

MURGATROYD TRIAL TAKES SECOND DAY

Jury Completed and New Witness Found to Testify for Defense.

ROY MALONE IS ON STAND

Evident Contradictions Appear in His Testimony Under Rapid-Fire Questioning by Lawyer for Defense—Trial to Be Short.

ST. HELENS, Or., July 14.—(Staff Correspondent.)—Completion of the jury panel testimony by Roy Malone, the star witness, and the appearance of a new witness in behalf of the alibi said by the defense to be perfect, marked the day's proceedings in the trial of George Murgatroyd, accused of murdering aged Robert Livingston at Gobie last December. Yesterday was replete with sensational features. Today the proceedings were mild, evident contradictions on the stand by young Malone being the only testimony that ruffled the otherwise smooth course of the trial. It is believed the case will be in the hands of the jury by the end of the week.

Roy Malone, the youth whose evidence is the foundation of the murder charge lodged against Murgatroyd, underwent a strict examination by Attorney W. H. Abel, counsel for the defense, and in answering the rapid-fire questions, apparently contradicted himself frequently.

These evident contradictions were noted by the defense, particularly in dates and figures. As an example, the witness at one time testified he did not know of the robbery of a certain Gobie house until December 8, and later declared he had "a good idea of it all the time." Then at a subsequent juncture he stated he met only three men at a Deer Island camp, his testimony being that he saw five men there.

He Was Sent Into There.

During the examination of Malone, the defense introduced as evidence a written statement of the former newspaper man by Malone. While the document was acknowledged by Malone, the witness, when questioned as to verbal statements made by him in the same newspaper, declared he could not remember exactly, but would not deny having made the statements. The recipient of the written statement declares in the "countless places" with former statements made by Malone.

The youth's statement in lead pencil recounts his alleged movements at Gobie from the time of his arrival there December 1, 1908, until the murder, ten days later. It goes on to say at breakfast the first Sunday he passed in the home of Mrs. A. C. Zigler as chore boy she proposed an "awful task" for him to perform. This he elucidated by writing that the woman asked him to bring to her house three men she had been seeing on the track. He complied, and when they arrived at the house Mrs. Zigler invited the three men into her bedroom. The witness, not invited, says the occupied three remained outside and peeped through the window as the woman and her three visitors held a short conversation.

The statement then recounts that the men dispersed and all went well for three days until on December 8 Malone was sent to the Zigler ranch on an errand. On his way back, according to the document, Malone encountered the three men leaving a house they had robbed and they gave him a bundle to carry for them.

Tells How Gun Is Given.

Then, it states, on the afternoon of the murder, Frank Toler, ringleader of the three men, came to Mrs. Zigler's house and received a gun from her. It concludes with a statement that on the same evening about 7 o'clock he saw the three men go to the ferry wharf, that they called him to accompany them, and that upon his refusal, Frank Toler pulled the gun on him and to save himself he picked up a rock and hurled it at Toler. Toler dropped the gun and the trio left, whereupon he, Malone, picked up the gun and returned to his room.

By the trend of Attorney Abel's questioning of Malone, it is hinted the defense aims to prove the three men mentioned by Malone as the robbers of the house and Mrs. Zigler are the only persons who ever saw the trio, Frank Toler, Bert Toler and Philip Lee, at Gobie. He was silent when asked to mention the name of any other person who had ever met Philip Lee or Frank Toler. Malone contends Murgatroyd is Bert Toler.

His examination of Malone finished for the day, Attorney Abel announced he would ask permission to recall him later for purposes of impeachment. Examination of Malone by the prosecution was brief.

The morning's session of the trial was taken up principally by the examination of jurors and the opening statements of the prosecution and the defense. For the prosecution, Deputy District Attorney Miller read the state was prepared to prove Murgatroyd was in Gobie at the time of the murder and admitted later to a woman he had killed a man there. Attorney Abel for the defense, stated Astoria citizens would establish complete alibi for his client and he would undermine the testimony that Murgatroyd had said he had killed a man at Gobie by proving the woman witness for the state a "shame to her sex."

New Witness for Defense.

A new witness for the defense was found today in the person of Albert Stibbick, of Chehalis, first baseman of the baseball team there. He states he will take oath that George Murgatroyd was in Astoria constantly from December 3 to December 22, and that he saw him there every day in that period.

The defense also announced today it had summoned Sheriff Brown and Deputy Sheriff Parker, of Eugene, to testify that James Kelly, one of the state's witnesses, has a criminal record. Kelly is the witness for the state who states Murgatroyd, six weeks after the murder, borrowed a suit of clothes from him that he might discard bloody apparel. He is also the witness who is alleged to have threatened to "send Murgatroyd to hell" for revenge.

