

DEFALCO BEFORE BAR OF JUSTICE

Witnesses Tell Details of the Butchery.

Insanity Theory the Defense—A Journal Reporter Tells of Exclusive Interview.

The trial of Francesco De Falco, charged with murdering his wife by beating her head in with a hand-axe February 25, is drawing to a close. The testimony is all before the jury and arguments are being made this afternoon. It is expected that the prosecution and defense will have concluded by adjournment late this afternoon, and Judge Frazer will charge the jury Monday morning.

The first witness called this morning was Dr. W. O. Manion, an expert on insanity. He reiterated much of his testimony of yesterday afternoon, saying that he believed De Falco to be of such a low order of intelligence that he is not capable of clearly distinguishing between right and wrong. When asked if he believed that the accused man had all his life been irresponsible the witness replied he believed that as far as his mental functions entered into his actions he was, but on the other hand he might be able to discriminate between right and wrong to the extent of government by his organic functions. The sum and substance of Dr. Manion's testimony was that he believed De Falco to be insane now, and to have been more or less unbalanced all his life.

Believes Him Insane.

Dr. J. W. Morrow followed on the witness stand and testified that he was unable to positively state that the prisoner is insane, owing to the difficulty in understanding him when the examination was attempted. He said he believed that the man is a degenerate, but has been keen to a sense of responsibility. Several scientific questions were asked the witness and a discussion followed on subjects pertaining to semi-coma conditions of persons either insane, or made insane by the use of narcotics and alcoholic stimulants.

The last witness called was Dr. Harry Lane, who testified that he did not believe the alleged murderer to be insane. He stated that his brain had probably been dulled by the excessive use of alcohol, but otherwise he was a rational being capable of judging between right and wrong and able to appreciate the consequences of a crime. Dr. Lane gave several cases similar to that of De Falco's alleged mental condition, and said that when the patient was relieved of fear, trouble or punishment he always regained his sanity.

Yesterday's Hearing.

At yesterday's session several witnesses were examined, and although

the evidence was conflicting on many points, the trend of the testimony was toward proving that the accused man was insane at the time he committed the butchery. District Attorney Manning opened the case for the state by briefly relating the circumstances surrounding the murder, and outlined the theory of the prosecution. He stated that the defense would endeavor to prove that De Falco was insane at the time he committed the deed; that he had been insane prior to the day he struck his wife with a hand-axe and has been crazy ever since, which array the state would disprove. The prisoner, as he sat near the District Attorney this morning, gave the most conclusive evidence that now at least he is non-compos mentis.

The First Witness.

The first witness called to testify was Dr. C. F. Candiani, who stated that he had known the De Falco family for more than 13 years, and had treated nearly every member of the household in cases of sickness. He graphically described the finding of the body of the murdered woman when he was called to the house on the afternoon of February 25. He said that death was caused by two fractures of the skull caused by a hand-axe which was then exhibited in court. He said that the dead woman had evidently been seated at a sewing machine, and had been engaged at work when she was struck from behind. A thimble was still on her finger when he viewed the body. Cross examination did not alter the witness' testimony.

The next witness called by the prosecution was A. Caswell, a police officer who was called to the scene of the murder not long after it occurred.

Arrested De Falco.

Griff Roberts, another witness, testified that he was sent to the scene in charge of the patrol wagon and had arrested De Falco in a saloon on Fourth street near Marquam Gulch.

An Exclusive Interview.

W. H. Warren, a reporter for the Oregon Daily Journal, and who secured the only newspaper interview from De Falco testified that at or about 3 o'clock on the afternoon of the murder he was at the city jail when the prisoner was brought into the station. While being examined at the sergeant's desk Warren asked De Falco several questions. The witness said that De Falco stated that he had killed his wife because he was jealous of a man called "Pete." He also said that he had committed the deed with an axe. Mr. Warren stated that the interview published in The Journal of February 25 was exclusive, as no other newspaper could effect an interview with the prisoner.

Mr. Warren was followed by John Cordano, an ex-detective, who said that he had called upon De Falco in the city jail and that the prisoner had told him that he had struck his wife because he was jealous of the "bird man," or a man called "Pete."

