

11 TALESMEN NOW SEAT IN JURY BOX

Only One Lacking Before Exercise of Peremptory Challenges Is Begun.

MAZE OF BELIEF EXCUSES

Examination as to Property Qualifications Wears Judge, Who Is Glad to Find Other Valid Ground for Dismissal.

LOS ANGELES, Nov. 3.—There were 11 talesmen in the jury box in the McNamara trial when court adjourned today, and one more was needed before peremptory challenges can be exercised by either side. James B. McNamara himself was an indifferent auditor.

Almost the whole day's session was occupied with determining the eligibility of Talesman H. V. Blankinron, and the state wore a tangle about him as to whether he owned the present property listed on the last assessment roll and whether disposal of it had disqualified him. In the afternoon session when the court was so weary with the ramifications of the property question that the state turned abruptly to the question of belief in circumstantial evidence and sought Blankinron in a maze of varying answers which gave the court ground to allow a challenge against him.

Talesman Doubts Own Mind.

It was when the arguments of the state on the property qualification was being made by Attorney Horton, who read from voluminous decisions, that Judge Bordwell yawned and occasionally closed his eyes, finally suggesting that the talesman in the box have a little airing while the argument was going on. It was a hot, murky day, and the sun beat relentlessly through the brown shades of the chamber into the half empty room. Blankinron was excused on challenge by the state immediately after it had been pointed out that he did not know his own mind whether he would convict if the evidence in the case were wholly circumstantial.

After Blankinron was disposed of, W. H. Andrews, the last venireman, occupied the 12th seat in the jury box. He was challenged quickly by the defense for actual bias on the ground that he believed the defendant guilty and that the Times building was dynamited by labor unions or strikers. He was under cross-examination by District Attorney Fredericks at 4 o'clock, and the state attempting to show that Andrews had formed his opinions "on public rumor, public journals and common notoriety."

Old In-Law Summoned.

The phraseology of the penal code does not disqualify talesmen who have formed opinions, provided the opinions were produced by any of these three sources.

With Andrews to be examined further and the venire of 205 thus far called exhausted, Judge Bordwell ordered another venire of 205 called and will hear preliminary excuses tomorrow.

Curiously Enough, Harry Chandler, son-in-law of General Harrison Gray Olin, proprietor of the Los Angeles Times, and himself the vice-president of the company that publishes the Times, appears in the later venire.

Whether he will be excused in preliminary examination tomorrow for business reasons or any other of the excuses which usually have been offered in the preliminary challenge or be subjected to questioning tomorrow by counsel and disqualified because he was directly affected by the disaster are questions much debated.

Two Talesmen Need Doctors.

Slight illness attacked both Talesmen George W. McKee and F. D. Green during the night, and physicians treated them for indigestion. They were in the jury box when court convened at 10:30 o'clock and appeared to have recovered. The first proceeding was the announcement of Leoncopia Davis, of the defense, that the defense had passed Talesman Byron Lisk for cause. District Attorney Fredericks began cross-examination at once, and after a few peremptory challenges, Lisk was seated. It was said before court convened, by one of the attorneys, that all but two of the talesmen secured when the box was filled would be excused by peremptory challenge.

Examination of Blankinron, who is a real estate dealer, by the defense followed. He said he never had been especially interested in unions. He declared he neither had an opinion as to the cause of the explosion nor as to the guilt or innocence of the defendant. He was then passed for cause by Attorney Fredericks, who asked: "Are you sure you are on the assessment roll?" asked Horton, in examining Blankinron.

"I'm not sure," he replied.

"Did you not make an affidavit in August that you had no property?"

"Yes."

Technicality Is Raised.

Mr. Horton produced a folio of typewritten manuscript, a record of a recent civil case in which Blankinron figured. The talesman identified his signature. A copy of a part of the manuscript developed that Blankinron's name was on the last assessment roll as required by statute for service as a juror, but a question arose whether he owned any property at that time.

Horton became involved in a tangled examination on this point. A rapid fire of objections urging irrelevancy came from the defense. The court became irritated at the tangle and once when Attorney Horton launched into an argument Judge Bordwell broke in with stern "wait a moment."

