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## LAW ISSUES DELAY CHOOSING OF JURY

### Way Paved in Examination of Talesman.

## TIMES CASE MOVES SLOWLY

### First Choice Is Not Even Tentatively Made.

## CHALLENGES ARE GUARDED

### Both Sides Determined to Be Sparring of Peremptory Rights—Question of Opinion Already Formed.

LOS ANGELES, Oct. 13.—After two days of court session in the trial of James R. McNamara for the murder of Charles J. Hargrett, a victim of the Los Angeles Times explosion and fire, October 1, 1910, no jury had been selected, even tentatively tonight and no decision had been reached as to the eligibility of the first talesman examined.

Although court proceedings moved forward without interruption, the magnitude of issues involved in the examination of E. T. Nelson, the first talesman, made proceedings deliberate. At sunset, when court adjourned, arguments of Nelson's status remained undecided. At the close of court, Sheriff Haggerty and a deputy escorted the witness unaccompanied from the hall of records through the adjoining courthouse corridor and across a narrow street, where his brother, John R. McNamara, is confined, awaiting his turn for trial.

### Future Issues Affected.

A provision of the constitution of the State of California, affording somewhat from the Constitution of the United States; sections of the state penal code regarding the qualifications of jurors and a contest over the meaning of the record of Nelson's examination combined to furnish points of contest which affect not alone the talesman under examination, but every prospective juror, and for this reason are stubbornly contested.

The summer courtroom scene, where opposing counsel argued for every advantage in the struggle, was relieved even in tone by touches of unbecoming humor, which seemed to appeal to the court. Once, when G. Ray Horton, a boyish attorney who, single-handed, made the long afternoon's argument for the state, assured the court that he was not intending to "write an essay of error to terrify your honor," Judge Bartwell smiled broadly.

### Rust Precedent Cited.

By chance, one of the cases cited by Attorney Horton to show the law regarding eligibility of talesmen was that of Juror Arthur in the trial of Abraham Rust, now serving a 14-year sentence in San Quentin penitentiary for bribery.

Another case cited was the famous one of "Mad Shirl London," who, with a band of fellow convicts, fought his way out of Folsom Penitentiary in one of the most sensational breaks for freedom the West has known.

The constitution of California guarantees a fair trial for all parties to litigation, whereas that of the United States guarantees such rights to the defendant. The state code of the state, under act of Legislature, was amended, Horton declared, to enable indigent men to serve on juries, and allows any to do so, under usual restrictions, who are not of "state of mind" which will prevent acting with entire impartiality and without prejudice to the substantial rights of either party.

On these two propositions Attorney Horton based his argument, contending first, that the rights of the state must be preserved as scrupulously as those of the defendant, and further, that the criminal code made express provision for jury service by a man of Nelson's frame of mind.

### Record Remains Confused.

Interrupted by a declaration that Nelson had declared he was without bias toward the volume, Attorney Horton retorted that if the record showed otherwise it was because the talesman had confused the defendant's own case with his expressed opinion that the Times building was blown up by dynamite.

The record as read by Attorney Joseph Scott, of counsel for the defense, quoted Nelson as saying that he had an opinion concerning McNamara's guilt or innocence; that he had held such opinion for about five months and that it would take strong evidence to dislodge it. Judge Bartwell announced that he would re-visit the record on this point.

Attorney C. S. Darrow, chief of counsel for the defense, made the argument against accepting Nelson as a juror after he had been challenged for bias only in the day.

## NOME BEACH KING FINDS EL DORADO

### GOLD IS BROUGHT BY ALASKAN FROM WILDERNESS.

### Frank H. Waskey, ex-Delegate to Congress, Returns to Civilization After Two Years' Absence.

SEATTLE, Wash., Oct. 13.—(Special.)—Frank H. Waskey, once king of the celebrated third beach line at Nome, and one of the heaviest plungers in the mining business in the North, who, with a depleted "poke" disappeared in the wilderness two years ago, has emerged again with a gold sack full and bulging and the news of a new strike near the mouth of the Kuskoowim River.

