

Morning Daily Herald

SPECIAL. 12:30 A. M.

Not to see our stoves and ranges before buying is a mistake. Mistakes are always costly. In heating stoves we have the largest as well as the most carefully selected stock in the city.

Geo. W. Smith.

WEATHER INDICATIONS.

For Albany and vicinity—Following is the forecast for 24 hours, ending at 8 p. m. to-day:

NOTINGS ABOUT TOWN.

Julius Joseph went to the Bay yesterday. D. L. Crossen returned to Albany yesterday. F. M. Miller of Lebanon was in the city yesterday.

Capt. E. J. Lanning and W. F. Head have gone up to take a look at the work on the Santiam Mines.

Accidents are happening daily to those who least expect them. Be on the safe side and insure with Winn in the Travellers.

Dr. and Mrs. C. R. Templeton of Portland were up from their home yesterday on a visit to relatives and friends in this county.

The decision in the Martin Wertz will case, of Tangent, was reversed in the circuit court and the will sustained and ordered admitted to probate.

Mrs. Davis, a young wife of Stayton, in a fit of jealousy because her husband attended a dance at Mehana without her, took poison. Antidotes were administered and she recovered.

The widow of the late Jack Miller, the brave engineer who lost his life in the train wreck at the Lebanon Junction switch, is in the city and in attendance at the trial of the train wreckers. She was given a seat within the bar, where she sat during the entire trial yesterday and last evening.

CITY COUNCIL.

An informal meeting of the city council convened last evening to consider the question of grading Washington street, the decision of the court having established the right of the city to do so, and dissolved the injunction.

The matter was talked over and the determination emphatically expressed that the grading should be proceeded with, but it was thought best not to take any action at present, but give all parties ample time to prepare for the work, and that the next regular meeting would be time enough to give notice of the commencement of the work.

The Railroad Commission.

The State board of railroad commissioners was in session yesterday, it being the regular monthly meeting. Commissioners Colvig, Clow and Faull and Clerk Waggoner were present. The business before them was work of a routine nature being for the most part the answering of correspondence. They have investigated the matter of the recent railway accidents on the Southern Pacific and find that Fireman Putman came to his death through negligence of employees of the road who had left the switch open. They found that Fireman Ransom's death was the result of a fall on the track, and in relation to the accident which proved fatal to him and other similar ones made recommendation to the railway company. These recommendations have not yet been made public. Regarding the death of Anderson by striking a cattle guard fence they made no report.—Salem Statesman.

Grant's Pass Factory.

There seems to be some misunderstanding on the part of some in regard to the sash and door factory. The factory here under Messrs. Hochstetler & Sears will consolidate with the Grant's Pass factory and the headquarters and principal factory will be here. The business offers an excellent chance for investment and the stock should be taken immediately, and the factory secured here.

A Good Investment.

I have for sale about ten acres of land right in the city, it being the north ten acres of the Milton Hale place, and have a considerable frontage on the road. This land slopes nicely and is very desirable property. Price reasonable and easy terms can be had for a few days only. Many other choice bargains. E. G. Beardsley, Real Estate Agent, Broadbain street, Albany, Oregon.

Time of Meeting Changed.

The time of meeting of McPherson Post No 5, G. A. R., has been changed from the 1st and 3d Saturday in each month to the 2d and 4th Friday of each month. The next regular meeting of the Post will be on next Friday.

CIRCUIT COURT.

The Trial of the Southern Pacific Train Wreckers.

EACH TRIED SEPARATELY.

W. A. Hill, the First, Enters a Plea that He Was Under the Influence of Opiates When He Confessed.

The trial of the three young men W. A. Hill, Fred and Herbert Rolfe, indicted for murder in the second degree for displacing the switch on the Southern Pacific railroad near the city on July 28th, thereby wrecking the train and killing Engineer Jack Miller and Fireman Guthrie, was commenced in circuit court yesterday morning.

The trial of each occurred separately, and Hill was the first arraigned. When brought into court he was clean shaven and well dressed. He wore a new chinchilla coat and had his boots neatly polished. He has grown fleshy during his confinement in jail and hardly looks like the seedy looking fellow who appeared with his arm in a sling at the preliminary examination.