BUSINESS RIVALS CLASH

Moses Glickman and Wife Accused of Assaulting Competitor.

As the aftermath of a quarrel between Moses Glickman, a second-hand dealer at 614 North Third street, and Samuel Cohen, a rival in the same business, whose police adjoints Glickman's Patrolman Johnson arrested both Glickman and his wife last night at their home, 681 First street, Cohen had sworn out a warrant against them, charging them with assault and battery.

According to Cohen's statement of the

MAIN WITNESS AGAINST MURGATROYD, WOMAN HE ACCUSES OF MURDER PLOT AND DEFENDANT'S ATTORNEY.



MRS. A. C. ZIGLER AND ATTORNEY W. H. ABEL.



ROY MALONE.

affair, Mrs. Glickman proved herself to be a first-class "scrapper" and did even more effective work in the encounter than her spouse. The quarrel came about several days ago from business jealousies. A warrant is also out for the arrest of Cohen, whom Glickman accuses of threatening to kill him with a knife. Glickman has witnesses to the threats. They are Mr. and Mrs. Goldblom, of First and Arthur streets; M. Sholkoff, of 681 Second street, and Mrs. Rosenkrantz, of 689 First street. The case will come before the Municipal Court today.

WESTERN MEN HONORED

EVERETT GRIGGS AND J. A. BLOEDEL GET OFFICE.

Lumbermen in Convention at Seattle Elect Officers and Hear Many Papers Presented.

SEATTLE, July 14.—The National Lumber Manufacturers' Association decided unanimously today to hold the next annual convention at New Orleans. These officers were elected: President, Edward W. Hines, Chicago; first vice-president, Everett G. Griggs, Tacoma; second vice-president, a new office, William R. Stillwell, Savannah, Ga.; treasurer, J. A. Freeman, St. Louis; superintendent of credit rating department, W. F. Biederman, board of governors, E. C. Fosberg, Norfolk, Va.; J. B. White, Kansas City, William W. Irvine, Chippewa Falls, Wis.; R. W. Corrier, Sardinia, Miss.; J. A. Bloedel, Bellingham, Wash.; William Deary, Potlatch, Idaho; A. L. Osborn, Oshkosh, Wis.; W. C. Miles, Wausau, Wis.; R. H. Downman, New Orleans; R. A. Long, Kansas City. The board of governors, E. C. Fosberg, Norfolk, Va.; J. B. White, Kansas City; William W. Irvine, Chippewa Falls, Wis.; R. W. Corrier, Sardinia, Miss.; J. A. Bloedel, Bellingham, Wash.; William Deary, Potlatch, Idaho; A. L. Osborn, Oshkosh, Wis.; W. C. Miles, Wausau, Wis.; R. H. Downman, New Orleans; R. A. Long, Kansas City. The board of governors, E. C. Fosberg, Norfolk, Va.; J. B. White, Kansas City; William W. Irvine, Chippewa Falls, Wis.; R. W. Corrier, Sardinia, Miss.; J. A. Bloedel, Bellingham, Wash.; William Deary, Potlatch, Idaho; A. L. Osborn, Oshkosh, Wis.; W. C. Miles, Wausau, Wis.; R. H. Downman, New Orleans; R. A. Long, Kansas City.

DISGRACE CAUSES SUICIDE

Young Girl Takes Poison After Being Caught in Theft.

EUGENE, Or., July 14.—Because she thought she was disgraced for life on account of being caught in a theft, 15-year-old Ruth Annette Seales, daughter of Mrs. Jennie Seales, of Loraine, committed suicide at her home Sunday night by taking a quantity of strychnine.

Sunday she attended a picnic near her home and returned in the evening. She retired at the usual hour, and when her mother entered her room a few minutes afterward she was found spasms. A physician was sent for, but the girl died before he reached the house.

Coroner Gordon and the County Physician, J. W. Harris, made an investigation, and found a half-empty bottle of the poison in the girl's room on a table near her bed. She had often threatened to kill herself.

The world's most successful medicine for bowel complaints is Chamberlain's Colic, Cholera and Diarrhoea Remedy. It has relieved more pain and suffering, and saved more lives than any other medicine in use. Invaluable for children and adults.

TAFT IS FIRM ON CORPORATE TAX

Summons Aldrich and Payne to Night Conference After Hearing Report.

POSTPONE RATE STRUGGLE

Solons Want to Hear Further in Regard to Reports of Subcommittees Before Considering New Schedules.

WASHINGTON, July 14.—Reports that there was dissatisfaction in the tariff conference today that the proposition to amend, and that it might be dropped out of the bill reached the ears of President Taft today. In consequence Senator Aldrich and Representative Payne were called to the White House.

