to the production of epilepsy, insanity or imbecility in parents, drunkenness of either of them, etc.; that the difference of its effects on the minds of old and young would vary, saying that the effect on the young of causing their minds to deteriorate. He stated that the effects of continued and excessive abuse of the intellect would be to aggravate the ailment; a hypothetical case was put before him detailing at considerable length the alleged conditions existing in the life of Tom Brown and the doctor stated that this condition would lead to epilepsy. Objection was made to several questions as to the sanity of the prisoner, and were sustained by the court. Cross-examined by Mr. Falkner, the doctor stated that he had never examined the prisoner, and that his statements were not based on any examination of the boy. He stated that he could not commit such a crime and talk unconcernedly of it.

He said that epileptics were the greatest class of criminals to feign insanity and that he did not regard moral degeneracy as insanity. The doctor testified as to the alleged conditions which defense sought to prove produced epilepsy in Tom Brown before birth, admitting that such conditions frequently occur, and that such women whose husbands were kind to them.

At the afternoon session of the court, O. A. Oby was called to the stand to testify for the defense as alleged threats made by Charles Brown against Tom Brown, his slayer. Some of these threats had been communicated to the defendant, and he was asked to show them out. A fight was started, but a squad of provincial policemen sent from this city and from New Westminster succeeded in restoring order.

Degenerates and Epileptics.

Dr. Kniskern went on the stand and cross-examination brought from him scientific facts regarding offspring of degenerates and other important testimony that will be useful when the closing arguments are made to the jury. The doctor testified as to the effect of epilepsy on the mind, and said from looking at the prisoner, even considering his confinement, he did not believe the boy was up to the standard.

Replies to Langhorne for the defense, the doctor stated that the effect of excessive alcohol use by parents might produce imbecile or epileptic children. Dr. J. H. Dutton, of Centralia, and Dr. George H. Dow, of Chehalis, were called in turn and testified along the same general line of inquiry conducted in examination by Dr. Kniskern.

The subject of malingering, or feigned insanity, was brought out by Falkner in cross-examination, and it was admitted that the three physicians called by the defense were not qualified to testify to the sanity of Tom Brown when purchasing wares at his store, or to the belief that the boy was not well-balanced.

CLAMBAKE FOR LUMBERMEN

Aberdeen Already Prepares to Welcome Retailers From Nebraska.

ABERDEEN, Wash., April 28.—(Special.)—A meeting was held in Hoquiam today, at which action was taken with the object of entertaining about 300 members of the Retail Lumbermen's Association of Nebraska, who expect to stop at Gray's Harbor on their way to Portland in June. The lumbermen will come to Tacoma in a special train, and will be brought over the Gray's Harbor branch in the same cars.

The scheme of entertainment is to take them to Hoquiam the afternoon of their arrival, where they will remain aboard the cars until the next morning, when the train will go to Moles for a monster clam bake about noon. After dinner,

they will return as far as Aberdeen, and will either have supper here, after looking over the harbor interests, or the clam-bake may take place before noon, with lunch served here about 4 o'clock. From Aberdeen they will go to Cosmopolis, where they will look over the Gray's Harbor Commercial Company's plant.

Extra cars will be provided to take invited guests of Hoquiam and Aberdeen to Moles, and women of Aberdeen will be included in the party. All the expenses of the entertainment on the harbor will be borne by the millmen. From Cosmopolis the train will go to Centralia to look over that town, and will then proceed to Portland for the Fair.

W. A. WORTHINGTON MARRIES

Brother of Manager of O. R. & N. Weds Sacramento Girl.

SAN FRANCISCO, April 28.—(Special.)—W. A. Worthington, executive secretary of Julius Kruttschnitt, was married last night in Sacramento to Miss Sadie Green, daughter of Mrs. Bert Worthington. Bert Worthington is brother of W. A. Worthington, but this marriage rather more closely connects the relationship of two Worthington families.

Bert Worthington thus becomes step-father-in-law of his brother and his wife, in addition to being step-father-in-law of the groom, becomes also his mother-in-law. There are few railroad men better known than the Worthingtons. Bert Worthington is general manager of the Oregon Railway & Navigation Company, at Portland, and W. A. Worthington, newly wedded, is regarded as one of the men whom Mr. Kruttschnitt delights to honor.

W. A. Worthington was given a private car by Kruttschnitt for his trip to the Coast and to take his wife back to the wedding. The wedding, a quiet affair, only immediate relatives and a few old friends of the family being present. Bert Worthington came down from Portland to be present at the wedding.

After a short stay in Portland, Mr. and Mrs. W. A. Worthington will continue on their journey to Chicago.

SHOTS IN DRINK

Charles R. Reynolds Assails Innocent Saloonkeeper.

KILLED WITH HIS OWN GUN

Attempted Murderer Enters Vancouver Bar and Assaults Man With Whom He Had No Quarrel.

VANCOUVER, Wash., April 28.—(Special.)—Charles R. Reynolds, a saloonkeeper of this place, is seriously wounded as a result of an insane attempt of the former to commit murder at 2 o'clock this afternoon. While the doctors have not yet been able to determine the full extent of the injuries received by Paddon, it is believed that he will recover.

Reynolds shot Paddon first, and after a little scuffle, the saloonman succeeded in getting the revolver from his antagonist and shooting him dead. Paddon declares he would not have killed his opponent. The weapon, the latter put his hand into his pocket as though he were going to draw another pistol.

Trouble between the two men, who had previously been exceedingly good friends, began Wednesday, when Reynolds, who was formerly Government clerk in the office at the barracks, came into Paddon's saloon to look for two fellow clerks, with whom he had previously had a controversy. Paddon, seeing that his friend was drunk, tried to quiet him, and this turned Reynolds' wrath on himself. The quarrel finally subsided, and Reynolds departed.

More drinking today caused Reynolds to become temporarily insane, and without warning he rushed into Paddon's saloon with a revolver in his hand and asked the bartender, James Stanley, in vile terms where Paddon was. It happened that Paddon was in a back room, and when Reynolds came toward him with the revolver in his hand, the saloonkeeper rushed at him and tried to secure the weapon.

Paddon Shot First.

While both men were fighting, Paddon was shot, the bullet striking the lower part of the abdomen, and cutting through a portion of it, glanced downward into the leg.

Then Paddon, with a special effort, succeeded in gaining possession of the revolver, which is a short 32-caliber weapon. According to his statement he hesitated about using it until Reynolds put his hand into his pocket as though he were going to draw another revolver, then he shot him twice, once in the arm and once in the left side about four inches below the heart. Then he fainted and Reynolds expired almost instantly.

As soon as Paddon's injuries were attended to, Dr. Randolph Smith, the Coroner, held an inquest over the body of the dead man, and the jury returned a verdict of justifiable homicide. The jury consisted of Mr. L. Coover, J. H. Jazzy, George E. Thompson, I. L. Schlitz, Shal White and D. B. Baker.

Paddon was taken to his home, and is under the care of the doctors. He is a married man and is 57 years of age. He has been living at this place for 27 years, and has been a resident of this state for more than 40 years. He originally came here as a soldier, in the early times.

Reynolds' Father a Colonel.

Charles R. Reynolds was a man about 40 years of age, and was the son of a former Colonel in the Army. He had been serving as a clerk for the Government, but when a relative left him \$80,000, two years ago, he retired to a farm he purchased, and has not been actively employed since.

His reputation is that of a good man when not drunk, but who lost control of himself when under the influence of liquor. Since he quit the Government service, he has been in the habit of complaining, when he drank, that his fellow-clerks had been his enemies, and had caused him to lose his position.

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