

LOCAL RECORD

RAILWAY LEADS.—The Albany papers have been boasting over the fact that the receipts at their railroad station are \$16,000 a month. We claim they have no right to boast of this since Roseburg has a railroad business of \$9,000 makes a much better showing. A large part of the receipts at the Albany station are from freight transferred to the O. P. & R. which traffic is of no material benefit to the city. We think it can be safely said that in proportion to population the Albany station has done the largest business in Oregon south of Portland during the present year.—Roseburg News.

The above is full of false statements. Some of the receipts are from letters, but not a large part. Further, we are informed that nearly seventy-five percent of the local freight receipts here by the Oregon Pacific and O. & N. hence play no part in the \$16,000, but at Roseburg and Eugene City all of the receipts are by freight, and at the latter place on a much longer haul. In a business showing there is no comparison, a month the total receipts here were \$1,300 of the total receipts of Roseburg and Eugene combined.

DIED SUDDENLY.—Mr. Phil Tharp died suddenly at his home in Benton Tuesday morning. He had been feeling unwell for a day or two; but nothing was anticipated until just previous to his death. It was thought to be an attack of brain fever. The deceased was a young man of good habits, twenty-two years of age. He attended college here years, afterwards going to Corvallis year and to Monmouth a year. This he was trying to keep up his studies, his father and mother being on a visit, and it is said had over exerted self.

TRAMP EXPERIENCE.—Early this morning, before daylight, Mrs. F. Ashby went into her woodshed after some wood. Hearing a noise, and thinking it was a dog, gave the usual salutation of "get out." To her surprise a dog it proved to be a tramp was trying to steal a box of canned goods. He made a tumbling rush for the door and disappeared down the alley, where Mrs. Ashby of course rushed into the street. Just which was the most frightening scene has not been learned. By the way a watch needs to be kept for these fellows.

MARRIED.—At the home of the County Auditor in Albany, Wednesday Nov. 6th, Mr. J. S. Stratton, of Millers Station, Miss Lucinda C. Farwell, daughter of County Treasurer, in the presence of a few of their near relations. May their life's voyage be a pleasant one. Rev. Fisher, pastor of the Evangelical church, of which Mrs. Stratton is a worthy member, officiated.

WASHINGTON STREET.—A special meeting of the City Council was held last evening to consider the matter of grading Washington Street. It was decided to be with this fall, within a reasonable time and push the work of grading the street to completion.

THE ROLFE BOYS.—A yenire was ordered by Judge Boise this morning for twenty dollars for wrecking the overland train, and being decided to try both together, wards changed to Bert Rolfe alone, the trial was proceeding as we went to court. As the testimony is substantially the same as in the trial of Hill it will be necessary to give it.

NEW CITIZENS.—Samuel Northeger, Sr., and Northeger, Jr., and John and R. Spring all of Sweet Home precinct, just been admitted to citizenship in Albany and now have the royal right of voting.

SOCIAL NOTICE.—Members of Organizational and sojourning Patriarchal take notice that Grand Patriarch Ben Hill visit this Encampment on next evening. All are specially requested to be present.

C. G. RAWLINGS, Scribe.

LOST PROPERTY.—About ten acres of land in the city being the north ten of the Milton Hale place. The land is nicely and has a large frontage on road. This is very desirable property for sale for a few days at a reasonable figure and on easy terms.—E. G. Wiley Real Estate Agt Broadalbin St.

MARRIED.—On Wednesday, Nov. 6th, at residence of A. H. Phelps, in Albany, Mr. Humphrey, Esq. Ben Conner and Ada Newman—both of Millers.

THE TRAIN WRECKERS TRIAL.

THE TESTIMONY CONTINUED.

Mr. De Clark testified as follows: Am bridge superintendent. Explained split key used at switch. After accident found rails at switch half the width out of place. (Here Mr. De Clark handed the switch and explained the workings of the switch.) Have experienced with that switch. Went out with grand jury and it worked just as I have here explained. Know nothing about the pin being lost except that we could not find it. Looked all about the switch for it. Know nothing about the condition of the switch before the accident happened. The tampering might have been done any time since noon of that day so far as I know. Don't know what kind of pin was in switch before accident. Overland train has preference over all other trains when delayed. Man could not remove pin with his hand. Would have to have a tool to remove it. Could remove it with a stone in 5 or 8 minutes.

Dr. Bevin, Reside in Portland. Am physician and surgeon. Was called to see Miller and Guthrie at St. Vincent's hospital. They were both badly scalded. Miller died in an hour after he was brought to the hospital and Guthrie in about a week. They both died from the effects of the scalding.

