

ATTORNEY LOGAN HURLS INK WELL

Missile Strikes Prosecutor Fitzgerald on Jaw at Hicks Trial.

CLASH FOLLOWS EPITHEL

Opposing Counsel Quarrel Over Gun. State Accuses Defense of Tampering With Weapon—Outbreak Is Outside of Court.

Bitter feeling between attorneys who argued in the trial of the case of the state against Burr Hicks, charged with the murder of W. A. Wortman, came to a head in Judge Gatens' courtroom yesterday afternoon when John F. Logan, of counsel for the defense, hurled an inkwell at the head of Deputy District Attorney Fitzgerald as the latter advanced to attack him after applying a vile epithet.

The bottle struck Fitzgerald on the jaw and bounced against the glass front of a bookcase, shattering the glass into a thousand pieces. The interference of Bailiff Hulford prevented further hostilities.

Mr. Hulford used strong language to the belligerents and, after striving for a few moments to brush him aside and riding themselves of verbal commitments, their bellicose attitudes disappeared.

Trouble started in the courtroom, where Dan J. Malarky, chief of counsel for the defense, was making his opening statement to the jury. When he arrived at the point where he wished to describe Hicks' armament on the night of the shooting, his object being to discredit a statement previously made by Special Prosecutor Davis, the revolver with which the shooting was done was handed Mr. Logan by Frank Fields, Jr., deputy county clerk, and was passed by Mr. Logan to Mr. Malarky that the latter might use it to prove his statements.

Mr. Malarky had previously said that there were only two bullets in the magazine which was in the revolver when the fatal shot was fired. Mr. Logan started counting the shells of two other magazines, containing seven bullets each, which were taken from Hicks when he was arrested. There was an immediate objection on the part of attorneys for the state. The revolver had no place in the case, they declared, until introduced as evidence and properly examined by the state. Judge Gatens sustained the objection, refusing even to allow Mr. Malarky to say that the gun used was similar to the one he held in his hand.

Insultation Is Overheard. Mr. Fitzgerald, sitting in the hall's box at the left of the judge and a little below him, leaned over and started whispering to the judge. Mr. Logan immediately returned the insult by demanding Mr. Logan of the prosecutor. Mr. Fitzgerald returned an answer to the effect that there had been six bullets in the magazine of the revolver which he believed the defense had disposed of all but one, whereupon Mr. Logan called Fitzgerald a liar, his voice raising to such a pitch that it could be heard several feet away.

The prosecutor at once became enraged and, leaving his seat, started backwards towards the foot of Judge Gatens' bench. The judge's motioning to Mr. Logan and inviting him verbally to come outside and repeat his statement. The other remained standing behind the hall's box for perhaps 25 seconds and then walked into the chambers. A few moments later there was a crash, caused by the inkwell hurled by Mr. Logan. The inkwell struck the attorney's face and some minutes later the attorney came separately into the courtroom.

Fitzgerald Ink-Spattered. Mr. Logan's hands were covered with ink which had dripped from the inkwell as he hurled it. The side of his opponent's face showed ink spots and his collar was similarly bespattered. The floor of Judge Gatens' courtroom was covered with pieces of shattered glass and the wall presented vivid evidence of where the ink had spattered over the hall's box.

Nick Beigun, clerk of the Municipal Court, it developed, had been subpoenaed by Special Prosecutor Davis to bring the revolver and other articles seized about the time the gun was fired to the court. He was returned to Deputy County Clerk Fields, who is in attendance upon Judge Gatens' court. The evidence of the gun had just concluded his statement to the jury and Mr. Malarky had not yet commenced. The attorneys for the defense were allowed by the clerk to take the revolver and they started examining it and the magazines. Mr. Fitzgerald objected then, but no trouble ensuing as the weapon was handed back to Mr. Fields.

