Held the Attention of the All Day Yes-

ALL OF THE TESTIMONY TAKEN AND THE ARGUMENTS OF TWO OF THE ATTORNEYS MADE-CASE TO BE RESUMED THIS MORNING.

(From Wednesday's Daily.)

When Judge Burnett called the court to order, at 9 o'clock yesterday morning, the main body of the court room was filled with a great throng of spectators, all eager for the even; of the day, the trial of J. F. Markley, for the murder of J. D. Fain, at Champeeg. on the morning of June 26th, 1902. The was given to him about 9:30 o'clock a. attention of the court was occupied for a few moments in passing sentence upon two prisoners, who had pleaded shot Fain. Markley denied shooting guilty to separate crimes of larceny from a store, but after the jury filed in and took its place and the defendant was brought into the court room, in the custody of Sheriff Colbath, there was a moment of confused murmurings and shuffling about, all anxious to obtain a glance of the accused, but it quickly subsided into absolute silence as every one seemed to realize the solemnity of the occasion. But the defendant, Markley, marched boldly and unfalteringly to the front and quietly took a seat with perfect calmness and serenity depicted upon his countenance. Throughout the entire proceedings

the defendant, Markley, comfortably esconced in a chair ranged along the side of the railing, which separates the bench and bar from the court room, leaning back in his chair with one arm resting on the railing, calmly, and apparently indifferently, taking in all that was done and said, maintained the utmost composure, and a bearing that would indicate that he was no more than an ordinary spectator or a witness in the case, instead of being before the bar of justice to answer to the grave charge of cold blooded murder with his life hanging in the balance. There was no sign displayed by him, either by expression or action, that would either indicate his guilt or innocence, and at no time did he show any signs of nervousness, except for an occasional strumming with his fingers upon the railing which could as easily be interpreted as an exhibition of confidence or indifference as well as pervousness.

By his actions and bearing he were give one the impression that he as an innocent man, or, if guilty, he is certainly possessed of an indomitable nerve and will.

The Case Opened.

C. M. Inman stated the case for the estate. He recited in detail the circumstances surrounding the murder, and gave an outline of the chain of circumstantial evidence that would be produced by the state. He stated further that the actions of Markley were suspicious, and his explanations were complicating after the shooting. First denied hearing shot and afterwards admitted that he did hear the explosion. The testimonly of the state's witnesses would prove corroborative of the dying statements of the murdered man.

Carson fort he defendant claimed that the state was incorrect in telling of the location of the different buildings and places at the scene of the crime. Evidence would show that Markley slept in store for 10 years, to defend himself from attacks of burglars. Ten years ago Fain came to Champoeg without any money and went into business with Markley, who furnished all the means. One year ago last March partnership was dissolved and settlament was had without the slightest disagreement. For some reason, unknown to defense, deceased, Fain, discontinued trading with Markley.

Deny positively that defendant is guitty of crime charged. On morning fell back each time, after which she of murder, arst recollection of hearing noise. Looked out, but could see nothing. Dressed himself, put his bed Had gun handy. Thought necessary since a year ago, when he himself was shot. Markley then went to store door. Old man Jette came along excited because a neighbor had been shot, did not go to his house for breakfast. Gun was used the day before. Defendant made practice shooting squirrels and cherry birds. While cap on left barrel was used. Mr. Markley may have failed to replace the exploded cap. Testimony of witnesses for state is that wound was caused by buck-shot. Since then Li + two loads remaining in the gun have been examined and contain only bird shot.

At the conclusion of thes: statements the taking of testimony began, the State's side of the case being brought out first, and then the defendant and his witnesses were placed upor. stand. The cross-examination of the State's witnesses was conducted by Attorney John M. Gearin, for the defendant, while both District Attorney J. N. Hart and Deputy J. H. McNacarried on the cross-examination of the am done up." He asked him what was defendant's witnesses. The case tire- the matter and was told that Markley gressed very smoothly throughout, and had shot him. Fain died in about 30 the taking of the testimony was con-

