

FAIR PROGRESS BEING MADE IN THE HICKS' CASE--INDICATIONS APPEAR FAVORABLE FOR DEFENSE

Special Prosecutor Davis, for the state, made the opening address in the Hicks case the day following the final acceptance of the jury. Mr. Davis said:

"Although it has been asserted that I am here under instructions to secure a conviction of this man under any circumstances, I want to assert that it is not a fact. The unions have issued no instructions to me of that kind. If this man is shown to be innocent, there will be no falling out between you and me if you do not convict him of murder. We are here to see that justice is done; we are in the fight not in a vindictive spirit, but for the protection of society."

"I am not very favorable to a first degree verdict that means the death penalty," he said. "I am not bloodthirsty. I am satisfied when a man is put in the penitentiary where he can reflect on his crime and make his peace with God in after years. However, you are sworn to do your duty and return a verdict in accordance with the evidence."

The attorney showed a very fair and liberal spirit. In outlining the case for the state, he said: that Hicks was the aggressor in the fatal fight on East Morrison street November 5, and became enraged when Wortman referred to him as a "scab herder," and after attempting to strike him several times finally drew an automatic pistol and shot him. Davis named O. B. Raser, John Batruba and Eugene Huber as the companions of Wortman at the time of the fight.

He said that several witnesses, including James Bourne and two clerks in Markell's store, would testify that Hicks was the aggressor.

Attorney Malarkey told the jury that Hicks acted in self-defense in turning his pistol against Wortman, and that he had been driven to desperation by the continual abuse and threats of the picketers.

The machinists' strike began in June, 1910," said Malarkey. "The shops of the city were picketed from the first under general orders from the strike committee. The picketers soon abandoned all pretext of moral suasion and grew rapidly more aggressive, turbulent and boisterous. The men at work in the shops were always surrounded at quitting time and reviled and threatened by the gang of union men. Wortman was an active picketer; his face was always conspicuous; he was always on the job. We will show you that the other iron works and machine shops in the city were left in peace for long intervals, but that the crowd never overlooked Hicks. We will show you that O. B. Raser, picket captain, had an object in view in persecuting Hicks."

An altercation arose over the exhibition to the jury of an automatic revolver, said to have been the one that killed Wortman, by Mr. Malarkey of the defense, and it was ruled out. This led to a mix-up between Deputy District Attorney Fitzgerald and Attorney John F. Logan, for the defense. The "short and ugly word" (liar) was passed. Both attorneys slipped out of the courtroom into Judge Gatens' chambers. An ink bottle, hurled by Logan, struck Fitzgerald in the jaw. It ricocheted and crashed through the glass door of a bookcase. It shed its ink over Fitzgerald's visage and shirt as well as over Logan's hands.

Malarkey stated that the union men's tactics had long kept Hicks in a state of nervous apprehension, almost amounting to prostration. He showed that Hicks was a man not accustomed to the dictates of unions and that he had a right to conduct his business in his own way. He recounted how it had been necessary to send his men home for

months under police protection daily. Conditions became so unbearable that Hicks requested Captain Baty to allow him to carry a gun for self-protection and was told he would not be arrested for so doing.

Malarkey wanted no compromise verdict. He wanted either conviction of murder in the first degree or full acquittal.

W. Dorres, a furniture man, called as a witness by the state, testified as to having heard a scuffle between Wortman and Hicks preceding the shot which caused the former's death. The defense contends this advantageous to Hicks, as proof he acted in self-defense.

Dr. W. W. Bruce, who attended deceased prior to his death, testified. He performed the autopsy on the body. He found that the bullet entered the left side and tore its way through the body about an inch in front of the spinal column and became imbedded within an inch and a half of the surface on the right side.

There were a number of tilts between the opposing attorneys, but no missiles were thrown.

Court adjourned at the close of last Friday's session until Monday, to allow Judge Gatens, who is judge of the Juvenile Court, to preside at the session of the latter on Saturday.

Tuesday proved a very favorable day to the defense. Patrolman Bunn, who arrested Hicks, when examined by the state proved a valuable witness for Hicks.

There were frequent clashes between the attorneys, each side accusing the other of pettifoggery.

