

### INSURANCE PLEA IN HOMICIDE CASE

#### Harry Daley Declares Blow on Head Caused Mind to Become Unreliable.

### KENNY MURDER TRIAL ON

#### State Declares Threat Was Made Before Shooting Occurred, and Eye-Witness Gives Graphic Account of Fatal Brawl.

Harry Daley is on trial for his life. He is charged with deliberately having shot and killed Harry Kenny, in the latter's saloon at Sixth and Pine streets. The crime was committed about 3 P. M. November 16. The slender thread of insanity is being used by the defense as a support. The state rested its case between 2 and 4 o'clock yesterday afternoon, and four witnesses for the defense were examined.

The state made an effort to show that Daley had made threats against Kenny's life before he shot him, but the testimony was ruled out by the court, upon a technicality. It is probable that an effort will be made by the state to introduce it to rebuttal.

With two homicide trials, those of Dr. G. L. Whitely and Antonio Petrosino, in progress, Presiding Judge Gantenbehn took up the Daley case himself yesterday. Departments 1, 2 and 4 were occupied by jurors, and there is no jury in Department No. 2. No Judge Gantenbehn instructed the juror to bring in 12 chairs, and in these the jury sits. The tables have been arranged to make room for the extra chairs.

### Juror Objects to Room.

Although all the attaches of the courtroom realize its congested condition, the unexpected happened yesterday morning when a juror objected to serving because he had been quartered once before, when called upon to serve, in what he termed "the straitjacket." He pointed to the small room on the third floor, reached by a narrow, winding stairway, in which jurors are lodged when they continue their deliberations over night.

Withstanding his objection, the juror was obliged to serve.

Thomas Lyons's saloon swamper, was the first witness for the state. He stood on the witness stand he appeared to be very nervous, trembling as he spoke. He said he had known Daley for four or five months before the murder, occurring November 16, to find the saloonkeeper engaged in an argument with Daley over a bill for \$20. Daley insisted, Lyons said, that Kenny owed the money. Kenny said he did not. The witness said Daley then told Kenny: "If you don't give me \$20, I'll shoot you and kill you."

Kenny replied according to Lyons: "You have said that before," and walking around the bar raised both hands, and said, "Shoot me, and kill me. With that, continued Lyons, Daley reached in his back pocket, drew out a revolver and said: "I will, you old—," and shot Kenny once.

### But One Eye-Witness.

Kenny fell on his back, and a mob gathered. Lyons said he told them to stand back and give Kenny a little air, and that the mob soon moved toward the station in the patrol wagon. Lyons said he was the only one present when the shooting occurred. He said Daley was not drunk at the time.

John Erickson said the shooting was at 5:20, and that Daley was at his saloon at 5:15. Police Sergeant A. G. Gorman said that he arrested Daley at 9:20 or 9:25 on the night of the shooting. W. J. Petrain, said that he talked with Kenny before he died, and that Kenny said Harry Daley shot him after making a threat. Other witnesses for the state were Edward Burke, David Long, of the Holman Undertaking company; John W. Duffy, a nephew of Kenny; Dr. W. R. Coffman, Dr. E. H. Parker, J. J. Dunne, W. J. Porter and N. J. Sunderland. The latter said he was standing in front of the saloon about 8:30, heard the pistol shots, and went into the saloon. He said he had known Daley about three weeks, but that Daley did not appear to be drunk.

### Daley on the Stand.

Daley testified in his own behalf that he was injured about the head a year ago. He was standing at the ferry slip when the steamer Mackinaw caught the Mason's cable. This swung across the slip, breaking Daley's leg, and rebounding, hit him on the head. He was taken to the Good Samaritan Hospital for treatment. Daley said on the witness stand that he is unable to remember the details of the shooting, some of which he told at the Police Station after his arrest.

Ogleby Young told of a libel suit against the Mackinaw now pending in the United States Circuit Court. He said Daley "pestered" him about it until he took Daley to the attorneys Stevenson and Logan about the case.

R. W. Patterson said he met Daley in a saloon early in November. Daley wanted to know how the case was getting on, and said: "They will get some results out of that case pretty soon, or I will get results." With that, Patterson said Daley left the saloon, returning soon after, whistling a revolver around his head, and informing Patterson that was what he meant when he referred to "results," and that he would clean up not only Patterson, but John W. Patterson, John E. Logan, John Stevenson and Ogleby Young.

