

WRITANEN ON TRIAL

Killed His Best Friend in a Drunken Brawl.

OPENING SPEECHES MADE

Counsel for the Defense Admits the Shooting, but Claims That His Client Was Irresponsible at the Time.

THE JURY. A. N. Cummings, Lafayette Caples, J. T. Chinneck, G. W. Allen, Charles A. Bauer, William R. Gibb, T. W. Ziehr, E. W. Mantriss, M. Quinn, George H. Keene, W. S. Gilbert and G. Baker.

The second day of the trial of Gustav Wirtanen for the murder of Matt Watilo concluded with the evidence of Martin Guber, driver of the police patrol wagon, who, with Sergeant Jones, went to the scene of the murder at Seventeenth and Pettigrove streets after the fact had been reported to police headquarters. He told of finding the body and the arrest of Wirtanen, and that those at the hotel had been drinking, and told of the shooting. Sergeant Jones gave similar evidence. Both of these witnesses on cross-examination by Dan J. Malarkey, attorney for the defense, admitted that Wirtanen was tottering and appeared dazed and stupid, and Mr. Malarkey on this evidence thinks he scored a point. Dr. C. H. Wheeler, city physician, testified regarding the nature of the wound received by the man who was shot, and Deputy Coroner Finley told of the part the coroner's office took in the case. This constitutes all the evidence so far adduced. The morning was taken up with the opening speeches to the jury by Deputy District Attorney Adams and Mr. Malarkey. The jury retired at 12 o'clock.

All Were Drinking.

The opening address by Mr. Malarkey was a brilliant effort. He recounted the events of the fatal night, covering up of the details completely. Several men were drinking, and when they could stand no more fell down like soldiers, and were carried upstairs by their companions and put to bed. The party included Matt Hautala, Blake, Kigarsi, Johnson and Watilo and the defendant. Hautala and Johnson came in late, having probably been to the theater. Johnson soon after went to bed, followed by Blake. The others sat up and drank 18 bottles of beer, and then went upstairs from the saloon, and Hautala called for brandy, and two bottles were brought. Hautala finally became inebriated because Wirtanen refused to drink any more, and beat him in an unmerciful manner, threw him downstairs and followed into the street, and kicked him and beat his face into a jelly. Mrs. Wirtanen awoke and came to the rescue of her husband, and Hautala ran away, and had not been seen since, and the police have been unable to find him. Mr. Malarkey then told how Wirtanen went to a bureau drawer, and securing a pistol, shot Watilo, who was his best friend, without knowing who he was doing.

Tells of Good Character.

Wirtanen, counsel explained, bought the hotel last Fall, and the saloon was attached to it. He had never been in the saloon business before, never was arrested, and had always been a law-abiding citizen, intelligent, and a good musician.

Mr. Adams, for the state, spoke of the affair as a little combat among drunken men, and said Wirtanen was charged with shooting or killing anybody, and should be convicted.

The trial will be resumed today.

MATERIAL WITNESSES MISSING

Trial of John Bishop on Larceny Charge Is Postponed.

The disappearance of two material witnesses for the prosecution, Jacob Barde and M. Schmitzler, caused a continuance of the trial of John Bishop on a larceny charge yesterday morning in Circuit Judge Seavey's court. The witnesses accused of stealing 1500 pounds of wire valued at \$100, from where it had been placed near Oswego, belonging to the Portland General Electric Company. The wire has not been recovered.

SUIT TO COLLECT FOR PIANO

J. H. Brown, Defendant in Action to Obtain Selling Price.

The suit of the Eilers Piano House against J. H. Brown to recover for a Weber piano was tried before Judge Cleland yesterday, and was taken under advisement. Mr. Brown came to Portland from China about a year ago, where he made a fortune. He purchased a magnificent home at Mount Tabor, and bought the piano for \$1025. The contract was made out in his wife's name. The house was destroyed by fire. The piano included. Mr. Brown expects the firm to collect from his wife, and testified that he made her a present of the instrument, which she was to pay for out of her allowance of \$15 a month. He once sold pianos, and admitted the one he purchased was first class. The only controversy is whether Mr. Brown or Mrs. Brown shall pay, and the piano house does not know if it can collect from Mrs. Brown, but thinks it can from Mr. Brown. Witnesses for the firm admitted that they were well aware Mrs. Brown was to receive the instrument, and made the contract in her name at her husband's request, but it was the understanding that he would see that it was paid for, and stood responsible for the payment.

Wife Dodges Divorce Sums.

