

SHUTTER CASE IS READY FOR JURY

Testimony All In and Arguments Will Be Completed This Morning.

ACQUITTAL MAY BE VERDICT

Shaffer, Murdered Longshoreman, Shown on Stand to Be Dangerous Character—Sutler Calmly Tells His Story.

Whether or not Fairholman Nathan H. Sutler was justified in taking the life of Henry Shaffer, while Shaffer was retaining arrest on a minor charge, is a question which will be placed in the hands of a Circuit Court jury for decision today.

To the excitement and Leavens withdrew from the room to summon more help. As Leavens went out, Shaffer emerged from a rear room and said he was going to throw the policeman out. After stepping into the bathroom a moment, he re-entered the room and started for Sutler, that officer testified.

Sutler's Life in Danger. Sutler said he felt his life was in danger, as Shaffer was a much larger man, bore a vicious reputation and had him in a corner. Prolonged cross-examination failed to break down any of his testimony.

ELECTED PRESIDENT OF THE PORTLAND WOMAN'S CLUB.



Mrs. Robert Lutke was elected president of the Woman's Club yesterday. The other officers chosen were as follows: First vice-president, Mrs. Nina La. Rowe; second vice-president, Mrs. J. W. Tift; recording secretary, Mrs. T. P. Winsor; corresponding secretary, Mrs. H. A. Moore; financial secretary, Mrs. Charles E. Runyon; treasurer, Mrs. C. N. Rankin; auditor, Mrs. O. E. M. Jamison; directors, Mrs. A. Stalger, Mrs. G. W. Webster. No program was given at the meeting, the business of election of officers and the incidental tea and conversation occupying the greater part of the afternoon.

Those who testified to Shaffer's bad reputation were Police Sergeant Colin and Batsy, Patrolman James Anderson, E. Endicott, R. A. Fields, Ellsworth Adams, W. D. Humphreys and Ernest Johnson, P. L. Clifford, E. Peterson, R. C. Clark and Louis Carner, acquaintances of Shaffer, all swore he was given to brutality.

Story of the Party.

The first witness of the day was Mrs. Chester Shaffer, who lived next door to the Shaffers at the time of the tragedy. Mrs. Shaffer said she and her husband were returning home at 6 P. M. on the Sunday afternoon when they met a block away from their home could hear the revelry of the party. Several of the witnesses who told of Shaffer's bad record likewise described his tremendous strength. Patrolman Johnson, formerly a longshoreman, said he had seen Shaffer lift a barrel of cement weighing 500 pounds with apparent ease. R. C. Clark, of St. John, said he once saw Shaffer lift a steel rail weighing 600 pounds with one hand.

Shaffer Expected Trouble.

Shaffer told her, she said, that he was expecting trouble, and that it would be "bad trouble." On cross-examination by District Attorney Manning she admitted she was a cousin of Sutler's wife, but denied that could influence her in any way as a witness. Her testimony was substantiated by that of her sister, Miss Betsy Stanley, who was with her at the time. Sutler was then called to the stand, and he went over the story of the shooting in detail, taking the stand at 10 o'clock and continuing to testify until after the beginning of the afternoon session.

Sutler said he was called from his home by Edward Holzworth, owner of the house occupied by the Shaffers. Holzworth complained that there was a disgraceful disturbance and that a dozen or more people were acting as if they were drunk. The officer who called him to the house, who was said he secured his whistle club and gun and went with Holzworth, who explained that Shaffer was a hard citizen and that he had repeatedly been in trouble for wifebeating and because of a quarrelsome disposition. While more than a block from the place, Sutler said, he could hear the noise of revelry, and on reaching the house he looked through a window and saw men and women drinking beer and jumping up and down as if they were trying to dance.

Sutler cautions Mrs. Shaffer. He rang the door bell and Mrs. Shaffer responded, but when told that she should be more wary, Sutler said, the woman told him to mind his business, as it was their house and they would make all the noise they pleased. He retreated from the head of the household and Shaffer, who wanted to know what Mrs. Shaffer had said. Again cautioning the man to make less noise, Sutler said, he walked away, followed by Shaffer, who wanted to know who had made the complaint. "I would not tell him and he fired up and said he had just been informed that it was Holzworth, and that he would kill the ——— before morning," the witness said. "I told him that if he made such threats, I would have to place him under arrest and he then shook his fist in my face and told me that I couldn't arrest him."

Sutler told of going to a nearby telephone and calling up Captain Silver at the police station for instructions. The captain told him either to enforce order or arrest the disturbers and at Sutler's request sent Patrolman Leavens to assist in quelling the disorder. When Mrs. Shaffer opened the door the two officers went inside and Sutler said he told the 15 or more people assembled that they would have to be quiet or else they might consider themselves under arrest.

