

FINCH RELUCTANT IN HIS TESTIMONY

Hesitates About Describing Details of Murder of Fisher.

CONTRADICTS PROSECUTION

Declares Miss Burkhardt, Stenographer, Did Not See Him in Fisher's Private Office and Reiterates Story of Attack.

FINCH'S VERSION OF MURDER OF RALPH FISHER.

Says he went to Fisher's office at request of Fisher, who called him up by telephone and addressed him as "Jim."

Admits when he entered office Fisher ordered him out, seized notary's seal and hurled it at him, inflicting painful and dazing wound on head. Saw Fisher reach into a drawer and then fired three shots, killing him.

Swears he purchased revolver a short time before murder but merely for his wife and it was just chance he had it when he visited Fisher.

Declares Miss Verna Burkhardt did not see him after he entered room and was not witness of tragedy.

Denies ever having threatened Fisher or of harboring ill feeling towards him.

This story is opposed in every essential to testimony of state's witnesses, all reputable people. Defense has simply Finch's word against sworn statements of half a dozen people, including Miss Verna Burkhardt.

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"Do you remember how the body was lying when you left?" asked Juror Hawes.

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"I was not conscious on Saturday of pains in my head," pursued Finch, but on Saturday night, when I went to bed in my cell, I felt the pain in my head. My mind was perfectly clear when I went to Mr. Fisher's office, but after I left I remember but little of what happened."

"Do you remember how long it was from the time you went into the office before you began shooting?" inquired Juror Hawes.

"Very short," Finch replied. "It was a very short interval, but I wouldn't attempt to say how long it was."

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Arthur C. Spencer.

James A. Finch told his story of the murder of Ralph Fisher yesterday. It was the story he had devised in the hope of saving himself from the executioner, and in every essential it differed from the evidence produced by the state. The general opinion is that the most Finch can hope from his narrative is that the 12 jurors will take his word rather than that of Miss Verna Burkhardt, Fisher's stenographer, who saw the murder. To believe Finch, the jurors must also disregard the identical testimony of a score of reputable witnesses as to the facts of the tragedy as deduced from circumstances observed before and after the occurrence. Finch's tale of an assault on him by Fisher threw no fresh light on the case. It was more or less ingenious, but its effect was only putting Finch's veracity against that of Miss Burkhardt and the others.

State Tears Story to Pieces.

Tearing to pieces of the story was undertaken by the state late in the afternoon. The state is endeavoring to emphasize absurdities in the story and to entrap Finch in his network of involved explanation. After being on the stand all day Finch, nearly exhausted, was led down to a cheerless Christmas eve in murderer's cell of the County Jail.

Sitting restlessly in the witness chair, speaking in a loud but faltering voice, Finch presented his narrative to the jury. At times he was very earnest and his hands kept moving constantly with gestures of emphasis.

During the description of an alleged assault on him he was very ill at ease and lost the suggestion of self-possession that marked him while he was filling in with long, dry details of his past life and of his movements before the murder. He was on the stand all day.

The feature of Finch's story, aside from its contradictory nature, was his marked unwillingness to approach Fisher's room and the moment of the actual killing. All forenoon he avoided that topic. Three times at the forenoon session he told of approaching the Mohawk building. But each time, when the courtroom fell into a hush of expectancy, Finch dropped away on some wordy side issue.

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"I was about five feet from his desk and he was sitting at the desk," he began, and then fell away into a long and unnecessary set of details as to the distribution of the furniture in the room.

"And he turned around," proceeded Finch, recovering his courage, "and said 'What do you want here?' I said, 'Ralph, I came over to see if you couldn't help a man out.' I talked with him along this line.

