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WOMEN—
To rent rooms, get boarders, hire help, advertise in The Journal. Journal want ads pay best.

The weather—Fair tonight and Thursday; easterly winds.

Oregon Daily Journal

SHE FLIES WITH HER OWN WINGS

JOURNAL CIRCULATION YESTERDAY WAS 30,783

VOL. VII. NO. 234. PORTLAND, OREGON, WEDNESDAY EVENING, DECEMBER 2, 1908.—EIGHTEEN PAGES. PRICE TWO CENTS. ON TRAINS AND NEWS STANDS, FIVE CENTS.

CITY NOT ENTITLED TO VEHICLE TAX MONEY

INSANITY AND SELF DEFENSE HIS PLEA

FINCH'S DEFENSE IS MADE PUBLIC

Emotional insanity and self-defense are the two pleas on which the attorneys for J. A. Finch, the slayer of Ralph B. Fisher, hope to save him from the gallows. A statement to this effect was made this morning by Attorney Charles Lord, counsel for Finch.

"The killing of Mr. Fisher," said Attorney Lord this morning, "was superinduced by Mr. Finch's persecution as a member of the Oregon Bar association, and by various statements made to and of him concerning his relations with his clients. I understand that during the last two weeks prior to the unfortunate occurrence he had indulged in the excessive use of intoxicating liquors. In addition to that he was married about two weeks before the unfortunate incident, and the persecution that appeared to follow him worked so much upon his nerves that he returned to the excessive use of intoxicants, and became frenzied by reason of the charges made against him.

"As I am informed by the evidence given before the coroner's jury, he went to Mr. Fisher's office, and whatever occurred there will be shown fully by the testimony of those present at the forthcoming trial. Finch's mental condition at the time of the killing will be fully shown, and other circumstances will be disclosed as to the actual occurrences at that time. None more sincerely regrets the unfortunate occurrence than myself.

Asks Public to Wait.

"But when the public learn the facts as they really occurred, and the frame of mind to which Finch was wrought up as a consequence of the continued insistence upon his disbarment and his well known nervous temperament, they will not believe in his guilt. I am positive that Finch will never be convicted."

Mr. Lord further stated that he had insisted upon a preliminary examination merely to ascertain the nature and character of the evidence to be offered against his client. He stated that no evidence would be offered by the defense at the preliminary examination.

Referring to the way in which Finch was taken to the justice court yesterday, Mr. Lord said that he thought it an outrage. "It seems remarkable," he said, "that he should be led down the street shackled to a deputy sheriff, for the reason that he was neither belligerent nor pugilistic, and never has been, for I have known him as a friend for over 10 years. He could and would have walked the streets without being shackled to a deputy sheriff, for his natural disposition when in his right mind is as peaceful as a child."

Attack Girl's Testimony.

Miss Burkhard's testimony to the contrary notwithstanding, it is evident that the defense will try to make the jury believe that Finch shot Fisher to prevent Fisher from shooting him, and that they will try to make it appear that Fisher had a revolver in his hand when he was shot and that the gun was hidden by the police to make it appear that the murder was cold blooded.

It was testified to at the coroner's inquest that Mr. Fisher some time before had kept a revolver in the right hand drawer of his desk. This revolver, say attorneys for the defense, has disappeared, and they insinuate that it was surreptitiously removed by the police.

The storm at present seems to center around J. H. Hitchings, the attorney who is suspected of having written the letters received by Fisher threatening his life. Hitchings was sent for yesterday by District Attorney Cameron, notwithstanding Cameron's statement yesterday that he had not done so, and sweated. Mr. Cameron admitted this morning that he sent Detective Tichenor for Hitchings yesterday and questioned him. Great secrecy is maintained by the district attorney regarding the interview, although it is known that he is no wiser in regard to Hitchings' possible connection with the case than he was before.

Will Attack Hitchings.

It appears that Hitchings is to be made the subject of a vigorous attack by the attorneys for the defense. "If J. H. Hitchings is, as The Journal quoted John F. Logan as saying, 'an accomplice or co-conspirator in the killing,'" said Attorney Charles Lord this morning, "his character and reputation will be a sufficient refutation of anything which he may testify to."

The disbarment proceedings instituted by Ralph B. Fisher against Hitchings are still under consideration in the supreme court. The charges are revolting.

