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HIETT-DALE CASE HANGS FIRE

Duel Theory Not Adhered to by Sheriff and Police—Third Party Now Suspected

NO AUTOPSIES HELD YET

Wounds Described in Detail—Post Mortem Expected to Develop Clues That Will be Valuable in Solving Crime.

PORTLAND, March 9.—Despite the theory of the young widow of Oscar Hiett and the Sheriff's office that Hiett and John Dale were killed in a duel occurring Sunday at a duck preserve on Columbia Slough, two miles southeast of St. John, investigation has brought out many circumstances tending not only to cast doubt on its accuracy, but to appear that both men might have been murdered by poachers or persons seeking gold which Dale is commonly believed to have buried near the cabin in which he lived.

That both men had trouble with poachers is known, and the anger of persons illegally hunting on the property where Dale was stationed as watchman, had been aroused by the action of Hiett in taking away a gun belonging to one of them. It was only a few days ago that Dale reported to O. L. Price, secretary of the Pittock & Leadbetter Company, which owns the property, an incident in which a poacher figured. After being driven from the property watched by Dale, the poacher stationed himself across the boundary line, telling Dale that he had better remain where he was and not try to interfere further with the duckhunter.

Though no autopsy has yet been performed on the body of either man, Deputy Coroner Dunning is of the opinion that the nature of Hiett's wound is such that the victim was unable to move from the spot where he stood when he received the charge of birdshot, and merely drew his arms across his chest after he sank to the ground. Should it develop upon performing a post-mortem examination that such is the case, no other proof would be required to make it a certainty that both men were murdered by another person or persons.

This is apparent when the wounds received by Dale are taken into consideration. His skull was battered in with some blunt instrument and the fractures cover a large cranial area. No man could have shot another after having half his head beaten into a jelly. This makes it certain that if the men killed each other Dale shot Hiett before the latter wielded the ax, and if Hiett's wound was of such

a nature that he was unable to move after being shot the fact that the two men were murdered by others cannot be questioned.

PORTLAND, Or., March 9.—The autopsy held this afternoon over the bodies of Oscar Hiett and George Dale, who were found dead on a duck preserve on Columbia slough yesterday, develops the fact that the men were murdered by one or more outside persons. The investigations of the physicians revealed, beyond all possibility of doubt, that neither man moved after the inflicting of the wounds which caused their deaths.

One shot was found to have penetrated Hiett's brain so as to paralyze the motory functions and have rendered further physical effort impossible.

The blow of the ax which killed Dale was, in the opinion of the physicians, struck by a man possessed of great strength and could not have been inflicted by a wounded man. They state that it caused instant death. The third point in the chain is the charge of birdshot which killed Hiett was fired from a distance of about 25 feet, which precludes any theory that the acts were simultaneous.

The findings of the autopsy leaves Sheriff Stevens confronted with the deepest murder mystery in the history of Multnomah county. The suggestion of robbery, as a motive, is shattered by the fact that Dale is known to be almost penniless, and Hiett to have been unable to support his wife. It is learned neither man had an enemy; on the other hand, it being stated they were on good terms will all their acquaintances.

The only circumstance about which a theory has been weaved, is that Dale was seen in a saloon late on Saturday night, talking to a stranger and, according to Deputy Coroner Dunning, was boasting of having hidden money on the island. There is a possibility this stranger followed Dale home. Although call an island, the place where the crime was committed, is not one; but the feat of finding one's way out of the labyrinth of sloughs would be impossible, except to one thoroughly familiar with the locality.

ARMY CHAPLAIN DEAD.

SAN FRANCISCO, March 9.—Captain John D. Parker, one of the oldest army chaplains in the service, died at the Presidio General Hospital yesterday. He retired from the active list some time ago since which time he has resided in Berkeley.

SURGEONS SAVE HAND.

KALAMAZOO, Mich., March 9.—The hand that was severed from the wrist of Charles Miller at a paper factory here recently has been successfully rejoined to his arm and it is said that the young man will shortly be discharged from Bronson Hospital with the prospect of regaining full use of his hand. Only a small piece of flesh held the hand, and his arm together when the accident occurred, but the doctors quickly bound them together and the wound has rapidly healed.

Doctors here say that such operations have resulted successfully.

