

GEORGE BENIG EXPLODED AWAY

Defense in Martin Trial Makes Dents in Armor of Prosecution.

WILL SOON GO TO JURY

Defense Will Rest Case Today—Tomorrow Arguments Will Be Made and Suit May Be Submitted at Night.

Against the mass of circumstantial evidence produced by the state to show that Edward H. Martin murdered Nathan Wolff, there was hurled by the defense a broadside of convincing circumstances, in the State Circuit Court, yesterday.

The toll-tale scratches on Martin's face, exploited as the result of a deadly struggle with Nathan Wolff, were on his face the night preceding the murder, said one witness for the defense.

He had a long, black, cravenite raincoat for several months previous to the tragedy, it was not unusual that he had such a garment in his possession when arrested. Two witnesses said this.

As to the gloves found in Martin's suitcase and which Mrs. Wolf said were her husband's, because she recognized the points where she had mended the loosened stitching, half a dozen clothing experts swore that the stitching on the gloves in question are continually causing trouble. Dozens of pairs are sewed by hand every week, it was shown.

Wolff had a large hand and could not have worn the gloves found in Martin's suitcase. Two witnesses gave this as their opinion.

Wolff was very quarrelsome, high-tempered and likely to arouse antagonisms with those dealing at his place. Two witnesses said this.

And as a climax to these points, a witness was produced who swore he saw two men leave the restaurant between 6:30 and 7 o'clock the night of the murder. One was carrying a bundle. While the state undermined the man's story to a considerable degree, on cross-examination, yet corroborative evidence offered a few minutes later was left unshaken, when another witness described seeing two similar men in the West store a few minutes before 6 o'clock the night of the tragedy.

Such was the progress made by the defense in its first day of testimony, except that these various witnesses say as the truth, Martin's conviction would seem a matter of grave doubt.

Just what occurred in the story that two men actually left Wolff's place at the hour of the murder and that neither of them was Martin, cannot, of course be guessed. Nevertheless, the case bears a somewhat changed aspect at this time, those who have been following the trial say, Messrs. Jeffrey, Fouts and Ambrose, who are handling Martin's case, say much of their most convincing testimony will be developed today.

The defense expects to rest its case late this afternoon. Thursday will be consumed in the testimony of the next witnesses. It is regarded as entirely probable that the jury will have the intricate problem of settling the murder on its last day, the 17th.

If Alfred Balden, a young man of 22, was telling the truth and was not mistaken in his details, Martin's innocence would seem to be reasonably certain. Balden said he was at the corner of First and Morrison streets shortly after 6 o'clock of the fatal night. He had been on his way from the East to the second and Alder to take a Lower Albina car when a severe fall of rain caused him to take refuge in a doorway. He was only a short distance from the doorway on the opposite side of the street, he said. While he was standing there he noticed that the lights in Wolff's store were being rapidly struck with a basket. He struck him as very peculiar. Then he saw two men emerge, so he testified. One was a tall, heavy man, the other a short individual. The short man was under his arm, hurried southward. The larger man, after pausing to button his overcoat, proceeded in a leisurely manner northward. Balden said he paid no particular attention to the men until he was leaped after the murder. He saw Martin after the arrest and was certain that he was not one of the two men that left Wolff's place.

Stands Hot Cross-Examination. Deputy District Attorney Fitzgerald went after this witness in no mild way. He kept him on cross examination until the effect of what Balden said had become somewhat lessened. Fitzgerald said, when pressed with question after question covering every minute of his time that night, that he heard of the murder at 9 P. M. and that he was in Lower Albina, where he had gone at 7 o'clock to call on a young woman. Wolff's body wasn't discovered until nearly 3 o'clock the next morning. He wasn't about town until close to 9:30 and possibly didn't reach Lower Albina for some considerable time after that. The defense will maintain that Balden may have been mistaken as to the time he was returning from Albina, as he was calling on a young woman and time may have passed much faster than he thought.

