SENSATION SEEKERS CROWD THE COURTROOM

All records for crowds of eager sensation seekers at the Multnomah county courthouse have been broken by the Martin trial. Never before in the memory of the old-timers have such throngs surged around the doors and choked passageways of the dingy old structure where the state puts men on trial for their lives. C. E. Nebergall, the blind cigar dealer whose stand every visitor to the courtroom passes, says that not since the famous trial of Wade and Dalton, the last men hanged at the county jail, have such multitudes of people filed past him to listen to testimony in a case, and the Wade and Dalton record has easily been broken.

More than once there has been danger of broken ribs in the rush for seats when the doors were opened, and several times women who were squeezed in the jam shrieked and called for help. If some ticket broker were able to sell reserved seats to the limit of the courtroom he could make a handsome profit every day.

"Get a Journal! All about the big murder trial!" were cries that floated through the windows of the courtroom yesterday afternoon just as the last rebuttal evidence for the state was closing. The sound of the voices of the newsboys was plainly heard and the serious faces of many of the spectators softened to a smile. They were among the favored few who were at the scene of action. Yet no doubt the most of them were only too glad to get a Journal when court adjourned, for many of the witnesses speak indistinctly and cannot be heard far beyond the press tables.

Had to Piece Together.

Then it is difficult to piece together the fragments of testimony imperfectly heard, and the significance of much of it is lost to the ordinary listener. Paradoxical as it may seem, the most of those who attend the trial get a much better understanding of what they heard and saw when they have the salient features and the really important things laid before them in the pages of The Journal.

There has been a remarkably small amount of "scrapping" between the attorneys in the case. The general attitude of each side has been to let down the bars and permit all things within reasonable limit to go into the case. The defense objected now and then to a question and always objected to the reception of articles offered as exhibits by the state, but there were no long drawn arguments, no bickering across the lawyers' tables, no sideline firing. Grandstand play has been reduced to a minimum and no one has been hurt.

The defense has been allowed exceptions to the rulings of the court, which may prove useful if the defendant is convicted, but the machinery has worked smoothly under Judge Cleland's directions and the friction that causes bitterness has been reduced almost to the zero point. For this spectators and reporters have been grateful and much time has been saved.

Full of Questions.

Juror P. A. McPherson has fairly earned the title of the "Show me" juror. More than half the witnesses have had to answer questions suggested by his inquisitive mind. Once, when he broke in on an examination by Deputy District Attorney Fitzgerald and took the witness out of the hands of the attorney he met with a mild rebuke, Fitzgerald asking that he be permitted to examine the witness in his own way until he was through. But usually the juror was allowed a free hand, and he played the part of a free lance questioner. He opened up new departments of inquiry that the attorneys either had not thought of or had feared it would not be to their advantage to open.

It is said that he was once admitted to the bar and this accounts for his frequent excursions into the field that is usually monopolized by the attorneys. Some of the other jurors asked occasional questions, but their fire was scattering. McPherson could be depended on every hour.

Women in all stations of life have been among the most faithful attendants during the trial. Some of them have come every day, and come early, so they might be sure of seats. They have stared at the witnesses and at the defendant, and have strained their necks in an effort to hear every word of sickening detail or to view the ghastly exhibits stained with human blood. Not only women, but girls and boys, whose appearance indicated that they ought to be in school, have gained admission and sat through entire sessions, as many as they could get to hear.

One woman adopted a clever ruse to get a good seat one day during the trial. She had armed herself with "copy paper" and a pencil and said she represented a Tacoma paper. It worked. She got a chair near the press table and all day she made a bluff at taking notes. The next day the "lady reporter" was absent. Probably she feared that it would not work again.

A SECRET REVEALED

Which May Revolutionize the Treatment of Stomach Disorders.

NEW ESSENCE COMPOUND

Said to Have Benefited and Cured Hundreds of Chronic Dyspeptics.

It is seldom that a great specialist will give away the secrets of his profession, but occasionally we find one who is more liberal.