In addition to this, his professional record is attacked. Patrick Bruin, formerly inspector of police and captain of

(Continued on Page Four.)

STORY OF FINCH'S CONFESSION MERELY A FAKE.

Deputy Sheriff R. F. Beatty denies point blank a published interview in which he is quoted as having overheard a whispered conversation between James A. Finch and the latter's wife in the county jail, during which Finch confessed that he killed Robert B. Fisher in self defense.

"I overheard no such conversation," said Beatty to a Journal reporter this morning. "It is true that I was present during the meeting between Finch and his wife last Saturday night, but I overheard practically nothing that passed between them. I was there only to see that Mrs. Finch did not give her husband poison or some weapon with which to commit suicide."

The published interview was no doubt based on stories which E. H. Martin, the morphine fiend convicted of killing Nathan Wolff, has told to all who would listen since Finch entered the county jail. Martin's stories regarding his cell mate's confession are given no credence by the sheriff's office. Had they been believed Martin no doubt would have been taken before the coroner's jury.

MILLION BROUGHT NOT HAPPINESS

Southern Heiress Comes Into Divorce Court With a Tale of Woe.

(United Press Leased Wire.)

New York, Dec. 2.—Mrs. Keith Donaldson, the soutnern heiress, who earned the nickname of "the million dollar bride" because at her wedding dinner she was presented with funds equal to that amount, has retained counsel and begun action for divorce. She separated from her husband several months ago and is now suing him on the grounds of neglect, cruelty and other charges. Mrs. Donaldson was the daughter of A. Willis Hunter, a Memphis millionaire.

BATTLESHIP OREGON TO BE OVERHAULED

(United Press Leased Wire.)

Navy Yard, Puget Sound, Wash., Dec. 2.—After years of silence the great guns of the battleship Oregon are to be again mounted for service. Whether or not they will form a part of the armament of the Oregon has not been decided. More than two years ago the Oregon was dismantled. The Oregon is now at one of the docks and preparations are being made to begin the work of refitting her.

PLEDGED MEN CANNOT BE RELEASED

A. H. Devers, Republican, Puts Senatorial Situation in Business Terms—Legislators Can Only Be Absolved by Electors.

"A pledge is a pledge, whether given by a politician to the people who elected him to office, or by a business man in business life. I cannot for the life of me see how any honest man is to find any honorable means of evading such a pledge."

This is the belief of A. H. Devers, one of the best known business men of the Pacific coast. Mr. Devers was discussing the agitation now being conducted by the old line machine politicians of the state to break down the Statement No. 1 majority in the legislature and elect some other man for United States senator than Governor Chamberlain. The Portland merchant takes a vigorous stand on the question.

A. H. Devers.

"Always a Republican."

"I have always been a Republican," continued Mr. Devers. "For the important offices I have always supported the Republican ticket, though in municipal affairs I believe in electing the man who is capable of filling the office rather than the man who is on the ticket regardless of his fitness. Because of this belief it may be possible that I am not considered as a good Republican by the old line politicians of the state, those who are in politics for what the machine will bring to them through its success.

"I believe in honesty in politics," con-

(Continued on Page Nine.)

HAD NO POWER TO ENFORCE PAYMENT

Decision of Supreme Court Leaves Portland Treasurer in Embarrassing Position—Must Await Referendum Vote.

Decision Far Reaching in Its Scope.

Reaching throughout the state into the municipal legislation of every city and town, the decision of the supreme court, rendered yesterday by Justice Eakin, and providing that the ordinances of Portland are subject to the referendum, will have great influence on municipal affairs. The decision, in effect, establishes the fact that the state law providing a 30 day period after the passage of a statute for the invocation of the referendum upon all legislation, applies to municipal ordinances.

This decision therefore means that all ordinances passed by city councils must wait for 30 days after their passage before they can be effective. This is thought to affect those ordinances which have been passed since the enactment of the statutes of 1907, and should this contention be well founded, would result in much confusion throughout the state.

The city of Portland now has in its coffers $9,050 of money collected as taxes on various vehicles to which it has no legal right, according to the decision of the supreme court rendered yesterday by Justice Eakin. In other words the city government has collected that amount of money when under the law it had no right to do so until such time as the referendum vote of the people of the city approved the law.