Waskey went to Congress as the first delegate from the territory in 1906 and with a sincere desire to obtain favorable legislation for the country, spent, it is said, \$125,000 of his own money. Waskey's term in the short session when little or no legislation is considered and he was successful in getting passed only two measures, both unimportant. But he made a whirlwind campaign in the five months he was at the National Capitol.

Waskey returned to Nome, where the caving in of a tunnel on Iron Creek crippled him financially. He "strapped" to the Innoko, Iditarod and other strikes, but was unsuccessful. Then he disappeared.

## SNAKE FASTS FOR 72 DAYS

### Garter Is Found Alive in Sack at Montezano Postoffice.

MONTESANO, Wash., Oct. 13.—(Special.)—When Councilman A. C. McNeill went into the postoffice yesterday he noticed an old faded sack standing in the corner on the writing desk. The sack appeared to move, but on examination it appeared to be empty. It was examined by several men, all of whom pronounced it empty, but still it moved.

Postmaster Tarr then appeared on the scene and ripped the sack open and out came a garter snake about a foot long. Upon investigation it was found that the snake had been there since August 1, when the snake was caught at the business men's picnic.

## SEATTLE MEN BUY TRACT

### Syndicate Secures 600 Acres of Valley Lands for \$200,000.

SEATTLE, Wash., Oct. 13.—(Special.)—The largest acreage sale in this city in several months was closed at the office of M. B. Bruggeman & Company, when Clarence D. Hillman sold his property holdings in the White River valley to a syndicate of Seattle realty men consisting of A. R. Graham, M. R. Wood, W. J. Bruggeman and M. B. Bruggeman.

The deal involved about 600 acres and the consideration is in the neighborhood of \$200,000.

The valley lands purchased by the syndicate are south of Auburn and west of the new power plant now being built by the Stone-Webster Company in that section.

## SOUTH IS EARNEST IN TAFT GREETING

### California Citizens Vie in Cheers.

## GROUND BREAKING IS TODAY

### Pacific Fleet Bluejackets Reviewed by President.

## TREATIES ARE DEFENDED

### Nation's Chief Urges That Proposed Financial Supervision of Nicaragua and Honduras Is Good Move.

SAN FRANCISCO, Oct. 13.—President Taft found what may prove to be the heartiest welcome of his entire trip awaiting him here in San Francisco tonight. He had spent the entire day in the state, traveling from the northern border, where Governor Johnson and a party of officials met him.

Governor Johnson is the insurgent Republican leader in the state and much interest was manifested in what he had to say in introducing the President. The Governor used but few words and invariably referred to Mr. Taft as "the President of the United States."

It was at Marysville this morning that the Governor first appeared on the platform with the President.

### Taft Lushly Cheered.

"Ladies and gentlemen," said the Governor, "welcome to the President of the United States." Three cheers were given lustily.

At the state capital, Sacramento, Mr. Taft spent two hours and spoke from the Capitol steps. Mayor Board officially welcomed him to the city and paid a tribute to Mr. Taft for his efforts looking to international peace.

Governor Johnson then introduced the President, who was still suffering from hoarseness.

"We are always glad to have a President of the United States with us," he said, "and we are doubly glad today. I bespeak your close attention and ask that you maintain as much quiet as possible to relieve the strain on his long tour. So, without further ado, ladies and gentlemen, I present the President of the United States."

### Governor Not at Banquet.

Governor Johnson did not attend the banquet in honor of the President in San Francisco tonight, but will speak with him tomorrow at the groundbreaking ceremonies of the Panama-Pacific International Exposition to be held in celebration of the formal opening of the Panama Canal in 1915. The Governor, it is said, will accompany the President to Los Angeles on Monday.

(Continued on Page 2.)

## \$54,000 IN PIES GROWN ON ACRE

### Rhubarb Crop Is 45 Tons For Single Season.

### Woodland, Wash., Farmer Gets \$600 For Popular Pastry Product. Pickers Kept Busy.

VANCOUVER, Wash., Oct. 13.—(Special.)—Enough rhubarb to make toothsome desserts for one meal for an assemblage of 1,000,000 men, women and children, was grown on one acre of ground near Woodland, Wash., by E. P. Goertz, this season. While this amount of rhubarb, if made into pies, would net \$54,000, the raw material netted but \$900, a neat sum for one acre, Mr. Goertz thinks.