A noted specialist on stomach disorders, dyspepsia and appendicitis, says: "I always prescribe the following with the greatest success, for indigestion, acute or chronic; dyspepsia, sour stomach, distress after eating, such as heart palpitation, shortness of breath, constipation, depression, headache and biliousness. These simple but powerfully blended ingredients can usually be obtained at any leading drugstore, or the druggist can obtain them from wholesale firms who supply the profession generally with rare extracts and essences. Mix in a bottle two ounces syrup of ginger, one ounce compound essence Cardiol and two ounces essence of Pepsin. Shake well and take one or two teaspoonfuls after each meal, or before, to excite the appetite, if necessary. For costiveness, a dose at night will do much good. Let children who have stomachache take this freely. Adults can find nothing that will do so much permanent good and at the same time give prompt relief from distress."

QUESTIONS FOR GREAT POWERS

Looming Large Is the Everlasting Question of the Dardanelles.

(United Press Leased Wire.)

London, Oct. 15.—What provisions will be discussed at the approaching conference of the treaty powers of Europe regarding the changes to be made in the Berlin treaty, is the question that is today uppermost in the minds of the English diplomats.

Primarily the question of opening the Black sea to the fleets of other powers is one that has divided opinion at the British capital. A dispatch from Paris has been received asserting that Great Britain has intimated she is ready to have the Dardanelles opened provided Turkey is acquiescent. The foreign office will not confirm this but admits that the matter will probably be one of the subjects of discussion at the conference.

It is intimated in St. Petersburg that the suggestions to be embraced are: Turkey to recognize the independence of Bulgaria and the annexation of Bosnia and Herzegovina by Austria-Hungary; Bulgaria to pay Turkey an indemnity to be determined upon and to capitalize the Rumelian tribute at 5 per cent; a joint guarantee by the powers of the territorial integrity of European Turkey; the retention of the Black sea as a closed sea accessible only to the warships of the nations bordering theron; Austria-Hungary to renounce rights to the railroad in the Sanjak of Novi-Bazar; Montenegro to be restricted according to the terms of article 29 of the Berlin treaty; a Servian-Adriatic railroad to be constructed under the joint control of Servia, Turkey and Montenegro with a terminus at a point on the sea coast of Montenegro.

Rumors are current that the signatory powers are not in accord with all the foregoing provisions. Austria wishes assurances by two of the powers at least that the annexation of Bosnia and Herzegovina is regarded by them as an accomplished fact. Turkey wishes a free hand in Macedonia and compensation from Bulgaria for the seizure of the Oriental railway in eastern Rumelia by Bulgaria. Russia and Great Britain are said to have agreed through Minister Iswolsky and Sir Edward Grey to all the provisions with the exception of the opening of the Dardenelles. This question, it is asserted, will be the subject of separate negotiations later between Russia and Turkey.

SEATTLE BOYS ROB HOUSES

On Way to Jail Drop Off Moving Train but Are Recaptured.

Los Angeles, Oct. 15.—After escaping from an officer by jumping from a moving train, Victor Manweiler, 17 years old, Harry Price, 22, and Percy Bigelow, 16, Seattle boys, accused of numerous burglaries in southern California towns, were taken to Santa Barbara today to serve sentences of three months each for robbing houses at Surf and Oceano.

Dime novels are alleged to have caused the youths to start on a career of crime. They are accused of having committed several burglaries at Seattle before coming south and the officers here suspect them of breaking into the hardware store at San Luis Obispo.

After their conviction of burglaries at Surf and Oceano the boys were taken aboard a Southern Pacific train bound for Santa Barbara where they were to serve their sentence.

When the train was moving at the rate of 40 miles an hour the prisoners retired to the lavatory, where they freed themselves from their handcuffs and dropped out of a window. The constable who had them in custody started in pursuit of the escaped prisoners but was unable to overtake them. They were recaptured here yesterday by local detectives.

Every Woman is interested and should know about the wonderful MARVEL Whirling Spray. The new Vaginal Syringe. Injection and Suction. Best—Safest—Most Convenient. It Cleanses Instantly.

