

TRY.
YORAN'S
Shoe Store
for good Boots, Shoes
and Rubbers.
Our motto is
Good Shoes
Low Prices.

Brevities

New walnuts, almonds, figs and raisins. L. C. Steele's grocery.

Special sale on sofa pillows Friday and Saturday at Miss Saltzman's.

Farmers ready horse shoes at Chambers'.

See the 50 cent misses' shoes at Gilbert's.

Going fast—wall paper at Preston & Hale.

Buy a boys' sweater and save a dollar at Racket.

C. F. Farrow & Co. will sell you the best plows and harrows.

72 pairs ladies' kid lace shoes, \$2.50 shoes, \$1.99 a pair. Gilbert.

Good boys' wagons for good boys, all sizes at Chambers Hardware.

The best lot of sweaters we have ever offered received today. Racket Store.

Tin fruit cans and wax.

Chambers Hardware.

Our boys' sweaters will please you, as the price is right. P. Frank & Son.

Special snags in almost new bicycles at Chambers Hardware.

Ask Preston & Hale about their mixed paints, \$1.10 per gallon.

Boys' vii kid double soles, 2 1/2 to 5 1/2, \$2.50 shoes, close out at \$1.65.

You are welcome to look at our Mackintoshes. They are going at cost. Racket.

All kinds of grass seed wanted.

Chambers' Hardware.

100 pairs ladies' Oxfords and house slippers, 35 cents a pair. Gilbert.

Wood box, 25c, 35c and 50c a pair. P. Frank & Son.

450 heating stoves to select from. We can fit anybody's house. Chambers Hardware.

Solar a dozen for cabinet photo and three dozen stamps for 25 cents at Walter's photo studio.

All stoves have advanced again but selling as the stock lasts its yours at the same old price at Chambers Hardware.

Best woven wire mattresses, center supported, for \$2.25 at Day & Henderson's.

Monitor Drills and seeders are good goods at low prices. See them at Chambers Hardware.

Your hens are moulted. Prussian Poultry Food will help them. Preston & Hale.

132 pairs ladies' box calf, 1 c, double soles, water proof shoe, square 3 1/2, here at \$2.19 a pair. Gilbert.

Get a cider mill and indulge in a good healthy cup. Chambers' Hardware has the Buckeye.

We have 200 pairs of ladies' \$3.50 lace shoes, all sizes, heavy soles, yellow edges, which we will sell for \$2.65 a pair. Gilbert.

Wall paper—we now have lots of remnants to close out of the new papers—come early.

Chambers' Hardware.

Builders' hardware is still going up but we have stocks of it bought before the advance and intend to sell it.

We can give you your choice of 360 pairs of misses' and children's shoes at 60 cents a pair from 5 1/2 to 11 and 1 1/2 to 2. Gilbert.

Home from Washington.

Mr and Mrs R. A. Bartlett returned last night from Washington, D. C., where they attended the national encampment of the G. A. R. Mr Bartlett says they had a grand time and that the encampment was one of the best ever held. John Ingham and wife went on to Canada and will perhaps be back in about a month.

THE HEATON MURDER TRIAL
The Case Is Now in Circuit Court Here.

The Jury Quickly Selected By the Attorneys—Prisoner a Close Observer and Listener.

JURY SELECTED IN HEATON MURDER TRIAL.

S. Taylor, L. E. Thompson, Chas. Culbert, H. Hunter, W. B. Mumme, Volney Hemenway, R. McMurphy, H. A. Komp, J. M. Marger, Percy Long, Geo. Holland, Jas. Kennerly.

Daily Guard, Nov 5

The commencing of the trial of Bert Heaton for the murder of Benton Tracy at Junction, May 20th last, in the circuit court before Judge J. W. Hamilton this morning brought a large crowd to the court room. There were a few women among the spectators.

The defendant was brought to court shortly after 9 o'clock by Sheriff Withers. He smiled and nodded recognition to his wife who sat near him throughout the day.