The most pathetic testimony was given by Pasco De Falco, the comely 19-year-old daughter of De Falco. She testified that her father had quarreled with her dead mother quite frequently, and the cause was always that of jealousy. She said that last July her father struck her mother four times on the head and in the face with his fists. The witness has not the least semblance of an Italian accent and during her testimony seemed to be struggling between truth and a desire to shield her father.

King Oscar of Sweden has presented a gold medal for award every fifth year to the world's most prominent mathematician.

The Journal prints today's news today.

CIVIL SERVICE RULES TO CHANGE

Police and Fire Departments Are Safe.

The Elements of Service and Experience to Be Considered.

The citizens of Portland may now be at ease in regard to the intention of the Civil Service Commission, and those who have positions in the police or fire departments may draw a long breath, for there is little chance that the stringent rules which now govern applicants will be put into effect except in a modified and amended form which will get around the much discussed problem, dismissal of a major portion of both these departments.

The commission had been informed unofficially and were personally acquainted with the difficulty which existed and were quite willing to accept a remedy if one could be found.

Several expedients were talked of, but it remained for Mayor Williams to present a solution which does not detract from the dignity or position of the charter, but does, at the same time, render it possible for the personnel of the police and fire departments to remain as heretofore.

Rests with the Commission.

The law as is laid down in the charter distinctly says that the Civil Service requirements will affect not only those who make application, but also those who are already holding positions. What the requirements shall be is left to the commission. It will be able to make requirements of a physical nature that will admit of the retention of the members of the present fire and police departments.

By this it is not intended that the general standard of excellence shall be lowered, but as in the case of the present regime, experience, ability and length of service will take the place of the general average which was heretofore given to chest measurement, height and other physical requirements.

The Mayor's Views.

Mayor Williams was very emphatic in his denunciation of the rule which would cause the disruption of the two principal municipal departments.

He said: "Gentlemen, you know that there is a great deal of dissatisfaction broadcast throughout the city and among all classes of its citizens, arising from the reported probability of the declaration of the police and fire departments. Many people have spoken to me of this; citizens who have the welfare of the city at heart. Your rule will have to be changed to suit the occasion. Under the system which you have in view only certain people who are physically sound, it making no difference as to the quality or quantity of gray matter, are allowed to even apply for positions. The man

who is fitted by experience and knowledge is not granted the same privilege on account of some paltry physical defect, when it goes without saying that the latter type is best fitted to hold the position. Now, this is not right and should be amended. I tell you, gentlemen, every citizen of the United States and of the City of Portland who has reached the age of 21 years should be entitled to have his application presented to you and have it considered."

"What would be the standard then?" asked Hodson.

"Judgment," answered the Mayor. "Your own unbiased judgment as to whether the applicant made up in experience and ability what he might lack physically."

Courtesy Says Too Much Power.

"But this would give this commission too much power," interposed Courtenay. "Not at all," said the Mayor. "If care and discretion be used and the facts of previous ability and service are counted by points as in the rest of the examination."

Hodson wanted to know what would be done with the rule as it stood. "Make a new one," said Mayor Williams, "and give every one a chance."

Willis thought that it might be too late to make a change, but when informed that a ten-day notice was given the applicant before examination he agreed with the Mayor's proposition.

Fear of the Executive Board.

Courtenay expressed an opinion that much adverse criticism might be incurred if this action were taken and also that the Executive Board might take a hand and pick flaws in the reports. He was informed that the Executive Board could not do this except as private citizens.

Willis still expressed some doubt as to the feasibility of changing the method of procedure already laid down, and that the commission might be accused of partiality toward their friends.

"I haven't any friends," said Hodson; "at least since I've been on this commission."

The Mayor again explained the situation, and his suggestion. After a general discussion it was decided to frame a new rule and a meeting was called at 2 o'clock Monday to consider the wording of the same.

EXPECTED STRIKE IS AVERTED

Leather Workers Return to Work on Monday.

The Leather Workers' difficulty will be settled up this afternoon and the men will return to work Monday morning. The differences will be compromised. The union was asking for a minimum scale of \$3, and a compromise will be effected by the firms offering \$2.75. Acting upon the advice of R. H. McCallum, a representative of the international organization, this rate will be accepted. Only about eight men in all the shops will receive this amount. The average wage will be in the neighborhood of \$2.50, many of the most skilled mechanics being able to make \$4.50.