Ask your druggist for it. If he cannot supply the MARVEL, accept no other, but send stamp for illustrated book—sealed. It gives full particulars and directions invaluable to ladies. MARVEL CO., 44 E. 23d ST., NEW YORK.

For Sale by Skidmore Drug Co., Woodard, Clarke Co. and Laue-Davis Drug Co.—8 Stores.

FOR WOMEN ONLY

Dr. Sanderson's Compound Savin and Cotton Root Pills. The best and only reliable remedy for DELAYED PERIODS. Cure the most obstinate cases in 3 to 10 days. Price $2 per box, or three boxes $5. Sold by druggists everywhere. Address T. J. PIERCE, 211 Alisky Bldg., Portland, Or.

San Francisco Office Oregon Journal

1206 Call Bldg.

Telephone Kearney 2121

ADVERTISEMENTS AND SUBSCRIPTIONS RECEIVED.

Oregonians when in San Francisco can have their mail sent in care of The Journal Office.

J. L. BROWN, Representative.

CLASSIFIED AD RATES

Classified advertisements in The Journal are as follows:

No ad less than 15c per insertion.

Phone or charged ads 6c per line per insertion; 7 insertions for the price of 6.

Cash ads 1c per word per insertion, 7 insertions for the price of 6.

Lost and found, help wanted, situations wanted, for rent and wanted to rent ads 1c per word per insertion, 3 insertions for the price of 2.

16 to 20 words, 20c; 21 to 25 words, 25c; matrimonial, manicuring, massage and bath ads, 10c per line per insertion.

Card of thanks, meeting and funeral notices, 50c per insertion.

New today (agate measue, 14 lines to inch), 84c per inch. Count 6 words to line.

The Journal cannot guarantee accuracy or assume responsibility for errors of any kind occuring in telephoned advertisements.

Should any ad appear incorrect on first insertion, The Journal will not be responsible for subsequent insertions.

The Journal's business office is open from 8 a. m. to 8 p. m.; Saturdays 8 a. m. to 10 p. m.

Phones, Main 7173; A-6051.

DEATHS

SMITH—S. C. Smith, St. Vincent's hospital, october 14, age 56; cardiac embolus.

MATTSON—F. Mattson, Good Samaritan hospital, October 10, age 45; pneumonia shock (cave-in Brooklyn sewer).

KAYHO—R. Kayho, Taggart, October 7, age 18; chest crushed (Brooklyn sewer cave-in).

ROSENBERRY—Mrs. N. Rosenberry, Columbia slough road, October 12, age 33; carcinoma of uterus.

WYLIE—N. O. Wylie, 1701 East Ninth, October 12, age 17; tuberculosis.

WEATHER REPORT

The storm which has caused the recent rains in the north Pacific states has crossed the Rocky mountains and is central this morning over Wyoming. Moderately heavy rains occurred yesterday and last night throughout the north Pacific states, and they extended south into California as far as San Luis Obispo. The eastern high pressure area has contracted in area and its crest now overlies western Virginia. It is much cooler in southern and eastern Oregon, southeastern Washington, Idaho and western Montana, and correspondingly warmer in Wyoming, western Colorado, southern Utah, northern Arizona and south central California. No high winds occurred in this district last night, but the following maximum wind velocities were reported in Nevada: Winnemucca, 28 miles southwest, and Reno, 36 miles southwest.

The indications are for occasional rain tonight and Friday in western Oregon and western Washington and for fair weather east of the Cascade mountains, with generally lower temperatures.

	—Temp.— Max.	Min.	Precip.
Baker City, Or.	56	40	.04
Kansas City, Mo.	84	60	0
Lewiston, Idaho	62	42	.28
Little Rock, Ark.	78	54	0
Los Angeles, Cal.	64	56	0
North Head, Wash.	54	44	.54
Portland, Or.	60	47	.75
Roseburg, Or.	60	44	1.40
Sacramento, Cal.	66	58	.12
St. Louis, Mo.	84	56	0
St. Paul, Minn.	78	62	0
Salt Lake, Utah	72	64	0
San Antonio, Texas	80	58	0
San Diego, Cal.	64	60	0

MARRIAGE LICENSES

W. H. Ellen, 746 Johnson street, 32, Hattie M. Will, 24.

John Good, 1130 Taylor street, over 21, Bertha A. Oppermann, over 18.

