LAWYER OUTLINES CASE OF DEFENSE

Says Shaffer Threatened Bloodshed on Night of His Tragic Death.

SUITTER FEARED TROUBLE

Attorney Dan J. Malarkey Make Opening Statement in Trial of ex-Policeman for Killing Longshoreman.

The jurors who are to try the case of the state against Nathan H. Suitter, charged with murder in the second degree in killing Henry Shaffer, were sworn in yesterday morning. Then sworn in yesterday morning. Then Deputy District Attorney Adams and Attorney Dan Malarkey, for the prosecution and defense respectively, made their opening statements. These were finished at 2:30 yesterday afternoon, when the jury was taken to view the premises at Mallory avenue and Falling street, on the East Side, where Shaffer was shot by Suitter, who was then a policeman. The first testimony in the case will be taken this morning, begining at 5:20.

then a policeman. The first testimony in the case will be taken this morning, begining at 9:20.

That on the night of the shooting, while the party in honor of Mrs. Shaffer's birthday was in progress, Shaffer's birthday was in progress, Shaffer told Suitter that he intended to kill Jacob Holzworth for making a complaint against him, and their when Suitter remonstrated with him he answered. Well, d—n you, you keep your nose out of this, or I will kill you, too," was the assertion made yesterday morning by Mr. Malarkey in his opening statement to the jury. Holzworth is the owner of the property which was occupied by Shaffer.

Mr. Adams, for the state, described the scene of the shooting, using for the purpose two maps of the premises, including the adjoining buildings. He said that suitter went to the Shaffer home at 7:20 P. M. on the night of the killing, and that when he left Mrs. Shaffer supposed the incident closed. He said that as the woman speaks German, and was formerly a resident of Russia, she failed to understand all that the officer said. He then narrated how Suitter returned to the dwelling where the party was in progress, with another officer, entered the place without ceremony, and took his position with his back to the rear door, opening from the kitchen, while his brother officer went to call for assistance.

Shooting Not Provoked.

While Mrs. Shaffer was attempting to whisper something in German to her husband after the latter had requested of the officer permission to leave the building, said Mr. Adams. Suitter fired three shots. Mr. Adams said the testinony will show that they penetrated the left side, the second bullet passing through the spine.

Mr. Adams compared the party to a church service, saying that those assemblies were making no more noise than would have been made by a choir and pipe organ. Mr. Malarkey sarcastically referred to this comparison when he obtained the floor by saying that the shouting and stamping on the floor, mingled with the occasional tones of a fiddle, could be heard for blocks.

"Let me tell you about some of the

"Let me tell you about some of the preparations Mr. Shaffer made for this hilarious gathering, which my friend Adams compares (although it is sacrilege aums compares (although it is sacrilege to do it) to a peaceful church service." continued the lawyer. "Shaffer had an eight-gallon keg of beer in the bath tub. It was on tap early in the afternoon. In the basement was another one, a 10-gallon keg. It was full. Besides these they had demijohns of wine and whiskey, for this peaceful little church celebration. Dr. this peaceful little church celebration.

That night when Officer Sultter appeared on the scene the party had draitted the small kee, and had started on the sec-phatically denies that he so influenced

Mr. Malarkey said that the testimony would abow that Shaffer was looking for trouble, having informed his next-door neighbar. Chester Shaffer, who is not a relative, that he was "going to show Holzworth that he would do as he pleased. even if it was in Holzworth house."

Owing to the frequent hilarious gatherings at the Shaffer home, which are said to have disturbed the neighborhood, Holzworth had been endeavoring to compel Henry Shaffer to move.

Showed Her His Star.

Suitter lived on Mallory street between Mason and Skidmore streets, about two blocks from the Shaffer home. His beat, however, was in another part of the city, and he was preparing to retire when Hoisworth called to have him quell the Shaffer disturbance. When he called at the Shaffer home Suitter was not in uniform, but showed his star to Mrs. Shaffer, who came to the door. Mr. Malarkey said that lestimony would show that when the officer asked Mrs. Shaffer to have the party be more quiet she replied that it was their house, that they paid the rent for it, and that they intended to do as they pleased. It appears that Shaffer afterward came to the door, and taking the officer by the arm, walked him off down Failing street, at last asking him who it was that made the complaint. The officer declined to tell, asserted coursel, upon which Shaffer said he thought it was Holzworth, and that he intended to kill him before morning. Suitter remonstrated and Shaffer threatened the policeman's life also. Suitter lived on Mallory street between

Suitter remonstrated and Shaffer threatened the policeman's life also.

They went back to the residence,
where Suitter stood guard while his fellow efficer went for reinforcements.

