

THE CASE OF MARTIN

(Continued from Page One.)

called. He said he had known Martin for about two years. The defendant lived about two blocks away and came into the drug store several times a week. He frequently wore a short, reddish-brown box coat. He wore it a great deal during the summer of 1907, and less frequently this year. When shown the coat that was found with the gun he said:

"It is similar in color, and just the same style and shape. I can't say it is the same coat, but it resembles the one I saw him wear."

The defense did not cross-examine Allen. He evidently relies on the two things—an effort to throw suspicion on the finding of the coat, and the fact that the coat is so much like the one that look much alike. For some time rumors have been circulated that an effort will be made to show that the coat was "planted" on the coat where it might be found, but the attorneys for the defense have not taken any testimony to support the rumors.

Witness Fisher.
The other overcoat witness was C. F. Fisher, an employe of the city engineer's office, who worked with Martin from January to about the middle of April. He said Martin had two overcoats. One was heavy and black in color. The other was light in weight and color. The witness said he thought it was a tan color. When shown the coat that was found with the gun he inspected it carefully and said it resembled the coat Martin wore. On cross-examination he said he was not sure that Martin wore it, but he never had occasion to examine or pay particular attention to Martin's coat.

The effort to bring up the action of the detectives in going with the jury to the pawnshop came during the testimony of Detective Hellyer. Attorney Jeffrey wanted to know if he had been appointed by the court to go. He had not, he said. He explained where the body lay and the conditions in the pawnshop to Deputy District Attorney Fitzgerald at the latter's request. Several of the jurors were standing near and probably overheard what he said. Further questions were cut short by an objection by District Attorney Cameron, and what the witness had already said was ordered stricken from the record.

Witness Hellyer.
The next witness, Hellyer, was called to the witness stand by the defense to testify to the position of the body and the location of the gun. He said it was about three feet from the body, standing against the partition, with blood and hair on the butt of the weapon. Attorneys for the defense objected to the exhibition of this gun to the jury, Jeffrey saying the only object was to put before the jury a few more stains supposed to be blood. The witness identified the rifle and Judge Cleveland admitted it in evidence.

Hellyer's Testimony.
Then in succession the witness identified the blood-stained collar, necktie and handkerchief, all found in the Wolf shop and all blood-marked. The collar attracted particular attention of the defendant's attorneys. All three of them looked at it long and carefully, and then Hellyer testified to inspect it. Even now, with the blood dried and faded, the collar is a slight calculated to sicken a person unaccustomed to such ordeals, but Hellyer showed nothing more than the keen interest of an investigator.

Cross-examination of Hellyer dealt with the condition of things in the pawnshop when he arrived and a minute description of the showcases and rooms. An effort to question him concerning the visit of the jury to the premises yesterday afternoon was cut short by an objection by the district attorney, and all reference to the incident was stricken out.

Detective Price.
Detective Price was next called. His testimony was practically a repetition of Hellyer's, including identification of the collar and gun. He was followed by another of the detective squad, Thomas Coleman. He showed rather meager observation of the location of blood drops than his brother officers, and was the first to tell of a trail of blood out the front door, evidently made by the assassin when he left. He also stated that the rear door of the shop was locked. He said the gun weighed about 175 pounds and was "a pretty husky fellow."

Ewing's Testimony.
J. F. Ewing, a well-known physician of Sycamore, Or., who has lived around Portland about 28 years, was next called to identify a gun that was stolen from Wolf's store on the night of the murder and later found cached away with a blood stained overcoat that the state will try to prove was Martin's. He was the first to question that tended to connect Martin with the murder of Wolf, outside of that of Dr. Zeigler, who testified yesterday afternoon as to the scratches on the defendant's face and hands.

Patrolman Lytle.
Patrolman Stark Lytle came next to tell of the finding of the gun and overcoat. He said he was sent by headquarters to the corner of Wier and Montgomery streets in South Portland and there took possession of the gun and coat, which were handed over to him by the finders, A. McDonald, Ben Winch and John Schott. This was on the night of May 1. The overcoat was exhibited to the witness and identified as the one he received. It is a short box garment of reddish brown color, heavily saturated with blood stains at the front.