THIRTY DEATHS IN ARKANSAS TOWN

Monday's Tornado Leaves Dreadful Record Behind it at Brinkley—Scores Injured

BRINKLEY, Ark., March 9.—Thirty or more lives lost and 60 people injured and property worth a million dollars destroyed, was the result of the tornado which wrecked this place last night. Of the dead 14 are whites. Many women are among those seriously injured. The tornado lasted but a few minutes, but its work was complete. The Catholic church alone escaped damage. The principal streets are impassable and are piled high with wreckage. Every business house is in ruins and hardly any residence escaped damage. All the hotels were demolished, but the guests escaped. Relief squads are working

all day. The Rock Island & Southwestern Railroads placed cars at the disposal of the relief committee and many people are leaving Brinkley seeking temporary refuge at points nearby.

MEMPHIS, March 9.—A dispatch to the News-Scimitar from Brinkley at 1 o'clock today says that 15 white persons and more than 20 negroes were killed in last night's tornado, and it is variously estimated that there are between 50 and 100 persons injured. As the day progressed relief parties found the dead bodies of many negroes among the debris.

THE TARIFF IN WASHINGTON

"Insurgents" From the House Call on President and Come Away Comforted

EXISTING RULES TO PREVAIL

Ways and Means Committee Not to be Interfered With—Scale of Reductions is Announced by Payne.

WASHINGTON, D. C., March 9.—President Taft, who was given an opportunity to declare himself on the "insurgent movement to revise the house rules," diplomatically sidestepping the question. The visit of the insurgent delegation consumed most of the afternoon. The three insurgents heard it charged that Taft intended joining hands with the house organization in the interests of getting the tariff bill through quickly. Greatly disturbed, they hurried to the White House to urge Taft to take a neutral position and leave off fighting to them. When they came out of the executive office, Gardner, of Massachusetts, declared with an exhibition of confidence that the "insurgents" were no longer in a compromising mood. We are firmly impressed that Taft is not opposed to a change in rules," said Gardner, "but a little fearful that the contest now would interfere with the passage of the tariff bill."

The "insurgents" promise they will not interfere with the continuance of the present Ways and Means Committee and no objection probably will be made to the continuance of any committee on any subject, on which the President felt inclined as to legislation; they also promised not to use obstructive tactics if they made their fight and lost.

Payne visited the President for a few minutes today and when he left he said he told Taft that the tariff bill would be ready to report on the first day of the session, but he could not promise the President what would happen if the present chaotic conditions in the house continue.

The maximum and minimum rates of duty are provided in the tariff bill to be introduced in the house at the special session. Twenty per cent is understood to be the average reduction for minimum duties. Some articles will be excepted from minimum duty and greater or less rates of reduction will be placed on others.

BLAMES THE MOON.

OAKLAND, Mar. 9.—In a petition for the enlargement of the insane ward of the Oakland Receiving Hospital Warden Imlay states that the place is always overcrowded when the moon is full. He said: "My records substantiate the fact that the insane ward is always overcrowded when the moon is full." The records kept by Imlay show that when the moon is not full two patients a week is the average. But when the queen of the night begins to wax the insane begin to arrive until the cells are crowded beyond their normal capacity.

MORE FOOL SURGEONS.

Grab Little Girl and Cut Her, Appendix Out.

HARRISBURG, Pa., March 9.—Rose Cohen, an eight year old girl, is convalescing in the Harrisburg Hospital after having been operated on Sunday for appendicitis by mistake. The child and her 11 year old brother were sent to the institution suffering with enlarged tonsils and in an unexplained manner the girl was given an anaesthetic and her appendix was taken out.

IS AN EARLY RISER.

WASHINGTON, March 9.—Secretary of State Philander C. Knox is one cabinet officer who, it is understood does not appreciate the title of "Mr. Secretary." He much prefers being called "Mr. Knox."

Among other democratic tendencies of the new premier is his habit of early rising. Six o'clock is rather a late time for him to get up so that before the usual office hours he has performed a large amount of work. Since assuming the state portfolio he has arrived at his desk at 9 o'clock or earlier. He will very likely continue his practice of taking papers home with him to be studied and acted upon in the early morning before he goes to his office.