Thomas Froman, Am farmer. Live three miles south of Albany. Know deft Hill. Saw him first in June when I hired him to run engine at threshing. Remember time of accident. Hill was in my employ then. On day of accident he was at my place until 3 o'clock in the afternoon when the two Rolfe boys and Hill got some money and left for town. Did not see them until next morning. Then told Hill to start the engine. When I got to the field Hill said he had broken his arm and could not work. He said he had laid on it the night before he went to town to have it attended to. Returned at 4 in the afternoon. Said his arm was broken. He said there had been a wreck. Think he said one man was dead. Showed me medicine the Dr had given him to pour on his arm. Hill said round until night. Another gentleman told about the wreck. On Tuesday morning Hill had fired up but I told him I had another man. On Tuesday evening Hill limped considerably. Hill said all night at my place Tuesday night. On Wednesday at 8 o'clock Hill and I came to town. Hill could hardly get into the buggy. Near Hackleman's grove told him he could not work very soon and he had better go home. He said there was a man in my crowd that caused the wreck. I asked him who it was. He said he would not give him away for anything. I told him that it lay between him and the Rolfe boys. He then said Bert Rolfe was the cause of it. He took out the pin and put in the stone. He and one of the older Rolfe went on and Bert came running saying he had part of the Southern Pacific. I told him that he hurt his leg at the same time he did his arm and he said "I reckon." While in the buggy Hill said that he had told the Rolfe boys that if the wreck matter was found out they would be in a bad box. Nothing unusual in the action of Hill. Know not what was the matter with Hill's arm. Tuesday morning his condition was all right. On Monday evening he said he had powder which the Dr gave him. Said his arm pained him. Green went to town Saturday evening. He did not return until Monday morning. Heard him say nothing about the wreck. Hill did not work any Monday evening. He slept half an hour Monday evening. Tuesday evening his arm was swollen. I believe he complained of pain in his right leg. Could see no difference in his condition on Tuesday evening and Wednesday morning. Saw nothing peculiar in his condition Wednesday as we came to town. If he had been stupid I would have noticed it.

Dr. Davis testified as follows: Am practicing physician and surgeon. Live in Albany. First saw deft on 28th of July. Two Rolfe boys and deft called to see me. I treated him and one of the Rolfe boys. Hill came Monday morning and said his arm was broken. Said he or his bed fellow had rolled over on it. His arm was bruised or sprained. Gave him chloroform to examine his arm. Dr. Gulas gave the chloroform. Hill was willing to take it. Found the hurt only trivial. Gave him liniment and morphine. On Wednesday he returned and I dressed his arm. He then asked if they had found out who monkeyed with the switch. I told him I had heard nothing except what you told me the other day when under the influence of chloroform. He then said he was afraid that he would tell something about it if he took that stuff. Hill then said that he and the two Rolfe boys were walking on the switch and the young Rolfe boy stopped and began to monkey with it and he and the older Rolfe boy told Bert to come on and let that alone. Afterwards Bert came on and said that he had that much of the Southern Pacific property any way showing a pin. They told him that he had better put that away as it might get him into trouble. There was no dislocation of the arm. Treated him three or four weeks. Gave him medicine with the thought that it might be rheumatism.

Geo. Humphry testified as follows: Deft Hill preliminary examination before me. Had conversation with deft the day before the examination. Conversation was had in the presence of Hewitt, Monteth, and myself. Told Hill if he made statement to me it must be voluntary. Hill said he and the two Rolfe boys were in town Sunday evening and they went to depot and asked to ride on engine but was refused. They went on to the switch. Older Rolfe boy put stone in the rails. He said he was an engineer and took the key partly out and the younger Rolfe took it out. The older Rolfe boy and he (Hill) went on and afterwards called to young Rolfe to come on as he might get into trouble. Young Rolfe came running on and said that he had a part of the Southern Pacific property and showed the key. Hill and the older Rolfe told him to throw it away as it would get him into trouble. He threw it away. D. B. Monteth arrested Hill and Burkhardt and the city marshal arrested the Rolfe boys. Hill appeared perfectly willing to make his statement. Monteth told Hill who I was and me who Hill was.

Morgan Richardson. Was employed 28th of July at Mr. Froman's. Know Hill. Saw Hill Sunday morning and Sunday evening. Slept with him that night in the barn. Did not see him return. I went to bed after nine. Engine went along before I went to bed. Rolfe boys returned before I went to bed. Rolfe boys came in 15 or 20 minutes after the train passed. Saw nothing peculiar in Mr. Hill except that he was restless. Heard him groan and roll around in the night. Had some difficulty in keeping the covers on me. He rolled away from me. Heard him say the next day that he had hurt his arm.