The day was mostly taken up with the selection of a jury. The selection of the jury progressed very rapidly, six jurors being chosen in less than an hour and a half.

Mr. and Mrs. Edgar, of Grants Pass, listened intently to all that was said. Mrs. Edgar is a sister of the murdered man. Mrs. Tracey, widow of the deceased, sat near.

The accused was an intent listener to all proceedings. He eyed each juror as the examination progressed and seemed to study the faces of every speaker both the questioners and questioned. He is a slightly built man whose age does not seem to be more than 21 years. He was fairly well dressed and his general manner impressed the observer as being a man accustomed to good clothes and manners.

Upon the opening of the case District Attorney Geo. M. Brown stated that two witnesses for the state would not be in Eugene until tomorrow afternoon. Judge McFadden, of Corvallis, and Deputy District Attorney L. T. Harris assisted the district attorney for the state, while Lark Blyden and A. C. Woodcock are the attorneys for Heaton.

JURY SELECTED.

The venire of trial jurors was exhausted just before noon and after the eleventh juror was accepted. The court took a recess until one o'clock. The sheriff was instructed to summon ten more trial jurors from which to select the other men.

Following are the jurymen who will adjudge Bert Heaton guilty or innocent of the terrible crime with which he is charged:

J. S. Taylor, farmer, L. E. Thompson, blacksmith, of Springfield; Chas. Culbert, farmer, of Elmira; H. Hunter, contractor, of Creswell; W. B. Mumme, contractor, of Eugene; Volney Hemenway, farmer, of Eugene; R. McMurphy, manufacturer, of Eugene; H. A. Komp, farmer, of near Eugene; Geo. Holland, farmer, of near Eugene; J. M. Martin, brick-maker, of Eugene; Jas. Kennerly, logger, of McKenzie Valley; Percy Long, merchant, of Eugene.

The jury was sworn at 1:30 o'clock.

STATE'S WITNESSES.

Dr W. W. Ogilby, Simon Klodahl, J. B. Taylor, C. Tracy, Clyde Cook, John Coon, Roy McFarland, J. J. Darnell, John Blaw, Wm Harpole, Jack Briery, Lee Southworth, Wm Keene, C. Olstad, A. L. Ramsey, Mrs. A. L. Ramsey, Mrs. Barbara Martin, May D. Martin, John Bonney, W. W. Withers, C. K. Frank, H. N. Brown, J. M. Williams, Reese Eaton, B. D. Paine, C. P. Houston, Walter Eldy, Mrs. Benton Tracy, Fred Withrow.

The state's witnesses were sworn and excluded from the court room.

DEFENSE'S WITNESSES.

J. P. Doherty, Wm. Moffat, J. J. Heaton, Mrs. J. J. Heaton.

The witnesses were sworn and excluded from the court room.

STATEMENT OF PROSECUTION.

L. T. Harris for the state, stated that the prosecution expected to prove the guilt of the prisoner by a long list of facts, covering the time from the murder until Heaton was captured. These facts were given by Mr. Harris.

The defense made no address to the jury.

WITNESS TESTIMONY.

Dr Ogilby testified that he attended Tracy immediately after he was shot, that he was handed a bullet by another person who had picked it from the floor.

C. Tracy, brother of Benton Tracy, testified that the age of the deceased was 63 years and his weight was 170 pounds.

Simon Klodahl, surveyor, testified as to the dimensions and measurements of the Monogram saloon at Junction City.

J. B. Taylor, telegraph operator of Junction, stated that he with a commercial man went to a pump in front of the saloon to get a drink and that while there a man was standing in front of the saloon who scrutinized the two very carefully. He testified that the defendant resembled the man very much; that 10 minutes afterward they heard shots fired. Taylor said he believes that the accused man, pointing to Heaton, is the same as the one who so closely scrutinized them.

Clyde Cook's testimony showed that he had met the defendant in the Monogram saloon and had seen Heaton on the sidewalk after 12 o'clock two or three times. He positively identified Heaton as the man who was walking in front of the saloon 15 minutes after twelve o'clock. The witness stated that he was the person who discovered Tracy after he was shot and immediately went for the doctor.