What is to be done about the tangle is a puzzle, though it is generally supposed that the city will hang onto the money until after the referendum has been applied to the ordinance in controversy. Then if the people reject it the city can refund the money. If the people ap-

(Continued on Page Four.)

SYMPATHY FOR WIDOW AND CHILD

Hood River Bar Association Passes Resolutions on Attorney's Death.

(Special Dispatch to The Journal.)

Hood River, Or., Dec. 2.—The Hood River County Bar association has passed the following resolutions on the death of Ralph B. Fisher, which occurred Saturday at the hands of James Finch:

"Whereas, Ralph B. Fisher, late of Portland, and a worthy member of the bar of this state, has become the victim of a cowardly and vicious assassin; and

"Whereas, The apparent reason for such unprecedented and cowardly deed was that the deceased had the courage of his convictions and dared to stand for the right; and

"Whereas, The state has been deprived of a useful citizen; a wife and child have been deprived of an affectionate husband and father; the bar of the state of Oregon of a just, conscientious and able member: Now, therefore, be it

"Resolved, By the Hood River County Bar association that this association does deeply deplore this cowardly and unprovoked assassination of an official for the honest discharge of his duty; and be it further

"Resolved, That this association does hereby extend to the widow and orphaned child—those who long for

"The touch of a vanished hand
And the sound of a voice that is still"—

its deep and heartfelt sympathy in their bereavement; and

"Resolved, That a copy of these resolutions be forthwith sent to Mrs. Fisher, one copy to the secretary of the Oregon Bar association, one to the Portland daily papers and one filed with the records of this association.

"HOOD RIVER COUNTY BAR ASS'N.,
"Hood River, Or.
"E. H. HARTWIG,
"A. A. JAYNE and
"JOHN LELAND HENDERSON,
"Committee."

OREGON HONOR ON TRIAL

(From the Oklahoman.)

Is there honor among men in Oregon? We shall see what we shall see.

In the Oregon primary election of last June, held under a law similar to the one in this state which requires all aspirants for public position to go before the people with their candidacies, Governor Chamberlain, a Democrat, was the choice of a majority of the people for United States senator. At the same time, the candidates of both parties for the legislature were selected, pledging themselves to be bound by the will of the people, as expressed at the polls, in naming the senator.

In the recent general election, the Republicans elected a majority of the members of the Oregon legislature. A legal way is open, therefore, by which that party could, if it can induce a majority of the newly-elected legislators to violate their oath and ignore the will of the people, name a Republican for the United States senatorship in place of Governor Chamberlain, the Democrat.

And the amazing thing in this connection is that a well-organized movement is on, inspired and directed by the Republican machine of the state, to prevail upon the legislators to violate their oath, ignore their instructions and name a Republican for the place instead of Governor Chamberlain.

Our United States senators, you know, are chosen by the legislature. The people, a majority of whom expressed a preference in the primaries for Governor Chamberlain over the Republican aspirant, have nothing to say in the matter except in an advisory capacity. And so there is nothing to prevent the consummation of this disreputable and thoroughly disingenuous scheme to thwart the popular will except the pledge of the legislators—their honor as men.

BUT IT IS INCONCEIVABLE THAT MANHOOD IS AT SUCH LOW EBB IN OREGON THAT A TRICK OF THIS CHARACTER CAN BE SUCCESSFULLY PRACTICED UPON THE PEOPLE. WE SHALL REFUSE TO BELIEVE, UNTIL WE SEE IT WITH OUR OWN EYES, THAT THE REPUBLICAN MEMBERS-ELECT OF THE FORTHCOMING OREGON LEGISLATURE ARE CRAVEN, CONTEMPTIBLE CURS, LOST TO ALL SENSE OF HONOR AND UPRIGHTNESS. WE SHALL COUNT THEM MEN UNTIL THEY PROVE THEMSELVES OTHERWISE. IN THE MEANTIME THE INAUGURATION OF THE MOVEMENT TO ELECT A REPUBLICAN IN THE PLACE OF GOVERNOR CHAMBERLAIN PLACES HONOR AMONG MEN ON TRIAL IN OREGON.

TAKES POISON BY MISTAKE

David W. Tucker of Seattle Dies of Laudanum at Tacoma.

(United Press Leased Wire.)