Little trouble was encountered in obtaining a jury, the following men being selected to try the case: J. K. Baltimore, Lewis Calavan, Frank Propst, Geo. M. Giesendorfer, John Holt, John Beard, Edward Evans, M. H. Wilds, A. Frum, J. Ciem, Geo. W. Taylor, John Riley.

The opening statement for the state was made by Hon. H. H. Northrup of Portland. He was followed by J. J. Whitney for the prisoner.

The counsel for the state moved that the jury be allowed to visit the scene of the wreck and see the operation of the switch. The counsel for the defense did not object and it was agreed that such examination be made at 4:30.

The court then adjourned until 1 o'clock.

AFTERNOON SESSION.

The first witness introduced was Edward Huston, conductor of the Lebanon train, who testified that the three prisoners had come to him at the depot Sunday night a little after 5 o'clock and asked to ride on the engine to Froman's which he would not permit. He said the Lebanon train left the depot about 9:05, and on arriving at the switch five minutes later found a rock between the rails. The rock was taken out, and the switch seemed to work properly, and the train passed on all right. The result of removing the pin, allowing the switch-bar to drop down, he said, would be the derailment of any train passing either way.

Shannon Conser, conductor on the Southern Pacific train, was next called. He said the train which was wrecked arrived at Albany at 8:55 and left at 9:15. When the train was wrecked he left the rear coach and found Engineer Miller and Fireman Quint Guthrie and helped to extricate them. The switch was half-broken and the work of the flange of the wheel could be seen in the center of the rail. The target of the switch showed all right for the main line. The train was running about 25 miles an hour. A drawing of the switch was here exhibited, which the witness explained to the jury. The key had been removed and was gone and the rod was on the ground. The washer was on the wrong side. The effect of this was that in setting the switch for the Lebanon train it would set properly, but in setting it for the main track the rails would spring back only partially, perhaps half way. This is what derailed the train. I arrived first at the switch after the accident.

Roadmaster Wait testified. Identified the plan of the Lebanon Junction switch. He said he was patentee of the switch and put it in. He said it was an automatic switch, and that with the pin out and the lever disconnected, it would operate properly for trains on the Lebanon branch but would spring back an inch or so so as to derail a train on the main line. The ties were all new. In cross-examination he said the railroad company was not afraid of the switch. About five of them are in use. They were invented in 1880. He saw the switch and corroborated Mr. Conser's statements as to its condition after the wreck.

T. DeClark, superintendent of bridges, testified that he was there at the time of the accident. Saw that the switch had been tampered with. The round split key made of steel wire was gone and the rails were only half over. This caused the disaster. The pin could not be found.

Dr. Bevin testified that he attended Jack Miller and Quint Guthrie at St. Vincent's hospital in Portland. They were severely scalded. They both died from the effects of the injuries received in the wreck.

Thomas Froman testified that the prisoner was working on his farm running the threshing engine at the time of the accident. The witness said Hill and the two Rolfe boys went to town on Sunday afternoon. The next morning Hill was unable to run the engine. He said he had broken his arm and would have to go to town to have it dressed. He took my buggy and left for Albany. He said he hurt his arm in turning over in bed. When he came back in the evening his arm was done up in splints and he put some medicine on his arm. He went to sleep for an hour. Afterwards Hill began to talk of the wreck. On Tuesday morning Hill had fired on the engine, but I had hired another man in his place as his arm was lame. Hill slept in my barn Tuesday night and on Wednesday morning he rode with me to prison. He was lame and could hardly get into the buggy. On the way Hill began to

talk of the wreck. He said there was a man in my threshing crew who caused the disaster. He refused to tell at first, but afterwards said Herbert Rolfe did it. He said Rolfe took out the key and pried over the rail. Hill said he and the older Rolfe were present. They went on and presently the younger Rolfe caught up with them and showed them the key. Hill said I was the only man he had told this unless it was to the doctor, while under the influence of chloroform. Hill said his leg was probably hurt at the same time that his arm was broken. Hill said he had told the Rolfe boys they would be in a bad fix if this was found out. Hill's arm pained him and he was unable to work and complained of his knee and leg hurting him. He had been taking powders to alleviate the pain.