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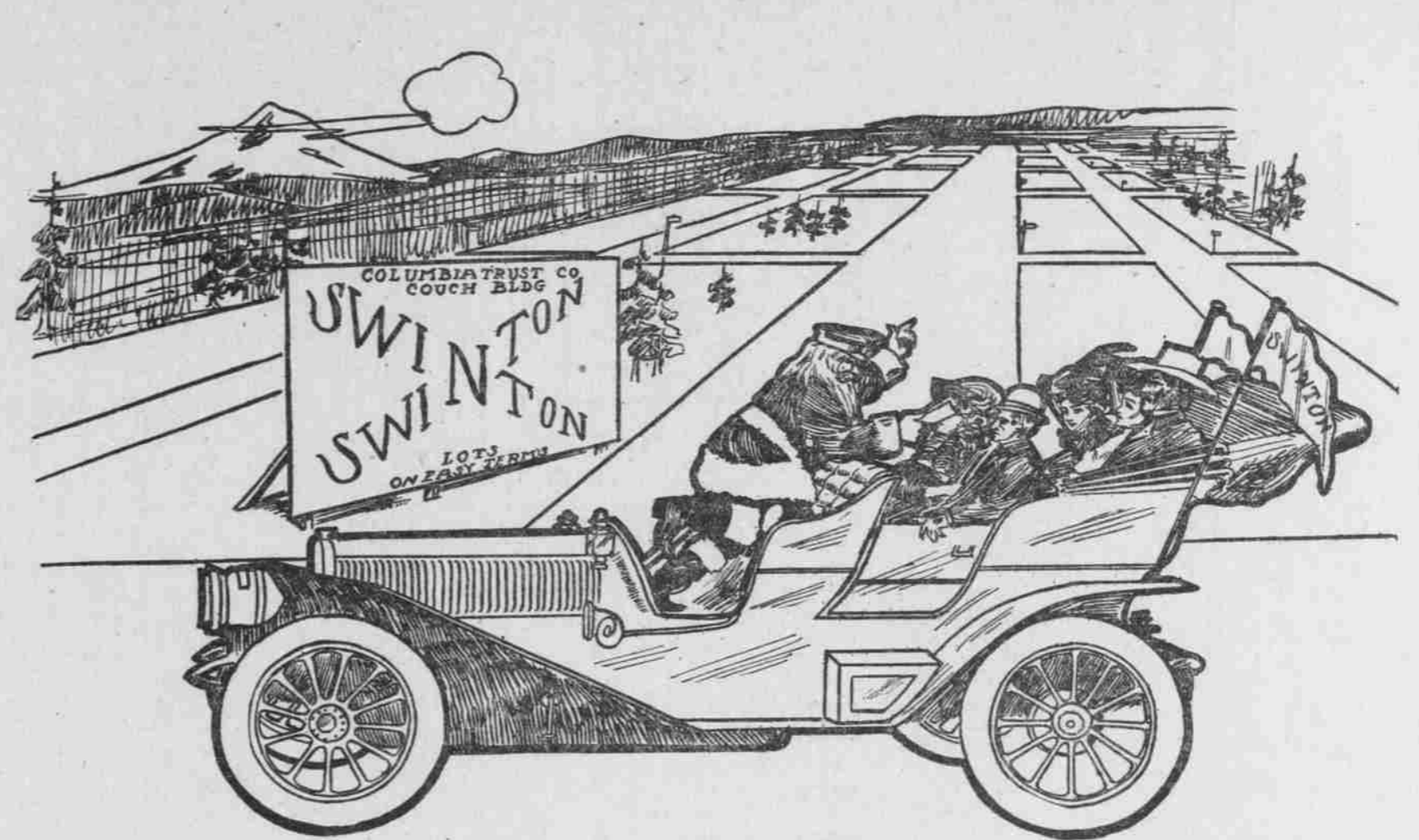
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Will You Take an Auto Ride to Swinton on Christmas=Today?



Perhaps you've been housed up pretty closely right up to Christmas—didn't have a chance to get out and see things—**SWINTON** among others. Come to our office this forenoon and take an auto ride to **SWINTON** at our expense. By going, you do not obligate yourself a cent's worth, understand. You'll have the pleasure of an auto ride, will see how very fast this old town of ours is growing, and you'll bring back a dandy appetite for your Christmas dinner. This auto ride will give you an opportunity to see **SWINTON** face to face—to see the best piece of investment property in this neck o' woods. If you were so lucky as to receive a "Money Gift," you can do no better than invest it in a **SWINTON** lot. A little over three months ago we placed 1000 lots on sale; today there are less than a hundred of them left. Others have invested in **SWINTON** and made a turn at a handsome profit already—why wouldn't it be a good thing for you to do likewise while you can? Perhaps there's some member of your family who is a wage-earner and whom you want to encourage in thrifty frugal habits. Make a payment and take a contract and make them keep up the small monthly payment of 2 per cent. Money that would otherwise be frittered away for trifles will be placed where it is sure to double in a very short time. We could go on forever and a day and then not tell you all the reasons for investing in real estate of proven good quality, and **SWINTON** surely has that quality above all others.

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Falters at Crucial Point.

Here Finch faltered again when he was face to face with the tragedy.

