

RESURVEY PANEL OF 125 EXHAUSTED

Manner of Procuring New Men as Prospective Jurors Presents Problem.

DEFENSE GAINS BY DOUBT

Judge Bordwell Excuses Mullen, Although Not Reflecting on Honesty of Talesman—Careful Distinction Is Made.

(Continued From First Page.)

would be willing to accept a demonstration by the state that dynamite caused the explosion.

Judge Bordwell took up Coward's examination and verified his previous statements that his opinion was formed after conferring with a friend who knew about the results of dynamite explosions.

Defense Takes Exception. This act of getting information is not excepted by the statutes from grounds for challenge, as are newspaper reports and common rumor, and Coward was let go. The defense took an exception to the ruling.

Attorney Lecompte Davis, for the defense, entered into a discussion with Judge Bordwell over the examination of Talesman Winter, Davis arguing that the Judge interrogated Winter so that the talesman would be inclined to think the court wishes him to remain on the jury.

District Attorney John D. Fredericks said it looked just the other way to the state and the court continued his questions after a courteous explanation to counsel that his only desire was to get at the talesman's state of mind and that he appreciated his responsibilities.

HARDSHIPS IRK TALESMEN

Elder Members of Panel Suffer Lack of Home Comforts.

LOS ANGELES, Oct. 25.—It developed today that some of the talesmen of advanced years found the change from home cooking to restaurant fare difficult, although they are given the best food that can be had, and the court may be asked to excuse them or in some way arrange for more home comforts. Some of the talesmen are around the age of 60 and unused to the manner of life they are now experiencing.

The general expectation is that the trial will be long drawn out and arrangements for keeping a jury for a length of time has created a number of unlooked for problems. The court, however, has shown continued solicitation for the health of the jurymen and it is expected that means will be devised to make the jurors more comfortable. The discovery yesterday of a talesman who while waiting as a venireman to be called to the jury box for examination actually referred to his possible jury service as a "chance" in talking with friends, has illustrated in another way the difficulty that is being experienced in court daily in finding men who have kept their minds free from discussion of the Times explosion.

R. W. Clark, the talesman who talked with Harry Darrow, chief counsel for the defense, yesterday, said he had been talking with friends, has illustrated in another way the difficulty that is being experienced in court daily in finding men who have kept their minds free from discussion of the Times explosion.

The incident in which Clark disclosed his chance conversation, so far as the court is concerned, has been ended, no action with reference to the talesman or Clark being contemplated; but Clark's statement that his son had destroyed the Times building drew forth more than passing interest from both sides.

The defense took note of the remark of Clark that his son smelled gas fully a block from the Times building while waiting on a car the night of the explosion.

"The son of Clark," said Clarence S. Darrow, chief counsel for the defense today, "will make an absolutely new witness. We had not heard of him before."

The view of such a witness that he smelled gas is considered important by the defense, who hold that gas, and not dynamite, destroyed the building, and will attempt to prove that gas leaked in the Times building frequently prior to the time of the explosion, thus refuting the charge that the McNamara had anything to do with the destruction of the Times plant by dynamite or gas either.

The examination of Mullen this morning was followed by that of Talesman Winter, who said he could not set aside his opinion without evidence.

"As between the issues in this case, are you not?" asked Attorney Scott, for the defense.

"I would give each side an even break on the evidence."

"You believe that the building was blown up by dynamite, don't you?"

"Yes."

"And you wouldn't remove that belief without evidence from us?"

Objection to the question was sustained and a challenge was entered against Winter for actual bias.

Dynamite Theory Formed. Cross-examination by District Attorney Fredericks brought forth the statement that he would act fairly and impartially on the evidence.

"Have you any opinion about the guilt or innocence of the defendant?" queried the court.

"I don't know whether the defendant did it or not, but I believe that the building was blown up by dynamite."

to say whether he believed in Burns' integrity. Dunlap was challenged for cause and to the cross-examination of District Attorney Fredericks he replied that he might try to be a fair and impartial juror but he did not know whether he could or not. He was excused.

CAPLAN THOUGHT IN HIDING

Uncaptured Defendant Sought in Seattle Slums by Detectives.

TACOMA, Wash., Oct. 25.—That David Caplan, indicted in Los Angeles on charges connected with the dynamite case, is in hiding in Seattle, concealed by friends, is the belief of detectives who are drawing a net around him. Officers today are known to be looking for him in the slums of Seattle. Caplan, a Pierce county deputy sheriff, whose home is at Lake Bay and who is acquainted with Caplan, through the slums of Seattle, in the anarchistic settlement of Home Colony. It is the opinion of detectives that he has been in communication with members of that group and has been helped by them.

Deputy Sheriff Thilman passed through Tacoma last night on his way to Seattle. When Caplan was at Home Colony a few months ago, he was seen by Thilman and the officer feels confident he can recognize him. Caplan's evidence is said to be of great value to the state.