The testimony of A. W. Allen and C. F. Fisher, attempting to prove Martin's ownership of the bloody overcoat, closed the morning session.

EACH SIDE TELLS WHAT IT EXPECTS TO PROVE TO JURY

The opening arguments to the jury yesterday were completed in exceptionally short order, for a circumstantial case. Deputy District Attorney Fitzgerald, talking for the state, spent only 20 minutes in telling what he expects to prove. John A. Zeigler, who spoke for the defense, occupied only 15 minutes in explaining that Martin, undoubtedly the guilty man, cannot possibly be the guilty man. Neither statement brought out new facts, and each gave ground for suspicion that the case is being held in reserve. Jeffrey, beyond indicating that Martin will try

his hands and bit his thumb, and he said an ax had struck him in the forehead when he was getting wood. The witness said he did not think it possible that a cat could inflict the wounds he mentioned. He was not permitted to give his opinion concerning the possibility of human fingers making scratches of that kind.

Witness Zeigler.
The witness said he asked Martin if the wounds were not about three or four days old and the defendant said that was not true. He said the scratches looked to have been made about the same time.

On cross-examination, Dr. Zeigler said the blood of some man will come more quickly than others, depending on the condition of the system, and it is also true that the temperature of the room has an effect on coagulation. For this reason his testimony that about two hours elapsed between the time of the killing and the examination is only approximate.

The witness testified that Wolf was a wealthy man, but not tall, and he testified to blood spots he noticed on the pawnshop floor, near the door and back of the counter. He said he supposed to have been standing when he was shot. He was unable to tell how Martin was dressed when he examined the scratches at the police station.

Here Jeffrey brought out the fact that Martin was sick from lack of use of his right arm. The witness said that otherwise Martin was in good physical condition. He said Martin was wearing morphine when he was shot, and he gave him a grain of morphine. He said he gave him a grain of morphine, but this is not an unusually large dose for one addicted to the use of the morphine.

"Is it necessary to give morphine to a man in such a condition who has been using it?" was asked.
"Not always," was the reply.
"Was it necessary in this case?"
"I don't know," was the answer.

"Did you try to find out if it was necessary?"
"I did not."
With this Dr. Zeigler was excused.

Night Watchman's Story.
J. D. Robinson, night watchman for mechanics on the waterfront, was the second witness. It was he who found the body and his testimony was chiefly valuable in fixing the approximate time when the murder took place and when the slayer took his departure from the store.

Robinson said he had known Wolf for 10 years. He knew the store was closed at 11:15 p. m., and turned on the light in his store by that time. On May 1 the witness first passed the store at 6:45 o'clock. He knew the store was closed for a moment to talk with Weinstein about the latter working so late. He noticed there was no light in the Wolf shop and the door was locked, but he gave the matter little thought, supposing that Wolf had merely stepped out for a little while.

The watchman next tried the door at 7:40. It was still locked and it was dark inside. Robinson said he was due at the Baker boiler factory at 8:00 p. m. He hurried on, still thinking that Wolf would return to light the store, and feeling no alarm. At 8:40 he was back again, finding the store still dark and the door securely locked. Then he went across the street to telephone to Mrs. Wolf and request her to have her husband come down and attend to the lights, as the witness was not provided with keys to the Wolf shop. He found Mrs. Wolf was alarmed because her husband had not come home to dinner, and he went back to the shop at once, arriving at 8:50. The shop was still dark, but the door was unlocked, showing that some one had come out within 10 minutes.

Finding of the Body.
Robinson then told of his going into the shop, finding the body and the giving of the alarm. He said that the jewelry and other goods had been put away from the counter on one side of the room, but not on the south side, indicating that Wolf was interrupted in his work by the coming of the police, preparing to close for the evening. The witness said it was daylight when he first tried the door and dusk when he called the second time.

The bloody collar and handkerchief made their appearance in the case during the examination of Robinson. He was not able to identify them sufficiently to enable them to be placed in evidence. He said they were lying on a chair off at one corner and were taken to the floor by tipping the chair to avoid their being seen by Mrs. Wolf, who had come to the store in search of her husband and entered only a moment after the watchman.