Clerk Makes Statement. "When the gun was given to me two magazines carrying seven bullets each were delivered with it," said the deputy clerk. "The magazine in the gun (the one from which the bullet which killed Wortman was fired) was empty but there was one bullet tied up in a package and tied to the gun. I presume that this bullet came from the magazine in the revolver. Everything is just as I received it."

This statement was made after the altercation between the attorneys. Pressed for a statement as to his reasons for believing that there were six bullets in the magazine, Mr. Fitzgerald said that he had read it in the newspaper accounts of the shooting and had information from other sources. He contended that if the attorneys for the defense had let the gun alone there would have been no ground for disagreement. It was agreed, however, that the evidence of the magazine was to be taken from the state to establish the number of bullets left in the magazine after the shooting.

In a trial in which first degree murder is charged it is necessary for the state to prove premeditation and the number of bullets in the magazine which the one, which ended Wortman's life was discharged would have an important bearing on that point.

The state would seek to deduce premeditation from a full magazine white those for the defense would urge, in all probability, that the evidence of only two bullets in the magazine should appeal

SCENE IN JUDGE GATENS' COURT YESTERDAY WHEN COUNSEL FOR THE STATE AND DEFENSE WERE MAKING OPENING STATEMENTS IN HICKS MURDER TRIAL.



JUDGE GATENS PRESIDING; TO HIS RIGHT, SEATED, BAILIFF HULFORD; STANDING NEXT TO BAILIFF, DAN J. MALARKY, CHIEF OF COUNSEL FOR THE DEFENSE; CHRIS POWELL, ATTORNEY FOR DEFENDANT, SEATED AT TABLE, MR. BELL BEING NEARER THE JURY. THE 12 JURORS ARE SEATED DIRECTLY IN FRONT OF JUDGE GATENS.

STATEMENTS DIFFER WIDELY

State and Defense Give Very Variant Accounts of Killing.

Opening statements made to the Hicks murder trial jury in Judge Gatens' court yesterday by W. M. Davis, special prosecutor in the employ of the state, and Dan J. Malarky, chief of counsel for the defense, were widely at variance as to the facts surrounding and the events leading up to the killing of W. A. Wortman, a union machinist and picketer, by Hicks on East Morrison street on November 2.

Mr. Davis declared that the prosecution will prove premeditation and cold-blooded murder of a quiet and law-abiding citizen. His opponent promised to prove that Hicks shot in self-defense, and that Hicks had been driven to desperation by the tactics of picketers in the employ of the striking machinists, and that the dead man was one of the most aggressive and aggravating of the picketers.

Mr. Davis occupied an hour and a half with his statement, concluding at 11 o'clock. Mr. Malarky utilized the time till noon and from 2 o'clock to 3 o'clock in the afternoon, going into detail in describing the alleged indignities heaped upon machinists who failed to join the union, and the various stories of the use of violence by the picketers, declaring that they had beaten several men into insensibility and had applied epithets such as "scab" and "traitor" to the blood of any man, no matter how great his self-control, but to the danger point. His client, he declared, had finally reached the point where he was driven to a momentary fear of losing his life.

Following Mr. Malarky's address the jurors went to the store of W. H. Larson on East Morrison street. In front of the store the shooting occurred, and then paid a visit to the machine shop of the defendant at East Third and East Oak streets. The hearing of testimony will commence at 2:30 this morning.

Mr. Davis admitted in his talk to the jury that the evidence might show that the defendant was not the shooter, but a "scab" who shortly before the shooting occurred and in Hicks' hearing, but in the actual conflict he contended that the man on trial had been the aggressor.