Margie Cone is dodging divorce proceedings begun by her husband, A. B. Cone,

Twenty Popular Candidates in The Oregonian's Yellowstone Contest



Ethel Henderson, Santiam. Gladys Chamberlain, Portland. Anna Parks, Caldwell, Idaho. Bertha Williams, Burns. Madge Orrell, Payette, Idaho. Mary Weston, Amity. Bessie Hill, Medford. Pearl Uglow, South Bend, Wash. Gertrude Randall, Castle Rock. Lizzie Hodge, Spokane. Jennette Manasse, Athena. Dora Moody, Metalls. Miss Cattie Pomeroy, Rainier. Mary Ewing, Marshland. Mildred Looney, Jefferson. Viva Warren, Weston. Mary McCormick, Lebanon. Mary Hand, Portland. Miss Inga Aland, Tacoma. Nina Palmer, Elma, Wash.

ONLY nine days more, and the greatest and most successful contest ever conducted by a Western newspaper will come to a glorious end.

The several hundred candidates who are striving with every energy for victory, which means to them a trip to the wonderful Yellowstone Park and many other places of unusual interest, can hardly realize that the contest will soon be over. They are so absorbed in the pursuit of the precious votes that soliciting for subscriptions has become second nature to them. Many of the young ladies who are shown as leaders in their respective districts. But it is safe to say that not a single one of them is sure of election. The contest in all of the districts is so closely fought, and there is so much shifting of the leaders, that it would be a physical impossibility to pick the winners with any reasonable degree of accuracy.

Applies to All Contestants.

The statement that none of the candidates whose pictures are shown are by

no means certain of election applies to all of the several hundred contestants.

Rarely, if ever, has there been another contest in which the candidates were so evenly matched. One day one girl will be in the lead of the candidates in her district, and the next day she may find herself near the bottom of the list. What is true of one district is true of all. The great final rush is on, and will continue until the contest closes Friday, June 1, at 3 o'clock at night. No votes will be received after that hour except those which are sent through the mail, and which were deposited in the postoffice not later than Friday night. But the candidates who are working so hard and nobly for victory Friday are assured that if they are successful they will have the trip of their lives. The Oregonian proposes to make the trip as great a success as in the contest itself. It will do something that no other newspaper in the United States has ever done; it will charter a whole special train, which will be occupied exclusively by The Oregonian party. No other newspaper in the country ever chartered a special train for the convenience of the successful candi-

dates in similar contests. The contest in itself has established a precedent because of the great and remarkable enthusiasm manifested and the tremendously heavy voting, and another precedent will be established by The Oregonian in the entertainment of the young ladies who win out in the contest.

Will Spend Fourth Here.

The contest manager plans to have all of the successful young ladies in Portland by July 4. After spending the Fourth in Portland and being allowed ample time to see all that there is to be seen in Portland and the immediate vicinity, the party will embark on "The Oregonian Special," as it will be known. The party will leave Portland on "The Oregonian Special" over the O. R. & N., and will return by the same route. As the name implies, "The Oregonian Special" will be a special train, which will be occupied exclusively by The Oregonian party. It will be one of the finest and most elegantly equipped trains ever in the West. It will consist of two Pullman palace cars, an observation car, dining, baggage-car and an engine. It will travel under a schedule arranged for the convenience of the party. While en route the members of the party will eat their meals on the train, but at the various points of interest where they stop off at any length they will be entertained at the very best hotels.

Leaders in Districts.

- Following are the leaders in the different districts and their votes: Votes. 1-Miss Susie Smith 154,810 2-Miss Emma Love 74,270 3-Miss Elsie Rometsch 72,827 4-Miss Alice Taylor 71,509 5-Miss Emma Hackney 71,000 6-Miss Tilly Daveneau 68,972 7-Miss Helen Goodwin 25,169 8-Miss Gertrude Rast 24,663 9-Miss Dot Berry 24,663 10-Miss Gertrude Rast 24,663 11-Miss Agnes Wilson 22,227 12-Miss Hattie Eaton 21,555 13-Miss Myrtle Workman 18,227 14-Miss Laura Garrett 10,279 15-Miss Alice Boone 46,063 16-Miss Nola Coak 32,771 17-Miss Rena Rowland 32,771 18-Miss Gertrude Randall 26,561 19-Miss Della Wood 24,281 20-Miss Grace Black 24,281 21-Miss Grace Wilkinson 24,281 22-Miss Mildred Looney 21,147 23-Miss Marie Mickel 10,619 24-Miss Mabel Locke 24,024

Boy Sues for Loss of Hand.