Cross-examination of Robinson was not finished when his testimony for the day was taken. It developed little that was new, the witness reiterating his testimony as to the coming of the police. He was asked if he was aware that there is a back entrance to the store. He said he once asked Wolf as to that and the pawnbroker said that had secured the rear entrance so no one could get in there.

Points to Martin's Record.
Jeffrey also gave a few encomiums for Martin. He said that the accused is 34 years old and has lived two years in Portland. He is a graduate of Fordham university, took a course in law and after four years at West Point went into the army at the outbreak of the war with Spain, serving with bravery at San Juan. He earned two medals for saving lives by drowning. Then he came to Oregon and took a year's course in the medical department of the State university, later working for the city engineering department.

As soon as Jeffrey finished Dr. Fred J. Zeigler, city physician, was called as the first witness. The chief value of his testimony was in proving the brutality of the murder and the marks on the defendant's hands. Dr. Zeigler said he was called to the Wolf shop about 9 o'clock on the night of May 1, where he found the body of Martin lying on the partition in the store, with the feet toward the rear of the shop and a bloody handkerchief in his right hand, lying partly under the body.

Bullet Not Fatal.
There were about 20 wounds on the body, said the physician, most of them about the face and neck. He could not tell how many of these were inflicted before the man's death and how many after. There were several cuts on the skull and several on the face, one through the bridge of the nose, gashes in the jaw and a bullet wound in the right side apparently entering on the right side and ranging slightly down, coming out on the left side and in front of the neck. There were several cuts on the left hand and one on the right hand, but none of these were dangerous and did not cause death. The witness could not say what the cause of the wounds was, but one of several was sufficient. The blows were cut by an ax or hatchet. At this point the blood-stained hatchet ax with its shattered handle, a mute witness to the awful brutality of the deed, was presented to the witness, identified and admitted in evidence against the objection of the defense.

The witness said in his opinion the man had been dead about two hours when he saw the body. Some of the blows on the head were straight, and some slanting. Most of the cuts in the face were crosswise, or parallel with the mouth. Several teeth were knocked out.

HEARST HAS MORE LETTERS

Will Read Them Tonight at San Francisco With New Exposures.

(United Press Special Wire.)
San Francisco, Oct. 9.—William Randolph Hearst and Thomas L. Hagen, the Independence party candidate for president, are to speak here tonight at the Central theatre. Local politicians are looking forward with interest because of Mr. Hearst's promise to expose more corruption in the two great political parties when he speaks here tonight. Hearst has refused to give any

SCANDAL DEVELOPS IN BERLIN HOSPITAL

Berlin, Oct. 9.—A miserable scandal has been unearthed in the Virchow hospital, where city detectives found in one day, 100 drunken persons, including employes and patients. Some of the employes, in a very grave condition. The municipality has adopted vigorous measures to prevent a recurrence of the scandal.

The distinguished German writer, Theodore Daimch, committed suicide last week on account of news from New York of the loss of his fortune invested in that city.

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TWO BIG DAMS ACROSS RIVER

Water Power Filings Are Made on Walla Walla Near Pendleton.

(Special Dispatch to The Journal.)
Pendleton, Or., Oct. 9.—Filings upon 24,000 miners' inches of the already well-drained Walla Walla river have been registered by Recorder Hendley. The filings are identical in character and phrasing, and were made by John E. Tate and George D. O'Connor.

O'Connor was formerly connected with the Northern Pacific at Walla Walla and is now connected with the Walla Walla Valley Tractor company. The filings also preempt a right to build a dam across the river in each instance, for the purpose of storing the waters to be released when needed and transported to the Hudson bay country in a 72-inch barrel flume. The dam, if completed, as set forth in the filings, will be magnificent affairs, 150 feet high. The location of Tate's filing is at what is known as "Elbow," while O'Connor's is near Table Rock.

Tomorrow (Saturday) will positively be last day for discount on west side gas bills. Don't forget to read Gas Tips.

Death of B. F. Bunn.
Benjamin F. Bunn died at the home of D. Perkins, near Carlton, Or., Sunday. He was 75 years old and was survived by his mother, two sisters, two brothers, four half-sisters and one half-brother. He was born in Beaver, Tillamook county.

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