The conference was held late this evening. When Messrs. Aldrich and Payne left for their homes they discussed what had taken place beyond admitting that the proposition to tax net earnings of corporations had been the chief subject of conversation. The President could not be seen tonight.

Taft Remains Firm

It is believed, however, that he made it clear that he was not to be swayed about the advisability of taxing the earnings of corporations for the purpose of producing additional revenue. He is reported to have said as much to a number of Congressional callers today, and to have interrogated a number of leaders as to the foundation for the report that he had been swayed.

The tariff conferees were informed today that Attorney-General Wickersham, who has redrafted the corporation tax amendment, is ready to submit the amendment whenever the conferees are ready for it.

Objections were raised by the House tariff conferees today to the Senate amendments to the maximum and minimum features of the tariff bill. These amendments authorize the President to employ and dismiss tariff experts. The House conferees argued that the amendments establishing a court of customs appeals were adopted. The salaries of the five judges were fixed at \$200, instead of \$200,000.

Object to Experts.

When adjournment was taken at 5:30 o'clock the Senate maximum and minimum provision had been accepted tentatively with the exception of the provision for the employment of tariff experts. The House conferees argued that the ways and means committee and the Senate finance committee have the investigation of tariff matters as their special province.

Several of the Senate conferees made the assertion that President Taft desired to have the right to employ such experts. They declared also that the President favored the appointment of a tariff commission.

Administrative Act Goes.

The Senate administrative act, which was drawn to prevent undervaluation of imported articles not in common use in the country of manufacture, also was adopted. This feature provides machinery for the ascertainment of values where there is no foreign market to be used as a basis.

The Senate conferees insisted that the removal of the identifying clause on this clause in the drawback provision (which is still in dispute) would open the door to fraud, and that the three-year provision narrowed the drawback in such a manner that it would work a hardship to manufacturers who availed themselves of drawback privileges. This question was laid aside.

The House provision allowing a drawback to the amount of internal revenue tax paid on domestic alcohol used in articles of manufacture and cosmetics manufactured for the foreign trade was tentatively accepted.

The real struggle over rates fixed by the House and Senate and which was to have begun today, was deferred because of the desire to get reports prepared by the committee's experts and referred to subcommittees and committees for investigation. In order that no time should be lost, it was decided to authorize at Ely, Nev., and in Alaska.

SMOOT DEFENDS TARIFF BILL

Says Average Duties Are Decreased, Not Increased.

WASHINGTON, July 14.—Turning upon critics who have charged that they are revising the tariff upward, members of the Senate finance committee deny today that such is the case. A statement was prepared by the committee's experts and was given out tonight by Senator Smoot. Commenting upon statements made yesterday and today by Senator La Follette that the average ad valorem average is 5.5 per cent above the Dingley tariff, based upon the importations for 1907, Mr. Smoot said it all depended on methods of computing the average ad valorem duty from the year of its passage, Mr. Smoot figures that the average ad valorem duties were 57.07 in that year the importations of luxuries were very large. In the succeeding years from 1900 to 1908, inclusive, the average ad valorem average of 42.5 in 1907 is explained by the panic and the decrease in importations of luxuries.

Mr. Smoot pointed out that by eliminating articles recognized purely as luxuries, the ad valorem average under the Senate bill would be less than 40.61 per cent. This is less than under any tariff bill in the last 30 years except in 1896.

The ad valorem average of the bill on all articles of necessity was given as 13.49 per cent.

Mr. Smoot said that articles transferred from the dutiable list to the free list are not taken into consideration by Senate critics in figuring ad valorem averages of the pending bill.

EXPECTS BATTLE SOON TO END

Taft Makes Engagements Continuation on Tariff Conference.

WASHINGTON, July 14.—The President today demonstrated his conviction that the tariff bill will be in the last stages by the end of next week, by the announcement that by the bill was ready for his action by that time he would be obliged to cancel his engagement to attend the Confederate veterans' reunion at Fishers Hill, Va., on Saturday, July 24. Mr. Taft several days ago promised the Virginians

NET INCREASE IN TARIFF

Statistics Bureau Says Average Is 5.65 Per Cent.

WASHINGTON, July 14.—Through Senator La Follette the Bureau of Statistics of the Department of Commerce and Labor has presented to Congress an estimate of the increases and decreases of the Payne-Aldrich tariff bill.

Mr. La Follette says, "The net increase of the Senate leaves unchanged the duties on imports of the value of \$460,106,037 or 64.55 per cent. Duties are increased on imports of the value of \$145,716,629 or 21.15 per cent, while the decreases affect imports of the value of \$66,309,619 or 13.84 per cent. The average increase of the entire bill is 5.65 per cent."