At the coroner's inquest Earl Griffin's testimony made him a material witness for the state, but when placed on the stand Monday his testimony weakened the state's case considerably.

Bitterness of feeling and ascerbicity of temperance marked the progress of the Hicks case, from day to day, and frequent wordy clashes have taken place between the attorneys. Even the most fair-minded person can readily see that the case is apparently one prosecuted by the machinists' union with the desire to secure a conviction at all odds. Last Wednesday Attorney Malarkey forced the statement from O. B. Raser, a witness of the

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CLASH BETWEEN UNIONISTS AND CIVIL OFFICERS

BARRE, Mass.—Several shots were exchanged between strikers at the Baare Wool Combing plant and civil officers here. Half a dozen men, all Italians, were arrested.

The clash followed the removal of some cars from the plant. Without interference the train moved up the track, but suddenly about 20 strikers surrounded and attacked half a dozen officers.

Reinforcements were sent, but meanwhile persons concealed behind a building opened fire on the officers, who returned it.

A bullet grazed the face of an officer, another scarred a policeman's back and a third passed through an officer's helmet. Another policeman had his head split open by a club and others were hurt by stones.

The riot quickly was quelled and the streets cleared. On man managed to escape from the officers after he had been severely clubbed.

The Fall River, Mass., Textile Council, representing 30,000 operatives, announced it had virtually rejected the 5 per cent wage increase offered by the manufacturers and demanded a flat increase of 15 per cent.

Prominent Figures In Great Britain's Mining Strike



By the strike of 1,400,000 coal miners Great Britain has been brought to the verge of panic. The men left their work because their employers refused to concede their demands, the chief of which was the establishment of a minimum wage scale. The cutting off of the coal supply crippled the railways and manufacturing and raised the price of food. The government made strenuous efforts to bring about peace between the mine owners and operatives, the premier promising the latter to introduce a bill establishing the minimum wage if they would return to work. Many of the miners treated the strike as an occasion for taking holiday trips or attending football and pigeon flying matches. In the negotiations which were carried on the representatives of the miners' organization were its president, vice president and secretary, Enoch Edwards (a member of parliament); R. Smillie and T. Ashton. Others who participated were Sydney Buxton, president of the board of trade, representing the government, and Sir N. Llewelyn Smith, representing the mine owners.

Mayor Lew Shank, Foe of Middlemen, and His Wife



Photo by American Press Association.

MAYOR LEW SHANK of Indianapolis, accompanied by Mrs. Shank, recently visited New York to deliver an address in Cooper Union and to observe market conditions in the metropolis. He said after visiting some of them that the markets of New York were a disgrace to the city. Speaking of the experience which he had had with the middlemen—to be more explicit, with the commission men—of his own city, the mayor said that there were three ways of getting money—through work, gift and theft—and that the Indianapolis commission men did not get their money by the application of the first two methods. Mayor Shank has won country-wide fame by his campaign to bring the farmers in the country surrounding Indianapolis in touch with the ultimate consumers of their produce, and last fall and this winter he succeeded in lowering prices considerably. In several cases acting as salesman in the public market and enabling the farmers to dispose of their fruit, poultry and potatoes without the intervention of the commission men of the city.

HAS BULLY TIME ALL BY HIS LONESOME IN A BOOZE JOINT---RINGS UP DRINKS ON REGISTER

Frederick Craig had a bully time in a Burnside street saloon one night last week that cost him a headache and a fierce case of katzenjammer next morning. He conceived an ingenious idea, and it worked. He managed to secrete himself in the boozorium late one night and he was overlooked and locked in.

"In the cold, gray dawn of the morning after" he awoke to the opportunities he was missing. He hiked behind the bar, where without let and hindrance, he sipped all kinds of stimulating fluids. Pretty soon he began to feel the effects of his cumulative jag. The joy of living was too much for Craig. He was drunk and he evidently didn't care who knew it. After each drink he began to ring up the cash register. The drinks came faster and faster, and the cash register kept

up such a clatter that it sounded like a whole battery of Swiss bell ringers.