Edgar E. Nickell, 730 Suffolk street, 27, Effie Rieff, 26.

W. Harvey Oakes, Hillsboro, over 21, Hazel M. MacArdel, over 18.

R. E. Spaugh, 808 Front street, 24, Mamie Clark, 21.

Nicholas Holzapfel, Gay and Webster streets, 22, Stella Daniel, over 18.

Harry J. Mattocks, 532 East Fifteenth, over 21, Etta M. Singleton, over 21.

Edward C. C. Mickelsen, 295 North Twenty-first, 21, Florence E. Kelly, 20.

C. M. Biddle, 1172 Detroit avenue, 32, Dora Moody, 26.

J. C. Lockwood, city, 22, Mary La France, 19.

Wedding Cards. W. G. Smith & Co., Washington bldg., corner 4th and Washington sts.

Betz & Sons, florists, funeral designs, 349½ Morrison. Main 8095; A-1877.

Clarke Bros., florists—Fine flowers and floral designs, 289 Morrison st.

Full dress suits for rent, all sizes. Unique Tailoring Co., 309 Stark st.

Max M. Smith, florist, 150 5th st., opposite Meier & Frank's. Main 7215.

BIRTHS

M'MULLEN—To Mr. and Mrs. A. McMullen, 503 East Ankeny, October 10, a son.

GOODWIN—To Mr. and Mrs. J. L. Goodwin, 1230 East Tenth north, October 12, a son.

KANE—To Mr. and Mrs. C. R. Kane, 810 Wasco, October 14, a daughter.

BULLARD—To Mr. and Mrs. C. L. Bullard, 966 Union avenue north, October 13, a son.

FUNERAL DIRECTORS

DUNNING, M'ENTEE & GILBAUGH, undertakers and embalmers; modern in every detail. Seventh and Pine. Main 430. Lady assistant.

J. P. Finley & Son Third and Madison. Lady attendant. Main 9; A-1599.

ZELLER-BYRNES CO., FUNERAL DIRECTORS, embalmers, 270 Russell. East 1088. Lady assistant.

EDWARD HOLMAN, UNDERTAKER, 220 3rd street.

ERICSON UNDERTAKING CO., EMbalming; lady ass't; 409 Alder. M 6133.

CEMETERIES

ROSE CITY—SINGLE GRAVES, $10; family lots, $25 to $75. Superintendent at cemetery, corner of Fremont st. and Cully road. Phone Tabor 206. For full information apply to Frank Schlegel, 532 Worcester blk. Phone A-2823.

REAL ESTATE TRANSFERS

Lawyers' Abstract & Trust Co., room 6 Board of Trade bldg.; abstracts a specialty.

Have your abstracts made by the Title & Trust Co., 7 C of C.

E. Quackenbush and wife to Edward B. Townsend lot 5, block 46, Piedmont .... $ 2

Centennial Investment Co. to Edward Lyons, lots 17 and 18, block 297 Couch addition 6,000

Henry Blumauer and wife to F. B. Rutherford, lot 4, block 5, Third Electric addition 500

Real Estate Investment association to A. B. Bernin, lot 5, block 88, Sellwood 175

Franklin Realty Co. to E. P. Tobin, lot 14, block 1, Clemson addition 225

Horace D. Ramsdell and wife to F. B. Balch and wife, south 15 feet of lot 7 and north 35 feet of lot 6, block 96, Carter's addition to Portland 4,000

C. E. Dawson and wife to A. D. Herr, west ½ of lot 5, block 7, Smith's subdivision and addition 2,600

John Sommerville and wife to Willard M. Conklin et al, lot 3, block 4, Eastland 750