Bert Heaton.

Roy McFarland, hotel clerk for the Junction City hotel, testified that he knew the defendant to be the same man that he saw walking up and down the front of the saloon about midnight on the night of the murder, and that he was the same man who had registered at the hotel previously under the name of Bert Ray. He was also in the saloon after the alarm had been given and testified as to the actions of several persons who were with him.

John Coon, a citizen of Junction, testified that on the night of the murder he was waiting for the train and as it was late he walked about town. While thus engaged shortly after 12 o'clock he saw the defendant walking backwards and forwards in front of the saloon where the shooting occurred twelve or fifteen minutes later. He also returned to the saloon after he heard the shots.

J. J. Darnell, bartender in the Monogram saloon during the month of May, said he left the saloon about 8:30 o'clock on the night of the tragedy. Before leaving he saw a cash transaction displaying some hundreds of dollars between Benton Tracy and Walt Scott whereby the large amount of cash was placed in the cash register. He swore that the defendant was in the saloon and also witnessed the same thing. He was also in the saloon after the alarm was given and saw a bullet picked up from the floor. A bullet was introduced in court which he said was identical with the one he saw at the time. He examined the cash register and discovered the robbery. He never saw the defendant in Junction after that night.

The court here adjourned until 7 o'clock p. m.

EVENING SESSION.

Darnell continued on the witness stand and testified to the appearance of mud on the bar and blood about the saloon. A pistol was introduced in court and identified by the witness as being exactly similar to the one Tracy had used.

The counsel for the defense were quick to interpose objections throughout the testimony. The records show numerous exceptions taken to the rulings of the court.

Mrs. Benton Tracy, widow of the murdered man was put on the stand at 7:40 and in a firm voice identified her husband's clothing which was worn at the time of the shooting. The revolver was also identified. They were labeled as exhibits.

Jack Briery, a middle aged citizen of Junction, testified that Heaton had played at a gambling game and had lost and left the game about 10:30 o'clock saying that he was "broke."

He also corroborated previous testimony as to the appearance of the saloon. He swore that he arrived at the saloon on the night of the killing at 12:25 o'clock.

Daily Guard, Nov 5

Sensational developments in the Heaton murder trial this afternoon created a thrill of excitement in the courtroom. Two witnesses for the state from Redding, Cal., on the stand created the furor. The prisoner smiled once or twice in a nervous way but kept his eye on the witnesses. He moved in his chair frequently and keeps one hand generally on his face.

THIS MORNING'S SESSION.

Wm. Keene, marshal of Junction City, testified that he observed Bert Heaton in the Monogram saloon sitting in the rear room where he could see the bar. He stayed with Tracy after the shooting until the arrival of the coroner at 3:30.

E. Southworth, employee of the White Front saloon, corroborated previous testimony as to the shots, saying that one shot preceded four or five others about one minute; that he was with Clyde Cook as they left the White Front saloon, passing and returning to the Monogram saloon and finding Tracy leaning against the bar gasping for breath.

Wm. Harpole, dealer in "21" games at the Monogram, left the Monogram saloon at midnight going to the White Front. He heard the first muffled shot and the four or five others following a minute later. He testified that during the day he heard Heaton say that he was "broke" and borrowed 50 cents from the witness twice, once to get something to eat and the last time to play poker with. He stated that he deposited \$95 in nickels, dimes, quarters, half dollars and dollars with Benton Tracy in the cash register at 12 o'clock. His testimony conflicted with former testimony, saying that the body of Tracy was not removed from behind the bar until the train came on about 3:30.

Juryman McMurphy asked the question if Heaton lost or won at the game. The witness answered that Heaton lost him he had lost.

Fred Withrow testified that he had given the defendant money at four different times, a dollar the first time and a quarter as three other different times.