Mrs. L. E. Miller, for the defense, said Daley formerly roomed at her house, 31 North Ninth street. She said she asked her several times if he had made any disturbance the night before, that his memory would not serve him until morning. She said that once he did not remember whether or not he asked her for an alarm clock which he borrowed, and at another time said he fell in the darkness, but did not remember having gotten up, or having entered the house. She said he informed her several times that he was an educated man, that he was a lawyer, but had been disbarred.

It is probable that the case will go to the jury tonight or tomorrow morning. The jury is as follows: J. V. Burk, W. H. Caldwell, John W. Chamberlain, M. O. Paulk, T. J. Coter, Carl A. Carlson, Clarence Finner, Alonzo Perkins, Dave Allen, E. A. Bamford, H. G. Chickering and E. M. Lance. Deputy District Attorneys Page and Moessnahn are conducting the prosecution, while Attorneys John Stevenson and Lester W. Humphreys are defending Daley.

### LOWIT AND WRIGHT ARE SUED

Promoters of Golden Eagle Bubble Accused of Fraud by Bank.

Charging that Gus A. Lowit and Charles Wright conspired to defraud the creditors of the Golden Eagle Dry Goods Company, W. C. Benbow has

brought suit against them in the Circuit Court. One of the large creditors, the Oregon Trust & Savings Bank, Benbow asks judgment both for the bank and for other creditors similarly situated who have agreed to bear a part of the expense of litigation.

The London Clothing Company was in existence from September 12, 1905 until May 23, 1906. Benbow's complaint alleges that it was insolvent in 1905, the assets after March, 1906, not amounting to more than one-fourth of the liabilities.

On May 23, 1906, according to the complaint filed yesterday, the capital stock was increased from 250 shares to 500 shares, at \$100 each, and the name of the corporation changed to the Golden Eagle Dry Goods Company. Lowit and Wright, it is alleged, were the original incorporators, shareholders, directors and officers of the London company, C. A. Maney holding but one share.

Between September 12, 1905 and March 7, 1907, the corporation is alleged to have borrowed from the Oregon Trust & Savings Bank \$181,628.84, which claim, less 25 per cent, was transferred to Benbow for collection. He instituted suit in the Circuit Court to recover \$22,601. This went by default. But the Sheriff was unable to find any property of the corporation upon which to levy an attachment. At several times after September 12, 1905, the corporation continued to do business, until the indebtedness had been increased, it is alleged, to \$225,000 on March 1, 1907.

The Lowit-Wright alleged conspiracy occurred January 1, 1908. Wright was to make a pretended transfer of all his stock, it is asserted, to the company. This was to be received by the corporation as treasury stock. Then the funds of the corporation were to be handed out to Lowit and Wright, to the amount of \$17,750. Benbow asks that the stock sale, and Wright's resignation as an officer of the corporation be declared void. Further crooked business is alleged in the failure of Wright to pay but \$2400 on 250 shares of stock, leaving a balance of \$19,600 still due. It is charged that Lowit and Wright represented to their creditors that the stock was fully paid up, and that on this showing credit was extended to the amount of \$100,000. These creditors have been damaged \$40,000, it is asserted.

The specific amounts demanded by Benbow are \$19,600 and \$17,750, besides the setting aside of the Wright stock transfer.

### WALK IN GOLD GRAY DAWN

AGED MAN, ON AUTO RIDE, LOSES MONEY AND FRIENDS.

Victim Tramps Into City, Lays Complaint and Gets All His Money Back.

Ditched by a party of fast friends who had taken him out automobile and entertained him as long as his money lasted, a middle-aged man named Macrum, living at Mount Scott, was forced to walk from a point near Linnton into Portland, during the early hours of yesterday morning. He reached the city at sunrise, wet to the knees, covered with mud and nearly frozen and exhausted. Although he had \$400 when he started out in the automobile, he had just 15 cents when he walked back.

Going direct to the Police Station, Macrum formally charged this mistreatment to Charley Mays, keeper of a saloon at Front and Main streets, and also accused Mays of having robbed him with the aid of two attractive but flashy women. Mays was taken into custody, although he denied the accusation, and as Mays was being escorted to the District Attorney's office by a policeman, he said he would rather pay the \$400 than have any trouble. The case was presented before Deputy District Attorney Hennessy, who was on the point of issuing a complaint when Mays told Macrum he would settle and Macrum then refused to prosecute.