pleted about 4 o'clock. It was decided that each side of the case was to have two hours to make its Fain had been partners and had disargument, and the argument was solved the partnership five or six opened up by District Attorney J. N. months before the shooting. He had Hart who was followed by Attorney heard Markley say he would give Fain John A. Carson for the defendant, who 36 hours to make him a deed for the occupied the attention of the court land on which the store stood. This until 6 o'clock in the evening, when Judge Burnett adjourned early until 9 o'clock this morning at which thus the argument will be resumed and it is thought, by noon today, the case will be concluded and submitted to the jury. The substance of the estimony

given yesterday follows:

performing the autopsy on Pain's re-versation with Eldredge about the mains. He arrived about 10 o'clock, deed. Sheriff Colbath arrested him

about the size of peas, had entered the clothing of the body of Fain. Only one wound was found showing the buckshot had entered at one place.

Dr. W. W. Geisy stated that he was They ranged downward from the left were found on the body.

Sheriff B. B. Colbath was called next. He arrested Markley. He was shown a shotgun, which he identified as the one given him by Markley. The gun m., and both barrels were loaded. One cap had been fired. He asked Markley if this was the gun with which he had him, and thought he had been shot by a robber. Colbath examined the cape and took them from the gun. He produced them for the consideration of the jury. He said that Markley told him the gun was loaded, and the buckshot in Fain's body would not be like any in his store.

F. R. Osborn stated that he was present when Markley was arrested, and had examined the gun. Found the left hand barrel had been fired recently and that a new cap was on the tube of this barrel. The cap on the right-hand barrel was carroded as if it had been on some time. He saw Sheriff Colbath take the caps from the gun and drop them on the floor. Mr. Terhune picked them up, and did not see him give them to Sheriff Colbath.

C. W. A. Jette said that he saw Fain about 5 o'clock a. m., on the morning of the murder. He was in bed and was awakened by a shot fired near by. He heard the shot plainly and two loud screams as from some one in great pain. He ran to the window on the north side of the house and opened it. Saw a puff of smoke drifting from the back of Markley's store. Saw Fain in the act of rising, and saw him stagger to his own house. He then went and told some of the neighbors that Fain had been shot. When he went to Fain's house, he thought that he was in a dying condition. Fain said that he could not live, and asked to have a minister sent for; also said he could not live long enough to have any legal papers made out. Fall said he was done for"; this he repeated several times to the witness.

J. E. Smith was present at the death of Fain. He arrived at his bedside about 5:30 o'clock a. m. Fain told him hat he was shot and could not live; that he could not live long enough to get a magistrate there to make out his will; that he could not live two hours; that he wanted a minister; that he was ming cold. The witness told Fain that Markley denied baving shot him, at which Fain said that he was going to his barn when Markfey came to the back door of his store, saying: "You must take your medicine," and immediately fired. Witness had a talk with Markley before going to Fain's house, at which time he stated that Fain had been shot, he supposed, by robbers.

C. W. A. Jette was recalled. He heard Smith ask Fain who had shot him, and he had answered that Markley shot him while he was going to his barn, saying as he fired the shot, "You must take your medicine now." Fain was in the act of getting up when he saw him first. Went to find Smith and told him that Markley had probably shot Fain. Jack Terhune came in while he was present at Fain's bedhad shot him.

Mrs. Margaret Jette was the next witness. She heard a shot and screams and went to the door, from which she could see the smoke at the back of Markley's store. It was drifting eastward. Dressed and started to go to her mother-in-law's house. She looked back and saw Fain trying to enter his house. He made three trials and could not look any longer.

J. A. Jette stated that his brother called him about 5 o'clock, and that he dressed and went to Markley's store. Markley asked him what was the matter and he told him he had come to see. Went to Fain's house and remained there about two hours. Fain is the only positive cure known to the stated to him that he had started to medical fraternity. Catarrh being a his barn when Markley called to him that "he must take his medicine" and had fired immediately. He heard Fain make the same statement to Terhune and Shick.

