BENSON TAKES NO **ACTION FOR FINCH**

Governor Greatly Worried by People Who Seek Clemency for Friends.

TOO MUCH TIME IS LOST

State House Officials Suggest That Board of Pardons Be Provided by Next Legislature-Kelley Butte Victims Appeal.

SALEM, Or., Nov. 2.-(Special.)-Gov ernor Bensen took no action today in the matter of the politions for commutation for either James Finch or Harry Daly, A number of new protests were received today against leniency for either of the Portland murderers.

Portland murderers.

"The seances are becoming very trying and I am weary of them," is the statement of the Governor. "A large number of these who approach me on the subject of pardons or commutations are women. Recently the wife of Kenney, the saloonkeeper whom Harry Daly murdered, was here and asked that Daly's sentence be commuted. Her plea was seconded by the plea of Kenney's brothers. Such things grind on a man's perves.

brothers Such things grind on a man's nerves.

"In addition to the requests received for prisoners in the penitentiary there are scores of petitions in behalf of prisoners in the jails. The greater number of these are from Mulinomah County. Rockpile petitions are numerous. Frisoners at Kelly's Butte frequently ask for pardons after they have had a day or two of the strenuous life and they send up a friend or a delegation of friends to intercede in their behalf."

C. N. McArthur, private secretary of the Governor and Speaker of the last House of Representatives, suggests that the next Legislature create a pardon beard, that will have meetings at stated imes, when the petitioners rould come before the members and recite their desires. It is plainly the opinion around the State House that the work devolving on the Governor is made doubly burdensome by the exhaustive bearings which are required for petitioners.

Late this afternoon Mrs. James A. Finch made her first call at the office of the Chief Executive and brought with her a long statement from the condemned man. She offered a personal plea in behalf of her husband. She is in a sadly shattered nervous state and appears on the verge of collapse.

The statement from Finch is exhaustive, and tonight the Governor had not found time to complete reading it. The

The statement from Fines is exactive, and tonight the Governor had not found time to complete reading it. The statement is principally a resume of the trial, containing no new material features, and is largely along the line of contentions the convicted man has put up

SUPREME COURT DROPS FINCH

Tribunal Refuses to Take Up Case. Cameron Against Pardon.

John A. Jeffrey, attorney for James A. Finch, who is to be hanged Friday if Governor Benson does not commute his sentence, received word yesterday that the United States Supreme Court has refused to assume jurisdiction of the case. Attorney Jeffrey has forwarded to the Governor a petition for commutation of sentence which contains 500 names, and another with 60 names, nearly all members of the bar in Portland. District Attorney Cameron forwarded to the Governor a letter yesterday advising against pardoning Finch. The murderer had been given a fair trial, he said, and he could see no reason for pardoning him.

DALY MAY ESCAPE NOOSE

Raiph B. Fisher having been murdered by James A. Finch only a short time before, Daly would have been convicted of second degree murder instead of murder in the first degree for the shooting of Harry Keany in the latter's saloon. The trials of Daly and Finch began on the same day, and both have been sentenced to be hanged on the same date. "I understand that the widow, brother and nephew of Kenny have signed the petition for a commutation of Daly's sentence," said Judge Gantenbein. "I do not wish to be understood that I unqualifiedly recommend Daly's pardon, but in view of the fact that Kenny was a raccal, while Daly does not appear to be viciously inclined, I believe imprisonment in the penitentiary for the rest of Daly's life will meet the ends of justice.

Judge Gantenbein's letter regarding the

Judge Gantenbein's letter regarding the Daly case to Governor Benson was:

To His Excellency, F. W. Benson, Governor of Oregon, Salema Or.—Dear Sir-Prior to and since the receipt of your letter of recent date, requesting a full statement of the facts and circumstances surrounding the case of Harry Dale, sentenced by me to be hanged on the 13th of this month. I have given his case careful thought and I sares with you that it presents a most per plexing spotlem.

About a half very before the homicide Daly received a blow on his head and knee, resulting in serious personal injuries. During the pendency of an action for damages brought in the Federal Court, he was unable to perform hard work and applied to Harry Kenny, the deceased for assistance, and Echnix, who conducted a saloon on Burnaide street in this city, gave him employment as a barkeeper at moderate wages, but soon discharged him on secount of his intemperate habits. Daly appears to have been unable to secure other amployment, and applied again to Kenny, claiming that Kenny still owed him some money for his services. The deceased denied that he oved him anything, and refused to employ him further. Daly repeated his demands it intervals and about a week before the murder threatened Kenny that he would fix him.

it interests and about a week before the murder threatened Kouny that he would "fix him."