He did not tell me how he had got it hurt. He did not say anything about getting his leg hurt. Saw nothing unusual about the Rolfe boys when they came in. Had not seen the Rolfe boys before they began work for Froman. Knew nothing about his arm being hurt until next morning. He had it tied up next morning. Have no idea who tampered with the switch. Never heard him complain of his arm before that.

W. J. Murray testified as follows: Reside at Albany. Was at work for Mr. Froman July 28. Saw Mr. Hill, deft, in the evening of that day. He came into barn. Said he had a boil on his eye and that it hurt. Asked him in the night what was the matter. Said next morning that his wrist was sore and did not think he could work. He came into the barn about 15 or 20 minutes after the train passed. It would take about 15 hours to walk from depot to Froman's. Saw nothing unusual in the actions of Rolfe and Hill when they came in. Saw nothing unusual in the actions of Hill and Rolfe next morning. It was not entirely dark when the boys came in Sunday evening.

Eugene Randall testified as follows: Reside in Marion county. Was working for Mr. Froman on the 28th of July. Saw Hill in the evening of that day after 9 o'clock in the evening. He came to Froman's barn. Boys came in 20 minutes after the train passed. Saw nothing out of the way with Hill next morning, except that he said he had a sore arm. Hill said he turned over on it. Nothing unusual in the actions of Hill and the Rolfe that evening. Knew the Rolfe about two months prior to that. Nothing unusual in the conduct of the Rolfe on Monday, Tuesday or Wednesday up to the time of their arrest. Hill did not appear unusual on Monday, Tuesday or Wednesday, except that his arm was sore. Slept in the barn that Hill slept in.

James Foster. Live with my father about 4 miles from Albany. Know Hill. Remember the wreck. After the wreck said his arm and leg were sore. He said his arm was broken. He told me so on Monday. Hill said he hurt his leg on the engine.

D. B. Monteth. Resided in Albany since 1857. Remember about the wreck. Saw Hill first on Monday. Next saw him Wednesday noon. Had a warrant and arrested him. Hill was asleep in a hammock. Told him I had a warrant. Helped him up. Left arm was hurt. He said this was in connection with train wreck. Got into my buggy. He said he hated to give the boys away. I told him that it was better for him to tell all about it.

Statement made to Monteth by Hill was then ruled out as incompetent. Thomas Froman recalled. I said this train wreck matter laid between the three because they (the three) had not seen Green. Murray, Green and Randall were all in town also. Green did not come back until Monday. Randall and Murray came back about sundown. The boys all came to town about. My place is about two miles from the switch.

At this point the court accompanied by the jury, bailiffs, counsel and reporters repaired to the switch to view the circumstances of the wreck.

EVENING SESSION.

E. Randall recalled, testified as follows: Hill told me he ran against a banister in the Dr's office and hurt his leg.

Mrs. R. Thompson. Have seen Mr. Hill. He came into the postoffice and asked for his mail. He was shaking and I asked him what was the matter and he said he had broken his arm. Said he was running and fell down. Nothing in his manner peculiar except that he was shaking like he had the ague.

State rests.

Jack Hundley, called for the defense, testified as follows: Am acquainted with deft since June 4th. Worked with him on brick yard of Cassell. Hill complained of rheumatism in his arm, leg and side sometimes so that he could not work. Saw him Sunday evening July 28 at 6 o'clock. He was not drunk. Saw him same evening at depot at about 25 minutes past 8. He started down the road south with the two young men that were with him earlier in the evening. It was light enough for me to see him across the railroad track. Not sure about the time I saw him. There were no lights about the depot. Don't know whether there was any light in the Lebanon engine or not. Hill was 20 or 30 feet from me. Had no conversation with Hill at depot. Knew Hill to lay off from work on account of rheumatism. Saw him but a few minutes at the depot. Don't remember whether I slept with Hill at brick yard.

Ubbe Peters. Was cutting oats near the switch when the wreck happened. Lebanon engine was a mile toward Lebanon from the switch when the wreck occurred. Only a few minutes from the time the Lebanon engine left switch until the wreck occurred. Could not see whether there was a car attached to engine or not. I live on Mrs. Walter Monteth's farm 1 1/2 miles south of town. Was un hitching my team when the engine passed. My house is about 50 yards from the switch. Would take me 15 minutes to walk around my oat patch.

Mr. Douglas. Have been acquainted with him 3 months. Knew him in Kansas and here. He was afflicted with rheumatism. Had to stop work several times on account of it. He was uneasy and restless of nights when he had rheumatism.