Officers Draw Their Clubs. At this, all began talking and gesticulating excitedly, the witness said, and he and Leavens were compelled to draw their clubs. Leavens also pulled his revolver holster around so that the revolver butt was in sight. This only added

TWO MATINEES IN DIVORCE COURT

Judge Bronaugh Has Long Scene—Many Acts in Gantenbein's Court.

MINNIE KANE AFTER THIRD

Alleges Cruelty and Drunkenness Against Her Husband, Joseph W. Kane—Bertha Heisig Says Husband Dragged Her by Hair.

Grass widows, merry widows with portable flower gardens, blushing maidens, a postcard illustrative of scenes on the cannibal isles, all displayed by the Spring sun streaming in at the windows, these and warring attorneys fencing over points of law were to be seen at the divorce matinee in the Circuit Court yesterday. There were really two matinees, one under Judge Gantenbein's special patronage, and another under Judge Bronaugh. In the latter play there was one long act with no intermission, while in the former the curtain fell at intervals to permit a change of scenery.

The case before Judge Bronaugh was that of Minnie Kane against Joseph W. Kane, a sawyer employed by the St. John Lumber Company. He was formerly employed as foreman with the Inman-Poulsen Lumber Company. It came out during the taking of testimony yesterday morning that this is Mrs. Kane's third divorce. One divorce was had in the Multnomah County Circuit Court, she said, and one in another court. Drunkenness and Cruelty Alleged. Mrs. Kane did not say that her husband had failed to support her, in fact she said he earned about \$3 a day and did not fail to provide for the household. His drunkenness and cruelty were unbearable, she asserted. She said these acts of violence began about March 25, 1905, only a month after the wedding. They were married at Vancouver, Wash., February 15, 1906. She said that in March he called her obscene names because she objected to his drinking. He had seen the day before, Mrs. Kane explained that it was Sunday, and that she was on her knees at the time he was drinking. He said he could not get a shave on Sunday, he replied that he knew a place where he could get shaved at any time. He was gone for hours, she said, and she believed he met the woman.

Mrs. Kane shook with laughter when she was shown a postal sent her from Cundon to Mr. Kane on October 5, 1904. It illustrates a cannibal in dancing costume asking, "How would you like to supple with me?" Mrs. Kane had written to her husband as "Dear Joe." The card was introduced by Attorney Pague for Mr. Kane to show the attitude of Mrs. Kane toward her husband at that time. Objects to Chiding. During the July before, according to Mrs. Kane, her husband slapped her face and held her arm until it was black and blue. "This was the day after the Fourth. The reason for it, she said, was that on June 15 she had scolded him for leaving her on the street at midnight, while he went into a saloon to get a drink. Mrs. Kane said that in September, 1907, her husband flourished a butcher knife and said he would finish her. This threat, she said, was made in the presence of Grace Cochran. Two months later, at St. John, he seized her throat so that it swelled, and was sore for two weeks. Mr. Kane said she has tuberculosis of the vocal chords. Two days after the choking the witness asserted she threw her accuser into the room with great violence. The woman asserts that nervous prostration is the result of her husband's cruelty. Complains He Was Deserted. Mr. Kane was called to the witness stand in the afternoon, and said that a certain obscene expression which he mentioned was an ordinary one with Mrs. Kane. He asserted that she was in the habit of going about the streets late at night, and that once she called on him to get money with which to desert him. Then she went to Long Beach, Cal. He said, and wrote that she was having a fine time, that she had rented a hotel

for two years, and had said good-bye to old Oregon for awhile. He said that in the letter she referred to California as God's country, and that when she returned to Oregon it was only to get money from him. During the morning witnesses had testified Kane was drunk when he called at the Rose City Sanitarium to visit his wife. He said that he had only had three drinks of whiskey. Mrs. Kane had asserted that her husband once compelled her to go to Condon when she was sick. This was denied. He denied also that he laid violent hands on his wife and said he never used obscene language toward her. He said he worked for the Inman-Poulsen Lumber Company at \$3.5 a day, and when first employed by the St. John Lumber Company, in which his father, John Kane, has a large interest, he received \$2 a day. He denied a charge of his wife that he lost his position at the Inman-Poulsen mill because he drank. Daniel Brocht said he heard Mrs. Kane use vile expressions in referring to her husband. Judge Bronaugh took the case in advisement, and will announce his decision this morning. Says Husband Is Drunkard. Ida F. Peterson was granted a divorce from James L. Peterson, after telling that he was in the habit of coming home drunk on Saturday nights after he was paid off. She said that she had only had one drink last month, and when she returned found her husband had been arrested for drunkenness. The home had been dismantled, and her goods were in storage, and her children were located at Corvallis. The couple were married in Portland December 14, 1902. Mrs. Peterson was granted the custody of the two children and \$20 a month alimony. Other divorces were granted by Judge Gantenbein as follows: Mary Reizmanahn also said she had a habitual drunkard for a husband. She said she and her husband had on three occasions threatened to kill her. Once, she said, she was obliged to run from the house while she was sick, and seek protection with the neighbors. She said her husband spent his money in riotous living, while she worked to support herself and five children. Only three of these are now living. She married Reizmanahn in Kolber, Germany, in 1882. They moved to the United States, she said, in 1884. She gave the custody of the children, a third interest in a 1.5-acre tract of timber in Washington County and \$2000 permanent alimony. After telling how hard she had tried to put up with the conduct of James Feeney, Theresa M. Feeney was granted a divorce. She said they had once returned to Idaho, where she and her husband had sold their property and divided the proceeds. He had gone East, spent his part of the money, and returned to Idaho, where he married and with her part of the money bought a little home in Portland. Soon afterward he was afflicted with delirium tremens and died in the hospital in Portland, in November, 1903.

