

TEN JURORS READ TO U. R. FINCH Slow Progress Made Selecting Necessary 12, Owing to Requirements of Defense.

"MENTAL STRESS" IS PLEA General Belief That This, Combined With Self-Defense, Will Be Advanced by Murderer as Cause for Foul Deed.

Owing to a widespread prejudice which is shown to exist in the public mind against James A. Finch, perpetrator of the tenth murder in Multnomah County within a year, talesman after talesman had to be dropped at yesterday's session of the trial in the State Circuit Court. Ten jurors had been accepted at the close of the day. It is not unlikely that all of Monday will be required in which to complete the jury.

Never in any previous murder trial have so many talesmen been excused because of having fixed opinions in the case. In all 22 men have been let out of this case because of a feeling that they could not grant Finch a fair and impartial trial. The heinous and malicious murder of the Bar Association prosecutor by a renegade lawyer whose disbarment had been effected for the improvement of the profession occurred only 21 days ago, and is yet a live subject of horror in the public mind.

When court convened yesterday morning the Finch case was threatened with a new danger, itself a product of public feeling. In the center box sat nearly all of the men who convicted Harry Daley of first degree murder the day before. Daley was known as a crack-brained fellow. He killed Harry Kenny on a dare, and it was quite generally believed he would get off. But the jury made short work of him.

No Daley Jurors Wanted. Unwilling to have any members of such an unsentimental and business-like jury sit in the trial of Finch, his lawyers attacked every one of them and dragged out the entire forenoon in an effort to get each one relieved from service.

Of the eight Daley jurors presented all were biased in this case, and but one peremptory challenge was issued by the defense. This was used on John W. Campbell, who had been on the jury at the trial of Daley. Campbell said frankly that he had formed opinions on the case as the result of reading press accounts, but he insisted that he felt quite able to try the case fairly and without bias.

Seven other of the Daley jurors had such decided opinions in the case that they were readily excused for cause. H. G. Chickering, a juror in the Finch-Fisher murder case, was such a much evidence would be required to change them. Carl A. Carlson said he had read of the case in the newspapers and had opinions. M. O. Faulk was of the same state of mind, as was F. J. Cofer. W. H. Caldwell said he would not want a juror of his frame of mind trying him for murder. E. A. Bamford had talked with friends of Fisher and was prejudiced against the slayer. J. V. Burke was very much biased.

Cartoon Has Influence. The gallows cartoon published in The Oregonian several mornings after the Fisher murder developed as a fresh cause of alarm during the day. This cartoon by Harry Murphy made no direct reference to this case. But the picture of a gallows covered with cobwebs made a strong impression at the time, as it called attention to the fact that with first degree murders occurring monthly, and with murderers filling the County Jail, local jurors were letting these blood-stained wretches escape the hangman's noose.

R. W. Dickey was attacked because he had seen that cartoon, and had been impressed by it. The defense made great use of this time, having used seven of the dozen allowed. After a prolonged course of examination Mr. Dickey finally admitted that he had opinions which strong evidence alone could remove. He was then challenged for cause and the challenge was sustained.

After Fred A. Burgard and R. K. Warren had admitted being prejudiced against Finch, the first and only juror of the forenoon session, C. J. Bush was accepted. Bush, a laundry wagon driver, had paid little attention to the case at the time of the tragedy. He had not read any of the press comments, had read very little of the news accounts, and had no opinion of any kind in the case. He was readily accepted by Finch and after Deputy District Attorney Fitzgerald asked him if he was opposed to capital punishment to which he replied in the negative, Bush was accepted by the state.

Clarence Faucet and S. G. Gumperty were the last talesmen to be examined at the forenoon session. Gumperty had a decided opinion and was excused for cause; but Faucet had no prejudice in the case. It developed, however, that he had read all the press accounts quite fully. After being unable to get him to disqualify himself, Finch's defenders issued another of their precious challenges.

Panel Is Exhausted. The regular jury panel was exhausted at 10 A. M. and a special venire of 10 was drawn, a second special venire of five being drawn again at 2 P. M. All but one of the 15 early despaired of securing a jury in view of the extreme caution being displayed by the defense.

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VINCENT'S

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actual murder, he claimed to have no recollection of any shooting. He tried to appear based on that subject, although later in the day he heard talking rationally with relatives about the murder.

"Mental Stress" the Plea?

As the state will produce witnesses to tell of these things, the defense necessarily will have to make some explanation. It is said that Finch will lay claim to a condition of mental stress which caused him to interpret alleged threatening attitudes of Fisher as forming a great menace, and which caused him to forget the tragedy for several hours after its occurrence because of this brain disturbance.

During the progress of the forenoon session it was discovered by Finch that the name of one of the witnesses had been misspelled in a subpoena. This witness, R. J. Watts, of Eugene, had been noted in the subpoena as "J. B. Walls." An immediate correction and the issuance of a new subpoena were asked by the defense, and this was allowed. Watts is one of the men quoted by Finch's lawyers as having seen a struggle in Fisher's law office between murderer and victim. Watts is alleged to have seen this struggle from the street; and if he gives any such testimony it will be in direct conflict with the story of Miss Verna Burkhardt, Fisher's stenographer, who was in an adjoining room.