Mrs. J. R. Douglas. Have been acquainted with deft about 8 months. He often complained of rheumatism. Complained of it on the road from Kansas. Hill was at my house July 28th. Said his arm was bruised. Said he had been taking so much chloroform that he was drunk. He looked very bad. On Wednesday morning he did not seem in his right mind at all. Became acquainted with Hill in Kansas. Do not know that he had any trouble in getting into the buggy. On Wednesday he complained of rheumatism. Did not see him on Monday until he had got up to the door. Said he had not slept on Tuesday night. He looked pale and sickly.

Erza Douglas. Am eleven years old. Have known Hill 8 months. Ma sent me to wake Hill but I could not wake him very easily. Had to shake him a long time before I could wake him. Hill said he had the rheumatism. Came back on Wednesday. He acted like he was drunk and could hardly walk. Have talked with my father and mother about coming here to testify. Have talked to Judge Whitney about it.

Bertha Douglas. Am 9 years old. Have known Hill ever since we lived in Kansas. Heard him complain two or three times about having rheumatism. He did not act like himself. Have not talked with my father and mother about coming here.

Dr. Hill. Am practicing medicine. Saw the deft about eight days after he had his hand splinted. Dr. Davis was with me. I examined him and found him to have the rheumatism. His thigh was swollen. Examined his left arm and wrist. Saw nothing unusual about his arm. Asked him about his arm. Said it had pained him but was well now. One quarter of a grain is a full dose of morphine. Some persons can take more and others less. An ordinary opium eater can take enough to kill a person who is not used to it. Morphine makes some drunk, confuses others and has various other effects. Fresh air usually takes a person from out the influence of morphine. Found his temperature to be 100 or 101. He had fever. Rheumatism will shift from one part of the body to another.

Dr. Whitney. Am practicing medicine. Saw deft in jail about a week after the wreck. Examined him. He complained of his right knee. Examined his knee and measured it and found it much swollen—about two inches in measurement. Have had some experience in giving morphine. It affects the mind so as to make it wander.

Mrs. Hill. Am mother of the deft. He is past 20 years of age. He has been afflicted with rheumatism most of his life. Of nights he has always been restless.

Mr. Hill. Am father of the deft. Live in Albany. He has been troubled with rheumatic pains ever since his boyhood. Have examined the workings of the switch. Have a model of it. (Here witness showed the working of the automatic switch by the use of the model.) Was living at Astoria when the accident happened.

John Rolfe. Was at the switch on Sunday following the accident. (Witness explained from the model the track of the engine after the wheel struck the end of the rail.)

Mr. Huston recalled. Was at the switch at 11:45 P. M. after the accident. Rails north of junction were not torn up but south they were.

The defendant testified. Am deft. Before the wreck I came to see the Dr to take chaff out of my eye. Started home about 8 and arrived shortly after 9. Rolfe boys were with me. Told Dr. Davis. I did not know whether Mr. Rolfe was broken or not. The Dr commenced to examine my arm, but it was too painful. He then said he would have to give me chloroform. Felt too sleepy to go to Froman's so I thought I would go to Douglas to sleep off the effect of the chloroform. Went to Froman's the next Tuesday. Have had rheumatism nearly all my life. Froman told me to let the morphine powders alone. Do not remember where I went when I came to town on Wednesday. I have no recollection of going to Douglas on Wednesday. Have no recollection of going to Hewitt's office. Nor Geo. Humphrey's office. Do not know who arrested me except from the evidence. The Rolfe boys nor myself were drinking on the day of the wreck. Do not know exact time when we got to Froman's. We walked on the track from the depot to Froman's without stopping except at the ditch to get a drink. Neither one of us touched the switch at all. There was no conversation between us about Fred Rolfe having the pin from the switch. He did not have it nor was there anything said about it. Engine passed Froman's just as we got to the gate. Overland train had not arrived when we left depot. We were past the switch when the overland train whistled for Albany. Did not know whether my arm was broken or not. It was not swollen. Leg did not pain me when I got up. Did not think of rheumatism that morning. Slept most of the evening. Started the engine up Tuesday morning and ran it till 9 o'clock. Dr. told me to take the powders every three hours. Tuesday night my arm and leg began to hurt me. Heard of wreck Monday morning before I came to town. Have no recollection about what happened on Wednesday. My memory was not clear for two or three weeks after taking the morphine.

Mr. Richard recalled. Ties south of switch were mashed up considerably. Mr. Froman recalled. Never said anything to Hill about his taking morphine. Mr. Huston recalled. Showed wire pen and said it was very similar to one taken out at time of preliminary examination.

Dr. Bevan: If a person should take one sixth of a grain of morphine at a dose and take six doses in succession one each hour he would recover from the effect in five or six hours.