What Balden said, however, was given a color of truth by the testimony of the next witness, E. L. Giles, a real estate salesman, residing at 42 Second street. Giles said he was passing Wolff's place at 15 minutes of 6 P. M. the night of the murder. He passed in front of the store to look at the window display. Looking into the place he saw Wolff talking with a large, powerfully-built man. A smaller man was looking in the showcases behind him.

Testimony is Confirmed. Giles described these men in some detail. His description tallied exactly with the description given by Balden of the two men who left Wolff's place between 6:30 and 7, after striking the lights. What Giles said was unshaken by cross-examination.

It developed that Balden is not given to industry and is in rather bad circumstances. He is now at the City Jail on a charge of vagrancy. For a year he has been living on remittances from his parents in Germany. Arriving in Portland three weeks ago with \$200, which had been called him at Seattle from Germany, he was penniless in a few days. His story as to his movements preceding his arrival at First and Morrison streets the night Wolff was murdered and his fixing the time between 6:30 and 7 were told in a convincing manner and the jury is inclined to believe his testimony. Martin's conviction, of course, would not be possible.

Balden made two statements on cross-examination which will be used by the state as a basis of disproving his credit.

SIX LOADS LUMBER

Vessels Will Take Cargoes to Southern Ports.

FUKUI MARU SAILS TODAY

Foreign Demand Is Light at Present but Japanese Steamer Will Carry Hardwood Logs to the Orient.

Six coasters are now in the harbor or along the river for a few miles below Portland loading lumber coastwise. The coasters are Quinault, Shoshone, H. D. Inman, Yosemite, Yellowstone and Harold Dollar.

These vessels will carry cargoes ranging from 500,000 feet to 950,000, as follows: The Quinault and Shoshone will take down 650,000 each; the Inman probably 500,000; the Yosemite 550,000; the Yellowstone 800,000; and the Dollar 950,000.

There is said to be little demand for lumber at the present time, though the Japanese steamer Fukui Maru will be out in ballast.

The steamer Fukui Maru will be out in ballast. The steamer will not carry any cargo, according to present advice, but may not sail until this afternoon.

There is nothing to be learned why the foreign demand for lumber has fallen off, but it is a well-established fact that conditions in the Orient are not altogether satisfactory, and this condition is supposed to affect the lumber trade as well as exports in other lines.

Constitute trade, on the other hand, is reported brisk, and more bottoms could be employed in that trade than are immediately available, according to reports made at shipping offices.

MAKE REPORT ON TIDAL WAVES Hydrographic Office to Figure on Cause of Phenomenon. Among investigations which the recently appointed head of the Hydrographic office, Commander A. G. Winchester, U. S. N., has announced is an examination into the cause and effect of tidal waves.

Naval Expert McNulty received a letter from Washington yesterday requesting a report from this port on this interesting investigation. Among the queries that are proposed are in regard to phenomena following earthquakes, those following cyclonic storms and those reported from time to time as unaccounted for by other manifestations of nature.

Mr. McNulty has placed himself in touch with captains of vessels arriving in this port in order to receive such information as they may possess on this subject.

Marine News of Tacoma. TACOMA, Wash., Oct. 13.—To load lumber for Redondo steamer C. S. Holmes arrived in port today from Port Winslow. She is to be loaded by Ernest Dolge and will be towed south by the steamer S. K. Kall, which will load for the same firm, taking cargo to Redondo.

British steamer Kumeric will leave this port about Saturday for Seattle to complete cargo for the Orient. Steamer Riverside arrived in port this morning with cement from San Francisco. She will load lumber here for the return trip.

Steamer Governor is due tonight with general freight from San Francisco, via Seattle. Steamer Ellihu Thompson is due in port in the morning from Alaska. She stopped yesterday at Bellefleur to discharge canned salmon. Steamer Buckman will arrive tomorrow.

