

SPECIAL CARRIES BIG CROWD TO A-Y-P FAIR

NEW BOARD OF INQUIRY SITS
IN LIEUTENANT SUTTON CASEOLD VERDICT
OF SUICIDE
DENIED

Mother and Sister of Unfortunate Officer Secure Rehearing After Long Fight—Allegations That They Expect to Sustain.

(United Press Leased Wire.)
Annapolis, Md., July 19.—The board of officers appointed to reinvestigate the death of Second Lieutenant James Sutton of the marine corps, who was mysteriously shot in Annapolis on October 13, 1907, met here today to begin the taking of testimony. The board is composed of Commander John Wood, U. S. N.; Major W. C. Neville, U. S. M. C.; Lieutenant H. M. Jensen, U. S. N.; and Major Harry Leonard, U. S. M. C., judge advocate general.

Lieutenant Sutton was killed by a pistol shot after an alleged quarrel with a brother officer. Sutton, accompanied by several other officers, was returning to the naval academy after attending a dance at Carvel Hall in Annapolis. A quarrel developed on the way, which later led to a fight. The evidence adduced by the first board of inquiry showed that Sutton went to his quarters and obtained his service revolver with the intention of shooting his antagonist. He fired at one of his former companions, Second Lieutenant R. E. Adams, but did not strike him. Lieutenant Roelker, another member of the party, went to Adams' assistance and was dashed by a bullet from Sutton's pistol, which struck Roelker in the chest but did not penetrate his body. Somebody called out "Roelker is dead." Then Sutton, according to the evidence, drew another revolver and shot himself in the head. He was hurried to the academy hospital but died within a short time.

The court of inquiry held shortly after Lieutenant Sutton's death decided that he had committed suicide. Mrs. James N. Sutton, the young officer's mother, was dissatisfied with the verdict of the court, and at her request the navy department ordered a second investigation of the affair. One of the principal witnesses in the inquiry, Lieutenant R. E. Adams, has recently been stationed at Seagirt, N. J. Lieutenant Roelker, who also figured prominently in the affair, disappeared shortly after the affair and his present whereabouts are said to be unknown.

There is no doubt that the investigating board, which assembled today, will make every effort to bring out the facts of the tragedy, and either substantiate the finding of the first board that Lieutenant Sutton committed suicide or that the public mind will be satisfied or bring to trial any who may have had a hand in his death. It is thought to be found that it was by other than his own hands. William Owings, the chauffeur who drove the party on the fatal night, will be an important witness. He has stated positively that Sutton did not attack Lieutenant Adams first, but that Lieutenant Adams attacked Sutton and repeated the attack before Lieutenant Sutton agreed to fight him.

Other civilian witnesses will be at

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Mrs. Rose Sutton Parker, sister of Lieutenant Sutton, who obtained the evidence that brought about the reopening of the government's inquiry.

FINCH CASE IS UP TOMORROW

(By Journal Leased Wire.)
Salem, Or., July 19.—Arguments in the appeal of James Finch, convicted of the murder of Ralph Fisher at Portland, and sentenced to be hanged, will be heard by the supreme court tomorrow morning. All the briefs have been submitted presenting an outline of the argument that will be made by the attorneys before the court.

Attorneys for Finch have advanced the contention that hanging is unconstitutional in Oregon because the constitution recites that all punishment of criminals in this state must be made with a view to reforming the criminal and not as a retribution for the crime committed. It is believed that if Finch does not win in the supreme court of this state he will go to the United States supreme court with his constitutional argument in an effort to save himself from the gallows.

DRINK WAS CAUSE OF
DOWNFALL OF FINCH,
MURDERER OF FISHER

James A. Finch was found guilty of the murder of Ralph B. Fisher by a jury in Judge Bronaugh's department of the circuit court last December, after a trial lasting nearly two weeks. The prominence of the men, both of them,

attorneys, the feeling engendered by Fisher by his fearless course as prosecutor of the State Bar association, and the circumstances of the shooting, when Fisher was shot sitting at his desk, all gave the trial dramatic interest. Finch's conduct just after the shooting indicated that his defense would be temporary insanity. He claimed not to remember what had taken place, and denied that Fisher was dead. It was the theory of the state throughout the trial that Finch would have relied upon an insanity defense had not Deputy Sheriff Beatty overheard part of a conversation between Finch and his brother-in-law, in which the prisoner related some of the details of the shooting, alleging that Fisher pointed a revolver over his shoulder where he sat, and that it became a question as to which one would "go on the slab."