Dr. W. H. Davis testified that on Sunday, July 29th, Hill and the two Rolfe boys called at his office. Hill had some trifling trouble of the eye and the other boys had some ailment. On Monday Hill came in and said his left arm was broken. He said he either rolled over in bed and broke it or his head fell on it. The arm was bruised at the wrist and was swollen. It was necessary to give chloroform. Dr. Guiss was present and administered it. [What Hill said while under the influence of chloroform was objected to and was ruled out by the court.] On Wednesday he came back to have his arm dressed. He asked if anyone had found out who displaced the switch. The witness told him nothing but what Hill had told the doctor while under the influence of chloroform. He said, "I was afraid that d—d stuff would give it away." He then without solicitation made a confession. He said that on Sunday evening, in company with Fred and Herbert Rolfe, who were working in a threshing crew with him, he left Albany for Froman's. They had been drinking, and when passing the switch the younger Rolfe brother stopped and placed a rock between the rails of the switch, and also tried to break open the lock. Young Rolfe soon overtook them and said he had taken out the bolt, removed the switch bar and pried over the rail, showing them the bolt. They told him to throw it away, which he did. Hill's leg was sore. He said he bumped it against the engine. On cross-examination the witness said the prisoner's arm was not broken nor dislocated. It was sprained. I did not prescribe any remedy for rheumatism. His arm was discolored.

George Humphrey, before whom the preliminary examination was held, testified that the day before the preliminary examination in the office of H. H. Hewitt, Mr. Hewitt and himself, Hill said he wished to make a statement. I told him it must be voluntary as I did not ask him for any such statement. Hill said that he and the two Rolfe boys went out to the depot on Sunday evening the day of the wreck, and asked to ride out on the Lebanon engine. They were denied this, and they then started on toward Lebanon. They were talking of train wrecks and when they came to the switch Hill said he got a rock and started to take out the key. The older Rolfe helped him and the younger Rolfe put a rock between the rails and then finished taking out the key and let the switch bar down. Hill said he and the older Rolfe walked on and the younger Rolfe caught up with them and showed them the pin. They told him to throw it away, as it might get them into trouble. He then threw it away.

Morgan Richardson testified that he was working in a threshing crew for Thomas Froman in July. He knew Hill. He slept with Hill in the barn on some straw on Sunday night. They went to bed after 9 o'clock. The Lebanon engine passed about 9 o'clock. The Rolfe boys came back from Albany before I went to bed. They came back about twenty minutes after the engine passed. Hill seemed to be restless and rolled around considerably. I heard him groan. He said next day that he got his arm hurt.

W. J. Murry, who also worked in the same threshing crew, testified that on Sunday some time after 9 o'clock Hill came into the barn. He seemed restless, and said a boil over his eye hurt him. He went to bed soon. The next morning while washing he said his wrist was lame.

Eugene Randall testified that he was also working for Thomas Froman last July. After 9 o'clock on Sunday evening Hill came up with the Rolfe boys and went into the barn. They came up about twenty minutes after the Lebanon engine passed. The next day Hill said he turned over on his arm in bed and hurt it.

James Foster testified that he worked with Hill in the harvest field last July. Hill said the next day after the wreck that he had hurt his leg on the engine and had broken his arm.

D. B. Monteith was next called. He testified that on Monday the day after the wreck, he saw Hill in a buggy in Albany driving with one hand. On Wednesday, as constant, he arrested Hill. He was asleep in hammock below town. "I told him I had a warrant for his arrest." He said, "All right; my arm is lame, help me up." After he got up he said: "I suppose this is in connection with the train wreck." I said, "Yes." He was very lame. He said he hated to give the boys away. I told him it would be best in the long run for him to make a clean breast of it, which he did. Hill's confession to the witness was ruled out by the court.

EXAMINING THE SWITCH.

At this point in the trial the court adjourned in order to give the jury an opportunity to examine the switch in question. The court,

the jury, counsel, reporters and others went out on the Lebanon train to the switch, where it was operated as it stands, also with the pin out and the bar dropped down in which condition it was found after the disaster. The switch was found to work just as it was explained by Roadmaster Wait and the other railway officials.

EVENING SESSION.

Eugene Randall was recalled and said that Hill told him after the wreck that he hurt his leg by running against the banister of the doctor's office.

Mrs. Rufus Thompson testified that as assistant postmaster on Monday or Tuesday after the wreck she saw Hill in the post-office. He inquired for the mail. He seemed excited. He said he had broken his arm by falling down while running. He shook like he had the ague.

THE DEFENSE.

