#### 10

# WITNESS IN HICKS TRIAL VACILLATES

## Testimony of Man Who Was Near Scene of Shooting Changed by Him.

## VARIANCE IS POINTED OUT

Earl Griffin, Who Said at Inquest That He Saw Shot Fired, Yesterday Declared That He Only Heard Report.

The value to the state of the testi-

The value to the state of the festi-meny of Earl Griffin, an alleged eye-witness of a portion of the altercation which preceded the shooting of W. A. Wortman, a union machinist and ploket, by Bart Hicks, a machine-shop proprietor, on East Morrison street on November 2, 1911, was con-siderably multified on cross-examina-tion in the Hicks murder trial yester-day. Dan J. Malarkey, who is con-ducting the case in behalf of the de-fendant, directed the attention of the witness to sinterments he made at the

witness to statements he made at the Corumer's inquest, which were widely at variance with those he made yes-

Griffin, who is only 10 years of age and who is the most material witness called thus far by the prosecution, said at the inquest, according to a trans-cript of the testimony taken then, that Hicks and Wortman exchanged several blows. Yesterday he declared that he saw Hicks strike Wortman, but that he did not see Wortman strike at the man now on trial for his life. Statepracticed. ments relative to the exchange of blows were made by Griffin at the in-quest four times, and on one of these occasion he says that he witnessed the striking of three or four blows.

#### Testimony Is Altered.

The same witness also said at the inquest that he saw "this man shoot." Yesterday he testified that he did not witness the firing of the shot, but leard it after the men had disappeared from his sight into the entrance of the Markett store. Yesterday he said that Markell store. Yesterday he said that his attention was not directed to the combat because of loud and heated words between the participants. Tes-tifying at the inquest he declared that the quarreling had attracted his attention to the commotion, and that he had heard the fighters raving at each other while he was still inside the en-trance to the Adrian Hotel, which adbuilding in which is the Markell store,

Another statement made by the witness was that Wortman was backing rapidly away from Hicks with his bands in an attitude of defense, and There is such a miracle wrought by sleep, changing our fears into hopes, our despondency into courage, our thickheadedness into clear vision, that that the men were in these relative positions when they disappeared within the alcove leading to the door of the shoe department of the Markell store. The defense probably will use this statement to good effect in the argu-

ment, as the sidewalk slopes to the west at this point, and the step from the walk to the Markell store alcove varies in height from three to seven or eight inches. The contention is that had the men been backing rapidly into this entrance they would have tripped ver the stee and fallen in a hean

#### Malarkey's Method Criticised.

Griffin said that he was under the apression that Hicks had his hat on fter the shooting. W. Dorres, another witness, has testified that Hicks' hat was lying on the sidewalk. On reago and since. direct examination Special Prosecutor question Griffin Davis attempted to question G relative to other statements he

of Geilser & Dorres, testified that after the shooting Hicks said. "He called me a scab harder," and that the defend-ant said mothing about having been set upon by Wortman. "You might have says and the sources," the witness said when Mr. Davis asked him to re-member telling him Davis) a few days after the shooting, that Hicks had been standing on the sidewalk with an air standing on the sidewalk with an all of expectancy as if waiting for some one to put in an appearance. Mr. Malarkey chimed in with, 'Yes, I think so," Mr. Dorres remembered hearing O. E. Hacer, one of the striking machin-ists with Wortman, call Hicks a "bloody murderer.

Book's Wherenbouts Found, Lee Goetsch, a deputy coroner, was recalled to the stand by Mr. Mainrkey recalled to the stand by Mr. Mainrkey and said that he had discovered that the memorandum book he took from one of Woriman's pockets is in the possession of a brother of the dead man, who is in attendance at the trial. It had been given to the brother by J. P. McEntee, of the undertaking firm of Dunning & McEntee, by which Goetsch is employed. After teaving the stand Friday he

Goetach is employed. After leaving the stand Friday he had taken a scat beside Mr. Wortman and the latter had informed him of having received it and had asked him to may nothing about it. Mr. Davis said that the book is now in the possession of the dead man's mother and that it would be produced. The defense has a theory that it may contain informa-tion of a character valuable to Hicks. The conversation between Goetsch and Wortman was "tipped off" to the de-fense by a spectator who overheard it.

#### UNSLEEPING RACE OUR American Nervousness Caused by Too Little Slumber.

New York Mail.

