

MURDER CASE REACHES JURY TODAY

Defendant Gives His Explanation of Circumstantial Facts Against Him.

RESTIVE WHILE ON STAND

Opposing Counsel Will Resume Arguments This Morning and Verdict Will Probably Require Hours of Deliberation.

Edward H. Martin's fate will be placed in the hands of the jury today. Final arguments are now under way, and before night the 12 jurors will have to retire and wrestle with one of the most profound murder mysteries ever put before a jury in Portland.

With circumstantial evidence tending to show that Martin did murder Nathan Wolff, and many strong circumstances tending to show that he did not, the jury has a most intricate task ahead. An early verdict is expected by neither the state nor Martin's counsel. There is little doubt but that hours of earnest effort will be required of the jurors. They will have to weigh each little bit of evidence and judge as to its relative importance. They will have to consider the credibility of the various witnesses and the complex problem, then they must decide whether there is a reasonable doubt as to Martin's guilt.

Declares Guilt is Proven.

"He is guilty as heads, the evidence has clearly shown as much and I can't see how the jury can do otherwise than convict him," said Deputy District Attorney Fitzgerald, when the state had rested its case after rebuttal, yesterday afternoon.

"The jury will not convict an innocent man of such a crime when the element of doubt is so great as in this case," said Mr. Jeffrey, of Martin's counsel.

It is very doubtful if the jury will be able to reach any decision at all in view of the conflicting circumstances adduced by state and defense, say disinterested persons who have followed the case closely. That the jury will disagree is believed particularly by lawyers and police officers who have been in attendance on the trial.

Explanation for Every Point.

One by one Martin answered the circumstances that have been brought up to connect him with the heinous crime. He had an explanation for every phase of the prosecution. Certain of his explanations were inconsistent, without being improbable, however. In a few minor details he contradicted himself.

Martin grew dramatic at times. From the beginning it was a struggle for self-control. Plainly, he was not feeling well and felt entirely at ease. But his thoroughly composed and easy manner of the past few days was gone. On cross-examination he grew particularly restive and moved back and forth in his seat, twisting his features into frequent grimaces of nervous distress, shuffling his feet and twisting his hands.

Where was he on the night of the murder?

In Barn Night of Crime.

This question Martin had never answered before satisfactorily. As it was put to him by Mr. Jeffrey he settled back in his chair and proceeded with great deliberation to say that early in the day he was about town drinking in liberal quantities. At about 5:30 P. M. he boarded an "S" car for his home in Sellwood. Reaching his home he found the door locked, his wife being away and he went into the barn and lay on a pile of straw to sleep off the effects of drugs and liquor and await the return of his wife. He slept until nearly 1 o'clock. On awakening he went to the house and found Mrs. Martin had returned. She let him in and later he retired. He said she demanded to know of him how he came by the marks on his face and he told her that he had been fighting over a game of cards. In the meantime Wolff had been murdered.

Martin fell away from his previous story that a cat scratched his face and a hatchet marked his head. These marks he acquired the night before the murder, he said, in a disreputable house in the North End. That was the reason he told the story of the cat scratches—to prevent Martin finding out what kind of a reprobate he had become. He didn't know what house it was but knew it was west of Erickson's saloon on Burnside street, where he had been drinking.

Admits Borrowing Revolver.

As to the gun, the one Mrs. Grubb said he borrowed from her the afternoon of the murder, Martin unexpectedly admitted having borrowed it. When arrested he said he didn't know the woman. But now he protested he would tell the whole truth. He got the gun, he said, with the idea of selling it. He wanted to get all the money he could together to give his wife so that she would not discover he was out of work. He said he had an appointment as city waster of weights and measures the first of the month and was anxious to keep up appearances with Mrs. Martin until that time.

The coat he had when arrested and said to be Wolff's was his own, Martin said. He bought it from a Jew peddler in front of the Portland Hotel about four months previous to his arrest. This story he told the police when he was first arrested. As to the other coat—the one found smeared with blood in Sellwood—Martin he protested that it had never belonged to him. He had owned some such coat but it was lighter in color. It had been given away by his wife to some peddler.

Max Drey, had, Martin said, when he testified that three shirts were purchased. "I bought but one shirt from Drey and that one I had on when I was arrested. I paid Drey 20 cents for it," the witness avers.

Doesn't Remember Having Gloves.

As to the gloves, he had owned many pairs of Deer's gloves. He said he didn't remember having any such gloves in his suitcase at the Belvedere, although a pair of his gloves might have been in the case. Going briefly over his life he told of his graduation from the public schools of New York, from Fordham University, from a school of law in New York, and from West Point. He said he was in Cuba but narration of his services in the Army was eliminated at suggestion of Mr. Fitzgerald, who said he couldn't see that Martin's service in Cuba had anything to do with the Nathan Wolff murder. Martin said he was 34 years old and had lived

TURN HALLE CASE COMES TO NAUGHT

Arresting Officer Fails to Offer Evidence Proving Any Violation of Law.