Jacob Gansneder and wife to Joseph Rasler, lots 11 and 12, block 92, West Irvington 3,150

W. C. Repass and wife to F. M. Colwell, lot 16, block 36, Vernon 2,558

T. S. McDaniel and wife to William John Clark et al, lot 16, block 12, Park View addition.. 450

Joseph Shafer and wife to J. L. Biggs, lot 15, block 100, Sellwood 220

Albert Sirius Carlson to L. G. Vogel, lots 17, 18, 19 and 20, Normandale 2,600

D. Bruce Hamar and wife to John North et al, lot 5, block 13, Clifford addition to Albina 1,000

W. C. Alvord and wife to Margaret McFeely, lots 9 and 10, block 118, Irvington 8,000

Ernstine A. Wehlam to R. W. Parker, lots 3 and 4, block 3, Wehlam's addition 900

Joseph Sommers and wife to Charles Coopey, south ½ of southeast ¼ and northeast ¼ of southeast ¼, and southeast ¼ of northeast ¼ of section 14, township 1 north, range 5 east 800

S. H. Carter and wife to Henry Schultz et al, lots 21 and 22, block 40, Peninsular addition No. 3 750

W. A. Luse et al to Henry Schultz et al, lots 23, 24 and 25, block 40, Peninsular addition No. 3.. 750

Investment company to Millie Eastham, lots 28, 30 and 32, block 35, Irvington Park 487

Ellis Hughes and wife to Maud H. Watts, lots 1 and 2, block 66, Irvington 3,500

Albert Berni executor to A. Nettie Owens, east ½ of lot 1, block 218, Holladay's addition .. 2,250

Percy Pope et al to George M. Cornwall, lots 24 and 29, Madison Villa 1,624

Annie M. Brannan to H. R. Brown, lot 19, block 2, Brainard tract 265

Pekka Kosonen and wife to Herman Meyer, lots 7 and 8, block 1, Arleta Park No. 2...... 400

Marion Baurhyte to George E. Waggoner, lots 15, 16, 17, 18, 19 and 20, block 17, Council Crest Park 226

G. L. Jubitz et al to Sylvester Andrew, lots 11, 12, 13 and 14, block 17, Council Crest Park.. 2,000

Daniel G. Busby and wife to F. F. Williams, south ½ of lot 16, block 2, Abend's addition to Albina 2,500

Title Guarantee & Trust Co. to H. S. Harlow, lot 5, block 8, West Piedmont 425

C. A. Mulkey and wife to Mary Koons, lots 35, 46 and east ½ of lot 25, block 1, Rosslawn Annex 1,000

C. B. Woodworth and wife to E. Himovsky, lots ½, 1, 2 and 3, block 1, Newport ...... [illegible]

FOUTS' WORDS DRIVE HIM TO TEARS

(Continued from Page One.)

dence against the man she believes killed her husband was all a stage play, and said that she brightened up and was able to talk as well as any one when irritated by the cross-examination of the defense.

"She will be a dashing widow in three months, probably," he declared, "despite her woe-begone appearance when she testified before you gentlemen, unless the police catch the right persons, the ones that really committed this crime. I have seen them swoon at the grave, then collect the life insurance within a week and in six months be off on a new honeymoon."

One or two of the jurors smiled at this alleged witticism and there was a titter in the courtroom, but most of the members of the jury looked unusually serious, and there is a question as to whether this attack on the woman who has suffered the loss of her life companion in a horrible tragedy helped the case of the defense with the jury.

Hang or Go Free.

"We want to hang or go free," declared Fouts in the course of his address. "We are not afraid to die, but we do not want to die ignobly for a murder that somebody else committed. Spare Edward H. Martin, the soldier, so that he may go back to his wife, to his father and his mother, and if the country needs men again to defend it that he may once more go out, regretting, as did Nathan Hale, that in dying he had but one life to give."

The speaker declared that the most of the circumstances pointed to by the state are too flimsy upon which to take a man's life. He called attention to the law that requires the state to prove the guilt beyond a reasonable doubt, and does not require the defendant to prove his innocence.