The railroad man who had been 36 hours without sleep was good natured about it, though it was evident that he was verging on a nervous condition that might well render him incompe-tent. There is an occasional person who can dispense with sleep in an as-This is the construction that is placed on Hudson's visit by the friends of President Taft, based on recent de velopment in the political situation on the Pacific Coast and supported by advices that have been received from the who can dispense with sleep in an as-tonishing manner. Yet it is not cer-tain that such persons really do escape the penalty. It has been asserted that Napoleon's later failures of judgment were the result of an unnerving that followed his earlier "four hours enough" sleep, which he boasted and practicad East. Mr. Hudson, official representafive of the Roosevelt campaign organ-Ization, is expected to arrive in Portland today, ostensibly for a conference with F. W. Mulkey, state committeeman of the Roosevelt National committee. Trip to West Hurrled.

Following a hurried conference of It is being said by medical observers the seven Governors behind Roose that the "American nervousness" is not a little attributable to the social day demand, the hours after business, divelt's candidacy at Chicago severa days ago, and the report of the disso demand, the hours after business, di-rectly cut from the sleep segment of the 24-hour day. It is probably true that no other country is so exacting on the full business day. That we in-sist on. It must begin promptly and early. But the social demand is quite the social demand is quite lution of the Roosevelt committee in the State of Washington, Mr. Hudson was dispatched to the Pacific Coast. He has been in Oregon's neighbor state to the north since March 15 and is supposed to have finished his labors in that state. Just what Mr. Hudson will accom

early. But the social demand is quite as imperative. Shall not a man go out with his wife in the evening, after she has been left alone all day? Bhe is quite ready. She took a nap after lunch, at the very bour he was busiest down town. The church is run by the evening meetings. So is pol-itics. And it may be said that we spend our money mostly in the even-ing, except what the women spond in the shops. Can a man take time for sleep when he is spending his money? Just what Mr. Hudson will accom-plish here in his attempt to consoll-date the Roosevelt and La Follette strength in support of the ex-President and the elimination of the Wisconsin man is not regarded even as problem-atical. Thomas McCusker, managing La Follette's campaign in this state, yesterday said the La Follette was first in the field and the pioneer progres-sive and if any concessions are made so far as Oregon is concerned, they must come from the supporters of Roosevelt. the shops. Can a man take time for sleep when he is sponding his money? No more than when he is earning it. The result is that there is always a lack of sleep. Roosevelt. There is no medicine like

In the meantime Taft headquarters continue to receive encouraging re-ports from throughout the state, indi-cating that the President is constantly adding to his strength.

date-Polk for President.

Follette following into a solid oppo-

ition to President Taft in this terri-

SAVATA

thickheadedness into clear vision, that it is shameful to put sleep aside. The wine of longest vintage cannot illu-minate the soul like a full night's sleep, and the wine is so costly and the sleep so cheap! The high cost of liv-ing has touched about everything, but is has not relieved the science of sleep Polk Strong for Taff. Eugene Foster, editor of the Polk County Observer, Dullas, called at head-County Observer, Januar, carried at head-quarters yesterday and assured Chair-man Ayer, of the Portland Taft com-mittee, that the President undoubtedly would carry Polk County, where a strong sentiment for the President ex-tered

has not raised the price of sleep. We have all made so many blunders We have all made so many blunders by decisions when the windows of tha mind were darkened by fatigue that we should lnarn the lesson. It is sleep that wipes away the inlats. Teach the children the vaues of sleep. Indiat on "early to bed." Get back to the Puri-tan habit, which certainly made giants. str. Another caller at headquarters yea-terday was J. H. Foster, of Dallas, who told of having traveled over Polk County extensively. As a result of the personal interviews he had with the voters in that county he made the pre-diction that Taft would carry Polk by a four-ta-one wate There is too much going on evenings for the children. It is very largely the cause of the "social unrest" of which a four-to-one vote

we complain-too littly sleep 20 years

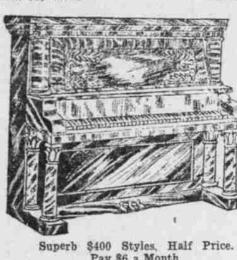
THE MORNING OREGONIAN, TUESDAY, MARCH 19, 1912.



Five carloads of these planos or-dered for Portland are now here. They The real mission of R. P. Hudson dered for Forland are now here. They are magnificent planos. They are fully warranted. You take no risk what-ever in securing one of these planos. Etlers Music House, the Nation's Larg-est, Oregon's Home Concern, the most responsible of all engaged in the music business, guarantees them. of Chicago, representing the National osevelt committee, in visiting the Pacific Coast at this time is not so them. such to arrange the details of a Roosevelt campaign as it is, if possible, o annalgamate the Roosevelt and La

The hundred and seven planos come in finely figured mahogany and in splendid quarter-sawed oak, also a few of them encased in beautiful burled

walnut cases. There are about 50 instruments built for regular \$200, \$325 and \$350 trade.