Caplan is known to have friends in Seattle. He is said to have lived for a time on Lake Bay, 20 miles from Tacoma in the anarchistic settlement of Home Colony. It is the opinion of detectives that he has been in communication with members of that group and has been helped by them.

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NEW TIMES BLAST HURTS ONE

Rancher's Mouth Lacerated, Piano Leg Smashed by Boulder.

LOS ANGELES, Oct. 25.—An explosion in the course of blasting operations at the new Los Angeles Times building today blew some rocks across the street and slightly injured N. J. Weller, of Corona, Cal., a rancher. Weller was taken to the receiving hospital, and a hospital report showed that his mouth was lacerated. A mouth wash was prescribed and he was discharged.

Windows of a piano store and a typewriter salesroom were broken by rocks, a boulder about 15 inches long smashing an upright piano leg in the former store.

The defense in the McNamara case announced that it would make an investigation of the accident.

WALL STREET BLAMED

KLINE SAYS KRUTSCHNITT ADMITS STRIKE WAS FORCED.

Southern Pacific Officials Deny Outside Pressure Was Brought to Bear on Difficulty.

CHICAGO, Oct. 25.—That the present strike of shopmen on the Harriman lines was forced on the men by Wall Street was declared by James W. Kline, president of the International Brotherhood of Blacksmiths, in an address today before 3500 strikers at Burnside.

Further Mr. Kline said that Julius Kruttschnitt had admitted to him the truth of his assertions.

SAN FRANCISCO, Oct. 25.—W. R. Scott, assistant general manager of the Southern Pacific Railway Company, denied here today the statement attributed to James W. Kline that the present strike of railroad shopmen of the Harriman lines was forced by Wall Street. Scott was present at the final conference of railway officials at which it was agreed to refuse the demands of the union men.

There was positively no outside pressure brought upon the railroads in taking the stand they did," said Scott. "The statement that Wall street was concerned in the matter is absolutely untrue."

Scott's statement was corroborated by F. C. Ahearn, head of the Southern Pacific Bureau of Economics at San Francisco, who was also present at the conference.

BATTALION WIPED OUT

ZAPATISTAS FALL UPON MEXICAN FORCE OF 200.

Government, in Alarm, Sends More Troops in Effort to Stop Looting by Rebels.

MEXICO CITY, Oct. 25.—According to the best information obtainable, the 18th battalion of Federales, numbering 200 men, was wiped out by the Zapatistas in yesterday's fighting. The Departments of War and the Interior decline to make public the facts.

It is said that 20 deputies will demand an explanation from the Minister of War of the failure to take adequate measures for the protection of Milpa Alta.

It is feared that Xochnilco and Tlalpam will be looted. Troops and artillery were rushed there immediately. The loss of the 18th battalion is estimated at as high as 2000.

The War Department is throwing a cordon of troops around the mountainous region between Milpa and Tlalpam, in an effort to trap the Zapatistas.

YUKON MEN GO TO AMAZON

Twenty Captains and Engineers to Run on South American Waters.

SEATTLE, Oct. 25.—Twenty Yukon rivermen will be sent to South America to operate a line of 14 steamers now being built at Pittsburg for service on the Amazon, if the plans of Captain E. E. Brown do not miscarry. Captain Brown, who for years was a navigator on the great Alaska river, has just returned from a three years' tour of the Amazon and its tributaries.

"I believe the Yukon River steamboatmen are the best in the world," said Captain Brown. "A navigator who can operate his boat in the swift northern waters has nothing to learn in running vessels up the Amazon or its tributaries. I shall engage only the skilled river men and captains and chief engineers of the 14 steel boats, now building at Pittsburg."

City Lot Is Fertile.

CHEHALIS, Wash., Oct. 25.—(Special.)—A yield of potatoes on a piece of ground 24 feet square, that would amount to 605 bushels for an entire acre, is reported by E. F. Young, of this city. The land was part of a city lot at Mr. Young's home in the eastern part of the city. The soil had never been fertilized in any way, but the potatoes were irrigated. From the 24-foot patch Mr. Young dug eight bushels of fine spuds. He claims a record for this section this season.

A. H. Dunlap, 61 years old, a farmer, was examined by Attorney Davis for the defense. Dunlap said he was acquainted with a brother of A. C. Harvey Elder, one of the editors of the Times who was killed in the disaster. He said that he had followed Burns' course of conduct in the San Francisco graft cases, but was not allowed

STATE'S EVIDENCE AIDS ACCUSED MAN

Robinson Said Shooting Was in Self-Defense, Affirm Witnesses for Prosecution.

GIRL IS TO TESTIFY TODAY

Slain Man Never Carried Gun and Was Always Peaceable, Is Gist of Evidence to Come—Crook Court Sits to Late Hour.