John Blaw said Heaton was in the Monogram saloon on the night of the killing. He was a "21" dealer also and gave Tracy \$95 or \$97 to keep over night. He returned to the saloon after the alarm. He corroborated the previous testimony concerning the position of the bullet mark on the wall and general arrangement of the interior of the saloon.

C. P. Houston's testimony was most important. He came in and gave Tracy \$30 in silver for \$30 in gold. At this time he noticed Heaton standing at the upper end of the bar reading a paper and noticed him looking over the top of the paper at the money as it lay on the bar. The witness and Tracy passed some conversation concerning the strange actions of Heaton.

C. Alstead, night bridge walker for the Harriburg bridge, testified that he saw a man answering the description of the defendant at 1 o'clock in the morning of the 20th of May, walking very rapidly toward Harriburg with his head uncovered, carrying something in his hand covered by a handkerchief. The man accosted him and in response the man hesitated and said he was bound for Harriburg.

The counsel for the defense moved to strike out Alstead's testimony entirely. Judge McFadden cited authorities for the admission of such evidence.

EVIDENCE STRICKEN OUT.

The motion was sustained and this most important testimony of Alstead was ordered stricken from the record on the grounds of being insufficient identification. The defense did not examine the witness.

A. L. Ramsey, boarding house keeper of Albany, testified that the defendant appeared at his house in Albany and requested a room which was given him. Heaton stayed all day, except at dinner time in the room assigned. He inquired about the time of the south-bound train, and the last time the defendant was seen was at 9 o'clock p. m.

THIS AFTERNOON'S SESSION.

Mrs. Ramsey, wife of the boarding house keeper, substantiated her husband's testimony as to Heaton being in the house on the 20th of May.

Mrs. Martin, lodging house keeper of Redding, California, has been acquainted with Heaton for about one year. She stated that Heaton was at her house May 1st and left soon. She did not see him until May 22, 1902, at 7 o'clock in the morning. She said he stated that he was tremendously hungry and that he did not care how much she charged him. He later went to bed and ordered his clothes sent to a cleaner's establishment.

SHE STATED THAT IN HER PRESENCE AND IN THE PRESENCE OF OTHERS BERT HEATON SHOOK CASH IN HIS POCKETS AND SAID, "AND THAT IS NOT ALL WE HAVE, BERT HAS MORE MONEY RIGHT HERE," TAPPING HIS BREST.

Heaton's wife was known in Redding as "Silers" and not the wife of the defendant.

HER REAL NAME IS MISS OLGA JASPERSON, AS TESTIFIED TO BY MRS. MARTIN. SHE WAS KEPT UP AND FURNISHED MONEY BY HEATON. HE GAVE HER MONEY WITH WHICH SHE PURCHASED A COMPLETE OUTFIT OF CLOTHES.

Heaton left Mrs. Martin's house ostensibly for Red Bluff, further south. The witness had not seen the defendant until this afternoon since that time.

May D. Martin, daughter of Mrs. Martin took the stand at 1:30 o'clock. She is a vivacious girl of about 18 summers whom Attorney Woodcock called "swift" and a rustic of excitement passed over the courtroom. She substantially corroborated her mother's sensational testimony. SHE POSITIVELY identified a large 45-caliber revolver as belonging to Bert Heaton. She said he called it "Betsy" or "Sweetheart."

John Bonnet, of Redding, proprietor of a cleaning and dyeing establishment in that city stated that he had cleaned a suit of clothes for Heaton and charged him about \$3. THE BILL WAS PAID ENTIRELY IN DIMES. The defense did not ask the witness a question.

Mr. Lamont, of Redding, testified that he has known Heaton one year, and that he boarded the train 14 miles north of Redding upon which Heaton was riding. Heaton said to him that HE HAD BEEN IN A FIGHT AND HAD BROUGHT "BETSY" INTO GOOD PLAY.

WITNESSES ON THE STAND.

Sheriff Withers on the stand stated that he arrested Heaton in Wells, Nevada, and took from his person the revolver which he identified positively, also the cartridge which he removed from the gun. He stated that Heaton remarked to him at the time of the arrest that he had left Junction broke and went north two or three stations. When he had said as much he said he had better not talk any more.