The night of the tragedy the defendant again called at the salcon of the deceased and demanded that he he paid the money due him and be given employment, and upon being refused toh Konny he would kill him. The deceased replied, "You have said that before," walked from, behind and around the har toward Daly, raising his hands above his head, and added, "If you want to kill me, do it now." Daly then drew a revolver and fired one shot at Kenny, resulting in his death within 14 hours. The defendant left he salcon, but made no effort to escape, and was arrested a short time atterwards while taking a drink in another salcon.

His case was set for trial on the same date as that of the defendant Finch. His Gefense was insantly, but this was distributed by the jury, and he was convicted of murder, in the first degree. I do not believe he was insant at the time he committed the crime, but the swidened dent, and particularly since his simpleyment the heavily show at that he had been drinking very heavily since meeting with the societies were heavily since meeting with the societies of the murder, though the police officer who arrested him stated that at the time of his arrest, about an hour after the murder, he appeared to be solder.

In instructing the jury I quoted the foi-

NOMINATED BY HIS PRIENDS FOR MINISTER TO CHINA.



C. W. KOHLSAAT, OF CHICAGO.

CHICAGO, Nov. 3.—(Special.)—The friends of C. W. Kohlsant have put him forward as a candidate for Minister to China because of his experience in Oriental countries gained when he was a commissioner of the St. Louis-Exposition and afterward Commissioner-General of the Jamestown Exposition. Mr. Kohisaat is a Chicagoan, but he is now living in Washington, where he is director of the National Export Expositions in South America.

lowing portion of section 1253 of Bellinger & Cotton's Code;

"No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his having been in such condition; but whenever the actual existence of any particular mutive, purposes or intent is necessary element to constitute any particular species or degree of crime, the jury may take into consideration the fact that the defendant was intoxicated at the time, in determining the purpose, motive or intent with which he committed the act.

In view of the condition testimony there might be a reasonable doubt as to whether Daly, at the time he committed the homicide, was in a condition to entertain deliberation and premeditation necessary to constitute murder in the first degree.

The petition for commutation appears to be signed by a large number of prominent

LOST MAIL SOON TRACED Amount in Registered Letter Found

sisted by a special United States Mar-shal, has succeeded in unraweling a case of alleged rifling the malls at Madras. About October 29 there dis-appeared a registered letter en route from the Culver Postoffice, between the Madras office and Shaniko, which contained a remittance of funds from the Culver Postoffice. Other registered matrix of less innortance was also re-

Judge Gantenbein Says Public Sentiment Prompted Death Penalty.

Judge Gantenbein expressed his belief yesterday that except for the fact that public feeling was very strong at the time but feeling was very strong at the time of Harry Daly's trial, Attorpey Ralph B Fisher having been murdered of specond degree murder instead of murder in the first degree for the shooting of Harry Kenny in the latter's saloon. The trials of Daly and Finch began on the same day, and both have been sentenced to be hanged on the same date. "I understand that the widow, brother and nepbew of Kenny have signed the petition for a commutation of Daly's gentence," said Judge Gantenbein. "I do not wish to be understood that I unqualifiedly recommend Daly's pardon, but in view of the fact that Kenny was a rascal, white Daly does not appear to be viciously inclined, I believe imprisonment in the peniterilary for the grade of Daly's life will meet the ends.

The Calver Postoffice. Other registered matter time to Markas, was unation of the simport and size of the time hull Food was also reported missing at the time, but Point the time, but Point the time to the form Culver, which, according to report from that office, contained currency and gold to the mount of more than \$199.

Willie Craig, the young man who was suppliciously near the trials of Daly and Finch began on the same day, and both have been sentenced to be hanged on the same date. "I understand that the widow, brother and nepbew of Kenny have signed the petition for a commutation of Daly's gentence," said Judge Gantenbein. "I do not wish to be understood that I unqualifiedly recommend Daly's pardon, but in view of the fact that Kenny was a rascal, white Daly does not appear to be viciously inclined, I believe imprisonment in the peniterinal report of the fact that feeling the feeling of the mails. Craig's father is mail contained currency and gold to the main line of the fact that we have a suspiciously near the trial of the fact that we be reported to the fact that we have a suspi

ASYLUM BIDS REJECTED

New Proposals Are Asked by Board of Trustees.