PRINEVILLE, Or., Oct. 25.—(Special.)—Testimony by the witnesses for the state against Ernest Robinson, charged with killing Louis McAllister, was heard today in the city court. The evidence resolved itself today in favor of the prisoner, when all the witnesses declared that Robinson had informed them immediately after the crime that he had shot McAllister in self defense and in the belief that McAllister was about to "pull" a revolver on him.

This evidence the state expects to controvert by an abundance of witnesses who will say that McAllister was always known as a peaceable man and that he was never known to carry a weapon. It has already been proved that McAllister had no revolver at the time Robinson shot him.

Following the completion of the jury panel, a number of witnesses were called. All testimony was of much the same character and dealt with statements made by Robinson before he gave himself up to the officers.

McAllister on Robinson's Dam. On the evidence of George H. Brewster, an engineer for the state, much emphasis was laid. Brewster saw the two men just before McAllister's death, and while he did not see the actual shooting, he told from the chair the respective positions of the men.

McAllister was standing on a dam belonging to Robinson, he said, while Robinson was a short distance away. J. W. Kiddle, George Zachary and N. W. Sandron, who spoke with Robinson immediately after the shooting, testified that Robinson told them that McAllister was tampering with the Robinson dam, in an effort to obtain use of the water for his own claim. Robinson told them, so they said, that he had shouted to McAllister that then, believing that McAllister was about to shoot him, he fired. McAllister died at once.

Robinson to Testify Today. Dr. C. O. Hyde and James Rosenburg, the latter County Physician, gave medical testimony regarding the distance from which the fatal missile was fired and the nature of the wounds of the deceased.

Court adjourned at 10 o'clock tonight and hearings will begin early tomorrow, when Miss Ruth Robinson, the 15-year-old sister of the accused, and the only spectator of the shooting, will take the stand and declare that her brother shot in self defense.

The state has no direct testimony to offer, and will rest its case on circumstantial evidence. Owing to the number of witnesses and the nature of their testimony, the case is expected to continue all week.

WASHINGTON, Oct. 25.—In leaving with the Federal Supreme Court today the question of the validity of the indictment of Charles F. Munday and Archie W. Shields on a charge of conspiracy with others to defraud the Government of vast areas of coal lands in Alaska, E. C. Hughes, counsel for the defendants, pleaded with the court to decide the question without prejudice. He said that the question of validity depended upon the construction of the

Alaska coal land laws as to whether a person or association could make more than one entry of coal lands.

The attorney told the court that probably unconsciously members of the court would regard the defendants with suspicion because so much abuse had been heaped upon the Alaska coal land laws by magazines and newspapers. He bespoke for the law a liberal interpretation in the interest of the discoverer and the prospector who had braved the dangers of glaciers and mountain fastnesses to develop the country. By necessity, he said, the early prospectors were compelled to associate together as partners and he declared that Congress never intended to limit their association or partnership to one entry.

The statement that "all Alaska awaits the decision of this case for a construction of its coal land laws and many other indictments hinge on the outcome," induced the court to give extended time to the case.

Solicitor-General Lehmann, for the Government, was satisfied with devoting a few moments only to the case in opening the arguments. He declared that the United States Circuit Court for Western Washington had erred plainly in interpreting the Alaska coal land laws and in quashing the indictments against Munday and Shields. He argued that it was obviously erroneous to hold that a person was still "qualified" to make entries of coal land after Congress had disqualified such a person.

Mr. Lehmann replied to Mr. Hughes by saying that the Alaska land laws regarding "association of persons" were the same as the law applicable to the

board of the American Automobile Association. Walker is the referee of the Glidden tour now in progress.

The accident was caused by a break in the steering gear. The car was wrecked and Butler instantly killed. Referee Walker's injuries are believed to be serious. Mrs. Walker's arm was broken.

GLIDDEN AUTOIST KILLED

Chairman of Association Dead, Another Man and Woman Hurt.

TIFTON, Ga., Oct. 25.—S. M. Butler, of New York City, was instantly killed near here this morning when the automobile, which he was driving in the Glidden tour, was overturned. T. J. Walker and his wife, whose addresses were unobtainable, were hurt. Butler was chairman of the contest

board of the American Automobile Association. Walker is the referee of the Glidden tour now in progress.

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ALASKA AWAITS DECISION

High Tribunal Gives More Than Usual Attention to Issue of Validity of Indictments Alleging Huge Frauds.

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COAL CASE ARGUED

Hughes Warns Court of Unconscious Prejudice.

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REJECTED SUITOR SUICIDE

Harold Faulkerson Shoots Self at West Fork, Or., Hotel.

ALLEGED SLAYER IS SEEN

Posee Takes Up Pursuit of Man Who Asks for Salt and Pepper.

MOROCCAN PACT NEARER

First Part of Agreement Submitted; Second Well Under Way.

NOME PLACERS OPEN LATE

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250,000 HYDRO-ELECTRIC POWER WILL MAKE A CITY OF 5000.

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