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IS AFTER COLD STORAGE PLANTS

Master Fish Warden H. G. Van Dusen Preparing Complaints.

A VIGOROUS PROSECUTION

Four Cold Storage Plants and Two Steamboats Will Be Proceeded Against.

VIOLATING STURGEON LAW

F. M. Warren, Portland Artificial Ice Company, Bailey Gatzert and Lurline Included.

Master Fish Warden Van Dusen is busy preparing complaints against four cold storage plants and two steamboats. They are complaints of a serious nature, and the master fish warden will push them to the extreme limit of the law. Frank M. Warren, of the Goble Cold Storage, S. Schmidt & Company, and Lindenberger Bros., cold storage proprietors, and the Portland Artificial Ice Company, and steamers Bailey Gatzert and Lurline are on the list and will all be brought into the courts.

They are all charged with violating House Bill No. 13, passed by the legislature of 1899, and approved February 18, of that year. They are charged with having in their possession, after the same has been taken, captured or killed sturgeon, between the first day of March and the first day of November, under the penalty of a fine of \$20 for each fish so found in their possession.

Of these fish, the Goble cold storage plant, owned by Frank M. Warren, is charged with having in its possession, contrary to law, 1613 sturgeon, which would subject it to \$32,260 fine, besides costs. Schmidt & Co. are charged with having in their possession unlawfully about 539 sturgeon which, if convicted, will cost them \$10,780; Lindenberger Bros. are charged with having in their possession 45 sturgeon contrary to law; the Portland Artificial Ice Company is charged with having 639 of these fish in its possession unlawfully, which, if convicted, will subject the concern to a fine \$12,780, and the Bailey Gatzert and Lurline are charged with handling sturgeon unlawfully. The master warden claims that he caught them all in the act. Any way, he is preparing complaints against them and will file them just as soon as they are in legal shape.

"There is no harm in giving publication to the facts and names," said the master fish warden last evening, "for these are all large institutions and they cannot get away. I have gone at the matter carefully and systematically, have caught my men and now I propose to prosecute them to the full extent of the law. I have no personal feeling in the matter, but I propose to discharge my duty as an officer to the end."

Master Fish Warden Van Dusen has been suspecting something rotten in the "state of Denmark" for sometime, and he suspected that it was taking place right under the nose of a certain fish official whom he dared not call into his confidence. He has been very busy looking after other matters, hatcheries, etc., but has had a weather eye out all of the time. When he decided that it was about ripe he started out on business. He found a box of fish in Portland that did not "smell" exactly right. The box was addressed to the cold storage plant at Goble. The fish warden took the same boat with the box and arrived at Goble with it. He had two men with him. They did not look like bad fellows; they were just common looking fellows. They were William W. Smith and L. C. Himble, water bailiffs from Clatsop county and they just came along to keep the fish warden company, and incidentally assist him in investigating things.

When Goble was reached, the fatal box was taken in by the proprietor of the plant, or the person in charge, and the fish warden discovered that the box contained sturgeon; he further concluded that a big plant like that would not handle just 343 box of sturgeon, and as the law imposes upon him the duty to investigate all cold storage plants when he thinks it is necessary, he went on a tour of in-

vestigation. And when he had completed his investigation he found in this plant 1613 sturgeon. The law only provides that it shall be unlawful for them to be found in the possession of one out of season; it matters not how they got there; hence the fish warden had sufficient evidence to convict and he came away to prepare his complaint.

In the meantime, however, he visited the Portland Artificial Ice Company's plant from a "lead" he had discovered, and found in its possession 639 sturgeon, and then the fish warden and the two deputy bailiffs came to Astoria. Yesterday they started out on a tour of inspection. They found in Lindenberger Bros.' possession 45 and in S. Schmidt & Co.'s possession 539 of the coveted sturgeon. He found boxes of sturgeon, or saw them taken from both the steamers, Bailey Gatzert and Lurline, and says he will not make "fish of one and flesh of another," but will prosecute all alike.