SALEM, Or., Nov. 9 .- (Special.) - Failing in the last batch of hids to receive any proposals fitting their needs and wishes, members of the Board of Trustees of the Oregon State Insane Asylum, through C. N. McArthur, secretary of the board, to-day issued a new call for bids and plans and specifications to be in the hands of Dr. R. E. Lee Steiner superintendant. and specifications to be in the hands of Dr. R. E. Lee Steiner, superintendent of the asylum, by the afternoon of December 15.

The available specific the board of December 15.

antiquity of the heating system.

A RAINCOAT SALE.

Over 100 high-grade relucents on sale today at reduced prices; all colors in Moire, silk and Mohairs; also, great values in women's sample suits and costs. McAllen-McDonnell, Third and

Gresham Loses Route.

GRESHAM, Or., Nov 2.—(Special.)—By order of the Postoffice Department, Gresham will lose one of its rural routes on December 1. Route No. 5 will be transferred to Boring on that date, taking with it about one-half of its patrons. The remaining portion has been allotted to routes 2. 7 and 4 by a readjustment of the schedules. Route No. 2 has been increased four miles in length, route No. 3 about the same, while route No. 4 has been changed about and made shorter than before.

Klamath's Griefs Aired Before Visiting Senators.

VEILED CHARGE OF GRAFT

Federal Committee Hears Con plaint About Way Money for Irrigation Project Has Been Spent-Probe Is Urged.

KLAMATH FALLS, Nov. 2.—(Special.)

The Senatorial committee on irrigation and reciamation of arid lands, consist-Amount in Registered Letter Found on Carrier.

On Carrier.

PRINEVILLE, Or., Nov. 3.—United States Postoffice Inspector Durand, assisted by a special United States Marshal, has succeeded in unraveling a case of alleged rifling the mails at Madras. About October 29 there disappeared a registered letter en route from the Culver Postoffice, between the Madras office and Shaniko, which contained a remittance of funds from poor construction and delay; water prompor construction and co poor construction and delay; water prom-ised at \$15.00 per acre. \$30 now demanded;

Nine Raw Eggs and Two Quarts of Milk Forced Into Stomach by Tube in Nasal Passage.

SEATTLE, Wash., Nov. 8.—(Special.)—Nine raw eggs and two quarts of milk, shaken together, formed the first real meal in eight days to find its way into the stomach of William Williams, the First Presbyterian Church burglar, who was captured by Sergeant Westedi and Patrolman Wayne at Ballard November I. The eggs and milk were forced into Williams' stomach with a rubber builb by way of the nasal gameages.

Ever since the morning of his arrest, when he began shamming insanity and carried it to the point of bumping his head against the steel door of his cell in the City Jail, Williams has refused food as he lies handcuffed on his hed in the City Hospital. At various times the nurses and surgeons have been able to force small quantities of liquid food down his throat, but he has bitten so many rubber tubes to pieces that this method had finally to be abandoned. The hereic treatment of administering food through the masser prescribed, but he had been securely bound to his bed.

\$90,000 OF ORE IN SIGHT

President Mining Company Blocks Out Task for Winter.

COTTAGE GROVE, Or., Nov. 8 - (Spe-Today is positively the last day for discount on West Side gas bills. Read Gas

Tips.

OUICKLY SPREAD

Started Like Ringworm on Hand-Hand Swelled and Then Humor Spread to Arms, Legs and Face -It was Something Terrible.

PRESCRIPTIONS FAILED: CUTICURA CURED HIM

"I have used the Cuticura Remedies for a very bad case of eczema with complete success. About fifteen or eighteen years ago the disease developed in the shape of a large pinhead on top of my hand. It burned and itched so much that I was compelled to show it to a doctor. He pronounced it ringworm, and made very light of it. He gave me a wash and told me to apply it before going to bed and all would be over in the morning. But the next morning my hand was all swollen up and I poulticed it. When the doctor came to his office I showed him the hand and to my surprise he told me that he had never experienced such a case in his practice and said it was well I pulliced it. After trying his different remedies the disease increased and went up my arms and finally to my thighs and legs generally and finally on my face. The burning was something terrible. After I had dried this doctor, as I thought, long enough, I went to another doctor who had the reputation of being the best in town. He told me it was a bad case of eczema and that it would take quite a while to cure it. His medicine checked the advance of the disease but no further.