FEEBLE OLD LADY Has Strength Restored by Vinol Mrs. Michael Bloom of Lewistown, Pa., who is 80 years of age, says: "For a long time I have been so feeble that I have had to be wheeled around in an invalid's chair. I had no strength and took cold at the slightest provocation, which invariably settled on my lungs, and a cough would result. My son learned of the cod liver preparation called Vinol, and procured a bottle for me. It built up my strength rapidly, and after taking three bottles I am able to do most of my work, and I can walk a quarter of a mile easily. Every aged or weak person who requires strength should try Vinol. I am delighted with what it has done for me."

UMBRELLA SALE. On sale today: Women's \$5 silk umbrellas, gold, silver and pearl handles. At \$2.57 each, \$1.50 and \$1.75 umbrellas, 97 cents, \$1 and \$2.25 umbrellas \$1.47 each. Latest novelty handles. See Third-street window. McAllen & McDonald, Third and Morrison.

ADDITIONAL FORM

Uniform Bill of Lading to Be Used by Harriman Lines.

WILL FACILITATE SHIPPING

Inauguration of System That Is Expected to Simplify Service Is Delayed Until After November 1.

Harriman lines in this territory will not be able to put the new uniform bill of lading into effect November 1, as was expected, but will inaugurate the new system very soon thereafter. The blanks have not arrived from the Eastern headquarters, and until the supplies get here for distribution in this territory, the local railroads cannot put them into use. Not only the Harriman lines, but it is expected all railroads west of Chicago will adopt the new bill of lading at once.

The uniform bill of lading, it is expected by railroad traffic men, will be adopted by all railroads in the United States within a short time. It is explained that at present there are innumerable forms of these bills in use all over the country. Almost every railroad system varies this form to some extent at least, and it will prove a great benefit to shippers to have the different bills made uniform.

The new form was recommended by the Interstate Commerce Commission recently for adoption by all lines of railroad in the country. Western roads were the first to take it up, but it is said by railroad men that the Eastern roads will practically be forced to adopt the uniform bill as well, for it is said it has been agreed upon by shippers' associations and representatives of the Eastern railroad lines.

The uniform bill of lading was recommended by the Interstate Commerce Commission after a public hearing upon the matter, at which all interests affected were represented. The bill was prepared by a representative committee of shippers and carriers, after many conferences with banking and other interests.

Under the new bill of lading, the shipper may elect to ship goods under its provisions, or he may ship under carrier's liability, the rates in the latter case being 10 per cent higher. The bill of lading provides various forms for needs of shippers.

The movement for a uniform bill of lading dates back some time. As early as 1904, the carriers tried to adopt a uniform bill, but certain commercial organizations filed a protest with the Commission, that resulted in a hearing on the subject. The Commission stated the subject was one calling for agreement between the shippers and carriers. Committees were appointed to work out a uniform bill of lading, since which time there have been conferences between the committees, while the Commission acted in an advisory capacity with a view to reducing differences to a minimum and securing a successful outcome of the negotiations.

It is believed by traffic men that the result of the three years of negotiation between the shippers and the carriers, together with the advice of the banking interests of the country, has resulted in a document that is as nearly perfect as possible, and will commend itself to every shipper.

The Interstate Commerce Commission has made the following statement in regard to the new bill of lading: "It is adopted, we are persuaded, will be a long step toward uniformity, simplicity and certainty. It will likewise be a long step in the direction of fair dealing between shipper and carrier, and it may be confidently expected to remove much of the confusion which now exists and to measurably avoid in the future the irregularities and injustices which have heretofore occurred."

The new bill of lading has been endorsed by various prominent organizations throughout the state yesterday and will continue until late October. Eastern Oregon is the scene of the latest gatherings in the interest of good roads, where the people are actively working to improve the highways. There was a convention at Dufur yesterday, another will be held at The Dalles today. Other good roads conventions are as follows: October 15, Wasco; October 16, Grass Valley; October 17, Condon; October 18, Arlington; October 19, Pendleton; October 20, La Grande; October 25, Baker City.

