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\$1.50 KNEE PANTS—Now..... 75¢
\$1.00 KNEE PANTS—Now..... 50¢
\$.50 KNEE PANTS—Now..... 25¢

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BEN SELLING LEADING CLOTHIER

FINCH'S FATE WITH JURY

(Continued from Page One.)

how the shooting was done, and recalled Lord's statement that he "had forgotten to prove that Finch was left-handed," although Finch himself had said he used his right hand in shooting Fisher.

"Then if you were watching the desk where Finch is sitting," said the speaker, "you could have seen Finch change his pencil from his right-hand into the left, although he has been using his right hand all through the trial to write bundles of notes that his attorneys have argued from."

Mr. Fitzgerald began speaking at 9:25 o'clock first reminding the jury of its duty under the law. He ridiculed Lord's statement that the latter was getting no fee, saying "he would not be surprised if in a week or two Lord presented his bill to that little woman out in the hospital."

The speaker referred to the work of Fisher as bar association prosecutor, saying that he was trying to do his duty in riding the least profession of some of the black sheep. Because he did his duty he lies in his grave.

Finch's attorney attacked everything but the facts of this case," said the prosecutor. "They have talked about Egypt and the invention of the printing press, but they can't befool your minds in that way, the favorite way of criminal lawyers."

Asks Pertinent Question.
"Don't you believe that B. A. Rounds told the deposition," Finch admits that Rounds rode on the train with him from Woodburn into Portland, but does not dare to admit that he told Rounds "I'll get that... just watch me. But Rounds has no reason in the world to speak falsely. He says that Finch talked about the bar association prosecution, and when Finch said 'I'll get that' that meant it. He carried that threat to execution only three days later."

Fitzgerald dissected the testimony of Finch and the deposition of Rounds relating to the burglar story, showing that their statements radically disagreed. He declared that the whole story of the burglar was a fabrication, furnished a plausible excuse for having bought a revolver soon before Fisher was shot. He would not blame Mrs. Fisher for trying to protect an unworthy husband, for many good women have done that.

Referring to the testimony of Finch as to three drinks taken before he went to Fisher's office, each time he drank brandy.

"Why was he drinking brandy?" asked the prosecutor. "He was filling up with brandy to screw up the courage of a coward. You remember, he took one drink with Charles Downer in Rometsch's. By that time he was getting well filled up with brandy and brandy and brandy. He said 'I'll get that' the next time you see me I will be in jail."

Fisher did not invite Finch to his office on the day of the murder, said the speaker. That was a fabrication, more manufactured evidence. Idiomen, Grand and Piggott had in turn tried to get Finch to sign the Finch reinstatement petition, and failed. They had told Finch that the prosecutor had made up his mind not to sign it. It was not reasonable to believe, in the face of this, that Fisher was inviting Finch to visit him.

brain, because he wanted Fisher to know that it was James A. Finch who shot him," said Fitzgerald. Revenge is sweet, and it would have been less sweet if he had not let Fisher know who it was.

Fitzgerald said it was remarkable that Finch, in his "dazed condition" after being struck by the seal, could remember everything that would work in his favor, nothing that was against him. He said the evidence was convincing that Finch first feigned insanity, and that the reason he assumed this attitude was because he intended to plead insanity. Finding that would not do, he first told the story of a struggle of a revolver pointed at him over Fisher's shoulder. Seeing this would not avail, he concocted the story of the seal and the injuries on his head and person, aided by a "gang of jailbirds."

No Time for Quibbling.
"Mr. Lord says he will stand between poor Jim and the law and everything else," said the speaker, with biting sarcasm. "I say it is time now to let Finch and the law meet. This is not a case for compromise or quibbling. The eyes of the people of Portland are on you, this jury, and you owe a duty to the citizens of the state. This is murder in the first degree, and nothing else."

Not until late yesterday afternoon and last night did Attorney Lord for the defense of Finch, in a long and argument of the case. Up to that time he declaimed about "injustice" and "persecution," enlivened Mrs. Finch, lamented the pitiful circumstances of the defendant's silver-haired mother, failed to produce Fisher's revolver, praised the defendant's early career, and carried out the farce of weighing the name of Winchester on a pair of scales. But late in the afternoon, for the first time, as it seemed, Lord realized that he was losing ground and must get down to solid substance.

Close observers in the courtroom had little difficulty in determining what changed this aimless wandering, and an argument directed to the vital points of the case. It was again the name of Finch himself that had taken charge through his proxy. Lord, Finch was continually busy with his pencil, and dozens of sheets of suggestions were hurriedly sketched by him while his lawyer talked on. These sheets were passed to Lord and utilized by him as the argument progressed. It was from these notes of Finch that the most of the pertinent argument originated.