Mr. Malarkey asserted that Suitter told
the party they were all under arrest.
Shaffer attempted an attack upon Suitter, when it became necessary for the
officer to use his gun.

It came out during the morning session that Mrs. Suitter, the wife of the
officer, is a cousin of Mrs. Chester Shaf-

sion that Mrs. Suitter, the wife of the officer, is a cousin of Mrs. Chester Shiffer, who was a neighbor of Henry Shaffer, who was killed. It appears that when her husband left for the Shaffer home she took her child, and went to Chester Shaffer's, fearing to be

When the morning session of court ad-journed Mrs. Shaffer and other witnesses for the state, who were in the room, took up a discussion of Mr. Malarkey's statement of the case, warmly asserting that he had distorted the facts.

Both Mrs. Shaffer and Mrs. Sultter remained in court throughout the day. They were both dressed plainly in black. Occasionally Mrs. Shaffer brushed away Occasionally Mrs. Shaffer brushed away a tear with a black-bordered handker-chief. With Mrs. Sutter were her two little children, one of whom is a babe in arms. Suitter sat by his wife, calmly listening to the preliminary proceedings of the court.

Much difficulty was experienced yes-

Much difficulty was experienced yearterday morning in securing the twelfth

Methodist Episcopal church, to which the

matter of amusements was referred to
day, decided to recommend that the

paragraph remain as it now stands, and

been excused. The state used only four

of its six peremptory challenges J. W.

Brennan, a laborer employed at the of
five of the City Engineer, was the last

change.

CARD OF THANKS.

We desire to express our thanks and

spreciation to the many friends who

for kindly assisted us in our recent

the bishops. The vote in committee was

mearly three to one against making a

change.

MES THOMAS BRADY

AND FAMILY.

follows:

H. C. Hardman, grocer: Thomas J.
McNamee, a candidate at the primary
election for the office of Constable; L.
H. Deardorf, farmer: Robert Kennedy,
commission merchant; William Harder,
railroad man; Richard Heimbach, formerly with the City Board of Charitles: H. E. Clark, stair builder; A. J.
Hayseth, formerly a grocer, now with
an Albina flour mill; Thomas E. Lewis,
farmer; H. L. Colvin, logger; H. L. Davenport, collector for the Pacific Telephone Company; J. W. Brennan, laborer.

Courtroom Is Crowded.

Courtroom Is Crowded.

All day yesterday the courtroom was crowded with spectators. Judge Cleland will issue an order today that when the spectators have filled the benches in the courtroom, no more may be admitted. The order will be enforced by a Deputy Sheriff.

Agent Hall, of the Longshoremen's Union was present in the courtroom.

Union, was present in the courtroom yesterday throughout the day. Shaffer was a member of the union.

RECTIFIES ERROR OF CUPID

Rosa J. Husk Refuses to Marry W. H. Webb.

Cupid, in his blindness, made an-other mistake last week. He didn't find it out until Sunday, when it rained

other mistake last week. He didn't find it out until Sunday, when it rained so hard that he was compelled to stay indoors. Being prevented from taking an occasional shot with his bow and arrow, he had time to run over in his mind the conquests of the week. He decided there was one too many. So he hustled out to save the victim, and for once succeeded.

Rosa J. Husk appeared at the Courthouse yesterday to have the marriage license taken out Saturday by W. H. Webb, of Hoquiam, Wash, cancelled. She said Webb had the license in his pocket, but that she wasted the world to know she had not married him. Asked for her reason she said that it was simply all off. "Wedding not solemnized" was written across the face of the record.

The bride who was to be is 34 years old, while Webb gave his age as 44.

DENIES WOMAN'S STORY

W. B. Mersereau Will Fight \$50,000 Suit for Damages.

W. B. Mersereau vesterday declined to ilscuss at length the suit brought against him by Miss Helga Farret to recover \$50,000 damages. He declares that the allegations in the woman's complaint



Miss Helga Farret, Plaintiff in Wealthy Lumberman.

were absolutely false, and says the case will be fought to a finish.

"We will try our case in the courts," roplied H. M. Elasterly, attorney for Mersereau, when asked yesterday for a statement on behalf of the wealthy lumber-

pnatically defines that he so influenced the woman. Miss Farret alleges in her complaint that Dr. Ellis, representing Mersercau, persuaded her to write a letter exonerating Mersercau from all improper relations with her. Dr. Ellis said the woman gave him a letter to deliver to Mersereau, which he did, but declares that he did not learn of its contents at

COVERS BABE WITH GUN

Brutal Burglar Makes #Terror-Stricken Mother Give Up Money.