After a long review of the testimony he asserted that the theory of the defense is a reasonable explanation, and that Martin's own story bears the marks of truth. He said that a guilty man could not brazenly lie without giving some evidence of it, and he could not examine the blood-stained articles from the scene of the crime without in some manner betraying the signs of guilt.

Martin was even disposed to make puns this morning. At one time when Fouts was ridiculing the testimony of the state that he might be in danger of being accused of murder himself because he could not tell who darned his socks, Martin in a side remark observed, "And be darned himself."

Attorney Fouts' Argument.

Resuming his argument this morning Seneca Fouts called attention to discrepancies in the testimony of Max Drey and Herman Leavit as to the time the shirts were shown to Martin. He said this indicated that these men of the same race and calling are ready to swear to anything to convict the defendant.

Next he declared that the detectives were looking for a victim, and picked out Martin as an easy victim because he had worn a tan coat and was addicted to the use of drugs. He said the district attorney had declared that the evidence "pointed" to Martin as the man, but this is not enough to convict a defendant.

The speaker referred to Mrs. Grub as a woman whose mind is flighty and drink-wrecked. He did not think she came on the stand to lie, but he did believe that she yielded to the power of suggestion. Her weak mind easily took up the things the officers suggested.

Fouts then mapped out his idea as to how Wolff may have met his death. Among the burglars and yeggmen of the country there is a strong bond of fraternity, he declared, and they have "fences" in the cities all over the country, with pawnbrokers who pay them 25 or 50 per cent of what they get when stolen goods are sold. Perhaps, he said, Wolff kept a "fence," and perhaps he "welched." Perhaps two yeggmen went to Wolff's shop on the evening of May 1 to get their pay. Perhaps he refused and suffered the penalty of death when he refused, for refusal would mean death.

Accepts Challenge.

The attorney picked up the cravenette identified as Wolff's and replied to the challenge of District Attorney Cameron by having Martin stand up and asking the defendant to put it on. Martin started around the table to comply, but was stopped by an objection, Judge Cleland ruling that this would be evidence, and the time for evidence was over. Fouts then tried on the coat himself.

The fact that there was no blood on the case of the rifle found with the bloody overcoat was pointed to as a peculiar circumstance. If Martin, with bloody hands, carried the gun in his hands, said the attorney, would there not be blood on the gun? Would the jury convict Martin because a coat with a red substance was found in South Portland and a shirt with red substance on it in the north end?

Mr. Fouts argued that the state has failed to show a motive on Martin's part, and put forth the theory of the yeggmen, or of some one who had an appointment with Wolff that fatal night and that they quarreled over something that had been pawned.

Fouts devoted some time to the detectives, who, he said, are prejudiced. A thief makes a good detective, he asserted, but he would not believe a thief, and he hoped the jury would not believe a detective. He did not believe the gloves were in the suitcase when Martin left it at the Belvedere hotel. As further bearing on the possibility that evidence has been "made" or suppressed, he asked why the watch of the murdered man was not placed in evidence.

The attorney next reviewed the movements of Martin from the time he learned that the police wanted him to the present time and asserted that his actions have always been those of an innocent man. He "loyally lied" as to the way he received the scratches on his face, to protect the feelings of his wife and keep her from knowing that he had been in a house of ill-fame.

Here, for the first time since the trial began, Martin showed that he is not devoid of emotion. He dropped his head and drew forth his handkerchief to wipe the tears from his eyes. His wife also hung her head and looked fixedly at the floor, avoiding the gaze of the curious until the attorney had passed to another phase of the case.

The attorney declared that the invalid appearance of Mrs. Wolff, widow of the murdered man, having a nurse at her side as she testified, was a bit of stage play on the part of the state. He called attention to Wolff having been a "husky" fellow and said that Wolff could not have worn the gloves the widow identified. He further attacked the identification of the gloves by Mrs. Wolff and her daughter. As to the bloody collar, he said there was nothing to show that it did not belong to Wolff. Some witnesses "thought" Wolff had on a collar and tie when his body was found, but if the state desired to be fair, why did it not produce in court the tie and collar worn by Nathan Wolff?

