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The weather—Rain and warmer tonight; southerly winds.



JOURNAL CIRCULATION YESTERDAY WAS 30,797

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PORTLAND, OREGON, TUESDAY EVENING, DECEMBER 22, 1908.—TWENTY PAGES.

PRICE TWO CENTS. ON TRAINS AND NEWS STANDS, FIVE CENTS.

SHERIFF SAYS: "I HAVE THE TRAIN ROBBERS" POLICE SAY: NO, WE HAVE THE MEN WANTED" CAMERON TAKES HAND IN THE QUEER MIX-UP HARRY DALY SENTENCED TO HANG NO SIGNS OF STRUGGLE SHOWN IN FISHER'S OFFICE DEATH DEALT BY POISONED TOMATOES

CAMERON TAKES HAND IN THE QUEER MIX-UP

District Attorney Cameron today took Oscar Johnson and Harry Benson, who are said to have been identified as the O. R. & N. train robbers, before the grand jury for indictment. Benson, the third man, has not been positively identified. This will put the grand jury in the position of being forced to decide whether it is the police department, whose suspects have been identified, or the sheriff's office, one of whose men is alleged to have confessed, which has the guilty man in charge.

POLICE SURE ENGINEER IN THEY HAVE DOUBT OVER ROBBERS BURKS

Allege That Crew of Train That Was Held Up Declare Burks' Story Full of Inaccuracies—Cameron Aids Department.

Sergeants Keller and Kleinig have not changed their belief that the three saloon robbers arrested Saturday morning are the men who held up the O. R. & N. train Thursday evening, despite the confession said to have been made by William Burks, in the custody of the sheriff.

The police based their belief upon the identification of the two men by Engineer George Donlon and Fireman Burks, of the train in question, as made yesterday afternoon. Johnson, Benson and the third man, Bons, who has not been positively identified by any of the trainmen, were not arrested on suspicion of being the train robbers, but instead were taken in on account of three saloon robberies and goods obtained in their last hold up found in their possession.

Not Asked to Identify. At noon today neither Bon nor Donlon had been asked to identify the men in county jail. One of these men, Burks, their check for \$1000, was arrested today, accompanied by Sergeant Keller and Detective Fitchner went to the county jail that the trainmen might speak to Vanderhoof, the young foreigner who was "heating his way" on the train held up at Clarno. Nothing was said to Burks about the presence of a suspect in the jail.

The officers were told by the jailer that Vanderhoof had been turned loose, but on the plea that the trainmen wished to look through the jail the party was allowed to enter. In the first cell reached there was Vanderhoof. In conversation with Engineer Donlon he declared that Johnson was the man who rode with him from Hood River to the scene of the hold up. Donlon and Bon went over the alleged confession of the young man who calls himself William Burks this morning.

Confession Doesn't Confess. "He says a number of things here which are all wrong," said the officers afterwards. "Nearly all this has been printed before in one form or another, depending from us, but there are a number of inaccuracies. For instance, this man says No. 2 covered his face with coal dust. Our engine is an oil burner and

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Diehl caught in the south. Portland Check Artist Arrested in Los Angeles for Robbing Employers.

HARRY DALY SENTENCED TO HANG

Murderer of Harry Kenny Hears His Doom Pronounced Without Slightest Show of Emotion—Still Denies His Guilt.

Standing before the bar, erect and defiant, conscious of the fact that he had been convicted of murder in the first degree, and yet without the slightest outward sign of emotion, Harry Daly, who shot and killed Harry Kenny on the night of November 16, was sentenced by Judge Gantenbein in the circuit court this morning to hang by the neck until he is dead.

The courtroom was crowded with spectators at an early hour. When Judge Gantenbein commanded the prisoner to plead, he did so quickly, facing the court and looking him squarely in the eye.

"Have you anything to say why sentence should not be pronounced upon you?" asked the court. "I have been convicted of a crime of which I know nothing about. I may have had a hand in it, but I remember nothing of shooting the man whom I have been convicted of murdering. But I would rather die with a clear conscience, as I will, than to spend the rest of my life in the insane asylum."

Attorney Stevenson spoke a very few words in behalf of his client, realizing that there was but one penalty to be inflicted. "I have had a fair trial," began Judge Gantenbein, "and have been convicted of murder in the first degree. It is the duty of this court at this time, and a painful one, to impose sentence upon you. It is therefore the sentence of this court that you be remanded to the custody of the sheriff and taken by him, within 20 days, to the warden of the state penitentiary at Salem, and there, on Friday, the 29th of January, you be hanged by the neck until you are dead; and may the Father of us all in his infinite goodness have mercy on your soul."

Attorney Stevenson then asked the court for the usual length of time in which to file a motion for a new trial and five days were granted. The motion will probably be filed tomorrow.