He secured the shipping tags used in many cases and he finds that the tag of "J. R. Burke, fish dealer, Cathlamet, Wash." had directed a large number of boxes containing sturgeon to their destination. In fact most of the fish came from this point. There were some shipped from the wheels in the upper Columbia, but few compared with those from the Washington side.

The master fish warden says that sturgeon were being wiped out at such a rate that the people of the state induced the legislature to pass the law, and that the fact that the most of the sturgeon found in the possession of the gentlemen named are very small, shows that the fish were again getting a start.

He exonerates the other cold storage plants in Astoria as he gave them a careful examination and found no sturgeon in them. He thinks that he has caught all of those who were violating the law.

Following is the law in full charged to have been violated:

AN ACT.
To protect sturgeon and to regulate the time and manner of fishing for sturgeon in the waters of the Columbia River, and declaring an emergency. Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. Hereafter it shall not be lawful for any person or persons to take, capture, kill or have in their possession after the same has been taken, captured or killed, any sturgeon, between the first day of March and the first day of November in each and every year, under a penalty of \$20 for each and every sturgeon so taken, captured, killed or had unlawfully.

Section 2. It shall not be lawful at any time to take or kill any young sturgeon under four feet in length, or fish for the same by any device or appliance whatever in the tide waters of the Columbia River; and any person or persons fishing with gill nets, fish wheels or other fishing apparatus whatever in the tidewaters of the Columbia River, who, on lifting, drawing, taking up or removing any of said nets, or other fishing apparatus, shall find young sturgeon under four feet in length entangled or caught therein, shall immediately, with care and the least possible injury to the fish, disentangle and let loose the same and transmit the fish to the water without violence. Any person or persons violating any of the provisions of this section, or having in their possession young sturgeon under four feet in length, either for consumption or sale, or who is known to willfully destroy the same, for so offending shall, on conviction thereof, be punished with a fine of \$10 for each and every fish so caught, sold or destroyed.

Section 3. It shall be unlawful to cast, extend, set, use, or continue or assist in casting, extending or using any Chinese sturgeon lines or lines of a similar character in the tide waters of the Columbia River. The fish commissioner and any of his deputies are hereby authorized to seize and destroy any such lines found in said waters, and they are hereby authorized to arrest forthwith any person or persons detected in setting or using any Chinese sturgeon line or lines of similar character in the tidewaters of the Columbia River. Any person violating any of the provisions of this section shall be fined in a sum not less than \$25 and not more than \$100.

Section 4. Inasmuch as there is urgent need for protection of sturgeon as provided by this act, the same shall take effect and be in force from and after its approval by the governor.

Approved February 18, 1899.

BASE BALL

AMERICAN LEAGUE.
At Chicago—Chicago, 2; Washington, 1.
At Detroit—Detroit, 10; Philadelphia, 5.

At St. Louis—St. Louis, 8; Boston, 2.
At Cleveland—Cleveland, 1; Baltimore, 5.

NATIONAL LEAGUE.
At New York—New York, 5; Pittsburgh, 3.
At Boston—Boston, 3; Cincinnati, 2.
At Brooklyn—Brooklyn, 6; Chicago, 5.
At Philadelphia—St. Louis, 7; Philadelphia, 3.

TRACY AND MERRILL STILL AT LARGE

Murderers of Three Prison Guards Are Desperate Characters.

BLOOD HOUNDS SENT FOR

Reward of One Thousand Dollars Offered for Capture of the Fleeing Desperados.

Salem, June 9.—At an early hour, this morning Salem was thrown into a tumult of excitement by news of a revolt at the penitentiary. Three guards, Thurston Jones, Frank Ferrell and B. Tiffany, were killed. One life prisoner, Ingram, was wounded and has since died, and two prisoners, Harry Tracey, serving 20 years, and David Merrill, serving 13 years, escaped. The remainder of the convicts were securely locked in their cells.