MARRIAGE LICENSES. KINGSBLEY-PHELPS—Opa Ursula Phelps, 25, city; KINGSLEY-PHELPS—Opa Ursula Phelps, 25, city; SMITH-KRUGER—John C. Smith, over 21, city; BOLEY-KRUGER, city; SCHMIDT-BRINK—Charles T. Schmidt, 27, Vancouver, Wash.; EMMETT-BRINK, 27, city; SHELL-FISKE—John Larkin Shell, over 21, city; OSBORN-DOUGLASS—Charles Osborn, 27, city; BESSIE DOUGLASS, 27, city; Wedding and visiting cards, W. G. Smith & Co., Washington Bldg., 4th and Wash.

Meet at the electric fountain in the Perkins Grill and get some of their just-celebrated shell oyster specialities.

ME'S WEAKNESS WAS CURED. I cure all diseases of men by methods of my own devising. These methods are a radical departure from the ordinary medical practice, which attempts to cure every ill of mankind by means of drugs, and thus kills more people than are cured. In my practice I do not drug the stomach at all, but I apply healing medicines of my own directly to the diseased region, and thus effect a complete and permanent cure in a very short time. My treatment never fails, as my unbroken record, covering a period of over 20 years, fully proves. Don't be deceived by the improper treatment of some contracted diseases by physicians, druggists, electric belts and incompetent specialists. My large practice and quick, thorough methods enable me to cure Men's Diseases in half the time and about one-fourth the usual fees asked. My guarantee is:

NOT A DOLLAR NEED BE PAID UNTIL CURED. NO STIMULANTS FOR "WEAKNESS" My success in permanently curing that condition commonly known as "weakness" fully demonstrates the absolute correctness of my method of treatment, which is a method employed by myself alone. I do not stimulate the functions to temporary activity by the use of strong internal medicines. This is the course commonly pursued by both general practitioners and specialists, and is a treatment that cannot possibly result in permanent cure. "Weakness" is merely a symptom of chronic inflammation in the prostate gland brought on by excess, early dissipation and the improper treatment of some contracted diseases. A complete and radical cure is therefore a question of restoring the prostate gland to its normal state, and this I accomplish promptly and completely without the use of any drugs. My treatment is a local one entirely. It is original and scientific, and has been proved absolutely effective by thousands of tests. I am convinced that by no other method can full and permanent restoration of strength and vigor be accomplished.

CONTRACTED DISORDERS. The serious results that may follow neglect of contracted diseases could scarcely be exaggerated. Safety demands an absolutely thorough cure in the least possible time. I have treated more cases of contracted disorders than any other practitioner. My treatment is a local one entirely. It is original and scientific, and has been proved absolutely effective by thousands of tests. I am convinced that by no other method can full and permanent restoration of strength and vigor be accomplished.

VARICOCELE. There is no necessity for surgical operations in the treatment of Varicocele. This disease yields completely to my mild and painless method, and results are far better than those ever obtained by the harsh and dangerous practice of cutting. But one week is required, and seldom is it even necessary to detain the patient from his business.

CONSULTATION AND DIAGNOSIS FREE. I do not charge for advice, examination or diagnosis. If you call for a private talk with me, you will not be urged to begin treatment. If impossible, I will write.

Office hours—9 A. M. to 9 P. M. Sundays, 10 to 1 only. The DR. TAYLOR Co. CORNER SECOND AND MORRISON STREETS, PORTLAND, OREGON. PRIVATE ENTRANCE, 25 1/4 MORRISON STREET.

Storm Signals Called Down.

Marine Notes.

Arrivals and Departures.

Active for Good Roads.

Series of Conventions Being Held in Eastern Oregon.

MAKE REPORT ON TIDAL WAVES.

Money-Lender on Stand.

Stands Hot Cross-Examination.

FEEBLE OLD LADY.

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Doctors

Ayer's Cherry Pectoral is a doctor's medicine. Doctors prescribe it, endorse it. Use it or not, as your doctor says.