John Terhune saw Markley about 6 o'clock and was told by him that robbers had shot Fain. He asked Fain who shot him and was told that it was Markley as he was going to his barn. Markley came to the back door of the store and said: "You must take your medicine now," and fired the shot. On cross-examination the witness said Markley told him that he heard a shot and screams. He heard nothing said about a minister,

John Shick saw Fain at his home about 7 o'clock, and heard him say, "I minutes after he came. Fain did not say much after he reached thehouse. J. E. E ldredge said that Markley and

closed the State's evidence. The first witness for the defense was the defendant, John F. Markley? He stated that he had known Fain about 19 years. They had been partners, but had disolved in March, 1901. He had never had any serious trouble with him, but they did not always agree. The Surveyor B. B. Herrick was the first company had been dissolved wholly as witness for the State. He exhibited a Fain had wished, and his figures had map or chart describing the town of been accepted as correct in the settleeg and the scene of the shoot- ment of their affairs. They had dising which terminated in Fain's death, solved on good terms socially. During with the relative positions of the prom- the greater part of their partnership ment features in connection therewith, he had slept in the store and Fain had Dr. B. F. Giesy testified that he was slept in his own house. The defendant called by Dr. W. W. Glesy to assist in said that he had never had any con-

porch when he came. Sheriff Colbath told him that he must accompany him left side of the body, four inches below to Salem, on the charge of murder. the nipple, and passed through the Sheriff Colbath asked for the gun, body, lodging in the akin on the right which was given to him. (At this de, six inches below the nipple and point Surveyor Herrick was called to three inches to the right of it. Two identify another map). The witness shots were found wrapped in cloth, the continually stated that the bed was in the south end of the room, and that he No powder marks were found upon the could see outside by raising up. He was sitting on the porch when the old man Jette came up and had some conversation with him. Said he had heard some noise and had gotten up to see called to examine the body of Fain what it was. Looked around the store at the coroner's inquest. The wound out saw nothing. He had used the was about the size of a man's thumb gun the day before to shoot a bird. It and was very much lacerated, and was was loaded with fine shot. When Colnecessarily fatal. Two of the buck-shot bath took the gun, he handled it carewere found wrapped in wadding and lessly. Raised the hammer and it sliplodged near the skin. On cross-examped and went down. Saw Colbath ination he stated that there were two take the caps from the gun and put wounds, two inches apart, where the them in his pocket. Did not say anyshot had entered. There were some thing to Colbath about the kind of shot scratches on the right hand. Three that would be found in Fain's body. buck-shot were found in the body. He heard a noise, but did not hear any screams. He said both barrels of the side to the right. No powder marks gun had been loaded the day before. Fain had promised to make him a deed to the land on which the store stood. He had never said that "Fain must

make him a deed in 36 hours, Deputy District Attorney John Mc-Nary conducted the examination at the coroner's inquest, and had assisted at the preliminary trial. The gun was in his possession for several weeks. The loads were withdrawn at John Maurer's shop, at the request of himself and the sheriff.

Colbath arrested Markley. He examined the gun. Said that Markley's reputation was good.

W. R. McKay, John Kennedy, John McCrea, Henry Eberhart and Mr. Van for many years and his reputation in the community was good. On crossexamination they all admitted that they had heard of his being in a cutting scrape many years ago, and that recently he had threatened to knife

Ralph White was called and stated that he removed the loads from Markley's gun, and produced them as evi-

HIBBARD COMING

GENERAL SECRETARY Y. M. C. TO VISIT WILLAMETTE UNI-VERSITY SOON.

Mr. C. V. Hibbard, a graduate of the Iniversity of Wisconsin, and for the past two years general secretary of the Y. M. C. A. at the Northwestern University, is visiting the colleges of the coast while on his way to Japan, where he is to engage in the general secretaryship under the international committee. His visit to Willamette is scheduled for October 17-19. Mr. Hibbard has been at the Students' Conference at Pacific Grove, Colorado, for several sessions, and many of the University men have become acquainted with him there. He is accompanied by Mrs. Hibbard, who has, until recently, been connected with the Association work at the University of Wisconsin. While in the city they will address the students of the University, but no definite plans for the meetings have been made as yet.