Lord at a Loss.
Lord was unable to account for the seal having been found in a compartment of Fisher's desk, with the pigeon-hole door closed. He said that the seal must have been picked up from the floor by somebody and put in the compartment.

From the position of the bullet holes the attorney argued that Miss Burkhardt was mistaken as to what she saw. He said he did not think she intended to give false testimony, but that she was not excited by the combat that she did not know what took place.

Lord argued at length on what he termed the impossibility of Fisher having fallen as he did and overturned his chair. He said that a man who is shot collapses, and that had Fisher been sitting in his chair when the fatal shot struck him, he would have fallen from the chair. The speaker said that it would be particularly difficult to overturn a revolving chair, and that it could not be thrown over unless he were standing up, reaching over for the revolver in the back of his desk drawer, as Finch testified.

Lord then drew an argument from the smoke of three revolver shots. He said that if the smoke had fallen from the door when the shooting began, some of the smoke would have escaped into the outer office. But none was seen there by those who first entered the room.

ney would do such an ungodly thing," Lord argued that Miss Burkhardt's testimony was balanced by the evidence of Finch, that the corroborative testimony of the state was inconsistent, and that the net result of all was a failure to give the proof necessary for a verdict of guilty beyond a reasonable doubt.

Praise for Spencer.
Lord sought to patch up the impression that he evenly feared had been created by the savage talk of his associate, Holcomb, in referring to A. C. Spencer, special prosecutor. Holcomb had denounced Spencer as a "railroad hireling" and a "skunk." Lord told the jury that Spencer is a "nice young man" and a "good little lawyer, sincere and earnest."

It was 10 o'clock last night when Lord brought his day's effort to a close, and then only after he had been informed by the court that he must finish by that hour. To this exercise of the court's discretion in forcing him to stop talking, Lord took an exception. In his final flourish Lord made an impassioned plea to the jury to allow Finch to return to his poor old mother and sick wife, giving the benefit of doubt to the defendant.

"You cannot face your families at home and your friends on the street unless you do," he said. "You need not be afraid of the criticism of the press. Give him the generous treatment you would want for yourself, and let him live his allotted time on earth."

SELLS HOLDINGS ON PENINSULA
W. M. Killingsworth, organizer of the 1905 Realty company and one of its principal stockholders, sold the entire holdings of the company—a 45 acre tract on the lower peninsula—last Monday to C. E. Bingham, a banker of Sedro-Woolley, Wash., for \$52,500. The property is located at Smith's crossing, west of the Point View and across the East St. Johns addition of M. L. Holbrook as well as the Columbia Arms tract, recently purchased by M. L. and J. B. Holbrook.

The Holbrooks and Bingham will at once place these holdings, amounting to \$50, and was sold for \$125,000. The 1905 company is a 50 share corporation, each share originally costing \$100, and was now on sale at \$250. The shareholders \$700 profit on each share. This is the third investment of the kind, engineered by Mr. Killingsworth in the past three years, and out of three deals Mr. Killingsworth has netted for the shareholders about \$110,000.

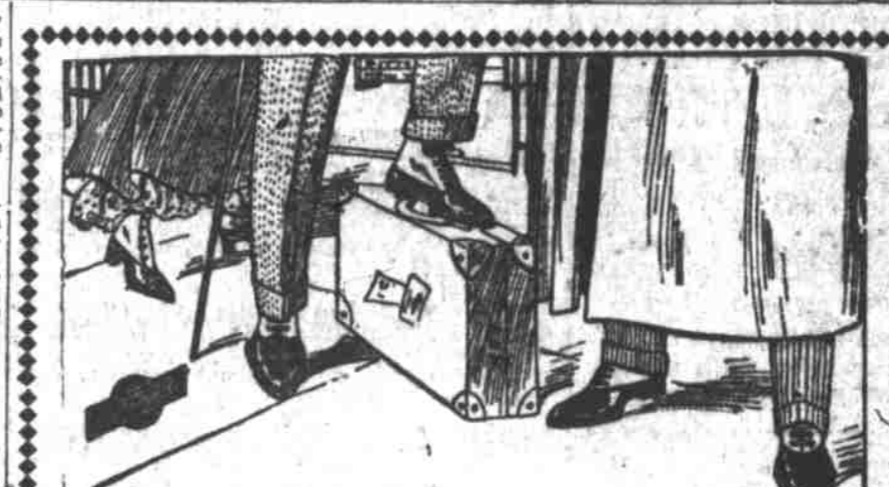
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