Defends Waldy.

Fouts began the discussion of the testimony of the logger, Waldy, one of the star witnesses for the defense, with a defense of the man's credibility, indicating that the attorney thought a defense necessary. He said Waldy came to Portland at his own expense, and he was not coached or put under the power of suggestion by detectives. Waldy's nervousness he explained on the score of a logger's first appearance in court as a witness.

The speaker accused the police of arresting Alfred Balden as a vagrant to prevent his testifying in Martin's favor. He pointed to inconsistencies developed by the state's cross-examination as proof that Balden was not coached. If he had been, said the speaker, he would not have been tripped up to testify that he heard of the murder of Nathan Wolff on an Albina car not later than 9 o'clock on the night of the murder. He said that Balden was either mistaken as to time or he did not hear of the murder until he came back to the west side after calling on Irene Fry. As to the contradicting statements made by Irene Fry, the attorney took the theory that the girl is young, and time passes quickly when love is young, so she probably was mistaken when she said Balden came to see her at 6 o'clock and remained only 10 minutes.

Fouts closed a few minutes before noon with a tribute to the defendant as a soldier and scholar, the kind of man who is not afraid to die, and of the kind who do not commit atrocious crimes.

CAMERON BOMBARDS DEFENSE PUT UP BY ACCUSED MAN

Attorney Jeffrey then took the floor to argue a motion that the consideration of a verdict of first degree murder be taken from the jury and the jurors instructed to disregard all testimony relating to a robbery of the pawnship except as it forms a part of the circumstances surrounding the killing of Wolff. He declared that the state had failed to make any showing of malice or premeditation on the part of the defendant, and to relieve itself of the necessity of proving such malice or premeditation as is necessary to a first degree charge the state must allege a robbery in the information. He cited section 1741 of the code and declared that the state's case is at variance with the provisions of the statutes.

District Attorney Cameron and Deputy Fitzgerald replied, the latter making the chief argument. He said that the defense seemed to overlook the point that a man might premeditate a murder when the motive was robbery, and that is the state's view of this case. In his opinion, as shown by the evidence, the slayer of Wolff first shot and killed his victim, then turned to the work of robbery.

Judge Cleland denied the motion of the defense, and also a further formal motion to instruct the jury to return a verdict of not guilty. The defense made these motions in order to have proper basis for an appeal if Martin is convicted.

District Attorney Cameron began the opening argument for the state. For about an hour he reviewed the testimony, both for the state and for the defense, skimming over the whole field. He dwelt on Martin's drug habits, and told the jurors that men of their mature years must know the baneful effects of such habits, particularly when liquor is taken daily with the drugs. He referred to Martin's earlier career as a soldier and student, and said that the Martin of those days is not the Martin of today.

"It is not the man fighting under the stars and stripes at San Juan hill, but Martin, the man who murdered Nathan Wolff, that we are dealing with," he declared.

The district attorney gave his theory as to the manner in which Wolff was killed. He said the pawnbroker was undoubtedly leaning over removing trays from the showcase on the south side of the shop when he was shot. Wolff then ran for the rear room for his ax to defend himself and the murderer started to follow. Wolff met him near the partition between the rooms, where a great amount of blood was shed, and the murderer seized a rifle from the rack close by. Wolff struck at the man, inflicting the deep scar on Martin's forehead, and breaking the handle of the ax across the gun barrel. Then he was struck down by the butt of the heavy rifle in the hands of the murderer, who completed his bloody work with the broken ax, beating and hacking his victim's skull with it. He dragged the body to the corner of the room and left the bloody instruments of the struggle close by.

The speaker remarked upon the abrasion of Martin's hands between the thumb and forefinger of each hand as a corroboration of this theory. The murderer's hands were torn by the heavy gun barrel while he was gripping it in his fight with Wolff, the prosecutor declared.