Roscoe Magone, a boy of 15 years, whose right hand was cut off by a machine used for cutting wood into shape for making baskets, yesterday filed suit against the Portland Manufacturing Company, by his guardian, H. S. Magone, for \$1000 damages. The plant of the company is located at St. Johns, and the accident occurred on February 13 last. The complaint recites that young Magone had been employed to perform simple tasks about the mill, and had no knowledge of the machinery, and he was ordered by the superintendent of the factory to work at the machine. On account of his lack of experience, it is alleged the boy put his hand under the knives, and it was cut off at the wrist.

Street Railway Sued for Damages.

Elizabeth Gallagher, by her attorneys, Hordorf & Brice, yesterday began suit in the State Circuit Court against the Portland Railway Company for \$10,000. She alleges that on March 7, while she was crossing Washington street at its intersection with Seventh street she was run down by a car and violently thrown to the ground, and her face and head were severely injured, and her left shoulder and the muscles of her back wrenched, and she was permanently injured. It is charged in the complaint that the car was being run at the unlawful speed of 15 miles an hour.

Asks Damages From Car Line.

Frederick Probstel yesterday sued the Portland Railway Company in the State Circuit Court for \$10,000 damages for personal injuries. On March 7, 1906, Probstel was walking along Pippin street, St. Johns, in front of the car, and he alleges that the car came behind him, running

at a high rate of speed, and that no bell was rung or any signal given to warn him, and no effort made to stop the car. He was struck and knocked down and injured about the head and body, and his right leg was crushed. Hoarford & Brice appear as the attorneys in the case.

Harold Hendee, a youth of 17, who gave beer to several children younger than himself, was sentenced to a year in the County Jail yesterday by Judge Frazer, and was paroled.

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TALK OF FRANCHISE

Initiative One Hundred Proposes Change.

APPOINTS A COMMITTEE

Purpose Is to Ask the Council to Amend Front-Street Ordinance, and if Refused to Invoke the Referendum.

At a special meeting of the Initiative One Hundred in the rooms of the Board of Trade last night, called for the purpose of considering the franchise relating to Front street now pending before the Council, it was resolved that a committee of seven, including President McKenna, be appointed to go before the Council tonight and request the body to insert the words "or any portion thereof" in the two measures, and the franchise relating to the acquisition of the roads by the City of Portland. The idea involved in the proposed amendment, as disclosed by the discussion, is that the city will make it possible for the municipality to take over any portion of either of the two lines within the city limits it might desire to acquire in the future.

Opposes the Proposition.

J. B. Luber, secretary of the Board of Trade, contended that any amendment of the franchise at the present time would nullify the entire proceedings relating to the two measures, and suggested that the officials of the two franchise-seeking railway corporations should first be consulted with a view of ascertaining their sentiments upon the subject. He contended that to submit to the proposed changes, he said, there would be no necessity of going before the Council upon the errand indicated by the contemplated resolution. His ideas, however, did not seem to meet with much approval. Those present at the meeting last night were Dr. Emmet Drake and O. W. Taylor, who officiated as chairman and secretary, respectively. President Francis I. McKenna, R. W. Montague, Rufus Mallory, P. L. Willis, M. G. Munly, George P. Loni, W. B. Chase, J. Frank Watson, Edward W. Newbigin, T. A. Ketchum, H. H. Emmons and J. A. Gibson.

What Councilmen Say.

Members of the Council approached upon the subject yesterday stated that the various provisions of the two franchises were considered in committee before the main body for weeks before the measures were passed to print, without any suggestions whatever from members of the Initiative One Hundred. To amend the franchises at this stage, they say, would involve entirely new proceedings and consequent delays, without being productive of any compensating benefits to the United Railways Company, the Willamette Traction Company or the City of Portland, and they express themselves generally as being unwilling to take such steps.

Several prominent Councilmen yesterday

scouted the idea that the franchise could be defeated through process of invoking the initiative and referendum, and hinted that the Initiative One Hundred would even experience great difficulty in securing the required signatures of 15 per cent of the voting population to any such petition. The two franchises will come up before an adjourned meeting of the Council tonight, and present indications are that both measures will be passed.

BUY GOVERNMENT BUILDING

Pence Company Secures Structure on Peninsula in Guild's Lake.