SEATTLE, Wash., May 19 - (Special). Pressing the muzzle of a revolver to the head of her infant child as it lay asiecp in its cradle and threatening to blow out its brains if she did not com-

blow out its brains if she did not comply instantly, a burglar last night forced Mrs. Jack Maliden, to give up all the money she had, about 315.

Declining to believe her statement that there was no more money in the house, the burglar searched through bureau drawers, meanwhile keeping the woman and the baby covered with his gun. Having finished his search, the intruder started for the door. "I know you're alone," he asid, "and don't you stir out of the house or make a noise till morning or I'll come back and kill you and the kid both."

The frightened woman obeyed and lay awake all night, shivering in terror. To-

awake all night, shivering in terror. To-day she reported the matter to the police.

TROUT FEAST FOR PAUPERS

Seattle Game Warden Has Treat for Poor Farm Inmates.

SEATTLE, Wash. May 19.—(Special.)— The paupers at the King County Poor Farm feasted today on brook trout, which costs \$1 a plate at the down-town cafes, if one is acquainted with the head waiter. If one isn't be can't but it at all. waiter. If one isn't he can't but it at all. Game Wargen Harry Relf, three days ago, seized 500 pounds of trout worth 50 cents a pound. He found the fish on the water front, addressed to a man named Reed, in care of a cold storage company. Where they came from the Game Warden does not know. He sent the contraband fish to the Peor Farm and today the in-

mates have enjoyed frout for breakfast, luncheon and dinner.

Reif declares that it is no wonder that it is difficult to get a basket of fish out of the streams, when they are illegally sent to market in 600-pound lots.

Amusements Remain as Before. BALTIMORE, Md., May 19.—By a decisive vote the committee on the state of the church, of the General Conference of the

Harriman Road Will Build From Lakeview.

UNDER WAY THIS SEASON

Construction of Oregon Eastern to State Boundary May Be Followed by Connection With Southern or Central Pacific.

Harriman interests will build a railroad from Lakeview south to the state line, a distance of 15 miles. Amended articles of incorporation of the Oregon

line, a distance of 15 miles. Amended articles of incorporation of the Oregon Eastern Railway Company will be filed at Salem today, in which the intention of the company to construct this line will be set forth.

The projected road will be a branch of the Oregon Eastern, and will run in a southerly direction from Lakeview, east of Goose Lake, to the California line. The country to be traversed is easy for construction work, it being level for the most part. A reconnot-sance has been made by surveyors for the railroad company. It is expected construction of the road will be begun during the coming season.

Whether this line will be built further south in California cannot now be learned. It is considered likely that this will be done and a connection made with the Southern Pacific or the Central Pacific, If this is accomplished, it will mean the draining of the traffic of interior Oregon to San Francisco at the expense of Portiand.

The line from Lakeview south would also mean that the traffic hauled out of Central and Southwestern Oregon to California would be interstate business, and would consequently be immune from regulation by the State Railroad Commission. This is no small matter in these days when traffic men in this state are kept on the anxious seat by the State Commission, which regulates rates and is constantly ordering reductions. There would be fartered the substitute of the control of the commission of the interstate is interference from the Interstate.

regulates rates and is constantly ordering reductions. There would be far
less interference from the Interstate
Commerce Commission than might be
expected from the past performances
of the State Commission.

Since the Commission was formed in
this state, it has been a thorn in the
side of the railroad corporations. If
the Commission can be discredited to
any extent by the diversion of traffic
from this to another state, and the loss
of business to Portland, through the
alleged haraesing orders of that body,
the railroad managers think they would the railroad managers think they would

Fleet Will Help Festival.

That the coming of the fleet to Puget Sound will mean increased attendance at the Rose Festival is the belief of A. D. Charlton, assistant general passen-ger agent for the Northern Pacific. The tickets from all points to Scattle The tickets from all points to Seattle and Tacoma on account of the arrival of the fleet will be extended so that people who go to Puget Sound may take advantage of them to visit Portland for the Rose Festival. Tickets will be on sale from May 22 to 31, and will be good for the return trip until two weeks from date of purchase. This will give plenty of opportunity for those coming from the interior to attend the Rose Festival.

coming from the interior to attend the Rose Festival.

The Northern Pacific is advertising the Rose Festival in connection with the fleet advertising. All daily papers in Oregon, Washington and Idaho will contain this advertising and posters of the Rose Festival will be placed at the ticket windows throughout the Northern Pacific system. In connection with the Chamber of Commerce at Seattle, the Northern Pacific has issued 1500 invitations to the Festival.