"I finally concluded to try the Cuti-

the advance of the disease but no further.

"I finally concluded to try the Cuticura Remedies. I bought a cake of Cuticura Soap, a box of Cuticura Gentlement and a bottle of Cuticura Resolvent and found relief in the first trial. I continued until I was completely free from the disease and I have not been troubled with another attack since. I still use the Cuticura Ointment in my family as it is one of the best remedies to heal a sore or other injury rapidly. I can freely and truthfully say that the Cuticura Remedies are the best so far as my experience went with them and I am still recommending them, feeling sure I am not making a mistake. C. Burkhart, 236 W. Market St., Chambersburg, Pa., Sept. 19, 1908." Pa., Sept. 19, 1908."

ore-body is three feet to three and one-half feet in width. The company will run a cross-cut this Winter to tap the rich ore-body, 300 feet below its present workings.
S. J. Brund has just completed the in-

stallation of a two-stamp mill, triple dis-charge, on his Sweep-stake claim, in Bo-hemia district. The mill began crushing bemla district. The man washing to come today.

The ore body is six feet wide and the entire width is rich in free gold. Mr. Brund has sufficient ore blocked out to run all Winter.

SALEM COUNCILMEN TIE

They Will Draw Lots for Place on Next Ballot.

SALEM, Or., Nov. 9 .- (Special)-In the city election a straw will show which way the wind blows for the Republican nominee for the council in the First Ward. It was discovered at the official canvass of last Saturday's primaries, taken this morning, that F. H. Berger and II. A. Johnson, have a tie vote for the short-term Republican candidacy and it will be necessary to draw straws to de-cide who will have a place on the official

The official canvass also shows that A The official canvass also shows that A. N. Moores, present incumbent in the Second Ward, though defeated for the Republican nomination, has secured the Democratic nomination with two votes. His name will thus appear on the ballot.

WASHINGTON, Nov. 9 .- On account of General be, dispatched to such coast

Druggists in Convention.

LONG ISLAND CITY, N. Y., Nov. 9.— Three thousand retail drugglets attended the convention of the National Retail Drugglets here today.

Decree Sought After 36 Years. PENDLETON, Or., Nov. 9.—(Special.) After having been married for 36

BANK

Establish business standing and credit with everyone with whom you deal by maintaining a bank account and paying for everything by check. No man succeeds who does not adopt proper business methods.

We place no restrictions on amount required to open an account.

MERCHANTS SAVINGS & TRUST COMPANY Corner Sixth and Washington Streets.

J. Erank Watson, President. R. L. Durham, Vice-President. W. H. Fear, Secretary. S. C. Catching, Asst. Secretary. O. W. T. Muellhaupt, Cashler. E. M. Hulden, Asst. Cashier. George N. Davis, Trust Officer. Stanley Baker, Realty Manager. WE DO ALL KINDS OF ARTISTIC PICTURE FRAMING

Cut Glass On Sale at



A Fourth Off BALANCE OF WEEK

\$2.50 Vases on sale at ... \$1.87 \$3.00 Comports, each \$2.25 \$15.00 Comports, each. . \$11.25 \$3.75 Bowls, during sale. \$2.81 \$14 Bowls, during sale .. \$10.50 \$50 Punch Bowls, sp'l ... \$37.50 \$75 Punch Bowls, sp'l ... \$56.25 \$3.50 Candlesticks, cach. . \$2.62 \$7.00 Candlesticks, each . \$5.25 \$8.75 Finger Bowls, six ... \$6.56 \$11.00 Finger Bowls, six. . \$8.25 \$5 Cake Trays, on sale for \$3.75 \$6.90 Celery Trays, each. \$4.50 \$7.00 Wine Decanters at . . \$5.25 \$15 Wine Decanters at \$11.25 \$3.50 Tumblers on sale for \$2.62 \$9 Creamers and Sugars. \$6.75 \$9 Cigar Jars on sale for. \$6.75 \$4.50 Cigarette Jars for ... \$3.37 \$3.50 Cruets, assorted, for \$2.62 \$4.00 Mayonnaise Bowls .. \$3.00 \$27.00 Lamps, special ... \$20.61 \$5.00 Pitchers, each, only \$3.75 \$20.00 Pitchers, each....\$15.00 \$1.25 Nappies on sale at 93¢ \$2.25 Spoon Trays, each . \$1.68 \$2 Salt and Pepper, pair . \$1.50 \$9.00 Liquor Jugs, special \$6.75