LIVE GHOSTS DEFAUD DENVER BANKERS

UNKNOWN PARTIES ASSUME NAMES OF DEAD BANKERS AND ATTEND MEETING

DENVER, March 9.—Officers of the American Bankers' Association have just discovered some "real live ghosts" at the annual convention of the association, which was held in Denver last November. It has been found that the names of at least a dozen bankers in various parts of the country, who had been dead for several years, were assumed by unknown persons, who registered at the convention and answered the roll calls, voted on resolutions, and accepted the hospitality of the bankers of Denver, attending all receptions and excursions in honor of the visiting bankers.

JEFFRIES-JOHNSON BIG FIGHT UNDERWAY

NEW YORK, OMAHA AND SAN FRANCISCO PEOPLE ENGINEERING THE MATCH.

NEW YORK, March 9.—When James J. Jeffries was shown the dispatch from Victoria in which Jack Johnson declared himself ready and willing to meet Jeffries or "any man in the world," the big fellow grinned and said nothing. The Victoria dispatch was read to Jeffries, a paragraph at a time, with the loud pedal on those portions which had particular reference to him, but the big Californian rubbed his chin and muttered "Nothing to say." Jeff loosened up a little regarding the statement of the possibility of himself and Johnson fighting. "Why, Ketchel is a little bit of a fellow!" Asked if he meant he would not consider such a match probable, Jeffries replied: "I don't know and I don't care. I have refused to say anything about that party and I am not going say anything, except when I get good and ready."

"By 'that party,' you mean Johnson?" "I do."

News of the parade being held in Galveston in honor of Johnson almost drew an impulsive reply from Jeffries. He checked himself, however, and his grin became a sneer.

UNWRITTEN LAW IS INVOKED

General Meeks Opens for the Defense in Great Southern Criminal Suit at Nashville

LIBERTY TURNED TO LICENSE

Claims Judgment For Libel is Barren of Satisfaction and That Blood Often Must, and Does, Run.

NASHVILLE, March 9.—General Meeks of counsel for defense in the Cooper-Sharp case, today extended the unwritten law to cover editors who attack private or public men; declaring that he believed firmly in the liberty of the press. Meeks declared against editors turning this liberty into license, to defile men and their families. When this is done, he asked, "What are you going to do?" The prosecution will tell you you have recourse to the courts; yes, and you get judgment for \$25,000 against a man not worth the price of a plug of tobacco. Is that satisfaction?"

Meeks said the streets have run with the red blood of men who have improperly used other men's names in the public prints.

TEN ROUND GO.

LOS ANGELES, March 9.—Ad Wolgast of Milwaukee and Harry Baker are to fight ten rounds before the National Junction Club tonight. The contest is attracting considerable attention here, notwithstanding the fact Wolgast is alleged to have been engaged in two weeks ago here. The contest will be referred by Charley Eytan.

CHAIN OF DEATHS.

CHICAGO, March 9.—While hunting ducks in a boat on the Calumet river at Black Oak, ten miles east of Hammond, Joseph Welsh of East Chicago accidentally shot and killed himself. In falling his body overturned the boat, throwing L. Miller, the other occupant into the water. The latter was unconscious when rescued and is expected to die. A similar fate is predicted for Welsh's wife, as a result of the shock caused by the news.

CONFESSES TO KILLING HIS SWEETHEART

MUELLER TELLS THE STORY OF CRIME BUT CHARGES IT ALL TO ACCIDENT.

BALTIMORE, March 8.—Part of the mystery surrounding the shooting to death of Jennie Reed, at Mount Washington, last night was cleared up today, when Joseph Mueller, her companion, confessed to having killed the girl. He avers it was accidental, but the police believe it a case of deliberate murder. Mueller said there was no truth in the highwayman story he told last night. Mueller says while the couple were walking together, Miss Reed preceded him, he thought he saw a man emerge from behind a tree, and believing himself in danger, fired, but owing to the unsteadiness of the aim on account of freight, the bullet struck Miss Reed. The police contend on the other hand that Mueller, who was engaged to the girl, wanted to break off the engagement and did not have courage to do so.

HIS LEGS ON FIRE.

But They were Wooden Ones and Burned Freely.

SAN FRANCISCO, March 9.—A special from San Jose states that when George Campbell of Sunny Vale was rudely awakened by the members of the fire department of that place, he discovered that both of his wooden legs were merrily blazing. Campbell was sleeping in the American hotel when a fire broke out. His life was probably saved by the daughter of the proprietor who discovered the blaze and ran in her night clothes to warn the fire department. The blaze was practically confined to Campbell's room and he slept blissfully while his wooden extremities provided fuel for a lively bonfire. The chief damage was done to the legs.