The Pence Company yesterday closed negotiations for the Government buildings upon the peninsula of the Lewis and Clark Exposition grounds. The price paid for the main Government building, with the fishery and territorial annex, and the life-saving building, was \$3000. The Government building alone cost about \$150,000. There were two other bids for the buildings, each of which was lower than that of the Pence Company. The buildings could be torn down and removed only at considerable cost, so the Pence Company was in a better position to bid for them than any other concern, as Life Pence has arranged with the Amanda Reed estate, which owns the ground, to allow the

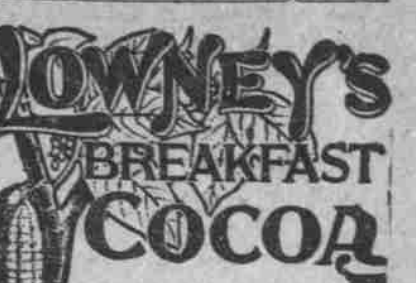
LOW EXCURSION RATES.

Barre Chances to See the Upper Columbia River by Way of the O. R. & N.

Until September 30, the O. R. & N. Co. announces the following very low round-trip Sunday rates to Upper Columbia River points, good on any train: LaBouffle, \$1.25; Bridal Veil, \$1.25; Multnomah Falls, \$1.25; Bonneville, \$1.25; Cascade Locks, \$1.25; Collins, \$2; Hood River, \$2; The Dalles, \$2.

Parties taking advantage of the new

local train leaving here at 8:15 A. M. will have six hours at Multnomah Falls, five hours at Bonneville, and four hours at Hood River and Mosier. Particulars by asking C. W. STINGER, City Ticket Agent, Third and Washington streets.



Cocoa beans grow in pods on the trunk and limbs of a delicate tropical tree. They contain six times more food value than beef. We use the highest cost beans that are grown and there is nothing in our cocoa but cocoa.

That is why it is the most delicious of cocoas.



buildings to remain upon their present site. Pence will utilize the buildings in connection with the great industrial project of the Portland Development Company, which has purchased nearly the entire Exposition grounds and most of the buildings for the establishment of factories. Mr. Pence has not yet determined definitely what industry will be located in the Government building, but with slight remodeling it will become an excellent factory building. Mr. Pence expects to fill in the peninsula with earth washed from the hills back of Willamette Heights until it is level with the floor of the Government building. For this service he will receive the use of the land for a term of years.

Has a Narrow Escape.

County Surveyor A. H. Richmond, who is also chief engineer of the Portland Railway Company, had a narrow escape from death yesterday afternoon on First street, while trying to board a Bellwood car. Before the car stopped a crewman wagon drove rapidly past, leaving very little space between the wagon and the car. Mr. Richmond escaped with a slight bruise, but R. G. Bonser, a deputy in Mr. Richmond's office, was thrown down and his shoulder was severely bruised and his thumb crushed. A transit, valued at \$20, carried by Mr. Bonser, was broken.

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Dr. W. Norton Davis & Co. ESTABLISHED 1889

Van Noy Hotel, Cor. Third and Pine Sts. Portland, Oregon

For the Treatment of Special, Nervous and Chronic DISEASES OF MEN

Special attention paid to treatment by mail.

Office Hours: Daily, 9 to 5 and 7 to 9 P. M. Sunday, 10 A. M. to 12 M.

Should you desire you may pay after cure has been effected. Consultation free and confidential.

All medicines free until cured.

FREE TO MEN MEDICAL BOOK FREE

150 Pages, 25 Pictures. First Copy Free. SENT FREE.

Love, Courtship, Marriage and All Diseases of Men explained in this wonderful book tells everything you want to know and every-

thing you should know for regard to happy and unhappy wedded life. It tells of the causes of marriage, divorce, infidelity, follows, self-destruction, loss of manhood, poor memory, premature death and hypochondria, blood poison, diphtheria, stricture, weak lungs, liver and kidney diseases, gonorrhoea, neuritis, erysipelas, and all the ills of the flesh.

Written by the World-Famous Master Specialist, "The Most Wonderful and Greatest Scientific Book of the Age."

Write for IT TODAY AND ADDRESS State Medical Institute

205 Second Ave. South, SEATTLE, WASH.

Advertisement for Ayer's Sarsaparilla. Text: "For the Children. To succeed these days you must have plenty of grit, courage, strength. How is it with the children? Are they thin, pale, delicate? Do not forget Ayer's Sarsaparilla. You know it makes the blood pure and rich, and builds up the general health. Sold for 60 years. We have no secrets! We publish the formulas of all our medicines." Includes a small illustration of a child.