The case was argued by Hewitt and Northup for the prosecution and Powell and Whitney for the defense and was submitted to the jury at one o'clock. After a half hour's deliberation they returned a verdict into the court of guilty of manslaughter. Counsel for the defense gave notice that on to-morrow morning they would file a motion to set aside the verdict as being contrary to law, the evidence and the express charge of the court. The penalty for this is imprisonment in the penitentiary not less than one year nor more than fifteen years and by a fine not exceeding \$5000.

NEXT WEEK.—Next week our people will be given a treat in having with them for a week the Chicago Comedy company, which played here with such great success several months ago. In their tour through the Northwest they have been universally well received, securing in every instance the encomiums of the press and the good will of the people.

Given Away.

For the benefit of our customers we will give away on Jan. 1st, the following:

1 Dinner set, 120 pieces, \$25
 1 Tea set, 44 pieces, \$7.50
 3 Tea sets, each 44 pieces, \$18.

These goods are of the best English ware and a credit to any table. Give us a call and get not only the best bargains in pure fresh groceries but secure a chance at one or more of these elegant sets of dishes.

LAFOREST & THOMPSON.

Kid Gloves! Kid Gloves! I have just received a full line of kid gloves branded Our Own. This is a genuine kid glove. I buy direct from importers in New York and consider them the best value of any glove I ever sold at this price. 5 button, 3 rows of stitching, \$1.50 per pair.

S. E. YOUNG.

Ladies shoes, mens shoes, misses shoes, childrens shoes, mens boots, boys boots, at less than cost to make room for other goods at C. E. Brownell's.

WE WANT IT.—Albany wants to be a distributing point as well as a manufacturing city. Then we should subscribe at once the \$25,000 stock asked for the branch factory of the Grants Pass Sugar Pine Lumbering Co. \$10,000 of this is already taken by Hochstetler & Sears. The company when burned out were doing a business of over \$10,000 a month, and stock in it will pay from the start. Every cent will be invested here. The business will probably double within a year or two. These are the institutions Albany needs.

New carpets in the latest colors and designs, oils cloths, linoleum and window shades just received at A. B. McIlwain's. Parties wishing goods in the house furnishing line will do well to call, as he has made another sweeping reduction and will save you at least ten per cent on all these goods.

Robt. Houston, of Albany, was in this city over Sunday. It is rumored that his visits are fast drawing to a close and that his perseverance will soon be rewarded.—Corvallis Times.

CHEAP PHOTOGRAPHS.—In order to meet cheap opposition, we will make you six cabinet photos as good as you can get in the city for 50 cents.

CRAWFORD & PAXTON.

A RARE BARGAIN.—163 acres fine farming land 5 miles from Albany, 1 mile from R. R. station. Good house and barn. \$25 an acre.

44 feet front on 1st Street, good business property, \$3500. This is the cheapest property on the street and will be taken soon.

WALLACE & CUSICK.

UPS AND DOWNS.—Some of the principal ups and downs in business life is to keep quality up and prices down. This is being done very successfully at LaForest & Thompson's, and these dinner sets to be distributed among our customers Jan. 1st is creating no little interest as well as our prices.

SOMETHING NEW!—Having purchased the right of Linn county, I have a camera hat will make you photographs with as many different views of your face as you want alone sitting, all for the same price and as cheap as the cheapest at.

GREENWOOD'S FINE ART STUDIO, Corner 2nd and Ferry St's.

BIGGEST YET.—10,000 rolls of wall paper, latest varieties, finest decorations just received at Fortmiller & Irving's.

A SHARP ITEM.—The finest line of cutlery and shears in the city at Stewart & Sox's. Their goods are the very best and will stand the test.

LOST.—On last Saturday near the corner of Third and Washington, a red purse containing \$1.50. Please return to this office.

SQUARE

Groceries.

DEALING

C. E. BROWNELL.

Successor to

BROWNELL & STANARD,

Would respectfully announce that he is continuing the business at the old stand and that he is better than ever prepared to fill all orders with accuracy and despatch and at prices

NEVER BEFORE

Offered in the town.

While thanking the citizens of Albany for their very liberal patronage in the past I earnestly solicit a continuance of your favors, assuring

LOW PRICES

a superior quality of goods and

Courteous Treatment

Very Respectfully,

Yours for Business,

C. E. BROWNELL.

Archie Blackburn, Salesman.

Groceries

FREE DELIVERY

PROFITS

FL. KENTON

—DEALER IN—

GROCERIES,

Choice Candy, Nuts, Fruit, etc.

CIGARS AND TOBACCO

NEAR THE POST OFFICE ALBANY, OREGON