Norris Was Already Married. Hattie B. Norris secured a divorce from Arthur H. Norris because he was married to Bell Earlich at the time he married the second wife. She was permitted to resume her maiden name, Hattie Banister, in October, 1907. Hattie Banister is a 1.5-acre tract of timber in Washington County and \$2000 permanent alimony.

Anna Gowen said that her efforts to have Walter Gowen return to her had been unavailing. He deserted in May, 1905. She said she married him in Portland, during the month of November, 1904. She was granted a divorce, and permission to resume her former name, Anna Gowen. The case of Bertha Heisig against Charles Heisig went over for one week, upon the information being furnished the court by counsel that the parties would try to become reconciled. The complaint states that the husband was accustomed to drag his wife around the room by her hair. Once she was compelled to have him arrested for drunkenness, and was forced to support her and her daughter, Martha. They were married in Stockton, Cal., in December, 1902. Asks if Strychnine Will Do. Albia E. Stone obtained a divorce yesterday afternoon from Harry Stone. She said he tried to compel her to go to work that he insisted she live at the home of his parents. That she was continually nagged by his mother and brother, she alleged, who told her to go to work. She said her husband is strong and able-bodied, but while working frequents saloons and gambles away his money. Once he refused to get a doctor, she charged, when she was ill, and asked her if strychnine would do it. She was permitted to resume her maiden name, Fowler. They were married in Portland December 14, 1904. Desertion was the ground upon

Bankrupt Sale OF GROCERIES

The Grocery Stock of the J. M. Acheson Co. must be closed out regardless of cost. Must vacate this building by June 1st. Fixtures, shelving, counters, scales, electric coffee mill, wagon and harness for sale. Store opens at 9 o'clock. You know this is the FRESHEST GROCERY STOCK IN PORTLAND

BAD FAITH IS CHARGED

FIRE ALARM COMPANY SCORES ITS RIVAL. Branch of Gamewell Company Declares Opposition Would Be Unable to Install City Service.

George W. Walker, superintendent of the National Automatic Fire Alarm Company, which some time ago made application to the City Council for the privilege of installing an auxiliary fire alarm system in this city, yesterday declared, in referring to a similar application made by the Northwestern American District Telegraph Company, that he believed an attempt was on foot to squelch the concern he represents. He made direct verbal charges of bad faith against the opposition corporation.

Mr. Walker declares that it would be impossible for the Northwestern American District Telegraph Company to install an auxiliary system, inasmuch as the National Automatic Fire Alarm Company has the only auxiliary system in operation and was given the patent rights in Oregon. "If the Northwestern American Telegraph Company secured the franchise

they would install some entirely different and inferior service. It is no wonder, then, that they could afford to pay the city one-third of their profits and install boxes at half what we would be able to do so for. "Some time ago the Northwestern American District Telegraph Company offered to take over our plant. Their figures were preposterous and we refused. Later they spoke of buying us out and at that time said they wanted the automatic service, but wished to kill off the auxiliary service entirely. This shows the manner in which this company is trying to hookwink the City Council." There is little doubt but that a fierce fight will be waged before the franchise is secured. The Northwestern American District Telegraph Company, while the National Automatic Fire Alarm Company is affiliated with the Gamewell Fire Alarm Company.

Epworth Church Resumes Services. The services of the Epworth Methodist church, which have been conducted in the Oregon Building on the Lewis and Clark Fair grounds, and which have been suspended during the past two weeks, owing to cases of smallpox in the vicinity, will be resumed tomorrow. There will be services at 11 o'clock, when Rev. C. T. McPherson will speak. At the Sunday night services an address will be delivered by M. C. Reed. Special music will be rendered at both services.

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SUNDAY'S SPECIAL ICE CREAM. Tomorrow's Special Brick Ice Cream is Pistino, a dainty confection, with a layer of Pineapple Water Ice in the center. Regular price, 75c; tomorrow, quart brick, 60c. For morning delivery order before 8:30; for afternoon delivery order before 1 P. M. FUTURE SPECIALS, 60¢ (REGULAR 75¢.) May 30 and 31—Candied Fruit Ice Cream in bulk or rolls. June 7—Tutti Frutti Center between Vanilla and Strawberry. June 14—Macaroon, with Lemon Water Ice Center.

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