TEST OF NEW ORDINANCE

Suit Was Brought Under "Women in Saloons" Measure, but Patrolman's Flasco Brings Instructed Verdict of Not Guilty.

The first test case of the new city ordinance prohibiting women from entering saloons came to naught, as far as the enforcement of the ordinance is concerned, when a jury in Municipal Court yesterday afternoon rendered a verdict of not guilty, under instructions from Judge Van Zante, who stated that the contention of the arresting officer, Patrolman G. W. Fuller, had not been established.

In fact the officer failed to substantiate a single allegation made by him to show that his action in arresting Mrs. Lena V. Henry, of Norristown, Ga., was warranted. He fell down flat in presenting his case, and Deputy City Attorney Sullivan became disgusted at the showing made by the police, and refused to offer any objection to the request entered by Kirchner's attorneys, John P. Logan and James Gleason, that the court instruct the jury to bring in a verdict for the defendants.

The case is one that has attracted much attention throughout the city, for it was the first affair of the kind where, under the new ordinance, passed about two weeks ago by the City Council prohibiting women from entering saloons, actually tried. This suit cannot be said to stand as a good test of the ordinance for the reason that the police officer making the arrest failed to establish a case. Despite the failure to convict in this instance the police will not relax their vigilance.

Officer Makes Queer Deduction.

Yesterday Patrolman Fuller, without any supporting evidence beside his own testimony said that he entered the Turn Halle Cafe and seeing signs of disorder, he immediately concluded that it came under the ordinance regulating women in drinking shops. Just why he thought the signs indicated women patrons was a bit of Sherlock Holmes deduction he failed to explain in a satisfactory manner. Several of the women arrested with Mr. Kirchner were matrons of middle age, and when cross-questioned on this point by Mr. Logan, Fuller was completely rattled.

He did not seem to recollect either whether he made the arrest on the authority of the Chief or upon his own initiative, and when it came to relating the circumstances of the arrest he failed utterly to give any grounds that would warrant such a procedure.

Deputy City Attorney Sullivan remarked that it was impossible for him to dig up proper evidence in all cases where arrests are made by the police, and explained that such a course was not in his line of business.

Patrolman Fuller then asked that a witness be called. When placed on the stand this witness testified that he had not been in the Turn Halle for two months, but when he was there last he had witnessed the serving of drinks to women without anything to eat accompanying the liquors.

Moral Squad Not Around.

Attorney Logan then requested the officer again to take the stand, and asked him whether he had made the arrest under the specifications of the newly passed ordinance or "judicially" as he replied that he had acted under the provisions of the ordinance, whereupon Mr. Logan moved for a dismissal on the ground that the testimony introduced by the prosecution was irrelevant and immaterial.

Deputy City Attorney Sullivan requested that Sergeant Kay Acting Detective Smith and other members of the purity squad be summoned, and when it was learned that these men were not at hand, he promptly announced that he would intend to produce evidence to get convictions in police cases unless he was rendered some assistance by the police themselves.

Attorney Logan in his address stated that the complaining officer had offered no evidence to support his allegation that the place was violating the law. Then he reviewed the character of his clients and spoke of the reputation of the place they conducted, concluding by a motion for an instructed verdict of not guilty.

Deputy City Attorney Sullivan offered no objection, because of his inability to introduce further evidence on behalf of the police, and Judge Van Zante so instructed the jurors. The jury, which was composed of J. G. Mack, E. A. Lynds, J. J. Rutherford and C. E. Mays, then signed a verdict of acquittal without further questioning.

Censure for Patrolman.

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"No as to this cravenette. There is no doubt it did not belong to Martin, as has been asserted here. Why didn't he put it on in the presence of this jury and let them see that it was too large for him. And why didn't he put on that other coat—the one covered with blood—and let this jury see it fits him exactly.

"I have no doubt that Edward Martin acquitted himself with credit at West Point," said Mr. Cameron in conclusion. "But the man who was in the West Point is not the one we are dealing with. This man is the murderer of Nathan Wolff."

Fouts Speaks in Reply.

Mr. Fouts opened for Martin. He spoke eloquently in his client's behalf. Going over the state's evidence, he said it was absurd to believe that a man of Martin's intelligence would be about the street with Wolff's effects if he had murdered the man. "The biggest fool in the world wouldn't have done that," said Mr. Fouts, "and Martin's anything but a fool.