The first witness for the defense was Jack Hungley. He testified that he was acquainted with the defendant. He became acquainted with him last June, while working in W. C. Cassell's brick yard. Hill had rheumatism in his hip, leg and arm, and sometimes could not work. The witness saw Hill about 6:30 on Sunday evening, July 28, on First street in Albany. About 8:25 he saw Hill at the depot, and saw him start south along the railroad. He was accompanied by the Rolfe boys. He did not seem to be intoxicated. "It was not very dark."

Ubbe Peters testified that he lived about 1 1/2 miles south of Albany. On the day of the wreck he was cutting oats near the switch. Witness had unhitched and had gone nearly to the house when the wreck occurred. He was about 40 yards away. The Lebanon engine was still in sight from his barn. Witness thought it was two or three minutes after the Lebanon engine passed until the overland train was wrecked.

Mr. J. R. Douglas testified that he had been acquainted with the defendant for about 8 months. He knew him in Kansas before coming to Oregon. Hill was afflicted with rheumatism while working in the brick yard and was uneasy at night.

Mrs. J. R. Douglas corroborated the testimony of her husband as to Hill having been afflicted with rheumatism. Hill boarded at their house. On the 29th of July Hill was at her house, and told her his arm was not broken, but was bruised, that he had turned over upon it while in bed. Hill said he had taken so much chloroform that he was drunk. He staggered, and said he felt sick. He laid down in a hammock in the yard and went to sleep. He was very sleepy and had difficulty in waking him up. On Wednesday morning when he came back he did not seem to be in his right mind. Hill was arrested in a hammock at her house. He was no relation of her family. He had some small white powders, and he took one he said every hour. He said his wrist hurt him, and that he had not slept any the night before.

Ezra Douglas, a little boy aged 11, whose father and mother had been on the stand, corroborated what his mother had said and testified that he had tried to wake up Hill while he was asleep in the hammock and found him very sleepy and drowsy. He said Hill had the rheumatism. Hill acted on Monday like he was drunk. The witness had talked the matter over with his mother.

Bertha Douglas, a little daughter aged 9 years, testified substantially the same as her little brother.

Dr. J. L. Hill testified that he saw the prisoner in jail about a week or eight days after the wreck. Dr. W. H. Davis was present. Dr. Hill made an examination and found that the prisoner had inflammatory rheumatism, his leg being swollen. He then testified as to the effects of morphia upon the mind, also the effects of chloroform.

Dr. G. A. Whitney testified that he had examined the prisoner in jail about a week after the wreck. The prisoner's leg was swollen about the knee so that the right leg was about two inches larger than the other. He also testified as to the effect of morphia and chloroform.

Mrs. Hill, the defendant's mother, testified that the prisoner is past 20, and that he had been afflicted with the rheumatism since he was a small boy, and was restless at night.

Mr. Hill, the prisoner's father, corroborated what Mrs. Hill said. He had made a model of the switch at the Lebanon Junction which he exhibited to the jury and explained its operation. He produced a wire key which he said he found partially covered up near the switch. The model was introduced in evidence. He thought the switch must have broken or given way so as to cause the accident.

John Rolfe, father of the two Rolfe boys, testified that he had examined the switch shortly after the wreck, and explained where the marks of the derailed engine and cars were visible.

Edward Huston being recalled, said that he visited the switch a little over two hours after the accident. South of the switch the track was badly torn up. Toward the north the rails were in position.

W. A. Hill, the defendant, was next called. He said that when he went to the office of Dr. W. H. Davis it was for the purpose of having his eyes doctored, that they had been inflamed from working about the threshing. The Rolfe boys were with him. They left Albany shortly after 8 o'clock, going to Froman's, and only stopped at the ditch to get a drink. The witness said he went to Dr. Davis the next day to have his arm examined. He did not know whether it was broken or what was the matter with his arm. Dr. Davis and Dr. Guiss administered chloroform in order to dress his arm. After

leaving Dr. Davis' office the witness said he went to Dr. Guiss' drug store, where he was given a teacupful of whisky and a morphine powder. He was shaking. He went then to the postoffice, and then to Mr. Douglas' He went back to Froman's Tuesday evening. The witness said he took a morphine powder Tuesday evening and took six powders before morning. He thought inflammatory rheumatism was the trouble with his arm. He rode to town with Mr. Froman. He said Mr. Froman told him he was taking morphine powders and that he had better let it em alone. He could not remember any confession he had made in the presence of Mr. Froman or Dr. Davis. He could not recollect of having gone to Mrs. Douglas' nor could he recollect of any confession in the office of H. H. Hewitt in the presence of D. B. Monteith, Geo. Humphrey and Mr. Hewitt. He did not know who arrested him.