Macrum, in telling his story of the fleeing, said he effected a real estate deal with his brother in which they made \$500. He took his share and, after crossing the Madison-street bridge, dropped in at Mays' place for a few drinks. Mays took him into a rear room, he said, and introduced him to a couple of women. At 1 o'clock they got an automobile and drove to Cliff Inn, a notorious place of revelry on the Linnton road. Macrum said he was a good fellow and the lion of the evening until his money was gone. Then they ran him down the road and put him out of the machine. He said he remembered loaning Mays \$25 at one clip.

Mays denied having taken the man's money. He said the party was proceeding from the Cliff Inn further down the road when Macrum insisted on going back to town. As the others were not of the same mind as Macrum about returning, they let him get out and walk back.

### Warrant for Doctor.

As a result of failing to appear in the Municipal Court for trial on a charge of practicing medicine without a city license, Dr. Marie D. Equi is to be arrested on a bench warrant, issued yesterday and returnable immediately. She is ordered to appear and show cause for contempt of court. Dr. Equi's arrest on the first charge occurred several weeks ago, and although the case has been on the city docket several times, she has failed to put in an appearance for hearing.

### BAD COLLISION AVERTED

Streetcar Almost Runs Into Hose Wagon Answering Fire Alarm.

While Hose Company No. 1 was responding to an alarm at 750 Kearney street, yesterday morning, it was nearly run into by a streetcar at Third street at Pine. Although the clanging of fire bells had been heard several blocks, an 8 car could be heard on the street at not less than 15 miles an hour.

Only the drawing of the fire horses back on their harnesses saved a serious collision with the fire wagon. As it was, the pole struck the streetcar and gouged the paint off for a space of ten feet.

Several accidents have already been occasioned by the practice of streetcars continuing while fire alarms are being answered. Several months ago a fine team of gray horses, yesterday morning, a fireman was permanently injured, the accident in that instance being on the same line, in nearly all large cities, it is probable that the law requires the streetcars to stop the minute an alarm sounds. Such a system is now in effect in Seattle.

The fire proved of no consequence, an overheated furnace having set fire to woodwork, a pint of water serving to put it out.

### BLANKETS NEEDED NOW

The place par excellence for buying blankets is the Brownsville Woolen Mill Store, Third and Stark sts. All kinds—white, gray, mottled, tan—sale at mill prices.

Tomorrow and Monday last days for discount on East Side gas bills. Don't overlook gas appliance sale.

### FINCH TRIAL TODAY

Murderer of Ralph B. Fisher Will Face Jury.

CASE EXPEDITED BY COURT

Strong Prosecution Prepared by District Attorney—Little Delay Expected in Selection of Jurors—Witnesses Called.

James A. Finch, murderer of Ralph Fisher, will be placed on trial for his life in the State Circuit Court, this morning. This is the first murder case in several years to be brought to trial within a month from the date of the crime.

Subpenas are all out for the witnesses to be introduced by state and defense, and all preparations are made for a vigorous prosecution of Fisher's assassin. District Attorney Cameron will direct the prosecution, and assisting him will be his chief deputy, J. J. Fitzgerald, known as one of the most successful prosecuting attorneys in the West. Ex-Deputy District Attorney A. C. Spenser, a prosecutor of wide experience and marked ability, will appear as special prosecutor. The state will aim to show that Finch shot Fisher in a cold-blooded, deliberate and premeditated manner; that there was no excuse or justification for the crime; that it was the result of Finch's malignant hatred of Fisher, a hatred aroused merely because the victim, in his capacity as prosecutor of the Multnomah Bar Association, pushed disbarment proceedings against the assassin. Witnesses called to show the Finch was entirely sane at the time. In short, it is believed that every avenue of escape has been closed to Finch and that he will pay the penalty of his crime on the gallows before another six months have passed.

Self-defense is to figure in the Finch side of the case. The murderer's lawyers, Piaget, Lord and Holcomb, who are located several persons who, it is alleged, will testify to having seen Finch in a struggle with Fisher just previous to the fatal shooting. This testimony will be most vigorously assailed by the state. The murder was seen by Miss Verna Burkhart, Fisher's stenographer, who is sure that the assassin walked into Fisher's room and fired at once, and without warning. Just to what degree the insanity plea will be interposed remains to be seen.

The selection of a trial judge will be determined this morning. As the other trial judges are occupied with running cases, the hearing of the Finch case will fall to Judge Cleland or Judge Brougham, and it is more than likely that Judge Cleland will be designated by Presiding Judge Gantenbehn.