EXIT, THE WAIST LINE.

CHICAGO, March, 9.—The annual session of the Dressmakers' convention, which begins here tomorrow, will be signalized by important edicts dooming the director's gown and kindred styles and endorsing costumes of the tenth, eleventh, twelfth, and fifteenth centuries. "The waist line," it is announced, "will be near the knees, which means that there will be no such thing as a waist line."

MUST QUIT THE STATE AND PAY \$50,000

OIL COMPANIES DRIVEN OUT OF MISSOURI BY JUDGMENT OF OUSTER.

JEFFERSON CITY, Mo., March 9.—The motions by the Standard Oil Company of Indiana and the Republic Oil Company of Ohio for a rehearing of the ouster suit recently decided against them, and for a modification of the judgment were overruled by the Missouri Supreme Court today.

The position of the Waters-Pierce Oil Company was upheld, the motion of the Attorney-General for an absolute ouster, of the Missouri Company being denied, the compliance with the court order recently filed by the company being approved, and the judgment of ouster against it being suspended.

The effect of these decisions is to expel the Indiana and Ohio companies from Missouri, and to restore the Waters-Pierce Company, 60 per cent

FIGHTING FULTON QUICK AND HARD

Others Want the Federal Honor He Has Won and are Striving For His Defeat

Last evening's Portland Telegram contained the following:

"Telegraphic protests are being wired to President Taft directed against the appointment of ex-United States Senator Charles W. Fulton to the new Federal judgeship created at the recent session of Congress. At the time the new judgeship was created it was announced from Washington that Taft, on the recommendation of Frank Hitchcock, would name Fulton for the place, although it is pointed out that a member of Congress is not supposed to be appointed to a position created by the Congress of which he is a member."

"The first of the telegraphic protests were sent February 27 and since then more wires have been forwarded almost daily. At first they sent to Senator Jonathan Bourne, but later the messages were sent to President Taft personally. Some of these telegrams have cost \$5 and \$8 and have been practically letters. The telegrams started before others were sent recommending Fulton for the position."

UNCLE SAM HARD HIT IN COURT

Judge at Chicago Makes Ruling That Necessitates an Amended Indictment in Case

COURT INSISTS ON PROOF

Counsel for the Government Practically Admit This May be a Death Blow in the Indiana Case.

CHICAGO, March 9.—The government's case in the retrial of the Standard Oil Company of Indiana, which has so far fared unfortunately in Judge Anderson's court, narrowly avoided its death blow today. Judge Anderson held that the government must prove that there was a standard rate for oil shipments between Whiting, Ind., and East St. Louis, at the time of the offense with which defendants is charged, and that the defendant knowingly accepted a lower rate.

The court declared that the government must convince him that it is able to prove this. Judge Anderson's ruling will, it is said, compel the government to ask for leave to amend the indictment. Although the government counsel did not directly state that a refusal to allow this amendment to be made, would be a death blow to the prosecution, their admissions made this inference obvious. The court adjourned until tomorrow at the government's request.

of whose stock is held by the Standard Oil Company of New Jersey, the right to do business within the state.

No formal opinion in the premises was read, Chief Justice Valliant simply announcing the gist of the court's decision. Justices Lamm and Woodson dissented.

The Standard Oil interests are expected to appeal from the decision and carry their case to the Supreme Court of the United States.

With the judgment of ouster made absolute against the Standard Oil Company of Indiana and the Republic Oil Company, these concerns must now pay their fines of \$50,000 each and cease business in the state.

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"As a rule, lawyers have refrained from wiring protests against Fulton's appointment, on the ground that if he should be given the place it would put them in an embarrassing position should they have cases to try before him. There are lawyers, however, who, while not protesting against Fulton, have recommended others for the position."

"From Eastern Oregon, where the initial protests were filed, they have spread throughout the state until some have been sent from nearly every section. Several have gone from Portland in the past two days, and others were started this forenoon."

"The only known rival of Fulton for the place is Judge Stephen A. Lowell of Pendleton, who is said to have entered the field after it became noised around that Fulton was slated for the job."

"Advices from Washington are the effect that President Taft will not make the appointment until the special session of Congress, which has been called for next Monday."