Tells Different Story.
At the trial Finch told a somewhat different version, but asserted that he killed Fisher in self defense. He said he went to Fisher's office to ask the prosecutor to intercede for him with the supreme court to shorten the term of his suspension from practice. He said he went there by invitation, but that Fisher quickly ordered him out, and reached over his desk as though to draw a revolver. He said he fired as Fisher had half risen from his chair.

Unfortunately for Finch, the state had an eye-witness to the shooting in the person of Miss Verna Burkhardt, stenographer.

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BRACKETT HAS
NO IDEA OF
ASSAILANT

Mysteriously Wounded Man Recovers From Delirium and Says Did Not Mean to Accuse J. M. Main—Investigation Is Dropped.

Sanity returned to the mind of Rae F. Brackett at the Good Samaritan hospital this morning for the first time since he was shot by two men on Yamhill near Fourteenth street last Wednesday night. His first expression, made to his wife and his attending physician, Dr. Herbert W. Hegely, was: "I have not the slightest idea who shot me Wednesday night. If I accused any one it was while I was delirious. Any such statement was false." Dr. Hegely took occasion while communicating Brackett's statement this morning to add: "Brackett's statement accusing Main quoted as given by me in an afternoon paper Saturday was entirely erroneous. Brackett made no statement to me on Saturday at all. What was said in the paper was all twisted around. This is the situation. Just before I operated upon Brackett Wednesday night he said to me, 'The little fellow that ran up the street looked like Main. But don't accuse him of shooting me. He told me this afternoon that he would not be in town tonight. I was talking to him then about the sale of a 100 horsepower boiler, and he said it would have to go over until he returned.'"

Brackett has told me, continued Dr. Hegely, "that Main is one of his best friends. Only his worst enemy would want to see him shot. Brackett has never in my presence accused any one of trying to shoot him. During delirious moments it is impossible to say what may enter a man's mind. I honestly believe from what he has said to me that he doesn't know who shot him. It was a very strange when he had been with Mrs. Brown but a few times that any one should be jealous of him."

Brackett on the highway to recovery. Dr. Hegely announced after visiting his patient this morning: "His remarkable recovery is one of a thousand and is due to the fact that he was taken at once where he could have attention," said the doctor. "It happened to be on Portland Heights and got the word immediately. Since the first operation every precaution has been taken to prevent blood poisoning. Drainage from the wounded section has been perfect, although the bullet not only fatally perforated the stomach but bruised the intestines beside injuring the kidney so that it had to be removed."

Mrs. Brackett Talks.
Mrs. Brackett, who with a loyalty unusual has been at her husband's bedside almost constantly since she came to him from her home in Walla Walla, confirmed this morning what Dr. Hegely said of her husband's ignorance of the identity of the two men who tried to murder him. "He doesn't nor hasn't accused Mr. Main nor Mr. Quimby," she said. "I am confident that he does not know who shot him and that he could give no truer statement if he thought he was about to die."

Mrs. Brackett called on Mrs. Quimby today for the purpose of assuring her that neither she nor her husband was the slightest idea that Quimby was or might have been mixed up in the shooting.

Mrs. Quimby Protested.
Since her husband was reported to have been accused by Brackett Mrs. Quimby has all but succumbed to nervous prostration. Never very strong

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Divinity Student
Suspected of Heresy

George A. Fitch, the young divinity student, the granting to whom of a license to preach by the New York presbytery, despite views which were regarded by a strong minority of the presbytery to be heretical, threatens to split the Presbyterian church in New York, declares that his fees have distorted his views. This picture is from a photograph of young Mr. Fitch.

WOMAN MOURNS
LOSS OF \$13,500

(United Press Leased Wire.)
Los Angeles, Cal., July 19.—J. H. Mackie, president of a Columbus, Ohio, sporting goods company, is in custody here at the request of the Columbus police department.

According to the Pinkerton agency here, Mackie is wanted to answer a charge of embezzling \$13,500 from Mrs. Jane T. Green of Columbus. It is alleged that after becoming acquainted with Mrs. Green he induced her to invest \$13,500 in a sporting goods firm. It is further alleged that she gave the money to Mackie and shortly after he received the money the company's plant and store burned. Investigation is said to have revealed that the money was not invested in the firm before the fire occurred.