It is with pleasure ment of the reorganization of the University Glee Club is given. There has been no such organization for two years, and all are pleased to know that much interest is being manifested in the reorganization. The competition for places was sharp, as a large number of men presented themselves as candidates. The result of the try-out held by Prof. Seley on Saturday resulted as follows: First tenor, R. A Schramm, J. Q. Van Winkle, E. K. Miller, O. K. Wolff; second tenor, W. L. Zimmerman, L. G. Martin, W. D. Moyer, Archie Camp; first bass, N D. Moser, F. L. Grannis, Eugene Whipple, W. C. Winslow; second bass, H. W. Swafford, W. C. Heise, W. C. Judd, L. H. Whiteman.

The first quartet will be composed of side, also Mr. Shick, and that he heard R. A. Schramm, W. L. Zimmerman, N. Fain tell each of them that Markley D. Moser and H. W. Swafford. Prof. Seley will conduct the Club, which insures that it will be well drilled. He has not yet been decided whether or

> not the Club will go on a concert tour. The Ladies' Chorus, which sang so sweetly last year, is already practicing for this season's work. The chorus has lost but few of its old members and has had many additions to its numhers. Mrs. Prof. Seley will have charge of chorus again this winter,

> > \$100 Reward \$100.

The readers of this paper will be pleased to learn that there is at least one dreadful disease that science has been able to cure in all its stages, and that is Catarrh. Hall's Catarrh Cure constitutional diseases, requires a constitutional treatment. Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous surfaces of the system, thereby destroying the foundation of the disesase, and giving the constitution and assisting nature in touring the states. doing its work. The proprietors have so much faith in its curative powers, that they offer One Hundred Dollars for any case that it falls to cure. Send for list of testimonials. Address, F. J. CHENEY & Co., Toledo Sold by druggists, 75c.

Hall's Family Pills are the best.

SEVERE STORM.

ASHTABULA, Wis., Oct. 14.-Many fatalities are being reported as the re-A great deal of apprehension has been caused by the report that teen miles west of this city. This carry out the instructions. morning a yawi antaining seven men and two women, including Captain Saph, was picked up by a passing steamer. Many of them were unable to move or speak, and the women were indeed, no small strength of mind to era. He writes as follows; unconscious. After the captain had persevere in the habibts of industry regained his strength he told of a ter- without the pleasure of perceiving as well as a pleasure to help to make rible night of suffering, and it was al- those advantages which, like the hands known any means of relieving the sufmost a miracle that the boat with all of a clock, while they make hourly ap- foring of humanity. Ten years ago I on board did not go to the bottom. An- proach to their point, yet proceed so was taken with heart trouble and pains other yawl with ten men on board is slowly as to escape observation. Reynmissing, and it is feared they are jost, olds. Life-savers and turn are patroling the water, ready to give immediate help should any disabled craft be sighted.

of him has been bless dieger Brief

OF THE ARMY

Orders to That Effect

CAVALRY AND ARTILLERY

Will Also Be Reduced to Minimum Base With One Exception

WITH PRACTICAL CESSATION OF OUTBURSTS IN PHILIPPINES, THE DEPARTMENT THINKS IT CAN BE DONE SAFELY-FEDER-AL SALT CO. RESTRAINED.

WASHINGTON, Oct. 15 .- The first be issued by the War Department tomorrow ordering that the Regular Army be reduced to the minimum size by law, 58,000 men. With the practical Mr. Scollard was present when Sheriff cessation of the outbursts in the Philippines, it is believed that this can be done safely. The present size of the Army is about 67,000. The cavalry and artillery regiments will be reduced to Wassenhove, had all konwn Markley the minimum base except around Fort Leavenworth, where the commands Thinks Women Are Superior will be kept to full size for educational

Blow To Salt Trust.

San Francisco, Cal., Oct. 15.—United States Circuit Judge Morrow today issued an order temporarily restraining the Federal Salt Company from earrying out the objects of combination and to appear in courf on November 3d to show cause why the negotiation should not be made permanent.

The petition for the injunction was drawn by United States Attorney Woodworth at the request of Attorney General Knox, of the United States. The affidavit upon which the petition is based is sworn to by Thomas Turnbull, specially employed by the Department of Justice to investigate the matter. He deposes: "That the Federal Salt Company has secretly entered into contracts with nearly all import ing lower than for several years. The ers and dealers in foreign and domestic salt.