Early in the Spring the wonderful pie-plant garden began to ripen and several weeks before other growers were able to sell, Mr. Goertz had ripe rhubarb, and more contracts for early delivery than he could fill. As fast as one crop could be pulled off, another was ready, and this continued all Summer. In all 45 tons of pie plant were sold, besides what the family used and gave to the neighbors.

One pound of rhubarb will make three big, thick juicy and delicious pies, and the crop, grown on Mr. Goertz's tract will make 270,000 pies, which at 20 cents each, would bring \$54,000. As one big pie would make four large pieces, this amount of rhubarb, grown on one acre of ground, would make 1,080,000 pieces of pie.

## DUKE OF PORTLAND HERE

### Owner of Vast English Estates Is Traveling Incognito.

The Duke of Portland, one of Great Britain's most noted peers, with a lineage running back for centuries and bearing a name that carries great wealth and power, was in Portland for a few hours yesterday. He is traveling incognito and every effort was made to keep his identity concealed, and it was only after his departure that it was learned that he had been in the city.

He came from British Columbia, where he has been examining a vast tract of land that was recently purchased by him, and he is now traveling back to England.

The Duke of Portland is a great sportsman, owning and racing more horses than any other man in England. He owns many castles and thousands of acres in the British Empire, and his inherited family wealth is enormous.

## HOODOO WORRIES CONVICT

### With \$23 in Pocket Paroled Prisoner Would Stay in "Pen" on 13th.

SALEM, Or., Oct. 13.—(Special.)—Because he had \$23 in his pocket and because Friday is the 13th day of the month, J. A. Crossley, paroled convict, balked at leaving the State Penitentiary today. He considered the ill-omened "13" bad enough, but with the added complications of Friday and the 13th day he was insistent that he be allowed to remain over a day.

Police Officer Bauer, however, persuaded him to leave. He is going to Louisiana, where he has been paroled to an uncle. Crossley was sent to the prison from Eastern Oregon for larceny from a dwelling.

## PEKIN IN TERROR; REBELS ADVANCE

### Republic Is Declared in Wuchang.

## FOREIGN CONSULS NOTIFIED

### Tientsin and Paoing Are Reported in Rebellion.

## FORCES MARCHING NORTH

### Revolutionists From Hankow on Way to Meet Imperial Troops. Canton and Nanking Probably Next to Follow.

LONDON, Oct. 13.—(Special.)—A dispatch from Shanghai to the Central News says that a Republic has been declared at Wuchang and that the rebel leader at Hankow has notified foreign Consuls that a new government has been established. The rebellion is spreading rapidly. Formidable outbreaks have been reported at Tientsin and Paoing-fu, and similar outbreaks are expected at any moment at Canton and Nanking.

The authorities at Pekin are in a panic. A strong force of rebels has left Hankow to meet the Imperial troops from the north.

The rebels have commandeered trains and forced terrified engineers to take them where they demanded to go.

## REVOLUTION NEARS CAPITAL

### Rebels Well Organized and Promise to Preserve Order.

PEKIN, Oct. 13.—With revolution nearing the gates of Pekin, the government has partly abandoned its efforts to minimize the situation, and it now admits not only that the republican uprising has gone beyond the confines of the more remote provinces, but that the entire imperial army is disorganized by disaffection. Not a division is absolutely to be trusted. It is said in Pekin today.

The revolutionists are well organized and have formally proclaimed the republic. It is reported here that the President chose Li Yuen Hsing, Lieutenant-Commander of the Imperial army, though it is believed that if this is so his election is temporary. Dr. Sun Yat Sen is still regarded as the man who eventually will have the place. Dr. Sun was reported to be in the United States recently, but is said by some to have returned to China by way of Singapore, which for some time past has been headquarters for the revolutionists.

Hankow has been ravaged by outlaws, who are not connected with the revolution, and the revolutionary army.

(Continued on Page 2.)

