JURY-GETTING FOR WILDE CASE BEGINS

Talesmen See No Need of Evidence if Morris Admits Guilt. Two Are Rejected.

BANKER'S WIFE PRESENT

Big Array of Attorneys for and Against Promoter in Court—Defense Does All Questioning. Convict's Status Unique.

(Continued From First Page.)

in this, Morris probably would be doomed to disappointment in view of the fact that Governor West recently announced that in the future he would consider favorably applications for pardon only when that action on his part was recommended by the Parole Board.

It is therefore apparent that in either event, whether Morris pleads guilty to the pending Morris-Wilde indictment or refuses to plead guilty thereto and is convicted with Wilde, he would have to serve at least two years in the penitentiary before the Parole Board, under the provisions of the parole law, could consider his case and recommend his pardon by the Governor.

Morris Out for Himself.

At any rate, there is no question but Morris is playing his hand well and is preparing, in whatever course he may adopt, to obtain for himself the greatest possible consideration from the prosecution.

Public interest in the Wilde case is intense, as was apparent from the fact that nearly an hour before the trial was called by Judge Kavanaugh, at 2 o'clock yesterday afternoon, the courtroom was uncomfortably crowded. However, the many spectators remained throughout the tiresome examination of the two prospective jurors, which continued until 5 o'clock, when court took an adjournment until 9:30 o'clock this morning.

Including the array of legal talent participating in the case and the special agents and detectives employed by both sides, the average citizen was almost obliged to fight for a breathing space in the none too commodious courtroom. Present at the opening of the trial were the folowing named lawyers representing the prosecution: A. E. Clark, special prosecutor; District Attorney Cameron, Deputy District Attorney Fitzgerald and Deputies Page, Michelet and Collier, from the District Attorney's office. Attorneys for the defense are Dan J. Malarkey, Jay Bowerman, Charles E. Sumner and Warren E. Thomas.

At the opening session yesterday Mr. Wilde did not occupy a seat alongside his counsel, but sat in the rear of the bar enclosure, with Mrs. Wilde and a company of friends, including Mrs. Sumner and Mrs. W. O. Poor, of San Diego, and William Miller, Wilde's brother-in-law.

Before the first panel of 12 prospective jurors was called Deputy District Attorney Fitzgerald asked permission of the court to examine the papers in the case, to determine that all the proceedings to date had been regular. Mr. Fitzgerald announced that he was satisfied with the regularity of the documents and the following 12 men filed into the jury box as their names were called by the clerk of the court:

William Kallender, Alvin S. Walker, L. D. Nash, D. W. Fairclough, C. A. Eastman, H. N. Caldwell, J. H. MacDonald, W. E. Gaines, O. F. Rampe, J. T. Lacey, Charles Dahl and Barney Haffey.

In his examination of veniremen touching on their qualifications to sit in the case, Mr. Malarkey directed his interrogations chiefly toward ascertaining if a probable plea of guilty by Morris would exert any influence on their minds in considering the charge against Wilde and whether the fact that Morris pleaded guilty would be accepted as conclusive proof of his guilt without further evidence and testimany to corroborate it. He was also eager to find out if the fact that Wilde being a man of some wealth would in any way influence the juror in determining his guilt or innocence.

Business Relations Asked.

Counsel for defense also questioned the prospective jurors if the fact that the indictment charged embezzlement of $90,000 would cause them more readily to conclude the defendant guilty than if the amount of the alleged embezzlement was only $100. Other questions adressed to the jurors under examination were if they had any interest in any telephone company, understood the meaning of the legal terms "presumptive innocence" and "reasonable doubt" as applied to the trial of criminal cases. Mr. Malarkey also interrogated the talesmen exhaustively as to their acquaintance and business relations with the officers of the Oregon Trust & Savings Bank and the German-American Bank or District Attorney Cameron, enumerating among other names, the following: Thomas C. Devlin, P. L. Willis, George Estes, Samuel G. Reed, and the banking firm of Ashley & Rumelin.

The line of questioning that will be followed by counsel for the prosecution in determining the acceptability of talesmen as jurors was not disclosed yesterday, the examination in the case of both veniremen being conducted entirely by the defense.

Contractor Quizzed First.

The first juror examined was William Kallender, carpenter and contractor, residing at Firland, native of Sweden and for ten years a resident of Multnomah County. Kallender said three of his brothers had savings accounts in the Oregon Trust & Savings Bank when it failed and that their claims were fully liquidated in cash with the exception of one brother, Iver Kallender, of Sherwood, Washington County, who accepted in part settlement of his account a Tacoma telephone bond for $100. Kallender did not know any of the officers of the suspended bank nor had he ever had business dealings with the institution, although from newspaper accounts he had read he had concluded Wilde was an officer of the defunct banking institution.

Responding to a direct question as to the effect in his consideration of Wilde an admission of guilt by Morris would have, Kallender admitted that it would influence him in passing on Wilde's case, although he admitted that at this time he did not have any opinion as to the guilt or innocence of Wilde.