The securing of a jury will be taken up the first thing this morning. If there is any great delay in securing the jury it will be occasioned by the defense, as the prosecuting officers say they would be willing to trust the case to nearly any 12 men.

### REVIVAL OF ELKS' DANCES

Local Clubmen Will Hold Series of Entertainments.

Portland lodge of Elks has appointed a committee consisting of Colonel Charles E. McDonnell, chairman; C. Branley, T. L. Perkins, W. L. Harris, H. Politz, E. A. Krull and Guy Haines to make all arrangements for reviving a series of dances under the auspices of the organization.

When the lodge occupied quarters in the Marquette building, before the present clubhouse was erected, dances were held at intervals through the winter, which are remembered by older members with so much satisfaction that it was decided to undertake a revival of the dances.

The first dance is to be given at Mur-lark Hall, Twenty-third and Washington streets, on the evening of December 23. The admission is free, but an invitational one, and is expected to make a success through the co-operation of the feminine members of Elks' families.

A movement is under way in Medford to establish an Elks' lodge at that place. There are about 50 Elks now residing in that part of the state, which is considered a fair nucleus for building up a separate lodge. Correspondence has been opened with representatives of the grand lodge with a view to getting the movement approved. It is reported that members of the organization residing at Marshfield also are taking a census of that city with the hope a sufficient population will be shown to enable that place to get a charter for a lodge. Under the Elks' law a town must have at least 5000 population to be entitled to a charter.

### STAMPS HAVE READY SALE

Second Consignment of Charity Tags Reaches Portland.

With the arrival Tuesday of the second consignment of Christmas stamps, the Visiting Nurses' Association, which is in charge of the distribution, was able to furnish the various stores and not to place on packages transmitted by mail. Many of the larger business houses are using the stamps on all mail matter.

The proceeds from the sale of the stamps is to be used as a fund for a campaign against tuberculosis. It is considered by the association that the interest taken by the purchases of stamps in the prevention of this disease is as important as is the raising of the funds to combat it. A total of 200,000 stamps was sent for in the second request. There is a demand from many outside cities for the stamps. They can be had in nearly all of the large downtown department stores and smaller establishments, including hotels and the main postoffice.

### ANNOUNCEMENTS.

Thompson's eye glasses give the best results. Eight years in Portland; two years in the army; and a number of hospitals of Europe. 2d floor Corbett bldg.

Expert eye examination free. Glasses \$1.50 and up. Dr. George Rubenstein, optician, 189 3d st., opposite Baker Theater.

F. E. Beach & Co., Pioneer Paint Co., 135 First st. Phones Main 1334, A 1334.

D. Chambers & Son, opticians, 321 Morrison, cor. Sixth, are the best.

### TOUCH THE HEARTS

Of the ladies this Christmas by presenting them beautiful flowers and plants from the "Up-to-date" floral shop of Clarke Bros., 28 Morrison street, opposite Corbett building.

Brilliant white diamonds, perfect, slightly under one-fourth carat, in 14-karat gold mountings, only \$20 at Uncle Myers', 143 2d, near Alder.

# FREE! FREE! FREE!

## SPECIAL! SPECIAL! SPECIAL!

# Only 100 Suits to Be Sold

Friday---Two Days Only---Saturday

# 65 Per Cent Off Sale

The best values ever known in the City of Portland by the BEST TAILORS on the Coast. We are going to give a Ladies' Mannish Walking Coat, or either a Ladies' Storm Skirt, the pattern of which we will Cut, Trim and Fit

## Absolutely Free

with our \$45, \$50 and \$55 Men's Suits, which we have offered to the kind people of Portland for

# \$25.00

These garments are made up of the latest importations, of Blue Serges, Broadcloth, Unfinished Worsteds, Gunmetal, Grays, and the popular Greens that are now being worn

THE FIRST LADY WHO ENTERS OUR STORE WILL GET A WALKING COAT ABSOLUTELY FREE

GET THE HABIT GET THE HABIT GET THE HABIT

THE FIRST GENT WHO ENTERS OUR STORE WILL GET A SUIT ABSOLUTELY FREE

SATISFACTION given or your MONEY REFUNDED. All our work made in Portland, in our own shops—Always open for inspection

GET THE HABIT and wear American Gentlemen Clothes—PATRONIZE HOME INDUSTRY

NOTICE—For our country orders we will send samples and self-measuring blanks, for a small deposit

# American Gentlemen Tailors

Doors Open at 9 A. M. SALEMEN WANTED

Cor. Sixth and Stark Sts., Portland, Or. SALEMEN WANTED

### TROUBLE OVER XMAS MAIL

held up by the crowding Government for additional postage. Put your Christmas Red Cross stamps on the packages. The more you use the more money will be devoted to a worthy cause; but be careful where you stick them. Avoid the strings and the edges of the bundles.