There are nearly forty planes of regular \$275 and \$250 styles. These will cost \$146, \$155 and \$139, Payments of \$5 cash and \$5 each month buys

are priced exactly at half, \$200 buys them. \$6 down and \$6 a month.

We have been in position several times in the past to offer very much below price numerous standard makes of planofortes, but never heretofore have we been able to present as great a money-saving opportunity as will be found right now.

> See them in the cast show windows-\$139, \$155, \$185, the biggest dollar's worth of high-class plano value ever presented by a esponsible house.

You may wish to pay cash. In-struments sold "on time" pay simple interest, not on the whole amount, but on the unpaid bal-ance. Ordinarily, with us, there is therefore no cash discount. In this sale a premium of 4 per cent goes to any one wishing to pay for the plano in full within thirty days.

Remember the place-"The Nation's Greatest Plano House Eilers Building, Seventh and Alder streets," or if more con-venient call at Wholesale Department, Sixteenth and Pettygrove streets.



Good, dependable, fully warranted, musical pianos, are now obtainable for \$139, \$145, \$162, \$185 and \$200 at Eilers Music House. Did you see yesterday's announcement?

# **A Piano Sale Extraordinary**!

One hundred and seven fine, brand new pianos secured by Eilers Music House for Portland from makers anxious to realize now go to retail buyers at unheard-of low prices. See the pianos; then you'll know what these low prices mean. Everybody who called yesterday bought. This must appeal to every reader as positive proof of the genuineness of this sale.

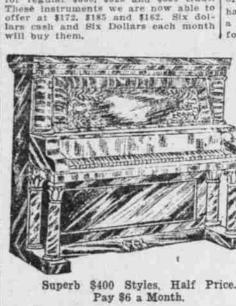
> Bring \$5.00 today or tonight and agree to pay \$5.00 a month thereafter and secure one of these splondid, per-fectly new, sweet-toned, durable, war-factor, high-grade planos, \$275, \$325 and \$400 is the usual retail value, though plain cases have been sold for \$356. Sale price now \$155, \$172 and \$185, plain cases \$139. Only five car-loads, 107 planos all told are to be sold here. Get one now, don't be with-out a plano, Call at once if you want fore sunset an elegant, new. splen-did, high-grade piano. You'll never find such a piano obtainable else-where for less than \$250. There are a hundred and six other latest, newest, strictly high grade pianos for sale out a plano. Call at once if you want one Eilers Music House, Seventh and during the coming week at corresponding most startling reductions





election. In this way Mr. Fields hopes to bring about the fullest possible registration of the members of all par-

Since the voters this year will express their preference for Presidential candidates, elect delegates to their Nacandidates, elect delegates to their Na-tional conventions and nominate candi-dates for Presidential electors, besides nominating candidates for state, dis-trict and county officers, the prediction is freely made that an unusually heavy vote will be cast in the April election. This forecast is warranted from the further fact that in the coming elec-tion the polls will be open all day for the first time since the direct primary law was enacted. Heretofore the polls in the primary contest have been open only from 12 o'clock noon until 7 P. M. The law was amended at the last session of the Legislature to require the polls to be kept open on primary the polls to be kept open on primary election day from 8 o'clock A. M. until 7 P. M. This will enable a great many workingmen and others to vote whose employment in preceding nominating elections has prevented them from tak. ing part in the selection of their party candidates. The primary election this year falls on Friday, instead of Satur-day, as was the case two years ago. This circumstance is also expected to add to the size of the vote next month



POSTER PARTY HERE

Ad Association Officials Are

Holding Sessions.

GUESTS ARE SHOWN CITY

Portland Members of National Or-

ganization Are Hosts of Visi-

tors Who Are Meeting

at Multnomah Hotel.

Directors of the Poster Advertising

at the Coroner's inquest.

Mr. Davis contonded that if the whole statements were read to the jury the impression of variance in Griffin's testimony at the inquest and at the tria would be dispelled. He accused Mr. Malarkey of selecting only certain portions of the inquest testimony and sep-arating it from its context in such a way as to give an incorrect impression of the whole. Mr. Matarkey challenged the right of the state to do this, and the argument had not been concluded when an adjournment was taken has night

Asked to explain the differences in his testimony on the two occasions Griffin said that he had had a longer time to think it over, and had not changed his evidence because anyone had influenced his testimony. He said that he thought the statements he made at the inquest were correct at the time be made them, but declared that it was his first experience on the witness stand and that he was considerably excitzd.