Confession Deemed Enough.

"If Morris should plead guilty to this indictment would it require any further evidence to convince you that he is guilty?" asked Mr. Malarkey.

"If Morris pleads guilty he must be guilty," was the answer.

The same question was asked in various forms by Mr. Malarkey but Kallender held to his original conclusion tenaciously, whereupon defendant's counsel challenged the juror for cause. Mr. Fitzgerald contended that it was difficult for a layman to understand the legal terms in which Mr. Malarkey had couched his questions and denied the challenge until he could interrogate Kallender further, but the Deputy District Attorney made no headway. Judge Kavanaugh then took the juror in hand, but he received the same blunt answer from the juror, who was excused promptly.

Equal difficulty developed in the examination of Alvin S. Walker, the next talesman. Walker conducts a confectionery store at 693 East Morrison street, and has been a resident of Multnomah County for 15 years. He is a native of England and lived for 15 years in Canada before coming to Oregon, where he first located at Astoria, and engaged in the butcher business. He had not had any dealings with either the Oregon Trust & Savings Bank or the German-American Bank, but also declared he knew nothing about the transaction on which the indictment of Morris and Wilde was based, admitting that the only portion of the newspapers he read was the sporting page.

Walker got along fairly well until he was asked to give his definition of "reasonable doubt." This stumped him. The legal term was defined clearly by Mr. Malarkey, but the juror withheld committing himself.

"Suppose you were accepted as a juror in this case and upon reaching the juryroom thought that, although some of the evidence against the defendant looked bad, still you had a 'reasonable doubt' as to the guilt of the accused, how would you vote as to a verdict? Would you vote 'guilty' or 'not guilty?'"

"I would use my judgment," came back the oft-repeated answer.

This did not satisfy Mr. Malarkey, who made another try and appealed to the juror for a response on the ground that it was required of him to answer the question.

"What if I don't have to?" argued Walker.

Here Judge Kavanaugh interrupted the dialogue and reminded the juror that a definite answer was expected. At the same time the court presented clearly and succinctly the circumstances under which "reasonble doubt" might exist, and apprised the venireman that in the trial of the case the jurymen would be instructed by the court that if they entertained such a doubt as to the guilt of the accused, it was their duty to return a verdict of "not guilty."

"Under such circumstances, then," inquired the court, "how would you vote on the question of a verdict?"

"I would vote 'not guilty,'" replied Walker.

Talesman Again Mixed.

The examination had hardly resumed until Walker again found himself perplexed when asked how he would be influenced in the consideration of Wilde's case if Morris should plead guilty to the indictment on which Wilde was being tried. Walker, like Kallender, maintained that the fact that a defendant should admit his guilt was conclusive proof to him of the wrongdoing of the person confessing without any other proof. He could not get away from this unvarying reply but finally caused some laughter, when he leaned forward, and, addressing the court, inquired:

"May I ask a quetsion in this case?"

"Certainly," answered Judge Kavanaugh and Mr. Malarkey in unison.

"Well, is Morris guilty of this charge?"

Walker was assured by Mr. Malarkey that Morris had not entered any plea to the indictment, but the continued interrogation of the juror failed to dislodge his opinion as originally formed concerning the effect of Morris' posible confession. Mr. Malarkey submitted a challenge for cause to which Mr. Fitzgerald again objected. The Deputy District Attorney insisted that before Walker's qualifications as a juror were finally passed on or other prospective jurors were examined, a plain and simple statement of the questions which were confusing the talesmen should be made, otherwise a jury would not be obtained "before next June." This was agreed to by both sides and the further examination of Walker will be resumed when court convenes this morning.

SCENE IN CIRCUIT JUDGE KAVANAUGH'S COURTROOM AT OPENING OF TRIAL OF LOUIS J. WILDE, YESTERDAY AFTERNOON

Judge Kavanaugh on the Bench—Lawyers for Opposing Side Seated at Middle Row of Tables; Reading From Right to Left They Are: A. E. Clark, Special Prosecutor (Only Back of His Head Shown); District Attorney Cameron, Deputy District Attorney Fitzgerald, Counsel for the Prosecution; Jay Bowerman, Charles E. Sumner and Dan J. Malarkey, Counsel for Defense—Seated Opposite Bowerman Is Warren E. Thomas, Also of Counsel for Defense—In the Jury Box Are Seen Ten of the Twelve Prospective Jurors First Called—Facing the Lawyers Is a Group of Newspaper Men.

JOSLEN JURY DISAGREES

San Francisco Doctor Will Be Tried Again on Seduction Charge.

SAN FRANCISCO, Jan. 12.—After deliberating 24 hours, the jury in the case of Dr. E. C. Joslen, charged with seduction by Ethel Williams, formerly a salesgirl in a candy store, reported at 6 o'clock tonight that it had been unable to reach a verdict and was discharged.

Judge Lawler set January 22 as the date for the new trial.