### POSTMASTER ISSUES WARNING AS TO SEALING PARCELS.

Charity Stamps, Wrongly Attached, May Cause Delay in Delivery of Packages.

### EAST SIDE SHOP ENTERED

Burglars Get Assorted Loot in Department Store.

### DR. W. A. WISE

We can supply you with bridges without plates that will be perfectly firm, look as well as the natural, teeth and chew your food perfectly.

THE DR. WISE SYSTEM, perfected during 21 years active practice in Portland, guarantees you unrivaled results in all branches of the dental profession. Plates that fit perfectly and that won't come loose, absolutely painless extractions, scientific porcelain and metal work performed by specialists of standing in the profession. Your work done in a day if desired.

DR. W. A. WISE, Mgr., 21 years in Portland, Second floor, Fidelity Bldg., Third and Washington streets. Office hours, 8 A. M. to 5 P. M. Sundays, 9 to 1 P. M. Painless extracting, 50c; plates, \$5 up. Phone A and Main 2029.

### UNCLE SAM IS IN TROUBLE.

At least the postal department of your Uncle Sam is. Millions of charitable people are using the mails these days for sending Christmas packages, and the Christmas stamp issued by the Red Cross Society is at the bottom of all the trouble. Millions upon millions of these stamps are being daily used over the country, and unless there is some departmental leniency forthcoming many a present will be sent up until the people to whom it is sent pay into the coffers of Uncle Sam the extra postage demanded.

The trouble lies in the not infrequent attaching of Christmas stamps to packages in such a way as to make the mail first-class when it was formerly fourth-class. Placing the stamps on seals over the open edges of paper in which parcels are wrapped will do this, as also will putting the stamps over string.

Uncle Sam has several kinds of mail matter, first and second class, and other classes. An ordinary package that does not contain any writing and only contains merchandise is second-class matter, and is delivered as such; but when the little innocent Christmas stamp is glued across the string, or across the edges of the wrapping paper, then it becomes in the eyes of your all-seeing Uncle Sam first-class matter, and must be paid for as such.

Postmaster Minto wants the public to use care in placing stamps. He issues a warning to the great army of parcel-sending people to have a care, especially if they want to have their gifts reach their destination without being

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### HILLSBORO YOUNG WOMAN DIES.

HILLSBORO, Or., Dec. 17.—(Special.)—Miss Maud Alexander, daughter of the late James Alexander, of Portland, and Mrs. Charles Kowitz, of this city, died

### PIANOS

What would afford you more pleasure in your home Christmas day than music and song? Music gives to the home life an atmosphere which nothing else can supply. Your children will be better, brighter, happier if the string and piano play. Mother and father will likewise be happier. Music indeed has charms—power to drive dull care away. We suggest a piano, a player piano or a Victor Talking Machine, for a Christmas present for the whole family. A new piano will find its way to your home if you will bring us but \$10 cash; a player piano for \$150 cash; a Victor Talking Machine for \$25 cash; a Victor talking machine for \$10 cash. This is a personal invitation for you to call to see and hear our pianos and Victor talking machines.

STEINWAY AND OTHER PIANOS.

### Sherman-Clay & Co.

OPPOSITE POST-OFFICE, SIXTH AND MORRISON.

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What would afford you more pleasure in your home Christmas day than music and song? Music gives to the home life an atmosphere which nothing else can supply. Your children will be better, brighter, happier if the string and piano play. Mother and father will likewise be happier. Music indeed has charms—power to drive dull care away. We suggest a piano, a player piano or a Victor Talking Machine, for a Christmas present for the whole family. A new piano will find its way to your home if you will bring us but \$10 cash; a player piano for \$150 cash; a Victor Talking Machine for \$25 cash; a Victor talking machine for \$10 cash. This is a personal invitation for you to call to see and hear our pianos and Victor talking machines.

STEINWAY AND OTHER PIANOS.

### Sherman-Clay & Co.

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