While the sentence was being imposed, Daly stood perfectly still, watching the court and not turning a hair, and after the sentence had been pronounced he walked straight out of the courtroom with the sheriff.

Daly was convicted of killing his former employer on November 16, after Kenny had refused him the money as bartender in Kenny's saloon which Daly had formerly held. It was held by the defendant that the prisoner was subject to intermittent fits of insanity in which he never knew what he was doing and that he would wander around for four or five hours at a time, as alleged that Daly was suffering from one of these spells at the time of the murder. The murdered man was well known throughout the city, having been a resident of the city for over 20 years during which time he was prominent in business and more or less in politics.

COTTON STEAMER SINKS; SEVEN LOST. (United Press Leased Wire.) Cuxhaven, Germany, Dec. 22.—A British cotton steamer bound for Liverpool from Galveston, Texas, was wrecked today on Point Mizenhead. The captain and six members of the crew were drowned.

Sixty-five members of the crew were rescued after hours of exposure. From this it was learned that the vessel's cargo of 75,000 bales of cotton was lost.

NO SIGNS OF STRUGGLE SHOWN IN FISHER'S OFFICE



James A. Finch, on trial for murdering Lawyer Fisher, posed for The Journal staff photographer this morning. He seemed to enjoy the opportunity to get a good likeness of himself in print.

NO VETO FOR SALARY RAISE WITNESS WAS QUICKLY ON SCENE

Roosevelt Says a President Can Just About Live on Present \$50,000. By John E. Lathrop. Washington, Dec. 22.—Senator Bourne will have assurance from the White House that no veto will be interposed if his bill becomes a law to increase the salary of the president to \$100,000 a year and of the vice president to \$25,000.

The structure of testimony on which the state's attorney will ask the jury for a verdict that will send James A. Finch to the gallows, the first page of the damaging evidence came this morning in the testimony of M. O. Wilkins, who told of the mule story shown in Ralph B. Fisher's office a few moments before the smoke of the assassin's gun had cleared.

Three witnesses were on the stand this morning. Charles S. Fisher, a brother of Ralph B. Fisher, identified a portrait of his brother and testified as to his age, vocation and profession. Dr. S. M. Gellert, the autopsy physician, described the wounds, and Wilkins, whose examination was finished at the noon hour, narrated in detail the story of what he saw in Fisher's office just after the shooting.

Only Living Witness. To his testimony of Wilkins, the state will add that of Dr. W. A. Roberts, who entered and saw the same things just after the shooting, and then the direct story of Miss Vera Burkhardt, the stenographer in Fisher's office, the only living eye witness to

TAKE WHIPPING OR BE HANGED

John Shaw, Witness at Rankin Trial, Chose Lash, and Got It.

(United Press Leased Wire.) Union City, Tenn., Dec. 22.—John Shaw, an inhabitant of the Reel Foot lake region, today declared that night riders gave him his choice of hanging or a whipping and that he chose the lesser evil. Shaw was placed on the stand at the Rankin trial.

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CHRISTMAS GIFTS FORCE MAIL CLERKS TO RIDE THE TRUCKS

Your—your, if you are lucky—Christmas presents from the east and south and elsewhere in general are beginning to arrive. Mail carriers starting out from the postoffice this morning resemble a good haul of the better kind of mail, bundles with a man simply hanging on. And the express companies—well, they're doing their share of business, to be sure.

Every train is loaded to the roofs of the mail cars with letters, and packages and things. The cars have been so crowded in some cases that the mail clerks have had to ride on the outside in many instances hanging onto the trucks, or the rods underneath. But somehow the mail clerks and the mail carriers are doing their duty, and you will get yours yet. Get yours, that is, if you're lucky.

VOICE OF THE PRESS—TREACHERY

From the Eureka (Cal.) Journal. The next session of the Oregon legislature will elect a United States senator to succeed Senator Fulton. By an election pledge, a majority of the Republican legislators are committed to vote for the man who received the endorsement of the people in the recent primary election. That man happened to be a Democrat, Governor George E. Chamberlain. Now comes the "machine" Republican press, headed by the Oregonian, asking the legislators so pledged to ignore their promise and betray the people by refusing to vote for a Democrat. The plea is that the state is Republican overwhelmingly, and should be represented in the senate by a Republican. The moral point involved is overlooked.

The people of the United States will watch with interest the outcome of the matter. It will be interesting to note the reception accorded by his constituents upon his return from Salem of the man who betrays the trust reposed in him. But it will be more interesting to see if Oregon has produced a senatorial aspirant who would accept the office at the hands of a traitorous ring of partisans. Should Governor Chamberlain be defeated by the treachery of her legislators, Oregon will lose her standing among the states as one of the most progressive in matters political in the union.