On Sunday neither myself or the Rolfe boys were drinking. When we went out from Albany it was not very dark. We all three walked along the track and did not stop anywhere except at the Santiam canal where we got a drink. We did not touch the switch. I have made no statement to the effect that we did to my knowledge.

He denied all evidence of any rock being placed between the rails or any pin being taken out by them.

In cross-examination the defendant said: "The engine passed us at Mr. Froman's. We had just entered the gate. We walked out in about an hour. The overland train had not come in when we left Albany. We had just passed the switch when the overland train arrived. We remained at the depot 10 minutes, and asked the fireman and conductor if we could ride out to Froman's. He said he had no accommodations, that we would have to see the engineer. This was a little after 8 o'clock. I did not go to bed immediately after arriving at Froman's, but did about three-quarters of an hour later. My arm was not lame then, but next morning my arm was lame, and grew worse all the time. I did not know whether it was broken or not. My leg was not swollen and it did not hurt me. I did not think of rheumatism then. I remember going to Mrs. Douglas' on Monday. I told her that the doctor had said my arm was broken or bruised. Monday night I stayed at Mr. Foster's with the threshing crew. I laid around and slept. My left hand was in splints and in a sling. I took one powder Monday afternoon. The directions on the box of powders was one in three hours. He said he took the last about 5 o'clock, and it was not yet light. I did not know that night how many I had taken, but several days afterwards, while in jail, I counted up the powders and found that I had taken six. I remember nothing of the conversation with Mr. Froman. I first heard of the wreck Monday morning. I have no recollection of my actions on Wednesday, nor of anything for two weeks or more afterwards."

Mr. Richardson being recalled said that a week or two after the wreck he found the track had been torn up on the south side of the switch.

Here the defense rested.

Mr. Froman was called in rebuttal. He said he did not caution Hill against using morphine powders. Hill on the morning that he made the statement concerning the crime was not under the influence of opiates.

Conductor Huston said that the wire pin Mr. Hill had found was a piece of telegraph wire he had used at the switch when exhibiting its workings at the time of the preliminary examination. It was taken out there and dropped upon the ground in the presence of Justice Humphrey and others.

Dr. Bevin said that the effect of six doses of morphia aggregating one grain should wear off in six hours, and that it would be impossible for it to last several days.

This concluded the testimony and the case will be argued to-day.

Married at Gervais.

Mr. W. H. Moore and Miss Mattie F. Paul were united in marriage at the residence of Mrs. Sarah Moore, in Gervais, Marion county, Or., Nov. 3, 1889, by W. S. Taylor, J. P. Both were of Linn county.

Newspapers and Magazines.

The time is now approaching when people will want a good supply of reading matter for the winter evenings. F. L. Kenton continues to receive subscriptions for all the leading news papers and magazines. All papers except the Delinicator and renewals to the Yontas Companion are furnished at publishers regular prices, thus saving the subscriber the trouble, risk and expense of sending orders to the publishers. All orders are forwarded without delay. Price lists furnished free.

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Zaches Bros., merchant tailors and drapers, opposite the postoffice, are prepared to place before the Albany people their own invention of cutting and making pantaloon without an outside seam. The novelty is not only without a seam, but in bright stripes and checks. The repairs are bound to coincide with the same of the backparts. We guarantee a perfect fit in every pair or money refunded.

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This ware is not cheap baking powder prizes, but is elegant genuine English table ware. Let every lady avail herself of this opportunity of procuring not only the best groceries to be found, but have a chance at drawing free one or more of these elegant sets.

LA FORREST & THOMPSON.

Wind! Rain! Snow.

"Oh! the cold and cruel winter, Ever thicker, thicker, thicker; Froze the ice on lake and river, Ever deeper, deeper, deeper; Fell the covering snow and drifted Through the forest round the village."

IT IS COMING.

"Old Prob." says winter is coming earlier and more severe this year than usual.

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Take time by the topknot and examine my elegant stock of

OVERCOATS, CAPE ULSTERS, DRESS OVERCOATS.

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