Three bluecoats heard the cash register chorus, and investigated. Craig felt that he was out on the heaving ocean, and thought the barroom was a vessel responding to the swell. Quite naturally he shouted, "Ship ahoy!" when the officers grappled, took him in tow and he finally cast anchor in the city jail. He was full clear to the lee scuppers, nor were his hatchways battered down. In fact, he was too full to be bailed out—at least no one undertook this kindly office for him. He was invited to attend a reception tendered him by Judge Tazwell, but was unable to accept the honor, so the social function was called off till a later date.

MODERN NEBUCHADNEZZAR WITH "DOPE"---ACID BURNS HIS PANTS---COOLS IN WILLAMETTE MUD

"Dope" makes people do strange things sometimes. One Al Gregory last week got possessed with the hallucination that he was a cow or something of that sort. Assuming that he was a quadruped instead of a biped, he got down on all fours at the foot of Nebraska street, and began prancing around in the grass. Officer Bales began to investigate. He was surprised to see Gregory enact the role of Nebuchadnezzar. He buried his face in the succulent green and bit off large mouthfuls.

The cop thought this grass salad was a new idea and drew

near. Gregory cut short his vegetarian diet and "lit out" towards the river. About this time a bottle of sulphuric acid in his hip pocket gave up its contents and the industrious chemical immediately got busy. His trousers were ignited and the acid began working on his skin. To cool himself he plunged into the river and calmly sat down in the mud. It required considerable muscular persuasion by the officer to jar Crosby out of the "goo," and he placed the charge of having opium in his possession against the muncher of grass.

RANTERS BECOME DEFIANT---PLANS TO OUST THEM

Here is the sort of stuff the I. W. W. and Socialists handed out at a meeting held in front of the courthouse last Sunday, in which the Spanish War Veterans were defied and called cowards:

"The most of us are men who are willing to give our lives for our cause," said one speaker. "We have no home, no families and nothing to live for excepting our cause. If we have not enough men here to handle a fight, we can bring more here from other cities in Oregon. If that won't suffice, we can get more from surrounding states. If they are used up, we can call help from Eastern states, and we can augment that number by calling for help from Europe if necessary."

As a prelude to his speech he informed his followers to be ready for trouble, and instructed them in the proper procedure if anybody "started" anything. "If only a few come to break up the meeting," he said, "don't use violence; just escort them out. If they come in force, just go to it and floor them as fast as you can. I think we are a pretty good class of fighters, and I'm sure all will do our best." Great applause followed and spurred the speaker into more fiery words.

"Where's the Scout Young Camp?" he asked. "They were going to be here. They called us cowards. Who are the cowards? We are here ready for them, and they are hiding out. They are the cowards."

"If there are members of the Scout Young Camp in the crowd I wish to inform them that we are here ready for anything they want to start. And we will be on this very spot every Sunday afternoon until we are victorious in our fight."

Capt. W. C. North, a member of Scout Young Camp and a can-

HARD PROBLEM FOR THE MAYOR TO FIGURE OUT

Ten members of the Portland Realty Board, headed by George B. Cellars as spokesman, called upon Mayor Rushlight and presented resolutions passed by the Board. He said:

"Your Honor, we are here as representing the Portland Realty Board, consisting of some 300 members, to ask you to give serious consideration to the question of suppressing these so-called soap box orators, who are blocking our streets, are reviling all departments of constituted authority; who are reviling you, the Mayor of the city; who are calling the police cowards, who are insulting the President of the United States, who are insulting the flag of our country."

"We come here as representatives of the Realty Board, consisting of some 300 members. Nobody would do more for union labor or the laboring man than we would. Nobody believes more strongly in freedom of speech than we do, but we do protest against the infamous denunciations against all forms of government which these fellows utter. We want it stopped. We are taxpayers and help support the police department, and if this department cannot handle the situation we would like to have the authorities devise some other means for suppressing these street speakers who shout treason, denounce everything and everybody and even try to incite their hearers to violence and crime."

Other members spoke their condemnation. Camp Scout Young, No. 2 Spanish War Veterans, adopted these resolutions for presentation to the mayor:

"Whereas certain persons have in the past and are still continuing to make public addresses in the city of Portland, in which they openly insult the flag of our

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