The nine-hour day was conceded several days ago, and it has been apparent for some time that the only difference between the men and the firms would be over the minimum scale. The employers, as a whole, are well satisfied

with the result. They have only lost a week's work and have gained important concessions. For a time it looked as though their demands would be stubbornly contested by one or two of the firms, but any serious opposition failed to materialize.

THE MACHINISTS.

At a meeting of the Machinists' Union last evening Harry Ahrens was elected as a delegate to the international convention which will be held at Milwaukee on May 4. G. B. Thomas was elected to represent the union at the state convention, to be held at La Grande a week later.

LABOR MEN TO DEBATE.

The open meeting of the Federated Trades Council on the evening of April 19 promises to be interesting. John A. Goldtrainer has issued a challenge to meet any member of organized labor at that time in joint debate upon the following question:

"Resolved, That organized labor vote and work for the overthrow of the capitalistic system, and the establishment of an industrial corporation."

COURT DECISIONS

Judge Sears rendered the following decisions this morning in the State Circuit Court: Egan vs. the N. A. S. & L. Co., the motion to set aside decree denied; Silverfield vs. Frank, motion to strike out denied.

THE RUSH IS ON

The Spring Rush is on, and we want to keep things humming. If you haven't bought your Spring Suit yet, we can give you some interesting figures. We can give you satisfaction as well as economy. The Suit we sell you will be the most stylish, elegant, distinguished looking Suit you ever wore.

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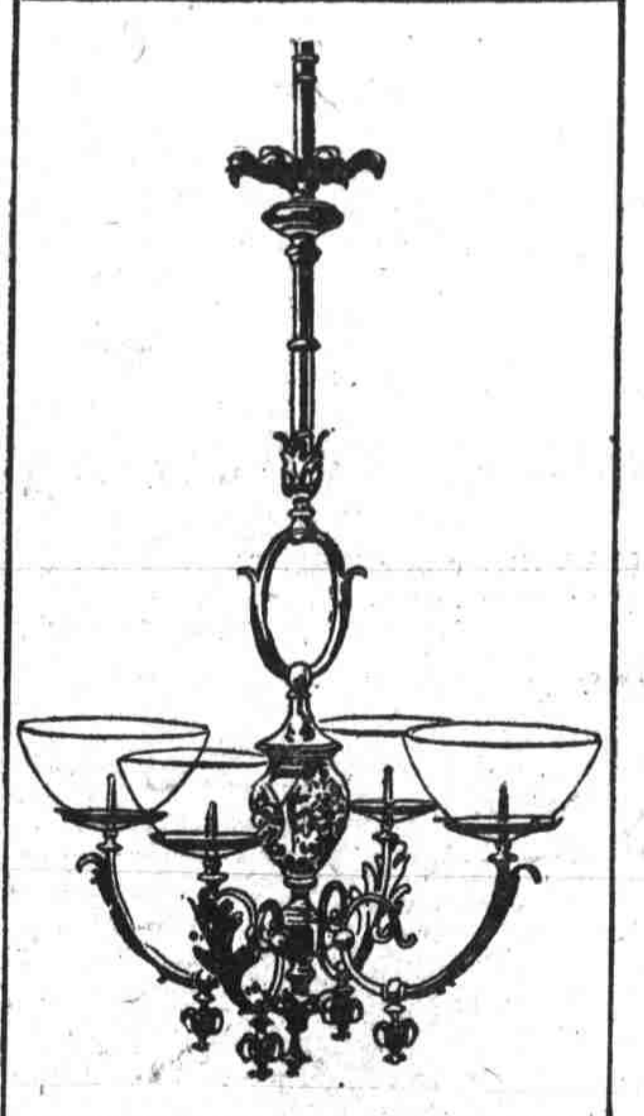
Time Is Short == We've Got to Move

The Oregon Daily Journal has leased our present quarters and we will soon move to our new location. Before we do this we want to dispose of this large stock of

Gas and Combination Fixtures

REMOVAL SALE PRICES PREVAIL

Every fixture has been reduced from one-quarter to one-half below our former selling price. The designs are new, many of them exclusive, and all of them are exceedingly ornamental. They come to us from the largest fixture manufacturers in the country.



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FIFTH AND YAMHILL STREETS

This is the Beginning of the Building Season

And an interesting feature of this sale is the large number of fixtures purchased by prospective builders. They were quick to see the advantages of this

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