Ayer's Cherry Pectoral

REVISED FORMULA

You could not please us better than to ask your doctor about Ayer's Cherry Pectoral for coughs, colds, croup, bronchitis. Thousands of families always keep it in the house. The approval of their physician and the experience of many years have given them great confidence in this cough medicine.

We have no secrets! We publish the formulas of all our medicines.

I. C. AYER CO., Manufacturing Chemists, Lowell, Mass.

Doctors throughout the country. COLONIST RATES NOT CHANGED. Half Fare for Clergymen Is Also Left Effective. CARS AGAIN LEAVE WEST SIDE. Casadero Line Will Resume Use of Former Terminals. Casadero cars on the Oregon Water Power & Railway Company's lines will resume operation from the old starting place at First and Alder streets today, after having been routed from East Water and East Morrison streets for some time, on account of the order of the County Commissioners restraining these cars from being run across the Madison-street bridge. The Casadero cars are usually run in trains of two or more passenger coaches, and it was feared the weight of these heavy trains would weaken the bridge. The O. W. P. has arranged for the operation of single cars from First and Alder streets across the Madison bridge as formerly, and they will be coupled into trains at the east end of the Madison bridge.

Miller Visits Elgin Extension. R. B. Miller, general freight agent for the Harriman lines, is making a trip through the Wallowa country over the new extension of the O. R. & N. from Elgin, to familiarize himself with traffic conditions in that district, in order to fix rates on the new lines. Service will be started from Elgin to Enterprise November 2.

WOMAN'S NIGHTMARE

No woman's happiness can be complete without children; it is her nature to love and want them as much so as it is to love the beautiful and pure. The critical ordeal through which the expectant mother must pass, however, is so fraught with dread, pain, suffering and danger, that the very thought of it fills her with apprehension and horror. There is no necessity for the reproduction of life to be either painful or dangerous. The use of Mother's Friend so prepares the system for the coming event that it is safely passed without any danger. This great and wonderful remedy is always applied externally, and has carried thousands of women through the trying crisis without suffering.

MOTHER'S FRIEND

Send for free book containing information of priceless value to all expectant mothers. THE BRADFORD REGULATOR CO. Atlanta, Ga.

A Wrong Doer

Is often a man that has left something undone — not always he that has done something. Neglect is as much a crime as over-action. Good health and good sense are two of our greatest blessings, and the man who makes an effort to possess health certainly displays sound reason. Quite often, however, men call at our offices who are so skeptical of physicians that fear of failure has cost them many months of unnecessary and frequently disastrous delay.

Misstatements in the Advertisement

It is your own fault if you later become dissatisfied with your bargain. This is a wonderful age, and people are beginning to realize that health is greatly within one's own control. A prominent writer says "The day is nearing when ordinary sickness will mean disgrace or lack of brains." At any rate a man who has or may have others dependent on him makes a great mistake not to get relief or be cured of a curable ailment.

We Cure Men!

NO EXPERIMENTS—NO FAILURES. WHEN YOU NEED THE SERVICES OF A DOCTOR CONSULT ONE OF WIDE EXPERIENCE.

\$10 OUR FEE. In Any Single Uncomplicated Case. Our entire time and practice are devoted to the cure of BLOOD POORNESS, VARICOCELE, STRICTURE, LOST VITALITY, HYDROCELE, PILES, FISTULA, DISEASES OF THE KIDNEYS, BLADDER AND PROSTATE GLAND, CONTRACTED DISORDERS, WEAKNESS AND ALL DISEASES COMMON TO MEN.

We want every man who is suffering from any special disease or condition to come and have a talk with us. No man whose weakened system is crying out for help through disease, who has been guilty of errors has been corrected. CONSULTATION AND ADVICE FREE. If you cannot call, write for Self-Examination Blank. Many cases cured at home. Hours—9 A. M. to 9 P. M. Sunday, 9 to 12.

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