"That by means of said contracts the Federal Salt Company has had almost complete control and monopoly of the sak trade and the commerce between the State of California and other states and territories."

Smith's Dandruff Pomade

stops itching scalp upon application; three to six removes all dandruff and will stop falling hair. Price 50c, at all druggists.

HAD BAD VOYAGE

HARD FIGHT WITH ELEMENTS IN A TRIP AROUND THE HORN.

NEW YORK, Oct. 15 .- The American Hay. four-masted ship Shenandoah arrived today from San Francisco after an eventful passage of 123 days. One man was killed on the voyage and two others injured, and the ship had several combats with the elements which deranged her sails and deckhouses.

The Shenandoah had fine weather until July 27. On that day, in a slight gate, while furling the upper maintopsail, a seaman, named William S. Varney, of Quincy, Mass., fell to the deck breaking both legs and fracturing his skull. He died on August 9 and was buried at sea. Several days before his death the ship encountered a heavy southwest gale and a sea boarded the ship, stove the midship house and the bulwarks on the port side, and started those on the starboard side.

On August 4 a huge wave struck the cabin boy, washing him against the rail, breaking his leg. On September 23 the rudder head was twisted off, and the crew thereafter were obliged to an hour. He also finds there was a steer by tackles on a monkey tiller. Under this jury rig the ship came into street car company of the city as to

HON. DAVID SEARS

CANDIDATE FOR STATE OFFICE IN RECENT ELECTION ILL OF SMALLPOX.

INDEPENDENCE, Oct. 15 .- Word was received here by relatives from Hon. David Sears, late candidate for Secretary of State on the Democratic ticket, that he was suffering with an attack of smallpox at the home of rela-

POPE'S FAREWELL.

ROME, Oct. 15 .- The Pope today reat Marseilles, October 15th, for the Archbishop with the necessity for a fatalities are being reported as the result of a severe gale which has been raging west of here for several hours.

A great deal of apprehension has Taft was sufficient to convince him er. Mr. A. Pool, of Eagle Point, a well the that the interests of the church had known resident of Jackson county of steamer C. B. Lockwood had foundered no need to fear injustice. The Arch-many years' standing, submits over his during the storm last night, about fif-bishop promised to do his utmost to signature what he knows of Dr. Darduring the storm last night, about fif. bishop promised to do his utmost to

EXCELLENCE.

Excellence is never granted to man

A Word to Travelers.

The excitement incident to travelling and change of food and water often brings on diarrhoea, and for this reason one should leave home without a bottle of Chamberlain's Colle, Cholera and Diarrhoea Remedy. For sale by Stone's drug stores.



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Perfect in construction; positive in performance. Every genuine Elgin has the word "Elgin" engraved on the works. Illustrated art booklet free. ELGIN NATIONAL WATCH COMPANT, Elgin, III.

NURSE CORPS FOR THE NAVY

May Be Organized Upon the Recommendation of

SURGEON GENERAL RIXEY

to Men in Capacity of Nurses

THE OBJECTION THAT THEY ARE NOT COMPATIBLE WITH MILI- nent physician for quite a while with-TARY CONDITIONS SCARCELY APPLIES TO INSTITUTIONS LIKE NAVAL HOSPITALS.

WASHINGTON, Oct. 15.-The first annual report of Surgeon General Rixey shows that the health of the Navy and Marine Corps was good drug stores. throughout the past fiscal year. The percentage of sick and death rate bemost important recommendation of the report, perhaps, is that Congress provide for the establishment of a Woman's Nurse Corps for the Navy. The Surgeon General says: "That women are the superiors of men for the work of nursing, there can be no question, and the objection that they are not compatible with military conditions can scarcely apply to institutions of the character of our large Naval Hospitals." The Surgeon also makes a strong plea for the appointment of dentists for the Navy.

The President Dines.

Washington, Oct. 15,4-President Roosevelt went out socially tonight for the first time since the operation was performed on his leg at Indianapolis. It was also the first time he has walked in, public. He dined with Secretry

CAR MEN LIABLE

FOR THE DEATH OF PRESIDENT ROOSEVELT'S GUARD AT PITTSFIELD.