## YELLOW JACKETS NOW RAID GRAPES

### ROGUE RIVER VALLEY VINEYARDS HIT BY PEST.

### Bible Ranch Suffers Loss of 1500 Pounds This Season—Watermelon Used by Ranchers as Bait.

GOLD HILL, Or., Oct. 13.—(Special.)—Charles Johnson, owner of the Bible ranch near here, so-called because it lies spread on the side of Gold Hill Mountain like an open book, estimates that yellow jackets have destroyed 1500 pounds of fine grapes for him this season. This variety of wasp has been numerous the past Summer, and Mr. Johnson says that great swarms of them are subsisting on his vineyard. He has flaming Tokay grapes that will weigh 5½ pounds to the bunch, but one of these luscious clusters do not last long when settled on by the voracious wasps.

The only method that Mr. Johnson has discovered to fight the pests is to bait them with watermelon, and when they have settled on the tempting fruit in great numbers, to pour boiling water over them. An idea of their appetite may be gained when it is known that they have entirely consumed a large melon, put out as bait, in less than two days.

Other vineyards in this district, among them the Del Rio, have been bothered by yellow jackets, but not to the extent that the Bible ranch has suffered. The sunny mountainside on which this ranch is located, several hundred feet above Rogue River and surrounded by wild land, is peculiarly favorable for their propagation.

## JAPS PLAT NATIONAL PARK

### Fuji Yama Will Be in Center of Big Reserve by Imperial Edict.

SEATTLE, Wash., Oct. 13.—(Special.)—Around their sacred fossil covered mountain, Fuji Yama, the Japanese will build their first National park, after the fashion of American reserves. Professor E. S. Meany, president of "The Mountaineers," is in receipt of a letter from Yoshio Kinoshita, traffic manager of the Imperial Government railways of Japan, asking for information on National parks, and monuments and telling for the first time of the new change in policy.

"The Mountaineers" secured a world-wide reputation by getting the establishment of the Olympian monument and by fighting private interests, which would have pillaged the mountains.

Mount Fuji is the Mecca of thousands of Japanese pilgrims each year and is also visited by numbers of Americans and Europeans. Its sides are dotted with rest houses, where the weary pilgrim may secure shelter and food.

## BUTTERFLY PUZZLE OUT

### Lakeview Man Discovers Origin of Legion of Winged Insects.

LAKEVIEW, Or., Oct. 13.—(Special.)—W. Roche Flick believes he has discovered the origin of the legion of butterflies which have been seen the past few weeks in California and Oregon in the upland and higher altitudes above Lakeview, especially on the north slope of the hillsides, thousands of abandoned cocoons of the dufferers.

Examination of plants where larvae had evidently been most plentiful apparently showed that they had been short-lived before going into final stages leading up to hatching, for leaves of the plants were not badly injured, as would be presumed likely from such a large number of the creatures. Mr. Flick says the only puzzle remaining is how the insects reached the brush and from whence they came. They did not do serious damage at any time, as far as known.

## CUPID NOT SUPERSTITIOUS

### Iowa Commercial Traveler Takes Oregon Bride on "13th."

OREGON CITY, Or., Oct. 13.—(Special.)—Cupid gave superstition a solar plexus blow today when Russell C. Hammond, of Polk County, Ia., and Miss Florence Foster, a noted pianist of this city, were married at the Courthouse by the Rev. J. O. Staats. It is unusual for a license to marry to be issued on Friday, but for one to be issued on "Friday the 13th" is something unheard of here.

Mr. and Mrs. Hammond declared that they were not in the least superstitious and that they thought that this was just as good a day on which to be married as any other. Mr. Staats agreed with them. The bridegroom is a traveling salesman. The bride was one of the musicians employed at the recent Chautauque at Gladstone Park.

## LOOP LINE MAY OPERATE

### Portland West Coast Is Working North to Tillamook.

SHERIDAN, Or., Oct. 13.—(Special.)—The Portland, West Coast Railroad & Navigation Company, which applied recently to the Sheridan City Council for a franchise up Yamhill street, is now applying for rights of way between Pacific City and Tillamook, and Right-of-Way Agent Fitzgerald says that Tillamook will soon be sought for a franchise through that city.

From McMinnville through Sheridan, Willamina, Pacific City and north to Tillamook, thence to Portland, the Portland, West Coast people are seeking to operate a loop road, it is thought.