"I believe 306,000 people will visit the Puget Sound cities to see the fleet," said Mr. Charlton. "We can count on a large per cent of this number to come to Portland to see the Festival. Montana people will take advantage of these rates, besides large numbers from the Northwestern states."

"Special cars will be run to the Sound from Eastern Washington and Oregon points, Spokane alone will send a spe-cial train of Pullmans. The Northern Pacific trains out of Portland Friday will be run in two sections to carry the crowds that are expected to go from this city and the surrounding country. Special trains will be run from Kalama and Chehalis to carry the people in the local territory between those points and Tacoma." will be run in two sections to carry the

Amusements

What the Press Agents Say.

Francis Wilson Tonight Tonight at \$1.15 o'clock the last performance of the distinguished American comedian. Francis Wilson, and his excellent company, in the delightful comed, "When Knights Were Bold," will be given at the Hallie Theater

Laurels are piling up for the Baker Stock Company this week, Gillette's "Secret Service" proving to be one of the season's most interesting attractions. The intense third act scene is especially good.

Three times each day the Star theater is the storm-center of one of the best musical compdies that has ever been offered at popular prices. The present offering is "The Toreadors."

COMING ATTRACTIONS.

Comedy Next Week "Why Smith Left Home," which the Baker Stock Company are preparing for next week, is one of the best comedies ever written, and is one continuous roar of laughter from be-ginning to end.

AT THE VAUDEVILLE THEATERS.

Unparalleled Vaudeville Acts. You will enjoy the one maiody of the celebrated Bell trio, offered by the Pantages Circust as a feature at the Manquam Grand file week. You will yote Bert Wiggins the funniest man you ever saw.

James Harrigan, the "Tramp Juggier," is the headline act for the week at the Grand and he is one of the few original juggiers on the stage. Harrigan originates while others imitate.

East Side Republican Rallies.

A Republican rally will be held in Strahlman's hall tomorrow night, at which time W. M. Cake, chairman of the Republican State Central Committee, will be the principal speaker. Friday night a rally will be held in the engine house on Albina and Killingsworth Avenues. R. G. Morrow, R. L. Stevens, George J. Cameron and W. R. McGarry will speak.

Ten Years-Ten Gains-Ten Millions

The achievement of success is often attributed to luck, but no commercial success can be maintained for a period of ten years, unless back of it there is real strength and merit.

Our Company was organized in 1898. Since that time the country has enjoyed an era of great prosperity. In 1903 however, there was a period of unrest; but the money panic of last year was the supreme test. To survive required ability and strength to overcome difficulties and go forward, while others faltered.

. We met the emergency and by putting forth the greatest effort, maintained our business record of showing gains every year, regardless of conditions.

We take pride in announcing to our customers and friends that shipments for our Tenth Year were \$10,041,385.65, showing a gain of \$15,220.30 over 1907; though small, we are as proud of this gain as if it were the largest we had ever made, because it was accomplished by overcoming many difficulties.

The honest construction of STAR BRAND SHOES and the loyalty of our customers and friends have gone far towards enabling us to make this record, and we thank them for their support.

We own no interest in retail stores. The shoes made in our ten big specialty factories are sold on their merit direct to retail merchants. THREE MILLION PEOPLE (or an average of one person in every thirty-two in the United States) wear our shoes all the time. They know that our Star trade-mark stamped on every heel stands for honest shoes - no substitutes for leather.

We enter our Eleventh Year feeling that the resources of our great country will sustain a steady demand for honest merchandise.

Every manufacturer, jobber, retailer or consumer is responsible for his share in the advancement or decline of commerce. We accept that responsibility and will work harder than ever to make this the best year of all. The man who shirks is not a good citizen. The world does not need the man with his hands in his pockets.

Our Leading Advertised Brands

"R. J. & R." -\$5.00 and \$6.00 Shoe for Men

"Patriot" - \$4.00 Shoe for Men

"Pilgrim"-\$3.50 Shoe for Men

"Society Star" and "Society"-\$3.50 and \$4.00 Shoes for Women

"Mayflower" and "Quaker" - \$2.50 and \$3.00 Shoes for Women

"Our Family" Line of popular-price every day Shoes for all the Family

"Eternity" School Shoes for Boys and Girls

"Stronger-than-the-Law" wear-resisting, water-proof, Work Shoes for Men and Boys.

Sold by over fifteen thousand good merchants. If your dealer does not handle Star Brand Shoes write us and we will tell you where you can get them.

"STAR BRAND SHOES ARE BETTER"



SOLD IN PORTLAND BY

THE HUB, Third and Burnside __AND_ BOSTON STORE, First and Salmon