J. M. Williams who was deputy district attorney was sworn and identified the bullet exhibited as the same one delivered to the sheriff.

Reese Eaton testified that he picked up the bullet which is in evidence. Withers resumed the stand. He stated that he removed the panel of the partition of the saloon containing the bullet dead. The board was exhibited in court and the jury examined the same.

J. B. Taylor, the operator at Junction, was recalled. He testified that there was no freight train going north out of Junction on the morning of the 20th of May.

Chas. K. Frank, agent for the S. P. Co. at Albany, was called. He testified as to the arrival and departure of train No 15 at Albany on the night of the 20th of May.

H. N. Brown, night operator at Albany in May, did not establish any essential fact.

C. H. Burns, sheriff of Shasta county, Cal., stated he had a year's acquaintance with Heaton. He identified the revolver in evidence as the property of Heaton and called "Old Betsy."

W. H. Emerson, of Redding, former deputy marshal of that place, knew Heaton for one year. He also identified the revolver. He saw Heaton in Redding May 22 or 23.

Reese Eaton was recalled and testified as other witnesses had done concerning the appearance of Tracy at 12:25 o'clock, the night of the murder.

B. D. Paine was sworn. He stated that there were four different kinds of Colt cartridge manufactured.

PROSECUTION ENDED.

With this testimony the state rested its case. The attorneys for the defense asked for 30 minutes to confer with their client after they had made the motion to instruct the jury to immediately find for the defendant on the ground of insufficient testimony. The motion was overruled.

CASE RESTED.

TO THE SURPRISE OF EVERY ONE A. C. WOODCOCK, FOR THE DEFENSE, STATED THAT THEY RESTED THEIR CASE WITHOUT GIVING TESTIMONY.

The court allowed the state to recall several witnesses.

J. B. Taylor, the operator, verified his former testimony.

J. H. Miller asserted the same.

Jack Briery asserted the same.

Roy McFarland added his word to the others.

Clyde Cook testified to the same.

L. T. Harris for the state was making his plea before the jury at press time.

Severely Hurt.

P. N. Shelley, a farmer of Pleasant Hill, is certainly unfortunate. Some weeks ago he fell and broke two of his ribs and when he had recovered he met with another mishap. It seems that he was in a barn loft with one of his boys was caring for a team of horses. The boy failed to unlunge a tug and as the horses started to run away Mr. Shelley jumped from above, striking a rock which caused a very severe hurt.

CASE OF THE PROSECUTION
What the State Expects to Prove in the Heaton Murder Case.

Deputy District Attorney Lawrence T. Harris' address to the jury yesterday stating the course the state expected to follow in the Heaton trial was as clear and concise a statement as has ever been placed before a court and jury in this county. The course of the prosecution he outlined is as follows:

That Benton Tracy was a bartender in the Monogram saloon.

That six shots were fired on the night of May 20, 1902.

That immediately after Tracy was found dying.

That there were footprints on the bar.

That the cash register had been robbed.

That Heaton was in Junction for ten days prior to the shooting under an assumed name.

That he was in financial straits.

That he wanted to borrow 50 cents to gamble with.

That he lost his money and stated that he was "broke."

That Heaton witnessed a cash transaction over the bar of the Monogram where some hundreds of dollars were deposited in the register.

That Heaton said "This time tomorrow I will be in Portland."

That Heaton was seen by four or five men walking in front of the saloon just before the shooting.

That when arrested in Nevada the defendant said he had left Junction on a freight train.

That there was no freight train going either way out of Junction after Heaton was seen in the city.

That Heaton was in Albany and that he stayed all day in that city.

That he inquired about the train.

That he arrived in Redding, Cal. May 22, wearing very much soiled clothes.

That he had them cleaned and paid the bill in nickels and dimes.

That when questioned about the money he said he had beat a gambling game in Oregon.

That he had a 45-caliber revolver on his person when arrested.

That the bullet which killed Tracy was a 45-caliber bullet.