Bloody Evidences.

The district attorney declared that the identification of the bloody overcoat was complete and convincing, and passed the same opinion on the crimson stained collar. He held up the bloody shirt and collar and pointed out that the blood on both is centered at the front of the neck, where Dr. Zeigler testified that Martin was severely cut at the time of the arrest.

Next came a comparison of the testimony of Max Drey and Martin regarding the shirts. He asked the jurors if they would believe that Drey came all the way from Chicago to perjure himself and say that Martin bought three shirts, and that the bloody shirt was one of them, if Martin in fact bought only one? He emphasized the corroboration of Drey on this point by the clerk in the Solomon pawnshop who overheard conversation between Drey and Martin about these shirts.

Mrs. Grub, said the district attorney, is a friend of Martin, and has tried to administer to his diseased mind. The speaker said the jury could have no reason for disbelieving her, and must believe her in preference to Martin when she said that his face was not scratched on April 30.

If Waldy the logger saw Martin with a scratched face at all, said the prosecutor, it was on the night of May 1, and not April 30. Turning then for a moment toward Mrs. Martin, who sat behind her husband, the district attorney aroused a vigorous protest from the defense by saying that he "wished that little woman who has sat all through this trial, except during this morning, might speak." He said he believed Mrs. Martin remained away in the morning because she did not want to hear her husband tell a story that he knew was untrue.

The speaker declared that the identification of the gloves of Wolff found in the Martin suit case was perfect. He said he did not believe Balden, the witness who claimed to have seen two men leaving the Wolff shop, and he pointed to the impeaching evidence of Irene Fry. He asserted that the defense had produced no proof of its announced theory that two or three men committed the crime. "If there were two men, Martin was one of them, and he knows who the other is," said Cameron.

The speaker said that Martin was not the kind of man who would go home and wait in the barn for his wife to come home. He is a man who drinks punches and takes cocaine and spends his money around saloons, and a man of his caliber would not spend the evening in a barn.

Coming to the cravenette, the district attorney declared that it was peculiar that Martin tried to be rid of it when he learned the officers were after him. The identification of this coat as Wolff's was convincing, the speaker held, and he asked why Martin had not tried that coat on before the jury if it was his, to show that it fitted him? And why did he not also try on the collar and shirt, to show that they do not fit him?

Concluding his argument, Mr. Cameron said that while Martin held his own at college and at West Point, he is not the Edward H. Martin of college days. He is now the man who killed Nathan Wolff.

SENECA FOUTS STARTS HIS SPEECH IN MARTIN'S BEHALF

Seneca Fouts began speaking for the defense at 4:20 o'clock. He first touched on the dangers of circumstantial evidence, declaring that there are numerous instances of miscarriages of justice resulting from it. He hoped that the men on the present jury would have occasion to say in their after life, "I did not convict on circumstantial evidence and hang an innocent man."

Mr. Fouts continued by calling attention to Martin's attainments and said it would be conceded that he is a man of intelligence. He asked whether a man of such intelligence would be foolish enough to stay around town for several days with Wolff's overcoat and gloves in his possession. Only a fool would have done that, he said.

The attorney made an attack on the credibility of Max Drey, and said his interest in the conviction of Martin was shown by the fact that he came all the way from Chicago to testify against the defendant, although he did not have to come. Drey came, he said, because Drey and Wolff were both Shylocks, and Drey feared that if a victim is not made of some one there might be an epidemic of murders of Jew peddlers similar to the one in Chicago a few years ago.

Fouts had spoken about 30 minutes when court adjourned for the day.

Klamath Falls will have two big excursions yet this fall, one from Portland and one from San Francisco.

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YOU NEED GOOD ADVICE

and it is better to get it in the beginning than in the end—action after it is too late is like rain after harvest. Keep your youth as long as possible, there is plenty of time to grow old.

A good marksman is not known by his bullets but by his aim, and a good doctor should not be known so much by his claims as by the results he is able to show. The hen that cackles loudest does not always lay the most eggs. Think these points over

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