It is learned that Finch has hopes of weakening the evidence of this sole eye-witness because of the great excitement he admits having been under at the time. It will probably be set forth that she was too badly frightened to be clearly conscious of all that went on during the brief interval between Finch's entrance to the office and the fatal shooting.

Finch was less active than on the first day of the proceedings, although he made frequent suggestions to his lawyers. He spent a great deal of his time with a long black pencil. When a dislight was arranged just before the convening of court for the afternoon, Finch was warned by one of his lawyers of what was about to occur. But instead of turning away, Finch smoothed his hair and posed quietly until a blinding flash and muffled report proclaimed that the photographer was through.

Lawyers Get Together.

At the convening of court for the afternoon session, all the lawyers in the case agreed that a jury should be secured if possible, so that the actual trial of the case might be taken up Monday morning. In view of the fact that the jurors were secured in the course of an hour on Friday afternoon, it was thought that another such fortunate spurt might occur. But the talesmen continued largely unsatisfactory to the defense.

G. W. Brant, real estate agent, had read of the murder in the newspapers. He had heard the affair discussed. But he was sure that he could give the case a fair and impartial trial. Brant looked for a time as a probable juror; but the Finch lawyers, after a conference, decided that he knew too much about the case, and failing to have him excused for cause issued their eighth peremptory challenge.

O. H. Anderson had heard of the case and had a definite opinion. He was excused. Then Captain W. J. Riley was called and while he said he had no opinion and would try the case fairly, he developed that he had been reading and talking about the case. The defense disposed of him at the expense of his ninth peremptory challenge.

R. S. Crocker, lodging-house keeper, had an opinion; and said if the testimony was balanced he would decide the case on his previous impression. John Burrows had not read much about the case but he seemed of somewhat too positive a nature to suit the defense, which used up its tenth peremptory challenge after an unsuccessful effort to have him excused.

C. H. Thompson was then accepted. He had not read of the case a great deal, but he had an opinion and was generally satisfactory to both sides. The next talesman, F. C. Baker, seemed to meet the approval of the defense, but the state was dubious about him and had him ruled out. This was the first talesman let out at the instance of the prosecution, and possibly he would have been retained except that Attorney Lord, of counsel for Finch, gave vent to an exclamation of satisfaction at the mental attitude shown by Baker, a young draftsman. Baker had not read much of the case, had not discussed it at all, was of a fair and impartial frame of mind, and knew no body connected with the case.



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FOUR COUPLES ARE SUNDERED

Judge Gantenben Grants Divorces in State Circuit Court.

C. R. Filkey was yesterday granted a divorce from Marletta Pilkey, on the ground of desertion. Judge Gantenben also granted a decree to Elizabeth Bevan, on John Bevan on the same ground. Mrs. Bevan was also granted the custody of the 11-year-old daughter.

TRIAL IS PROCEEDING SLOWLY

Petrasso Case Drags Because Testimony Must Be Interpreted.

The afternoon session yesterday in the Petrasso murder case, on trial before Judge Morrow, was devoted to the cross-examination of the defendant, Antonio Petrasso, by Special Prosecutor John Ditchburn. The questions had relation to the defendant's antecedents and incidents prior to and at the time of the tragedy. Attorneys on both sides are experiencing extreme difficulty in the handling of witnesses, owing to their habit of evading answers to questions and their readiness to narrate irrelevant incidents. Con-

Accuses Husband of Non-support.

Katharina Hiltter yesterday filed in the County Clerk's office a complaint against Jacob Hiltter, her husband, charging non-support.

A HAPPY BOY

Will be the one who finds in his stocking Xmas morning a year's membership ticket in the Y. M. C. A. Phone Santa Claus at Exchange 85 or A 4114.

New Buildings Projected.

E. M. Baker has started on the erection of a two-story frame building on Alberta

Women in Motor Race.

NEW YORK, Dec. 18.—The Women's Motoring Club of New York will have a two-day run to Philadelphia and return on Tuesday, December 22, and Wednesday, December 23, just before the opening of the big automobile show in the Grand Central Palace.

Fitted suit cases, Harris Trunk Co.

J. Landgren will erect a four-story frame rooming-house on Commercial street, between Stanton and Morris streets, to cost \$12,000. On Vancouver avenue and Skidmore street the foundation of a \$700 church has been started by the Norwegian-Danish M. E. Church Society. In University Park a \$500 addition has been started for the Holy Cross Catholic Church.

Court Notes.

Amended complaint was filed yesterday in the Circuit Court in the suit of Einar Halvorsen against the O. R. & N. Company for damages in the sum of \$20,000, on account of injury sustained while in the employ of the corporation.

The American Surety Company of New

York, through its attorneys, Kollok & Zallinger, has filed a demurrer to the complaint in the suit of M. H. Henderson, J. H. Morrissey and Thomas Talbot, consulting the Board of School Directors, No. 2, Washington County, Oregon.