

HICKS TRIAL SCENE OF FIERCE DISPUTE

Constant Wrangling by Opposing Counsel Ends in Rebuke by Judge.

VOTUBRA CHIEF WITNESS

Testifying for State He Describes Shooting of Wortman as Observed by Him—Version Similar to Raser's.

Constant wrangling between attorneys again marked the Hicks trial yesterday. The most notable clash occurred when John F. Logan, one of the attorneys for the defense, leaned over to Dan J. Malarkey, his colleague in actual charge of the defendant's interests, and whispered that a question asked O. R. Raser, a state witness, by Special Prosecutor Davis on redirect examination was leading. Mr. Davis immediately took offense.

NEW YORK ALL FOR TAFT

Of the situation affords ground for the belief that Roosevelt may have four delegates, the chances being that he will carry one district in the Bronx, and another on the upper West side. He gets more than this it will be surprising.

Jury Business Regretted

It is an open secret that Roosevelt is thoroughly disgusted with his experiences as a juror. When his name was drawn on the panel he believed that he was being humiliated.

Names All on One Ballot

The new law prescribes that the names of all candidates shall appear on one ballot, and that the voting shall be done by the superior court clerk or other authorities of the state.

Positions Are Described

When the ballot was discharged, Votubra said, Wortman was inside the store, with his left side toward Hicks and Hicks was standing in the aisle, facing in a general southeasterly direction, with his back against the glass which lines the right side of the aisle.

shot and was afraid that spectators would be arrested for fighting. "Why didn't you attend the inquest?" was the next question.

The cross-examiner then asked the witness if it were not a fact that Raser took Huber to Washington because the "labor people" could trust Raser and Votubra, but were afraid that Huber, being nervous, would not tell the same story as the other two and stick to it.

Votubra denied he left the city to avoid testifying before the grand jury, saying that Raser was wrong when he so asserted.

The defense promised in its opening statements to produce witnesses to prove that the picketers, more than a score in number, made such a din in throwing shirring and insulting remarks to the picketers that they were obliged to leave the neighborhood.

Mr. Malarkey laid the foundation for the impeachment of Raser by asking him if he had not told a different story of the shooting, one in which Wortman was pointed as the aggressor, and that Raser, a red-headed man, wife and an apprentice in the Hicks shop, who happened to be at his home when he returned the evening of the shooting, had fallen on the sidewalk in a daze.

"If your honor please," exclaimed the special prosecutor in object to the whispering of counsel so close to the jury. "I don't like this long conversation near the jurors."

"I was merely suggesting to Mr. Malarkey that your question was leading and it was leading. You know yourself that it was," retorted Attorney Logan.

"You'll hear more than that, sir," said Mr. Malarkey, leaping to his feet and addressing his remark to Mr. Davis.

Malarkey's Protest Vigorous. Mr. Davis started in to say that the consultations between the attorneys for the defense and the attorneys for the state were improper, but he was interrupted by Mr. Malarkey, who said:

"I wish here and now to protest against dirty insinuations thrown out by the special prosecutor in this case from beginning to the end and against all the law which happened here since the trial of this case began. I am defending a man here for his life and Mr. Logan, my associate, surely has the right to prompt me when he thinks I have not done my duty with respect for intelligence of this jury to believe that it could be so influenced. I now protest against all insinuations and insinuations poured on us in face of the fact that the state has been convicted of suppressing evidence and chasing witnesses out of the state."

Judge Gates advised the attorneys be more careful in their consultations with each other. Mr. Logan was still angry, however, and interrupted the judge's remarks with the declaration: "I shall continue to whisper with my associate and I care not what anyone says to the contrary."

"I wish you gentlemen would refrain from wrangling and make your speeches after the evidence is all in," said Judge Gates.

Mr. Malarkey said something in an undertone to the effect that the state would "hear from the rest of the jury later," and as Mr. Davis sank to his seat he referred to his opponent as a "mumbling Danny."

"I didn't get that last slur," exclaimed Mr. Malarkey, starting up again. Mr. Davis repeated it and the attorney for the defense read an "exception to the remarks of the counsel" into the record.

"Your honor," retorted the special prosecutor, my associates tell me that Mr. Malarkey said something about hearing from the jury later. I wish now to take exception to such remarks and to brand them as unfair and unprofessional. Your honor will remember that the state has no right to appeal in this case and, consequently, we have to be discreet and stand for a whole lot for fear of getting error into the record. Mr. Malarkey knows this and he is deliberately taking advantage of me."

Interrupting the flow of language which was being poured into the court, Judge Gates finally succeeded in restoring calm. A few moments later Mr. Malarkey was the recipient of a strong rebuke from the bench, his speech-making tendency being the cause. The judge had ruled in his favor when the objection was interposed, but the attorney for the defense continued talking.