"As to this man Drey, the state puts him forth as an unrepentant witness. But he not come all the way from Chicago to testify in this case? He came here because one of his own kind, Wolff, a fellow Shylock had been murdered. He wanted to set an example by convicting someone, else there might be an epidemic of murdering Jew peddlers like occurred in Chicago a few years ago.

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This woman says she was saved from an operation by Lydia E. Pinkham's Vegetable Compound.

Lena V. Henry, of Norristown, Ga., writes to Mrs. Pinkham:

"I suffered untold misery from female troubles. My doctor said an operation was the only chance I had, and I dreaded it almost as much as death.

"One day I read how other women had been cured by Lydia E. Pinkham's Vegetable Compound, and I decided to try it. Before I had taken the first bottle I was better, and now I am entirely cured.

"Every woman suffering with any female trouble should take Lydia E. Pinkham's Vegetable Compound."

FACTS FOR SICK WOMEN.

For thirty years Lydia E. Pinkham's Vegetable Compound, made from roots and herbs, has been the standard remedy for female ills, and has positively cured thousands of women who have been troubled with displacements, inflammation, ulceration, fibroid tumors, irregularities, periodic pains, backache, that bearing-down feeling, flatulency, indigestion, dizziness or nervous prostration. Why don't you try it?

Mrs. Pinkham invites all sick women to write her for advice. She has guided thousands to health.

seemed satisfied that insufficient evidence had been secured on which to base an arrest under the provisions of the ordinance. However, both he and the police officials, while they would not state the nature of procedure, intimated that the present case does not dispose of the ordinance by any means and that a close surveillance of the saloons operating in the manner of the Turn Halle would be kept, and if necessary, further arrests would be made.

Both the Deputy City Attorney and the police are inclined to believe that had Patrolman Fuller acted less hastily in the matter, and taken the trouble to consult his captain or the Chief before entering Turn Halle, the chances of gaining a conviction would have been greatly enhanced. He is a new man on the force, however, and acted entirely upon his own initiative in the case.

BRING ITALIANS TO COAST

COMMISSIONERS ARE NAMED FOR SEATTLE FAIR.

M. G. Montreza and G. Memmo Expected Many of Their Countrymen Will Remain in Northwest.

To secure the co-operation of the Italian government in the Alaska-Yukon-Pacific exposition and to secure heavier immigration of their countrymen to the Pacific Coast, M. G. Montreza and G. Memmo have been appointed honorary commissioners for the 1909 fair management. They visited Portland yesterday and will begin their work in behalf of the Pacific Northwest immediately.

"Mr. Memmo will go to Italy early next month to arrange with Italian business firms and manufacturers to send out exhibits to the Seattle exposition and to have his countrymen visit the fair and the Pacific Coast states in large numbers. It is the intention of the commissioners to bring about the settlement of many Italians in this part of the country.

"The Lewis and Clark Fair brought many of our countrymen to this state," said Mr. Memmo, "and as a result of their coming many settled here and are now doing well. We will send out literature that will bring many more here to the Seattle fair, and we believe the whole Pacific Northwest will benefit by their coming.

"We will let our people know of the country out here, and we will also endeavor to have the Italian government participate officially in the exposition."

Mr. Memmo has been connected with the Italian Herald, New York, for some time past and is in close touch with numbers of his countrymen in the East who are looking for more favored localities in which to settle. Mr. Montreza was formerly consular representative of the Italian government in Colorado and, like Mr. Memmo, has traveled extensively throughout the country. Both spoke enthusiastically of the coming exposition, saying its prospects for success are very bright.

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There Will Be \$1,000,000 Worth of Wool Scoured at Gordon Falls in 1909

GORDON FALLS 10-YEAR GOLD BONDS || 50 SHARES OF STOCK FREE PAY 6 PER CENT INTEREST WITH EACH \$100 BOND

WOOLEN AND WORSTED MILLS AND EXCELSIOR FACTORY AT GORDON FALLS

WILL SHARE IN THE DIVISION OF PROFITS WHEN THE TOWNSITE LOTS ARE SOLD

THE SECURITY FOR THE BONDS IS THE TOWNSITE ITSELF, AND EVERY DOLLAR RECEIVED FROM THE SALE OF BONDS WILL BE USED TO IMPROVE IT

SHARES IN NEW ENGLAND TEXTILE MILLS SELL AT FROM \$100 TO \$1800 EACH

THESE 50 FREE SHARES WILL BE WORTH \$5000!