Mackie left a wife and little boy behind when he departed from Columbus. He came here a week ago and is said to have been accompanied by a handsome young woman. He was alone in his apartment when arrested.

Mackie refused to discuss the affair today other than to say that extradition proceedings would probably be opposed by his lawyers.

PORTLAND DAY TAKES
OREGONIANS NORTHSIX THOUSAND JOURNALBAND
INVADE THE
QUEEN CITY

Great Numbers of Loyal Portlanders Pack Excursion Train to See Seattle Exposition—Badges and Buttons Will Flood Town.

Applauded by Citizens, Leading Musical Organization Leaves in Private Car to Participate in Exercises on Portland Day.

Nearly six thousand strong, Portland will be represented at Seattle tomorrow. It will be the biggest invasion yet recorded at the A-Y-P exposition from any one part of the country in one day, and Seattle will discover, if never before, that Portland is on the map and fully alive.

That Portland is loyal, patriotic, and not without enthusiasm, that the Rose City on the banks of peaceful Willamette has a warm spot in its heart for Seattle, the Exposition city on scenic Puget sound and charming Lake Washington, appeared patent this morning when the trains pulled out from the union depot, loaded with "capacity" with a crowd of men, women and children from all walks in life all happy and bent on having the outing of their lives. To a man they will shout Portland and boast for "500,000 in 1912," but at the

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Thirty-five strong, The Journal Carriers' band left Portland at 10 o'clock this morning in a private car for Seattle, where Tuesday, "Portland day," it will give two concerts on the A-Y-P exposition grounds and will be one of the musical organizations participating in the National Editorial association parade on the Pay Street in the evening.

Major Charles E. York of Portland will conduct the band, which has become one of the leading organizations of its kind in the city. Tuesday afternoon at 2:30 o'clock the band will give a concert in the main band stand, and early in the evening will render several selections on the plaza of the Oregon building. Later it will have a prominent place in the Editorial association parade.

Eighteen months ago The Journal Carriers' band was organized by members of The Journal. Continually new members are being enlisted. In the near future it is expected to have a membership of not less than 50, when

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CHARGE PROPERTY FOR MAINS

City Attorney Kavanaugh this morning handed Auditor Barbur an opinion on the disputed question as to the payment of cost of water mains 10 inches and over in diameter under the charter amendment adopted at the last election. His conclusion is that the city has authority to pay the cost of a general service main 10 inches or over wholly or in part from the proceeds of bonds payable out of the water fund, or wholly or partially by assessment of the property specially benefited.

In other words, the matter is within the discretion of the council, which may, if it desires, refuse to authorize bonds for the payment of the cost of mains, or may authorize the bonds to be issued. This is apparently a different view from the position taken by Mayor Simon, who construes the law to mean that all mains 10 inches and over must be paid for from proceeds of bonds to be redeemed from the water fund.

Mains Are Classified.
The city attorney makes a distinction between mains over 10 inches that are not used for general distribution, which he says may be paid by assessment upon the property benefited, and those used for general distribution, also 10 inches and over, which afford direct connections to abutting property and service through laterals to districts more remote, which may be paid in part by assessment and in part out of the fund derived from bond sales.

After setting forth a brief history of

the subject, explaining the provisions of the charter amendments of 1907 and 1909, City Attorney Kavanaugh says:

Attorney Kavanaugh's Opinion.
The proper interpretation of the amended section, in my opinion, is that the cost of construction of all water mains less than 10 inches in diameter may be paid wholly or in part by assessment upon the property benefited, and that the cost of mains 10 inches or over in diameter may be paid in the same manner.

Bonds cannot be sold for the construction of water mains (1) unless the mains be general distribution mains 10 inches or over, and unless (2) the council shall by ordinance direct that the cost be paid out of the proceeds of such bonds. The council is not required to order the payment of the cost of any main, of whatever size or dimension, from the proceeds of bond sales, but it cannot in any case order such payment unless it be a general distribution main.

If, therefore, a main exceeds 10 inches in diameter, but is not a general distribution main, the cost of construction may be paid by assessment upon the property benefited. A general distribution main, within the intent of this section, must be a main 10 inches or over in diameter, which supplies or re-supplies a general supply system for a particular district.

Where a general distribution main affords direct connections to abutting property, and service through laterals

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Journal Carriers' Band at the Union Depot This Morning Just Before Taking Special Car for the A-Y-P Fair at Seattle.