"I was about five feet from his desk and he was sitting at the desk," he began, and then fell away into a long and unnecessary set of details as to the distribution of the furniture in the room.

"And he turned around," proceeded Finch, recovering his courage, "and said 'What do you want here?' I said, 'Ralph, I came over to see if you couldn't help a man out.' I talked with him along this line.

"Get out of here," he said, all of a sudden, speaking in a harsh way, and he grabbed a notary's seal. He hurled it backward—directly back and over. It struck me on the head and hat, a stinging blow.

"At the first flash I thought it was a gun. The flash and the blow came almost at once. I was knocked back. It was a complete daze when that seal struck me, and I don't remember very well, but I think my hat was knocked off.

"The next real recollection I had—there are some confused recollections in between—but the first real recollection was being against the door, leaning half down and half up."

Demonstrates With Chair.

Finch here took the witness chair, placed it on the floor and demonstrated the attitude he described, also Fisher's attitude.

"Mr. Fisher was standing astride of

the chair. "He was that way when I saw the gun. Whether he had shot there all the time or had been around from behind the desk and had gone back, I don't know.

"Just as I drew the gun—I had it in this long overcoat," said Finch, slipping into the garment for purposes of demonstration. "Just then he was reaching into his desk and I had been informed that he had a gun. When I fired the first shot he kept on going; that was the shot that went wild through the window, I guess. The second shot was the one, I think, that did the business, as the doctor described.

"When the first shot was fired, Verna Burkhardt opened the door and screamed. The third shot came by accident, just because I had a finger on the trigger, I guess.

Says He Feared Gun.

"When Mr. Fisher went into that drawer," Finch said, dramatically, "I thought of his gun. It flashed through my head. 'I'm going' just like that. I thought I was in serious danger.

"When he fell, I picked up my hat and went out. I nearly collapsed with the pain in my head where I had been struck by the seal.

"How far were you from him when you fired the second shot?" inquired Juror Hawes.

"I was backing up when the first shot went wild and fired from a crouching position. I was trying to get to the door and get out; that was my only thought.

"Did you pick up your hat from near the window?" pursued the juror.

"Yes, I picked it up. I nearly collapsed before leaving. The hat was at the west

side of the room, not far from the window, but just how far from the wall I don't know.

Dazed After Shooting.

"As to the seal, I'm not certain whether I picked it up or left it lying there—I may have picked it up or I may not. I was dazed," rambled Finch, volunteering this odd explanation of why no seal was found lying on the floor after the murder.

"The next I remember was of being handcuffed. I recall very few things after the time I left the room. I remember coming up in the patrol wagon to the County Jail and of having my wife call on me that night.

"Do you remember how the body was lying when you left?" asked Juror Hawes.

"No, I don't," replied Finch. "It seems to me the body layged down by the desk in the direction he was leaning toward the drawer of his desk.

"I was not conscious on Saturday of pains in my head," pursued Finch, but on Saturday night, when I went to bed in my cell, I felt the pain in my head. My mind was perfectly clear when I went to Mr. Fisher's office, but after I left I remember but little of what happened."

"Do you remember how long it was from the time you went into the office before you began shooting?" inquired Juror Hawes.

"Very short," Finch replied. "It was a very short interval, but I wouldn't attempt to say how long it was."

Jurors Feel Bump on Head.

Finch then passed among the jurors and had each one of them feel his head at a point just above his right temple where a small contusion appears. This spot, he said, was the stampmark of the seal hurled at him by Fisher.

On being questioned by his attorneys, Finch said again that he went to Fisher's office in response to a telephone call from Fisher. He reiterated that he had no malice in his heart and fired in self-defense.

Finch was given over for cross-examination at 2:30 o'clock and for the remainder of the session he was cross-examined by Special Prosecutor A. C. Spencer.

Over the whole ground Finch was taken, step by step. Finch controlled himself with an effort. He was very cautious and reflected for a brief space on each question before attempting any response. Traps set for him he side-stepped deftly, but many of his explanations were foolish.

The weak places in the story were gone over and their absurdity emphasized. Although the state did not entrust Finch with his narrative, his right temple where a small contusion appears. This spot, he said, was the stampmark of the seal hurled at him by Fisher.

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Finch Tells of Murder.

When he did finally invade the fatal room with his story, early in the afternoon, he began speaking rapidly, entered the room with a verbal rush and then, in the very midst of the tragedy, broke and fell away again into unimportant details. Here is his story, in its important detail, as he told it.

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