INTEREST AT 6 PER CENT. FIFTY SHARES OF THE COMPANY'S STOCK. HIS PART OF THE PROFITS OF THE MILLS AND FACTORIES. HIS SHARE OF THE PROCEEDS OF THE SALE OF THE TOWNSITE LOTS. HIS SHARE OF THE PROFITS OF THE LARGE EXCELSIOR MILL TO BE ERRECTED. HIS SHARE OF ALL MONEYS RECEIVED FROM THE SALE OF ELECTRICAL POWER. HIS SHARE OF ALL RENTALS OF BUILDINGS AND HOMES AND LIGHT AND WATER. HE MAY SELL HIS STOCK, WHICH OUGHT TO NET HIM AT LEAST \$5000!

"WEALTH IS SOMETHING MORE THAN MONEY!"

SUBSCRIPTION BOOKS NOW OPEN!

Bankers, Merchants, Business Men, Professional Men, Farmers, Laboring Men and Laboring Women are taking these securities. They can pay \$10 down and \$10 per month on each bond they buy. Some men are buying them for their children, and their value will grow right alongside the child. It will be big by the time the child is big.

THE GORDON FALLS GAZETTE, an illustrated paper published by the company, is mailed free to any address, and it tells the story of this beautiful townsite and all its opportunities. A postal card will bring it to any place on earth.

OFFICERS President: GEAS. COOPER. First Vice-President: OSCAR HEINTZ. Second Vice-President: GEO. L. PRASLER. Treasurer: W. H. CRAWFORD. Secretary: A. T. LEWIS. Company Attorney: CAPITAL STOCK, \$225,000.

The Gordon Falls Electric and Manufacturing Co. 210-211 Commercial Club Building, Portland, Or. Telephone Main 985. INCORPORATED UNDER THE LAWS OF OREGON

MUST WAIT AGAIN

Trial of La Rose, Alleged Murderer, Postponed.

CASE SET FOR NOVEMBER 2

Third Time Trial Date Has Been Set and Another Postponement is Likely—Alleged Gaspipe Thug Disappointed.

The trial of Jack La Rose accused of murdering Hyman Neuman, a second-hand dealer, on May 11, was postponed a second time in the Circuit Court yesterday morning. District Attorney Cameron asked for a continuance of the case because he is busy with the Martin trial. The Court set the La Rose case for trial November 2, but as John F. Logan, employed as special prosecutor, has a case on that date, it may be found necessary to postpone the murder trial for a third time.

Attorneys Jay H. Upton and Lester W. Humphreys, who appear for La Rose, objected to the continuance of the case, saying the District Attorney has four deputies who are not engaged with him in the trial, but Judge Gantenben overruled their objections. The accused man was much disappointed when he found he would be obliged to wait another two weeks before trial. The case was first set for July 2. A postponement was had until October 14. Now it has been put over until November.

Neuman, the murdered man, was found lying in his pawnshop May 11, mortally wounded in the head. He died the following day at St. Vincent's hospital. May 12, La Rose was arrested after he had struck a Chinaman on the head with a gas pipe. He was drunk at the time. Upon circumstantial evidence, procured by the police, he was accused of the Neuman murder.

Dr. F. J. Ziegler, who attended Neuman, put in a claim against the estate

There's Danger in Food Experiments.

Food "fads" are good things for the dyspeptic to let alone—Better stick to the good old reliable H-O, the oatmeal that is cooked three hours in steam—the "meat" of the oats without the hulls or dirt.

It costs a little more than ordinary "rolled oats" but it's twenty times better because it contains more body-building nutriment and is more easily digested. It is the only steam-cooked oatmeal on the market—sandy, delicate, delicious. Ask your grocer for H-O.

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FADING EYESIGHT RESTORED

Thompson's Glasses Rest Weak Tired Eyes in a Most Wonderful Way.

6 years in Portland, 2 years in the leading colleges and hospitals of Europe. No charge for Expert Examination.

Thompson The Internationally Admired Sight Expert. 24 Floor Corbett Bldg. 5th and Morrison. The largest and most modern Optical Parlors in Portland.

Some of the hotelkeepers in Switzerland—presumably not the best—are making war on the stars of commendation in the Biedeker guide books.

Slides Into Vehicle on Slippery Rails but Nobody is Hurt.

A wagon load of mortar belonging to the C. J. Cook Contracting Company, and driven by C. R. Wilmoth, was struck with considerable force by a north-bound fifth-street car about 1 o'clock yesterday afternoon and completely demolished, at Fifth and Yamhill streets. The wagon was proceeding westward and the car, which approached rapidly from the south, was unable to stop because of the slippery rails. Motorman Teitze tried vainly to make his brakes work, but failed. Luckily, no one was injured and the only damage, aside from the broken wagon, was a delay to traffic of about one-half hour.

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—Oliver.