At 7 o'clock the foundry gang of prisoners were marched to their work in the usual manner. Frank Girard, a guard, counted them into the shops and announced the number to be 159 to Frank Ferrell, guard at the first post in the shops. Just as Girard announced the number and received Ferrell's "all right" he heard a rifle shot and also the exclamation "My God" from Ferrell, who tumbled over forward.

Tracey was the convict who killed Ferrell. He at once turned upon Girard with an oath and began shooting. At the same time Merrill began shooting at John Stapleton and the other shop guards.

Tracey and Merrill then procured a ladder and scaled the north wall under fire from the guards, and having reached the top of the wall they shot and killed Jones and Tiffany, Merrill having previously wounded a "lifer" named Ingram, who endeavored to prevent Tracey from shooting at Tiffany.

Tracey and Merrill escaped over the wall and struck out southward. In the meantime Sheriff Durbin, the city officers and a number of citizens rushed armed to the prison prepared to quell the reported riot, but found all quiet there. Superintendent Lee at once organized posse and sent them out to hunt down the escaped convicts. Superintendent Lee has posted a reward of \$100 for the capture of the fugitives.

Tracey and Merrill were two desperate characters, both convicted from Multnomah county for assault and battery in 1899.

When the riot began Tracey and Merrill were armed with short Winchester rifles, together with three revolvers which they are known to possess, were passed in yesterday by excursionists from Portland who were allowed to go through the penitentiary. The escapes were pursued by one of the guards about a mile southward. They were making for the timber, and were again seen later by a farmer. Pursuers are following them. It is expected they will resist capture and a fierce battle may result.

SENT FOR BLOODHOUNDS.

SALEM, June 9.—Superintendent J. D. Lee, of the penitentiary, said: "The outbreak was entirely unexpected, and under the circumstances could not be prevented."

The two men were supplied with rifles from the outside, probably brought over the wall during the night, and concealed them in the place where tools in the foundry are kept, and where the prisoners secured them. This would be possible during the night, as there is but one guard inside the yard at night.

"I have sent to Pendleton for a brace of bloodhounds and they will arrive tomorrow, when the trail will be followed and the murderers run to earth. It is an awful affair and I will never rest until I have run the fiends down."

NOTED PRESBYTERIAN DIVINE.

CHICAGO, June 9.—The life and work of Rev. John Henry Barrows, preacher, lecturer and educator, whose death is so greatly mourned, has been lauded in many of Chicago's pulpits at a special memorial service held in the First Presbyterian church, of which Dr. Barrows was pastor for many years. Rev. Dr. W. J. Chichester, the successor of Dr. Barrows in the pulpit of the First Presbyterian church, preached the memorial sermon. Bishop Samuel Fallows of St. Paul's Reformed Episcopal church, eulogized

Dr. Barrows in a prelude before his sermon at the morning service, and Rev. Dr. Willard E. Thorp, at the South Congregational church last night spoke of the late preacher as embodying in himself certain great ideas of modern Christianity.

FIRE IN SARATOGA.

Chief of the Fire Department Fatally Injured.

SARATOGA, N. Y., June 9.—One person was killed and one fatally injured and several persons are reported missing in a fire which destroyed \$200,000 worth of property here early today. The dead are: Mrs. Mabey; fatally injured, Fire Chief Chadwick.

The fire broke out in the Arcade on Broadway and destroyed that building, also the Shackelford and the theater Saratoga. A portion of the Citizens' National Bank building was destroyed. The headquarters of the bank were only damaged by water and all the contents of the safes and safety deposit vaults remain intact. Fortunately there was no wind. Otherwise the fire, which was in the heart of the city and not far removed from several large hotels, might have grown into a general conflagration. By hard work the fire was brought under control at 7:25 o'clock.

FIRST MINISTER FROM CUBA.