The defense charged that the state was trying to incriminate Blankinron with the Assessor's office and District Attorney Fredericks denied that the state had any such "ulterior motive."

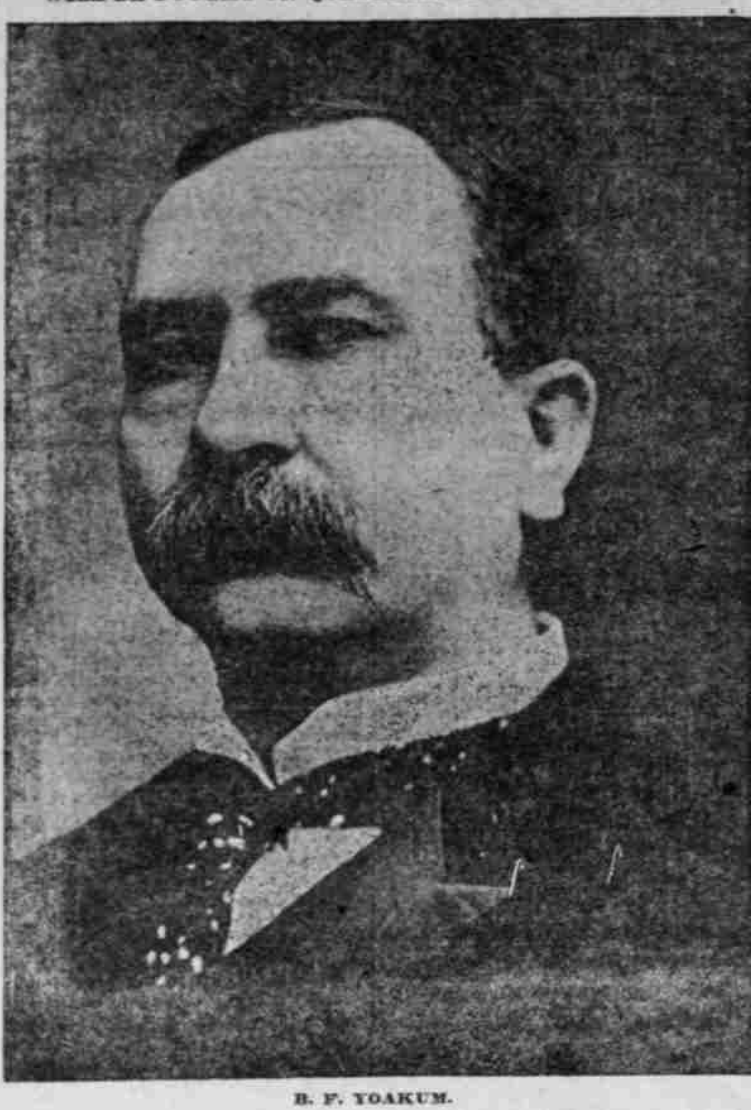
With the question still pending, Attorney Horton turned his interrogation to Blankinron's belief in circumstantial evidence in capital cases. Blankinron declared that while he had opposed circumstantial evidence, he also had recently changed his mind.

"I never discussed it with him."

Normal Defect Charged.

The prosecution interposed a challenge for implied bias and "for such defect in his moral faculties as would make him an unreliable juror for either party to this action, and particularly for the prosecution," and because, under extended questioning, "he vacillated from one pole to the other regarding his conscientious scruples," but clearly showed opposition to a verdict of guilty in a capital case on

RAILROAD CHIEFTAIN WHO BELIEVES COMING ELECTION WILL BE FOUGHT ON QUESTIONS OF BUSINESS POLICY.



B. F. YOAKUM.

KAISER GETS CONGO

France in Exchange Has Free Hand in Morocco.

AGREEMENT MADE PUBLIC

Nations Will Submit All Difficulties Arising From Compact to The Hague—Million Negroes to Have New Ruler.

PARIS, Nov. 3.—The contents of the Franco-German accord, officially given out today, show that Germany recognizes the right of France to establish a protectorate in Morocco, while both nations engage to obtain the adhesion to this accord of the other signatories to the Algerian agreement.