Wortman was walking in this direction (indicating an easterly direction on East Morrison street from a map), and when he got to Mr. Hicks, this defendant, struck at him and kept on striking at him. Mr. Wortman was walking backwards and Mr. Hicks was after him, said Mr. Davis. "He was trying to protect himself from Mr. Hicks, and kept on backing all the time. Mr. Racer, Mr. Vetruba, Mr. Born, Mr. Bigelow, Mr. Jenkins (strike-artist) and other witnesses for the state) and a number of others will testify to these facts. After Mr. Wortman had backed into the above Mr. Hicks, work- ing, trying to get his automatic revolver out of his pocket. He had it in his inside pocket, and Mr. Vetruba, I think it was, said to Wortman, 'Look out, Bill.' Mr. Davis said he was trying to hold Hicks' coat and was going backwards at the time this shot was fired, going backwards all the time and trying to get away from Hicks."

Judge Gatens asked if he had struck back at Hicks? "If he did I don't know it," replied the attorney. "One witness before me said he saw him exchanging blows."

Mr. Davis accused the shop owners of arming the men who took the place of strikers, and permitting of the pickets in their way toward the defendant's work. The defendant, he recalled, had been a journeyman, and declared that the most unreasonable man to work for is one who wins his way up from the ranks. Wortman, the attorney declared, was a retiring and modest man who was subjected to epithets, and who had believed that he had a right to run his business as he chose and treat with his employees without outside interference. The taunts, said the attorney, of the pickets of the defendant had preyed on the defendant's mind, the attorney insisted. For months it was necessary for Hicks and his workmen to have escorts of policemen on their way home from work, and Hicks had finally appealed to Captain Bate, of the police department, for leave to carry a revolver, believing that his life was in danger, the attorney declared, and had been told that he would not be arrested if he did so, in view of the tactics of the picketers.

There is a vacant lot next to Mr. Hicks' residence," said the attorney, and it was covered with weeds. Mr. Hicks could not find out about it, and he finally went out and cut the weeds

POLICE COMMITTEE SEEKS PATROLMAN

Charges to Be Filed Against Officer C. C. Klingel by Chief Slover.

Failure of C. C. Klingel, a patrolman, to report for duty at headquarters yesterday afternoon to the issuance of an order by the police committee of the Executive Board to Chief of Police Slover to file formal charges against him.

Chief Slover probably will file charges of being absent without leave, as Klingel's six months' leave of absence, granted by the civil service commission, has expired and the policeman is missing. He is badly wanted by the department, as it is said by administration that without him it is almost certain that further probing of alleged graft cannot continue with success.

It has been brought to notice yesterday afternoon, had there not been other requests for leaves of absence by policemen. When these were read, remarks of members of the committee and by Mayor Russhlight, who chanced to be present, recalled the fact that Klingel's leave had expired.

Klingel Leaves City. Klingel occupied a confidential position under Captain of Police Bailey, who commanded a relief at headquarters for years, and who now is under a big fight with some rowdies, in connection, it has been pointed out, the policeman had ample opportunity to know of transactions said to have taken place in a grand jury and charges of misconduct by his Chief. In this connection, it has been pointed out, the policeman had ample opportunity to know of transactions said to have taken place in a grand jury and charges of misconduct by his Chief. In this connection, it has been pointed out, the policeman had ample opportunity to know of transactions said to have taken place in a grand jury and charges of misconduct by his Chief.

Leaves of Absence Denied. Leaves of absence sought by Patrolmen Croxford, Wilson and Brothers were discussed and it was decided, upon suggestion by the Mayor, to grant no more long leaves of absence, unless the applicants must have it for their health's sake. Therefore, Croxford's request was referred to the chief of police, but it is not known whether or not the Chief will go to the length of asking police departments throughout the country to search for him.

Leaves of Absence Denied. Leaves of absence sought by Patrolmen Croxford, Wilson and Brothers were discussed and it was decided, upon suggestion by the Mayor, to grant no more long leaves of absence, unless the applicants must have it for their health's sake. Therefore, Croxford's request was referred to the chief of police, but it is not known whether or not the Chief will go to the length of asking police departments throughout the country to search for him.