Russian Brass One-Fourth Off

Lovers of choice pieces in fine Hand Hammered Brasses will be pleased to know that we have just received a fine new line of exquisite pieces, including



smokers' ash trays, single and in sets, with and without eigar and match trays, also smokers' stands and a full line of other brass pieces, useful as well as ornamental at

One-Fourth Off

CROSS LONDON GLOVES, PAIR \$1.50

All Shades of Hair For Two Days Only



Ladies who have found difficulty in matching their hair will be glad to know that by special arrangement we will be able to match all shades in switches, coronet braids, etc. Wednesday and Thursday only at Hair Section.

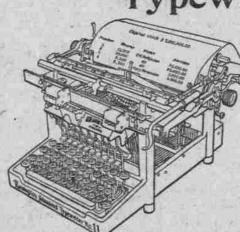
OODARD, CLARKE & CO

CANADIAN MONEY TAKEN AT FACE VALUE

years, P. M. Van Siyke has brought to the suit are well-known residents married in Cherokee County, Kansas, in suit for divorce against Lena L. Van of Milton, and have lived in Umatilla June, 1878, and have six children from Slyke, alleging desertion. The parties County for many years. They were 14 to 35 years old.

Remington

Typewriter Sales



last month broke all records for 30 years. Remington sales this year greatest in history -gain over last year

70 per cent.

The Remington leads in sales, in quality, in service, in every attribute of leadership.

Remington Typewriter Company (Incorporated)

249 Stark Street, Portland, Ore.

AN ODD MISTAKE THAT WOMEN MAKE

Women are inclined to fall into a mistaken idea that any pain about the Overlook the Real Cause of hips or in the small of the back is "female weakness," and must be endured as a trouble peculiar to the sex Such patience is noble, but too often unnecessary and unwise.

Kldney weakness, in man or woman will cause backache, sharp twinges when stooping or lifting, bearing-down pains, fits of "blues," nervousness, diz-zy spells, headaches, urinary disorders and swelling of the ankles or limbs.

and swelling of the ankles or limbs.

This is the point: Do not worry over supposed female weakness until you are very sure it is not kidney disease that is causing your troubles. The nature of a woman's life and work makes her dall an easy victim of kidney sickness. The bending and stooping of housework, the tight slothing worn, the strain of childbirth and worry of rearing children, the indoor life, colds, fevers and constipation, all wear and weaken the kidneys.

Backache, or any such irregularity as the too frequent desire to arfuste, pain-ful or scalding passages or sediment in the urine is good cause to judge that you have weak kidneys.

Then begin using Doan's Kidney Pills which have brought new life and strength to thousands of women. It is

Common, but Mysterious Aches and Ills.



neglect nor overlook the first symptom. Don't wait for a serious case of diabetes, dropsy. Bright's discuse or grav-

Donn's Kidney Pills is a simple vegetable remedy, yet very quick in its healing and strengthening action on the kidneys. It contains nothing of a narcotic, poisonous nor habit-forming nature and can be taken by any man, woman or child, of even the most delicate state of health.

PORTLAND PROOF.

PORTLAND PROOF.

Mrs. A. S. Cummings, 234 Clackamas
St., Portland, Or., says: "Kidney
complaint and backache clung to me
for a long time and often I had very
severe attacks. Sometimes there was
a dull, heavy ache over my kidneys,
then again I had sharp palus in the
small of my back. The kidney secretions passed too frequently and often
distressed me. I tried several remedies,
but with poor results, and I was finally induced to take Doan's Kidney Pills.
They helped me quickly and, continuing their use, I soon found relief from
the aches and pains. My kidneys were
also strengthened to a great extent. I
recommended Doan's Kidney Pills in
the local papers three years ago, and
I am glad of this opportunity to confirm my former testimonial."