THAT THE DEFENDANT HEATON IS ONE AND THE SAME AS BERT RAY AND THAT HE IS THE MURDERER OF BENTON TRACY.

MRS ARTHUR SLOAN PASSED AWAY.

Died Early This Morning—Funeral Will Be Held Friday.

Lillian Bell Sloan, wife of Arthur Sloan, died at her home, 633 Olive street, at an early hour this morning from stomach trouble. The news of her death came as a shock to her friends as she was not ill long.

The funeral will be held Friday afternoon at 2 o'clock with interment in the Masonic cemetery. Rev. H. A. Green of the Baptist church will conduct the ceremonies.

Mrs. Sloan was the daughter of Mr. and Mrs. J. Monroe Cain, of Halsey. She was born in Wise county, Texas, March 27, 1877, coming to Oregon with her parents. She was married to Arthur Sloan, a well known young blacksmith of this city, July 24, 1895. Besides her husband and parents she leaves three brothers and one little daughter. She was a member of Evangeline Chapter, Degree of Honor, of this city.

Married.

At the courthouse in Eugene, Tuesday, Nov. 4, 1902, W. H. Aspery and Miss Mabel Clara Harvey, both of Coquille, Justice C. A. Wintermeyer officiating.

NEW YORK REPUBLICAN
Odell's Election as Governor Conceded—About 11,000 Plurality.

Czarina Suffers Acute Melancholia—Killed an Outlaw for \$5,000 Reward.

By Scripps News Association

FORT WORTH, Texas, Nov. 6.—Jim Sims, a noted bandit and outlaw, who has killed not less than a dozen men, was shot and killed by Marshal Hudson near Clio Springs yesterday. It was a desperate encounter, Sims fighting to the last breath.

The reward of \$5000 for the outlaw dead or alive was paid Hudson today.

Odell Elected.

NEW YORK, Nov. 6.—Governor Odell's plurality over Coler will not be far from eleven thousand.

It is not thought that the election will be contested by the Democratic state committee.

The House Republican.

By Scripps News Association

WASHINGTON, Nov. 6.—Chairman Griggs of the Democratic Congressional committee concedes a Republican majority of fourteen in the next house.

Mitchell May Displace Gompers.

By Scripps News Association

NEW YORK, Nov. 6.—The Industrialist faction of the Federation of Labor proposes to displace President Gompers at the coming convention at New Orleans, November 13th.

The Industrialists will bend all their energies toward the election of President Mitchell who has just carried the United Mine Worker's coal strike to a successful conclusion. There is certain to be a bitter fight if Gompers is placed in nomination.

General Miles' Report.

By Scripps News Association

WASHINGTON, Nov. 6.—The annual report of Lieutenant-General Nelson A. Miles, commanding the army, was made public today. He makes no reference to the friction between himself and President Roosevelt.

General Miles recommends heavy expenditures for the construction of fortifications at the Pacific Coast ports, also the construction of extensive barracks for the accommodation of men in transit to and from the Philippines.

He praises his subordinates for discipline and attention to duty.

ROOM WANTED
To display our immense line of
..Holiday Goods..

50 per cent off—or just 1/2 on all our men's, women's and children's mackintoshes.

25 per cent off—on all men's pants except our 75c and \$1.00 line.

33 1/3 per cent off—or just 75c per pair on one lot Men's heavy shoes.

25 per cent off—or just 75c per pair on a certain child's heavy shoe, sizes 5 to 12.

20 per cent off—or 10 cents per lb on a nice sun-dried tea.

4 1-lb pkgs Arm & Hammer soda, 25c 6 lbs Arm & Hammer Soda in bulk, 25c

AX BILLY Department Store . . .

CHAMBERS HARDWARE.

See Oliver's New Gang, and all sizes and shapes of Walking Plows.

The 40 Walking, The 40 Sulky, The Oliver Steel Plow,

are all known to be adapted to this soil. You can get Oliver extras when you need them. Also all other kinds.

Farm Implements.
New Stock Furniture.