## TWO BOYS VERIFY HILL MURDER TALE

### House of Death Is Picked by Them.

## AX IS ONLY MISSING TRACE

### Youths Fasten Quadruple Crime on A. R. Holmberg.

## OLD CAMPFIRE IS SHOWN

### Young Tramps in Substantiating Charge Against Companion Give Surprising Details—Police Led to the Place.

Accompanied by five investigators, James Hawkins, aged 16, and Harry Howard, aged 17, yesterday led the way from Portland to the deserted home of the William H. Hill family, a mile south of Ardenwald and explained in detail how August Richard Holmberg, who was arrested Wednesday at The Dalles, entered the Hill house between 2 and 4 A. M. on the morning of June 9 and, they said, murdered Mr. and Mrs. Hill and their two children.

The boys guided the investigators for more than three hours, pointing out the places where they stopped while on the way to the scene of the crime and confirmed in practically every detail the story of Holmberg's alleged connection with the crime as related yesterday morning before the trip was made to Ardenwald.

### Suspect Met Here.

The boys, both hoodlums, were brought to the city yesterday with Holmberg from The Dalles and were subjected to severe questioning at the County Jail. They met Holmberg May 27 near a rooming-house on Front street and enjoyed his hospitality to the extent of a meal in a cheap restaurant. They said Holmberg had persuaded them to attempt robbery in Portland and that they had refused for fear of being caught. Then, they said, he suggested that they go into the country far from where there was any police protection. They consented to this and went with Holmberg to Ardenwald, they said and stood outside the Hill home while Holmberg went inside supposedly for the purpose of robbery.

### Holmberg Bloody, Say Two.

They declared that screaming in the house and a commotion, but were too frightened to investigate or run from the scene until Holmberg came out half an hour later smeared with blood and told them he had had a big fight and for them to run for their lives. They then related that they ran from the scene, going east on the county road, all the rest of the night and all the next day, until they reached the Sandy River, near Troutdale, where they camped for ten days and during which time Holmberg, they said, held them in his power by vicious threats.

The investigators with the two boys entered an automobile yesterday afternoon at 1:45 o'clock and rode to Ardenwald. The boys were told to point out the course they had taken and the house where they said Holmberg had taken them to commit robbery.

### Scene of Death Picked.

The youths started south, apparently at sea regarding their whereabouts. They wandered about for some time before coming to the County road, which they said they recognized as the Chorghuffare they traversed the night of the murder. They followed this road for a considerable distance beyond the Hill house, not recognizing the little shack as they passed. They soon fell, however, that they had gone too far and they retraced their steps to the Hill house, which they declared was the place. No intimation had been given by the investigators that the shack was the house of death, the boys pointing it out themselves.

They scrambled down over a pile of wood which they said was there the night Holmberg led them to the scene. They declared they had stood on the pile and argued about who would go into the house to commit the robbery. The boys said they were badly frightened and both refused to enter and declared Holmberg decided to go himself. They said they followed him to the back of the house and waited while Holmberg went around to the front to gain entrance.

### Boys Wait Outside.

Young Hawkins said he leaned against a pole in the back yard and Howard said he stood near the window, which was slightly open and inside of which was Mrs. Hill and the two children asleep.

As the boys stood yesterday in the place they said they had occupied while the murder was committed, they declared there was absolutely no doubt about their story. They said it was some time after Holmberg left them in waiting at the rear of the house before they heard any commotion. The first they heard, they declared, was a heart-rending scream, which frightened them so badly neither could speak or move. They heard creaking of the bed in the room and stamping.

(Continued on Page 14.)

LEADING FIGURES WHO PARTICIPATED IN YESTERDAY'S PROCEEDINGS IN LOS ANGELES DYNAMITE CASE.



ABOVE, McNAMARA BROTHERS IN THEIR CELL, AND ATTORNEYS DARROW AND DAVIS, WHO EXAMINED PROSPECTIVE JUROR FOR THE DEFENSE—BELOW, DISTRICT ATTORNEY FREDERICKS, AND VIEW OF COURTROOM WHERE TRIAL IS BEING HELD.

(Continued on Page 14.)