Leaves of Absence Denied. Leaves of absence sought by Patrolmen Croxford, Wilson and Brothers were discussed and it was decided, upon suggestion by the Mayor, to grant no more long leaves of absence, unless the applicants must have it for their health's sake. Therefore, Croxford's request was referred to the chief of police, but it is not known whether or not the Chief will go to the length of asking police departments throughout the country to search for him.

Leaves of Absence Denied. Leaves of absence sought by Patrolmen Croxford, Wilson and Brothers were discussed and it was decided, upon suggestion by the Mayor, to grant no more long leaves of absence, unless the applicants must have it for their health's sake. Therefore, Croxford's request was referred to the chief of police, but it is not known whether or not the Chief will go to the length of asking police departments throughout the country to search for him.

Leaves of Absence Denied. Leaves of absence sought by Patrolmen Croxford, Wilson and Brothers were discussed and it was decided, upon suggestion by the Mayor, to grant no more long leaves of absence, unless the applicants must have it for their health's sake. Therefore, Croxford's request was referred to the chief of police, but it is not known whether or not the Chief will go to the length of asking police departments throughout the country to search for him.

Leaves of Absence Denied. Leaves of absence sought by Patrolmen Croxford, Wilson and Brothers were discussed and it was decided, upon suggestion by the Mayor, to grant no more long leaves of absence, unless the applicants must have it for their health's sake. Therefore, Croxford's request was referred to the chief of police, but it is not known whether or not the Chief will go to the length of asking police departments throughout the country to search for him.

POLICE COMMITTEE SEEKS PATROLMAN

Charges to Be Filed Against Officer C. C. Klingel by Chief Slover.

Failure of C. C. Klingel, a patrolman, to report for duty at headquarters yesterday afternoon to the issuance of an order by the police committee of the Executive Board to Chief of Police Slover to file formal charges against him.

Chief Slover probably will file charges of being absent without leave, as Klingel's six months' leave of absence, granted by the civil service commission, has expired and the policeman is missing. He is badly wanted by the department, as it is said by administration that without him it is almost certain that further probing of alleged graft cannot continue with success.

It has been brought to notice yesterday afternoon, had there not been other requests for leaves of absence by policemen. When these were read, remarks of members of the committee and by Mayor Russhlight, who chanced to be present, recalled the fact that Klingel's leave had expired.

Klingel Leaves City. Klingel occupied a confidential position under Captain of Police Bailey, who commanded a relief at headquarters for years, and who now is under a big fight with some rowdies, in connection, it has been pointed out, the policeman had ample opportunity to know of transactions said to have taken place in a grand jury and charges of misconduct by his Chief. In this connection, it has been pointed out, the policeman had ample opportunity to know of transactions said to have taken place in a grand jury and charges of misconduct by his Chief.

Leaves of Absence Denied. Leaves of absence sought by Patrolmen Croxford, Wilson and Brothers were discussed and it was decided, upon suggestion by the Mayor, to grant no more long leaves of absence, unless the applicants must have it for their health's sake. Therefore, Croxford's request was referred to the chief of police, but it is not known whether or not the Chief will go to the length of asking police departments throughout the country to search for him.

Leaves of Absence Denied. Leaves of absence sought by Patrolmen Croxford, Wilson and Brothers were discussed and it was decided, upon suggestion by the Mayor, to grant no more long leaves of absence, unless the applicants must have it for their health's sake. Therefore, Croxford's request was referred to the chief of police, but it is not known whether or not the Chief will go to the length of asking police departments throughout the country to search for him.

Leaves of Absence Denied. Leaves of absence sought by Patrolmen Croxford, Wilson and Brothers were discussed and it was decided, upon suggestion by the Mayor, to grant no more long leaves of absence, unless the applicants must have it for their health's sake. Therefore, Croxford's request was referred to the chief of police, but it is not known whether or not the Chief will go to the length of asking police departments throughout the country to search for him.