Tacoma, Wash., Dec. 2.—David W. Tucker, a retired merchant who came here six weeks ago from Seattle, died from an overdose of laudanum at his home late yesterday. He had been ill and was taking medicine under the direction of his physician. The laudanum was taken by mistake for another medicine. Mr. Tucker leaves a widow and two brothers, A. L. Tucker, living in Nebraska, and Abraham Tucker, in Oregon.

THE COUNTRY LIFE COMMISSION ARRIVES

Tired and hungry after an all night journey, the four members of the commission appointed by President Roosevelt to investigate farm life in America, reached Portland this morning and were received with open arms by a delegation of prominent citizens, including William A. McMurray, general passenger agent of the Harriman lines in Oregon, and Tom Richardson of the Portland Commercial club, H. C. Atwell, president of the Oregon Horticultural society, and several prominent fruitgrowers. The train on which the party arrived was late, and as the commissioners had not breakfasted, they were not taken at once to the fruitgrowers' convention, as had been planned. Instead they were placed within striking distance of a bountiful breakfast after they had removed the stains of travel. Later, during the noon hour, they were tendered an informal reception at the Commercial club.

Portland is one of the four coast cities in which the commissioners will hold meetings. The four commissioners are President L. H. Bailey, W. A. Beard, E. W. Allen and Dr. C. W. Stiles. They will hold an all day hearing tomorrow.

The commissioners were photographed at the union depot this morning by The Journal staff artist. In the accompanying cut they are shown as follows, reading from left to right: Mr. Allen, Mr. Bailey, Mr. Beard and Mr. Stiles.

STRIKERS CHARGE ON WORKS

Mob Armed With Revolvers Makes a Demonstration at Plant of Fireproofing Company at Perth Amboy, N. J.—Repulsed by Armed Strikebreakers.

(United Press Leased Wire.)

Perth Amboy, N. J., Dec. 2.—A mob of a hundred strike sympathizers, armed with revolvers, early today charged the plant of the National Fireproofing company, firing at the guard of 40 special deputies and policemen on duty at the works. The sentries returned the fire and the battle was about even until the professional strikebreakers, who were at work at the factory, were hastily sworn in as deputies and given orders to lead a counter charge. They soon cleared the ground in front of the plant.

Many arrests followed the demonstration on the part of the strikers.

The troops which have been guarding the place were sent home yesterday. The departure of the militia caused many strikers who had returned to their places in the plant to desert once more, being persuaded by their frightened wives that without the protection of the soldiers their lives would be in danger from the vengeance of their former comrades.

MRS. WARDWELL, LEPER, IS DEAD

Body Will Find Ignoble Burial in the Potter's Field.

(United Press Leased Wire.)

Los Angeles, Dec. 2.—Mrs. Isabella Wardwell, the leper wife of the famous old army officer, who recently died in Arizona, died early today at the county hospital here. She will be buried in the potter's field.

Mrs. Wardwell's case attracted wide attention a few months ago when her husband, General Wardwell kidnaped her from the county hospital and fled with her to a hut in the mountains of Arizona. He died a short time later and she was returned to this city.

Seven years of misery were spent by the unfortunate woman before death ended her untold sufferings. She was not confined in the hospital here, however, until last June, when she was found wandering in a dazed condition about the shopping district. At the police station it was discovered that she was a leper.

After being confined in the contagious ward for several weeks her aged husband, General David Wardwell, kidnaped her at night and took her to a little hut on a mountain side near Tombstone, Ariz. For some time the old couple were lost to the authorities but officers finally located them and compelled the afflicted woman to return to the isolation of her living tomb here.

Unmindful of the danger to himself, the aged general begged that his wife might be left to his care in the Arizona cabin. When his plea was unheeded he failed in health and died within a few days after their separation.

Leprosy had already affected the mind of Mrs. Wardwell and a short time after her return here she became a raving maniac. She had lucid moments and in one of them a few days ago she told a Mexican who had traveled hundreds of miles to have his case dignosed, that he was afflicted with the "living death."

BELLINGHAM WANTS FEDERAL BUILDING

(United Press Leased Wire.)

Bellingham, Wash., Dec. 2.—At a meeting of the Bellingham chamber of commerce last night the citizens decided not to wait for an additional appropriation from the government for the construction of a federal building in this city. A total of $120,000 has already been appropriated for the building. The original plan was to wait for more money in order to erect a larger building than will be possible with the money now available. The site has been excavated and it is now the desire of the merchants that the construction work be started. The matter will be taken up at once with Senator Piles and Congressman Humphrey.