France, as compensation for German recognition of her protectorate in Morocco, cedes to Germany about 250,000 square kilometers in Northern French Congo, touching the German Kamerun.

The territory ceded is inhabited by about 1,000,000 negroes and has a commerce valued at \$2,000,000 annually. The new German frontier starts at Monda Bay and extends to Sanga River, thence to Kankoko and thence through the Congo, finally attaining Lake Tchad by way of the Ubanga and Leogone rivers.

France and Germany agree to submit to The Hague tribunal all difficulties arising from the operation of the accord.

In reference to Morocco, France agrees to safeguard the economic equilibrium and commercial liberty for which provision is made in existing treaties.

BERLIN IS NOT OVERJOYED

Resignations Indication of Unpopularity of Bargain.

BERLIN, Nov. 3.—In making public tonight a complete summary of the treaty concerning Morocco arranged by Foreign Secretary Herr von Kiderlin-Waechter and the French Ambassador, M. Campon, the foreign office issued the following statement:

"The German government believes that both parties can be in accord over the contents of the new treaty. It will have a calming effect not only upon conditions between Germany and France, but also upon the political situation. It is especially emphasized that England has not interfered in the negotiations."

The text of the treaty will be signed Monday morning at Berlin and Paris. With the news of the conclusion of the controversy comes the announcement that Emperor William has accepted the resignation of Dr. von Lindquist, Secretary of State for the colonies. This resignation is a significant symptom of unpopularity of the bargain within as well as outside the government.

The definition of France's position in Morocco occupies three of the 14 articles of the treaty. The Congo changes are more limited than first expected. Germany will get only from four to seven miles of the Congo River, sufficient to establish a steam-trading station.

Revelations of dissensions in the government on the eve of the Moroccan debate in the Reichstag has greatly weakened the positions of Chancellor von Bethman-Hollweg and the Foreign Secretary, Herr von Kiderlin-Waechter.

The Council of the Colonial Office, Herr von Danneberg, also resigned today, supposedly because of dissatisfaction over the German compensation.

COLOGNE, Germany, Nov. 3.—A dispatch in the Cologne Gazette from Berlin says the resignation of the Council of the Colonial Office, Herr von Danneberg, accompanying the "indiscretions" of the press, discloses most unjustifiable conditions. The "indiscretions" assert that the Colonial Office is not willing to accept responsibility for the treaty.

Chinese Caught With Opium.

An Inspector in charge of Collector of Customs Malcom late last night arrested a Chinaman at the Union Depot, Seattle, who had been carrying a Pacific train from Seattle, on a charge of smuggling opium. A considerable quantity of opium was found on his person, including a can of refined opium and an amount of crude opium.

BUSINESS POLICY ISSUE IN ELECTION

B. F. Yoakum Pleads for Commercial Law to Supplement Sherman Act.

OLD WAYS ARE OUTWORN

Laws to Be Successful Must Take Farmer Into Consideration—Socialism Opposed by Men Who Are Real Producers.

(Continued from First Page.)

business is a question demanding careful study by competent persons.

As a business proposition, I should prefer to see this all important problem worked out amicably rather than that there should be a fight, commercially disastrous, against a fair adjustment, with a resultant enactment inspired by prejudice and lacking the cooperation of the commercial and manufacturing interests in reaching final conclusions.

The leaders of the Democratic and Republican parties do not want business hurt, labor thrown out of employment and depression supplanting prosperity. Any man set of men big enough to stand as the leaders in either party would desire to steer the country into the greatest possible prosperity. Any statesman would be gratified to solve the problem of restraint of trade, perpetuate competition and save the jobs of millions of men by re-establishing confidence in our institutions without disturbing the business conditions of the country.

Reform Opposed in Vain.

Many of us remember the numerous disastrous prophecies which were made when railroad regulations were first considered. Railroad men talked gloomily of the effect on the country of undue interference and Federal regulation, and, above all, of Governmental exercise of the rate-making power. They worked themselves up to a pitch where they believed their own prophecies of ruin. They fought the proposed reform bitterly, but to no avail. Getting laws more restrictive than would have been enacted had they helped to frame an act that would have met the requirements of the public.