#### Witness Hears Shot.

In brief, Griffin's direct testimony of yesterday was to the effect that he came out of the entrance of the Adrian Hotel and, looking west, saw Hicks striking at Wortman and the latter backing away with his hands up in an attitude of striking or self-defense. The two men backed into the store entrance and there was a heavy thud, presumably caused by one hurling the other violently against a door casing, and the shot rang out immediately after this noise. He ran to the place and, after ascertaining what had happened, rushed to the corner of Grand avenue and East Morrison street, a half block away, to call Patroiman Bunn, who ar-

Nick Beutgen, clerk of the Municipal Court, cleared the mystery as to the number of bullets left in the magazine from which the fatal one was fired. Mr. Beutgen said that the weapon was turned over to him from the Police De-partment a day or two after the shooting to be held as evidence. The maga-zine, which had apparently been in the gun, was empty, but there was that seemed to be one bullet in a paper tied to the revolver. The other two magazines contained seven bullets each. The gun and ammunition had been turned over to the cierk of Judge Gatens' Court in exactly the same con-dition as received by him, the witness testified.

#### Logan and Davis Examine Gun.

Logan and Davis Example Gan. It was insinuations by Deputy Dis-trict Attorney Filagorald to the effect that six bullets had remained in the magazine, which was in the gun when the shooting occurred, and that the de-fense might know what had become of the other five, that enraged John F. Logan, one of the attorneys for the de-mans and had to the harding by Mr. femae, and led to the hurling by Mr. Logan of an ink well at the head of Mr. Ffingerald in Judge Gaten's chamhers Thursday. Mr. Beutgen's state-ments yesterday tend to exonorate the defense.

The witness said that both Mr. Logan and Mr. Davis had examined the gun in his presence. Mr. Davis asked the wit. his presence. Mr. Devis and the will-bess a number of questions, indicating that he wished to leave the impromion that officials of the Police Department and Municipal Court permit promisenous handling of articles held as evidence. Mr. Beutgen admitted that the gun had been kept in a drawer of his desk under ardinary book ordinary lock

Continuing his testimony W. Dorres.

HONOR CONVICT ESCAPES New Mexico Felon Breaks Word and **Runs Away From Prison**.

FriOENIX, Ariz., March 18 .- One of he convicts whom Governor Hunt recently placed upon their honor not to attempt to escape, a Moxican named Chappo, disregarded his word and

Chappe, disregarded his word and alpped away from the penitentiary at Piorence today and up to a late hour tonight had not been captured.

The honor system has been in use several weeks and Chappo was the first convict to even attempt to escape.

Warburton Would Widen Road.

OREGONIAN NEWS BUREAU, Washagent came to put out the mail for the ington, March 18.—Representative War-burton today introduced a bill appro-priating \$150,000 for widening and macadamizing the Government road in Mount Rainier Park to a full width of 15 feet throughout its entire length.

a four-to-one vote. "Uncle Bill" Cadle, also of Dallas, visited headquarters yesterday with even more optimistic news from "Old Polk." Mr. Cadle, from his observa-tions of conditions in his county, was prepared to go Mr. Foster "one better" and made the prediction that Polk County would go for Taft by a five-to-one vote in the primary election next month. ionth.

These estimates were all based on the apparent lack of Roosevelt senti-ment in Polk County, one of the strong Republican counties of the state.

#### Passenger Train Kills Man.

GERVAIS, Or., March 18-(Special.) -A man was killed this morning about 1 o'clock by the Southern Pacific passenger train, No. 116, between Ger-vats and Brooks. The man was about 57 years of age and apparently was walking down the track. He had been seen at the Gervals depot about 3 o'clock this morning. When the night agent came to put out the mail for the

Association reached Portland, over the North Bank road, at 10:30 last night, Avorta Bana road, at 10:30 fast hight and will be in this city today and Wednesday, holding their semi-annual meeting at the Multnomah Hotel. Only once before since the founding of the organization in 1891, have the direct-ors held their annual meeting on the Pacific Coast, and Portland members of the organization have arranged an

of the organization have arranged an elaborate entertainment in token of their appreciation of the distinction their appreciation of the distinction that is thus conferred on this city. The 20 directors, president, secretary and treasurer, are elected at an annual meeting in July, and this board holds four meetings, one in November, one in March and two in July.