PITTSFIELD, Mass., Oct. 15.-The finding in the inquest following the accident in which President Roosevelt's bodyguard, William Craig was killed here last September, finished today, says: "Unlawful acts of James T. Kelly, conductor, and Euclid Madden, motorman, of the electric car which ran into the President's carriage contributed to the death of Mr. Craig." The finding was by Special Justice Charles L. Hibbard.

Justice Hibbard finds that the horses attached to the President's carriage were going at the rate of six miles an hour and the car from 15 to 25 miles misunderstanding on the part of the what thoroughfares were to be closed to traffic during the President's visit. No evidence, the report says, was found to show that the car was not running at regular schedule, r that screet, and are well stocked with a the officials of the road had given any complete line of drugs and medicines, orders for it to be run otherwise than fellet articles, perfumery, brushes, etc. under normal conditions.

FOUR DOCTORS FAILED

Dr. Darrin has been so thoroughly heralded by the press of Oregon that there are none who are not aware of the patient strength by building up tives in Iowa. He and his mother were his presence or conversant with the bill collectors, and all the modern parato him from every section of Oregon. known in his business, hence a full Many of these are from well-known stock and correct prices. and prominent persons-persons ceived in farewell audience Archbishop whose word is unquestioned by their Guidi, the apostolic delegate in the friends and neighbors, whose veracity Philippines, and his secretary, Father is recognized far beyond the commun-O'Connor, who, it is now announced, ity if which they live, and whose enleave here October 17th, and embark dorsement carries with it more than ordinary conviction; yet even the tes-Philippines. The Pontiff impressed the timony of those of more than local! reputation fails to carry with it quite speedy and satisfactory solution of the degree of conviction that is borne rin's professional ability in a complicated case in which four doctors had previously failed, and tells of a neighbor who is also able to bear splendid but as the reward of labor. It argues, evidence of the doctor's curative pow-

Mr. Editor-I hold it to be my duty through my chest and boy. I had then been under the care of four doctors, and they gave me up as incurable. I was so weak and run down that I could scarcely walk across the street. All my freinds and neighbors thought my days on earth were nearly spent. I visited Dr. Darrio, in Portland, ten years ago, and was cured by him in two months. I have never been ill since, and feel well and able to work. My neighbor, Mr. Mathews, of Eagle Legal Blanks, Statesman Job Office, Point, visited Dr. Darrin, the same

year, and was cured of lung trouble called consumption, and a large tumor in his side. Refer to me at Eagle Point, Oregon, where I reside and have for twenty years, A. POOL

Dr. Darrin remains in Salem until November 1, at the Willamette Hotel,

TRYING INSANITY DODGE. NEW YORK, Oct. 15 .- In the case of Harry Rose, the stage manager who was indicted for the murder of his wife a few days ago, Abraham Hummel entered the special plea for Rose that his client is now insane, and was

pital, to be brought to trial should be recover.

mane at the time of the commission of

the crime. He made the motion that

the prisoner be committed to a hos-

Stricken With Paralysis. Henderson Grimett, of this place, was stricken with partial paralysis and completely lost the use of one arm and side. After being treated by an embout relief, my wife recommended Chamberlain's Pain Balm, and after using two bottles of it he is almost entirely cured.-Geo, R. McDonald, Man, Logan county, W. Va. Several other very remarkable cures of partial paralysis have been effected by the use of this liniment. It is most widely known, however, as a cure for rheumatism sprains and bruises. Sold by Stone's

THE ORIGINAL OLOTHING WOMAN

Most of the ready made clothing for women is furnished by masculine workers. Miss Mary Williamson, of New York, some time since decided .to enter this field. In five years this clever woman, of Southern birth, manner and sympathies, has made for herself an enviable name and reputation. She is exquisitely feminine in appearance, something of a philanthropist in a quiet way, and much interested in the fact that the numerous colored women whom she has trained and retained assworkers do far better for theraselves and for her than the white women similarly employed. -- The Pil-

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Alloys inflammation.
Heals and protects the mer senses of taste and smell.
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