Mr. La Follette declared that "unless the rates of the bill are greatly reduced in the conference, the bill should be vetoed."

DENTISTS END SESSION

Mayor Will Not Swerve in Attitude on Parks.

Councilman Menefee Tries to Get Reconsideration with Regard to Montgomery Tract.

The annual convention of the State Dental Society ended with a late session at the North Park Hotel last night. The morning session was held during the afternoon. Clinics were held during the morning and afternoon. A night session was given over to a paper by Dr. Jean Cline, reports of committees and election of officers.

In the report of the executive committee it was recommended that Dr. Jean Cline and Dr. George Nottage, both of Portland, be recommended to the Governor for members of the Board of State Dental Examiners.

A motion by Dr. E. C. McFarland that the Dental Society get in touch with health and school boards on the matter of inspection and care of the teeth of school children brought forth a lively discussion. The motion was passed.

A motion was passed that the newspapers of the city be tendered a vote of thanks for the consideration they had shown in publishing reports of the meetings. It was voted to send a written vote of thanks to each of the papers.

Dr. Cline presented the name of Dr. Millard C. Holbrook for president and he was elected by unanimous ballot. Dr. C. V. Sittler, of Albany, was nominated for vice-president by Dr. A. L. Beattie, the retiring president, and was elected unanimously. For the remaining officers, Dr. Wallace Shearer, of Portland, was elected secretary and treasurer, and Dr. Julio Endelman, of Ashland, editor.

Dr. A. L. Beattie and Dr. Drake were elected on the executive committee to replace the retiring members, Dr. L. A. Morris and Dr. A. P. Watson. Dr. W. C. Shearer, not being able to complete his term on the executive committee, was replaced by Dr. E. C. McFarland.

MAN IS STRANGELY SHOT

(Continued from First Page.)

and he shot and that's all I know about it. I had never seen either of them before."

Sinks to Floor Unconscious.

After saying this he sank to the floor unconscious. The tableman called up the police station and Captain Slover dispatched Sergeant Keller to make an investigation. The officer first called the Red Cross ambulance and had the wounded man removed to the hospital, and then set about an immediate investigation. He developed substantially the facts as stated.

Before Brackett left in the ambulance he had partially recovered from his fainting spell, and made the same statement to Sergeant Keller that he had made to Dent. This statement was reiterated upon his arrival at the hospital, where Captain Baty and Sheriff Stevens, who had heard of the shooting, were whisked in Sheriff Stevens' automobile. Brackett was unable to make a statement to the officers.

The bullet penetrated the left kidney and necessitated the amputation of the organ. Before he was placed under an anesthetic on the operating table he said that his home was at 14 Clinton street, Walla Walla, Wash., and that he reached his wife to be notified. She was despatched by long distance telephone and will probably hurry to Portland by the first train.

Officers Agree on Case.

After working on the case for two hours last night, Sheriff Stevens, Captain Baty and Sergeant Keller all agreed that the shooting was the result of an affair over a woman. Three important facts point to this theory: First, that Dent says that he saw a man who he thinks was Brackett, hanging around Fourteenth and Morrison streets at 10:30 o'clock. This man remained in the vicinity until shortly after 11 o'clock, when he was joined by a well-dressed woman. They walked south on Fourteenth street. Second, his assailants were well-dressed men and made no attempt to rob him, all his money and valuables being found on his person; and third, the men were seen to hang around in the vicinity until the arrival of the police, it being unknown in criminal annals for highwaymen to await to see what becomes of their victims.

It is supposed that the two men who were involved in the shooting were uncertain whether they shot had taken effect and were still waiting about the neighborhood for a sight of Brackett, as after the shot had been fired, Brackett walked half a block. A description of the man taken from Mrs. Ward and Mr. Twarowski, and a description of the woman seen by Dent are in the hands of the police. An effort will be made to ferret out their identity and unravel the mystery.

Big Salmon Run Predicted.

ASTORIA, Or., July 14.—(Special.)—The run of fish, while not large, still continues fairly good and as the salmon average large the most of them are going to cold storage plants. Reports from Monterey Bay are that the catch of salmon there this season has been the largest in many years. According to the theory of some connected with the industry, this means there will be a big run in the Columbia before long.

The wealth of the United States in 1850 was \$1,000,000,000, speaking in round terms; in 1860, \$1,000,000,000; in 1870, \$20,000,000,000; in 1880, \$45,000,000,000; in 1890, \$105,000,000,000; in 1900, \$240,000,000,000, and in 1904, \$340,000,000,000.

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