Leaves of Absence Denied. Leaves of absence sought by Patrolmen Croxford, Wilson and Brothers were discussed and it was decided, upon suggestion by the Mayor, to grant no more long leaves of absence, unless the applicants must have it for their health's sake. Therefore, Croxford's request was referred to the chief of police, but it is not known whether or not the Chief will go to the length of asking police departments throughout the country to search for him.

Leaves of Absence Denied. Leaves of absence sought by Patrolmen Croxford, Wilson and Brothers were discussed and it was decided, upon suggestion by the Mayor, to grant no more long leaves of absence, unless the applicants must have it for their health's sake. Therefore, Croxford's request was referred to the chief of police, but it is not known whether or not the Chief will go to the length of asking police departments throughout the country to search for him.

Leaves of Absence Denied. Leaves of absence sought by Patrolmen Croxford, Wilson and Brothers were discussed and it was decided, upon suggestion by the Mayor, to grant no more long leaves of absence, unless the applicants must have it for their health's sake. Therefore, Croxford's request was referred to the chief of police, but it is not known whether or not the Chief will go to the length of asking police departments throughout the country to search for him.

CITY'S BOOM OVER

Spokane Man Declares Growth Is Substantial.

"Spokane did not experience any business depression this winter. Business was good, and is getting better all the time. It is a substantial, uniform business growth that Spokane is now experiencing, for the boom days in Spokane are over. We are now growing up and we are proceeding with a maturity born of experience. Speculative business is no longer with us."

This spoke J. J. MacLean, secretary of the Spokane Chamber of Commerce, who was president of the Board of Trade of Wilmington, Del. Mr. MacLean's experience in promotion work has given him some decided views on various kinds of people encountered in this kind of work, among them the "knocker."

"The knocker," he said, "is the failure in the community. He is the one who has failed to experience as much success as he perhaps would like in his business. He is a man who has met with failure and because this is so, he thinks the whole community is deteriorating. He is the man who has not made good, who lacks business or executive ability, who is deficient in some personal quality."

"We have him in Spokane and suppose you have him in Portland. He professes to think that the city has reached its maximum growth. We had him with us when the city had reached a population of 50,000 and now that we have more than 100,000, he still keeps knocking."

"The optimist, differing from the pessimist, is the successful business man, the man of ability and good personal characteristics. He says business is good because business is good with him. He is in a line of business for which there is a public demand and he has a good proposition to present to the public."

In speaking of the commercial assets and the business of Spokane, Mr. MacLean said they were such as insured a bright future for the city.

"Spokane is in the heart of a large territory," he said, "in which there is abundant agricultural, horticultural, mining and timber resources of vast magnitude. For 150 miles on every side, the country stretches. A railroad project from Spokane into Canada will further increase the resources of Spokane."

Rich In Cod Liver Oil. There are two sizes—16 oz. and 8 oz. Each—Brown Bottles Only. No Sufferers To Eat Up Quantity. All Druggists are Glad to Sell It. Children Love It—Tastes Good.

Sample Bottle Free by Mail. That those who are seeking health and strength for themselves, children, relatives or friends may experience the life-giving properties of this exclusive Norway gold medal ozonized cod liver oil medicinal food emulsion—as well as to know Ozonulium superiority—in being most palatable and easy to take—a generous 5-oz. bottle will be sent by mail to those who send addresses by postcard or letter to Ozonulium, 546 Pearl St., N. Y.

NEW RAILWAY OFFICE. The new home of the Canadian Pacific Railway passenger and freight department, corner Third and Pine (Maitland Hotel), will be opened March 15.

CITY'S BOOM OVER

Spokane Man Declares Growth Is Substantial.

"Spokane did not experience any business depression this winter. Business was good, and is getting better all the time. It is a substantial, uniform business growth that Spokane is now experiencing, for the boom days in Spokane are over. We are now growing up and we are proceeding with a maturity born of experience. Speculative business is no longer with us."