At that time those requirements merely contemplated a cessation of the reprehensible practice of rebating and favoritism.

Without doubt there have been unjustifiable decisions and rate reductions. On the whole, however, the interstate commerce law has been helpful.

Old Ways Not Desired.

I feel safe in saying there are not many railroad officials who would, if given the choice, return to old ways and practices.

Charges are still being made by people who cannot shake off the habit of attacking railroads, that railroads are still favoring certain shippers and violating the law.

Such charges are untrue—not that railroads are more moral than others engaged in commercial pursuits, but because it is better and safer to be honest in their business relations with the public and because it is a crime to violate the interstate commerce laws.

A man who violates those laws is just as much a criminal in the eyes of the law as a man who steals a horse.

Another rapidly-growing force in this country that the Government, the political parties and the better marketing farmer, is the commercialization of farm products.

Farmers Are One-third of Population.

The farmers hold land title to 6,000,000 farms and comprise one-third of our population. A citizen who possesses a farm does not want a socialistic government. He is just as anxious to control and enjoy what he owns and produces as any one engaged in another business.

Because the farmers are widely scattered over the country there is a general opinion that the Government should permit the principle of our sectional policy also to be applied to the farmer, like everything else, is changing and changing rapidly. The farmer is co-operating for the better marketing of his products. The farmers are not organizing to hurt others.

It is only human nature and right that every man should be allowed to sell what he produces for all it is worth. There is no reason why the producers should continue to feed and clothe us and receive only one-half of what we pay. Nor, on the other hand, should the consumer pay double that which the producer receives.

Rural Vote Decisive.

The heads of our great banking houses, of our railroads and our manufacturing institutions, must know that 90 per cent of our Congressmen are elected by the rural vote, and that the election of the President also is determined by this vote. Yet they do little to prevent political emissaries from working up a public sentiment, and thereby influencing the laws of the country.

They have not learned that not only the basic principle of all our wealth but the basic principle of our political policy is shaped by the 6,000,000 occupants of the 6,000,000 farms. Nor do the so-called big business men appreciate that if all other trades and occupations were to be carried on by the farmers carrying with it political organization.

It is up to the business interests to say whether they will stand aloof and permit the political policy of the Nation to be shaped by politicians and based upon prejudice rather than upon business principles fair to all.

Farmers Benefit Farmers.

This cannot be accomplished until the great power of this country which lies with the farmers is directed into the channels of commerce beneficial to the country.

In organizing to get the greatest returns for their products the farmers are merely doing what all other trades and occupations have done to increase their profits. They are adopting the methods of the steel, tobacco, sugar and other trade organizations. These methods enable them to get more money for their output through the reduction of the cost of distribution.

Co-operation of effort is just as essential as concentration of energies.

One Sunday issue the Tribune uses more material and requires the services of more men than did all the newspapers of the country in an entire year 100 years ago. All the printing machinery in existence in the early part of the last century is not as efficient for a single issue of one of our big daily newspapers. It could not be produced in its present form without organization of men in all portions of the world.

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\$29 THE TOTAL EXPENSE This covers tickets, meals and sleeping-car accommodations. For Reservations, etc., Telephone Main 3660.

PORTLAND COMMERCIAL CLUB

means of improvement. He is searching for better methods and better results.

The worst reactionary is the one who wants to force the country back into the groove of the so-called "old" grooves. Many of the so-called "old" grooves are really reactionary. They say they want to tear modern business organizations to pieces and restore the methods of doing business in vogue 25 years ago, without first producing a new and effective working plan under which the business of the Nation will go forward.

To carry their arguments to a logical conclusion the country blacksmith shops would be doing our ironmaking, and grist mills along streams would be grinding our wheat.

What we really want to do is to take advantage of the best we have and use it for the best interest of all. Common business sense, more than legislation, is needed.

More than a year in advance of the next Presidential election we hear discussed on all sides the different prospective Presidential candidates and what their policies toward business will be. Up to the present we have only heard the critics of their opposing party, or defending their own leaders in public utterances intended to convince the voter on immaterial questions.

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