NEW YORK, June 9.—Gonzalo Quesada, Cuban minister to Washington, and his family sailed for New York, says a Tribune dispatch from Havana. Mr. Quesada will go immediately to Washington and open the legation at the Hotel Raleigh until he secures a house.

He is the bearer of the good wishes of President Palma to President Roosevelt. He also has been entrusted to use every endeavor to secure favorable and quick action on the question of tariff reduction on Cuban products. A large number of friends went aboard to say good bye and wish senior Quesada success. Col. Charles Garcia, eldest son of the late General Calixto Garcia, probably will be sent to Hamburg as consul-general.

FRENCH GUESTS IN CHICAGO.

CHICAGO, June 9.—Comte de Rochambeau and his party spent a comparatively quiet Sunday in Chicago. They visited the Chicago National Bank and saw the modern safes and machinery, after which they witnessed an exhibition drill of the fire department. In the afternoon they were taken to the saddle and cycle club in the automobile of Honore Palmer. There they had luncheon and met many society people. Returning to their hotel, Comte and Countess de Rochambeau dined and spent the evening resting in their rooms. The Comte de Lafayette dined with Charles Deering in the latter's house in Evanston. The party left for New York this evening.

WITH OREGON'S RESPECTS.

WASHINGTON, June 9.—Representative Tongue, at the request of constituents of Albany, Oregon, and elsewhere, today presented the president three mounted specimens of Mongolian pheasants, which are found in large numbers in Oregon. He coupled the presentation with an invitation to the president to visit Oregon and hunt this bird.

A RAILROAD MAN.

NEW YORK, June 9.—Owing to ill health Frederick P. Olcott, president of the Central Trust Company, president of two railroads and director of 18 railroads, will, it is announced, temporarily abandon his business duties and start tomorrow for Germany accompanied by his physician.

THE DAY AT WASHINGTON

Bill Passed for the Protection of Federal and Foreign Officers.

MORE CANAL INFORMATION

Hawaiians to Be Reimbursed for Losses Sustained by Destruction of Property During Plague.

WASHINGTON, June 9.—The house passed the bill to protect the president, vice-president and members of the cabinet and foreign ministers and ambassadors, and to suppress the teaching of anarchy, by a vote of 175 to 38. A motion to recommend the measure with instruction to strike out certain sections was defeated, 71 to 123. The remainder of the day was devoted to the bill to transfer certain forest reserves from the interior department to the agricultural department, and to authorize the creation in such reserves of game and fish reserves. President Roosevelt in his annual message recommended such a measure. No vote was reached.

HARRIS ON THE CANAL.

WASHINGTON, June 9.—An interesting contribution to the discussion of the isthmian canal project was made in the senate today by Harris, of Kansas, member of the committee on inter-oceanic canals, who is also an engineer of recognized ability. His discussion of technical details of canal construction was listened to with profound attention. He strongly advocated the selection of the Nicaragua route. He maintained that it was entirely feasible and practicable from an engineering standpoint, and said that some of the difficulties presented by the Panama route were insurmountable, notably the construction of Bohodam. During the early part of the session the naval appropriation bill was considered.

ON ACCOUNT OF PLAGUE.

WASHINGTON, June 9.—The senate committee on Pacific Islands and Porto Rico today authorized favorable report on bill allowing pay for destruction of property in Hawaii on order of President McKinley, on account of the prevalence of plague during 1899 and 1900. The committee decided to recommend that an appropriation of \$1,000,000 be made, and authority given the territory of Hawaii to issue bonds for payment of the remainder of the claim, aggregating \$500,000.

BRAKEMAN KILLED.

SEATTLE, June 8.—W. W. Green, a brakeman on a Seattle-Tacoma Interurban railway construction train fell beneath a moving car yesterday morning near Auburn, receiving such serious injuries that he died within a few hours. Green was sitting on the edge of a gravel car and fell from his position while opening the knuckle of a coupling apparatus, in attempting to couple of cars. Two wheels of the heavily loaded gravel car passed over his right leg and that side of his body before the train could be stopped.

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