The hoard is now touring the West-ern portion of the United States and,

don, Scranton, Pa.; Mr. and Mrs. Shoedon, Scranton, Pa.; Mr. and Mrs. Shoe-maker, Washington, D. C.; James F. O'Mealia, Miles O'Mealia and Miles Groves, Jersey City; E. L. Ruddy, To-ronto, Canada; B. W. Robbins, Chi-cago; P. J. McAliney, St. Louis; S. Pratt, New York; George L. Chennell, Columbus, O.; Joseph J. Flynn, Law-rence, Mass.; E. W. Flynn, McAlester, Oklas; John H. Loreman, Chicaso; Mr. Registration of Multhomah County

electors for the primary nominating election will close Tuesday, April 9, 10 days before the nominating election. Okla .: John H. Logeman, Chicago; Mr. This means that only 20 week days reand Mrs. Donnelly, Boston; W. S. Bur-ton, Richmond, Va.; Charles H. Larkin, main for registration purposes. total registration to date, and the books Spokane; James A. Curran, Denver; have been open since January 2, is only Thomas H. B. Varney, San Francisco; Grant Smith, Oakland, Cal.; Albert Mortensen, Los Angeles; Mr. and Mrs. 20,000, and it is conservatively estimated that the county contains approx-J. Charles Green, San Francisco; Mr. McIntosh, George Sample, Seattle, A. imately 45,000 legal voters. In view of the fact that the municipal registration of Seattle alone for the re-

F. Lausen, Jr., Tacoma.

BUTILES IN SING EXPLOSION PAR

MULY AND MEDICINALU TUNNE BROSS Co. Distilen

states

registration of section and for the formation of the section in that city was 74,613, it is apparent delinquent electors in Portland and the outlying districts must hasten and register if the Se-attle registration is even approached. Of course, the figures from the Puget Sector of the the registration of The programme follows: Tuesday, 10 A. M.-Automobile drive about the city for men of party. Reabout the city for men of parts. Re-turn to Multhomah Hotel at 12 noon; 2 P. M. meeting called to order by President P. J. McAliney; 2 P. M. automobile drive about the city for women of party; 7 P. M. entire party Sound city include the registration of

women, but, even then, the difference between the registrations of the two cities is too great, in view of the fact guests of Foster & Eleiser at banquet at the Commercial Club. Wednesday, 10 A. M .--- Meeting called that the population of each is virtually

wennesday, 10 in an entry, except to order, 12:15, entire party, except women, guests at Portland Ad Club luncheon, Multhomah Hotel; 12:30 P. M., women of party guests of Mrs. G. W. Kleiser, at her residence, 1093 Franklin street; 2 P. M., meeting called to order: 1 P. W. meeting called the same. For the convenience of the workingday, County Clerk Fields, beginning last Saturday, has arranged to keep the registration books open every night until 9 o'clock until April 9, when they order; 5 P. M., meeting adjourned. Depart on special train at 1:10 A. M.,

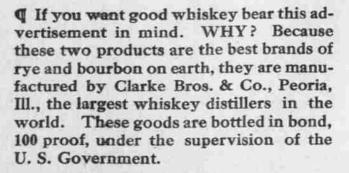
### A Simple Way to Reduce Wrinkles

#### (From The Home Maker)

Remember that wrinkles and bagginess of cheek or chin are due to the muscular tissue losing its strength and shrinking. The skin is then too large in area to fit such tissue smoothly. It wrinkles or sags.

To remedy this condition, there's nothing so effective, so quick-acting, as a simple wash lotion easily made at home. Get an ounce of powdered saxolite at your druggist's, and a half pint witch hazel, mix the two and bathe your face in the liquid. This at once wen who find it inconvenient to call at the Courthouse and register during the derlying tissue - which, of course, smoothes out the lines and draws in the sagging skin. It also stimulates circulation, bringing natural color to will be closed until after the primary | faded cheeks .- Adv.

# **TOP NOTCHERS** WO



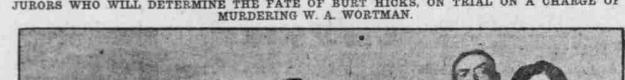
**q** These two products represent the perfection of distilling in Rye and Bourbon.

I No expense is spared in distilling and aging and bottling these whiskies, and we guarantee them to be absolutely the purest and best to be found anywherethat is as strong as we can make it.

CLARKE BROS. & CO., Peoria, Ill.

**BLUMAUER & HOCH, Portland, Oregon** Distributors





JURORS WHO WILL DETERMINE THE FATE OF BURT HICKS, ON TRIAL ON A CHARGE OF

# 



FRONT ROW (READING FROM LEFT TO RIGHT), WILLIAM CANADY, N. FARNSWORTH. GEORGE O'BRIEN-BACK ROW, U. K. HALL, E. R. HALL, O. M. BARBER, PARK, FRED HALLING, E. BALGEMAN AND H. R. ECKERT. W. O. WALKER, F. A. JACOBS, E. S.