BAKER BANKER FOUND GUILTY

Jury Decides J. H. Parker Did Wrong in Making Non-Mineral Affidavit.

James H. Parker, vice president of the First National bank at Baker City, was found guilty of the charge of swearing falsely to a non-mineral affidavit by a jury in the United States district court this morning.

The evidence went to the jury at 10:30 o'clock yesterday morning. All day the jurors deliberated. At 9 o'clock the men were unable to agree and were locked up for the night. At 2 o'clock this morning the verdict was reached.

The indictment against Parker was returned by a federal grand jury several months ago. The principal witness for the government was Fred Wunder, an old miner, who had been working a mining claim since 1882. Parker filed on the land under the timber and stone act and swore that the claim was more valuable for its timber than for its mineral.

Before the filing had been made it was brought out by District Attorney John McCourt during the trial, Wunder went to Parker and told him that he had a mining claim on the land in question. Parker promised to investigate, saying that if he found this to be true he would make no effort to take up the land.

At the time Parker agreed to visit Wunder and go over the land with him. This it seems Parker failed to do. Parker took the stand in his own behalf, and gave testimony to the effect that he had gone over the claim, as required by law, and had seen certain mining improvements, consisting of reservoir and ditches. When he made final proof he swore to a non-mineral affidavit. The principal contention of the prosecution was that Parker had made no effort to see if the claim of Wunder was being worked and developed for its mineral values. If this had been done, the government asserted, the question would have been settled by a hearing before a commissioner of the land office.

Decide in Early Morn.

Although the verdict was decided upon at 2 o'clock, it was not read in court until 9 o'clock this morning. After the announcement that the jury had not agreed at 9 o'clock last night, Judge Wolverton went to his home. Soon after he arrived at his chambers in the federal building this morning he was notified that a verdict has been reached. At 9 o'clock court was called, the jurors brought in and the verdict read.

Parker and his attorney, A. C. Johns, were in court at the time. Parker was visably affected and said not a word. Mr. Johns was also somewhat surprised, evidently, and both he and his client left the courtroom without making any remark whatever.

The maximum penalty of conviction for having made a false affidavit is a fine of $500, or two years in prison at hard labor.

Judge Wolverton will set the date of pronouncing sentence within the next few days. Parker is out on bond.

PERISHES WHILE SEEKING REVENGE

Montana Man Fires His Enemy's House and Falls Into the Flames.

(United Press Leased Wire.)

Townsend, Mont., Dec. 2. — Hume Hahn, son of a rancher living near here, has been exonerated by a coroner's jury from all blame in connection with the death of Mark Ammesden yesterday. It developed that Ammesden, while intoxicated, attacked Hahn, and the latter, after shooting him twice, fled.

The shots were not fatal, and Ammesden, crazed with drink and with the pain of his wounds, tried to carry out a plan for revenge. When Hahn, accompanied by a neighbor, returned to his house, he found Ammesden on guard with a rifle in his hand, apparently awaiting Hahn's return. The house was on fire but Ammesden did not heed the proximity of the flames, and, before the eyes of Hahn and his friend, he was overcome by the heat, fell back into the fire and was burned to death.

LOGS IN HARBOR A DOLLAR HIGHER

Aberdeen, Wash., Dec. 2.—The price of logs went up $1 per thousand today. Lumber will advance accordingly. It is claimed that not more than 4,000,000 feet of logs are now in the waters of Grays harbor and that not more than 5,000,000 feet are available, counting logs in mill booms. No. 1 fir logs, formerly $9, are now $10. Spruce logs have advanced to $12. Cedar logs range from $8.50 to $12, the highest price in many months.

LOCAL SUPPORT NECESSARY

"I have noted with interest the 'Home Product' campaign now being featured by The Journal," said V. E. Campbell, president of the Automatic Safety Gas Burner company.

"In Tacoma, Seattle and Spokane the manufacturers have carried out a similar policy and in each place have met with huge success. If any one doubts this let him attempt to market anything, in any of the places named, that is manufactured at that particular point.

"We Oregonians must pull together to accomplish the same results, and our home consumer must be impressed with the importance of calling for 'Oregon made goods.'

"This is a vital question and means the whole life and prosperity of our state for our factories must have the unanimous support of the home buyers."