This spoke J. J. MacLean, secretary of the Spokane Chamber of Commerce, who was president of the Board of Trade of Wilmington, Del. Mr. MacLean's experience in promotion work has given him some decided views on various kinds of people encountered in this kind of work, among them the "knocker."

"The knocker," he said, "is the failure in the community. He is the one who has failed to experience as much success as he perhaps would like in his business. He is a man who has met with failure and because this is so, he thinks the whole community is deteriorating. He is the man who has not made good, who lacks business or executive ability, who is deficient in some personal quality."

"We have him in Spokane and suppose you have him in Portland. He professes to think that the city has reached its maximum growth. We had him with us when the city had reached a population of 50,000 and now that we have more than 100,000, he still keeps knocking."

"The optimist, differing from the pessimist, is the successful business man, the man of ability and good personal characteristics. He says business is good because business is good with him. He is in a line of business for which there is a public demand and he has a good proposition to present to the public."

In speaking of the commercial assets and the business of Spokane, Mr. MacLean said they were such as insured a bright future for the city.

"Spokane is in the heart of a large territory," he said, "in which there is abundant agricultural, horticultural, mining and timber resources of vast magnitude. For 150 miles on every side, the country stretches. A railroad project from Spokane into Canada will further increase the resources of Spokane."

Rich In Cod Liver Oil. There are two sizes—16 oz. and 8 oz. Each—Brown Bottles Only. No Sufferers To Eat Up Quantity. All Druggists are Glad to Sell It. Children Love It—Tastes Good.

Sample Bottle Free by Mail. That those who are seeking health and strength for themselves, children, relatives or friends may experience the life-giving properties of this exclusive Norway gold medal ozonized cod liver oil medicinal food emulsion—as well as to know Ozonulium superiority—in being most palatable and easy to take—a generous 5-oz. bottle will be sent by mail to those who send addresses by postcard or letter to Ozonulium, 546 Pearl St., N. Y.

NEW RAILWAY OFFICE. The new home of the Canadian Pacific Railway passenger and freight department, corner Third and Pine (Maitland Hotel), will be opened March 15.

RAINCOATS

Gabarines and Lightweight Cravenette Cloths for your Spring Coat

can be had at the House of Coats in all leading styles, shades and materials for men, women, boys and girls.



These \$2.75 Coats are made of tan and gray rubber art plaid-lined, high storm collars and cuffs. Specially priced for Saturday and today.

Alterations Free of Charge. Open Saturday Night Until 10:30

You will find here a complete line of Rubber Coats and Hats for all kinds of work at prices that are right.

Goodyear RAINCOAT COMPANY 343 WASHINGTON One Door Above 5th 343 Stores in All Large Cities.

Some idea of the commercial status of Spokane may be conceived when it is remembered that her jobbing business in the course of a year amounts to \$50,000,000.

The Diamond SAFETY TREAD TIRE

Any curb-stone will stop a skid—but only

The Diamond Safety Tread Tire will prevent a car starting to skid on slippery, greasy streets.

It is based on a scientific principle worked out by Diamond Engineers. You know how a squeegee window cleaner works. The Diamond Safety Tread works the same way, and it will not skid.

At Your Dealer's or THE DIAMOND STORE Seventh and Burnside Sts., Portland

The Diamond Rubber Co AKRON, OHIO GOLD DUST makes dish water that digs

Gold Dust offers the shortest cut from the drudgery of dish washing. Just a little Gold Dust shaken in your dish water will remove the grease and dirt.

Gold Dust digs deep into cracks and corners—purifies and drives out every bit of dirt or hidden germs which soap and water will not reach. Gold Dust sterilizes as well as cleans.

If you spend two hours a day washing dishes, Gold Dust will enable you to save one hour—and your dishes, too, will be spotlessly white, wholesome and sanitary.

Do not use borax, soap, ammonia, soda, alum or lye—save with GOLD DUST. GOLD DUST has all desirable cleaning qualities in a perfectly harmless and lasting form. "Let the GOLD DUST TWINS do your work"