Gates Warns Malarkey. "Mr. Malarkey," said the judge in a tone unusually severe for Judge Gates, "I am getting tired of this constant speech-making by you, after the court has ruled on an objection. It consumes time and serves no useful purpose. I repeat that I am getting tired of it, hereafter, if you do not refrain from it. You must not do it."

The most important witness called by the state yesterday was John Votubra, a striking man, who testified as an eye witness of the shooting by Hicks of W. A. Wortman in the Markell store entrance on the night of November 2. He told a story almost identical with that told by O. R. Raser, another machinist and eye witness, Wednesday. On cross-examination by Attorney Malarkey his testimony was not shaken in any material points.

in on primary night. But then, of course, he is prejudiced.

NEW LEAGUE ORGANIZED C. C. Chapman Tells of Meeting at Walla Walla First of Week.

C. C. Chapman, manager of the promotion department of the Portland Commercial Club, returned yesterday from a visit to Walla Walla, where the Southeast Washington-Oregon Development League was organized Tuesday and Wednesday.

The Walla Walla Commercial Club guaranteed \$5000 annually to the league, which will be used to pay the salary of a secretary and his traveling expenses. The plan of the Walla Walla Commercial Club is similar to the relation between the Portland Commercial Club and the Oregon Development League.

A membership fee of \$5 will be charged. Besides the Milton and Fremont districts of Oregon, Garfield, Columbia, Walla Walla, Franklin and Benton Counties, Washington, will be included.

The inland Empire excursionists attended the latter part of the meeting held Wednesday evening as they were on the way home.

DAILY METEOROLOGICAL REPORT. PORTLAND, March 21.—Maximum temperature, 60 degrees; minimum, 34 degrees.

THE WEATHER. STATIONS. Baker 44.00 6W Clear

WEATHER CONDITIONS. A large high-pressure field over the central portion of the United States and extends northward to the Puget Sound coast.

CLASSIFIED AD. RATES. Daily or Sunday. Per Line. One line—Twenty-five words for one week.

OREGON HUMANE SOCIETY. Office, City Hall, Main 194, A. 1939.

ACTION SALES TODAY. At Wilson's Auction House, at 10 A. M. Furniture, 171-5-5 Second street.

MEETING NOTICES. PORTLAND LODGE No. 55. A. F. AND A. M.—Special communication this (Friday) evening, 7:30 o'clock.

WASHINGTON LODGE No. 48. A. F. AND A. M.—Special communication this (Friday) evening, 7:30 and 9 o'clock.

MURPHY CHAPTER No. 15. O. E. S.—Special communication this (Friday) evening in Masonic Temple, at 7:30 o'clock.

WERNER CAMP No. 53. W. O. W.—Special communication this (Friday) evening in W. O. W. Temple, at 7:30 o'clock.

ACME BIKERKAMP LODGE will give 60 cent. Saturday evening, March 23, 10 o'clock. E. Hall, First and Alder.

ACME BIKERKAMP LODGE will give 60 cent. Saturday evening, March 23, 10 o'clock. E. Hall, First and Alder.

HEILIGTHEATER. Tonight 8:15 Special Price Tomorrow night Mat. Tomorrow

LOUISE GUNNING. In the Musical Comedy Success 'THE BALKAN PRINCESS'

SEAT SALE OPENS TODAY 10 A. M. HEILIG THEATER. 4 NIGHTS SUNDAY, MCH. 24

"Excuse Me" Willis Sweatman, Ann Murdoch, Chas. Hicks and Ed. G. G. G.

BAKER THEATER. Main 2, A. 5360. WEEK MARCH 18—Tonight, all week, matinees, Wednesday and Saturday.

UNCLE TOM'S CABIN. The great American classic. First time in Oregon.

Opera House. Main 2, A. 1029. WEEK MARCH 18—Tonight, all week, matinees, Wednesday and Saturday.

Empress. Formerly Grand. Sultana & Considine. WEEK MARCH 18—Eva Ray, Senor Francis Murphy, Sheridan and Senor M. R. R. R.

OPATAGES MATINEE DAILY. WEEK MARCH 18—Eva Ray, Senor Francis Murphy, Sheridan and Senor M. R. R. R.

LYRIC THEATER. Three performances, daily—7:30, 7:50 and 8:15.

DIED. STAFFORD—In this city, March 21, Samuel N. Stafford, beloved son of Mr. and Mrs. Lewis A. Stafford.

FUNERAL NOTICES. HOPE—In this city, March 20, at his late residence, 3735 Forty-fifth avenue S. E.

THE CEMETERY Beautiful Mt. Scott Park. LARGE, PERMANENT, MODERN PORTLAND CEMETERY WITH PERPETUAL CARE

FACTORY SITES 16c sq. ft. Both water and rail shipping facilities. Channel 35 to 40 feet deep.

500 Acre Farm 300 Acre Farm 160 Acre Farm. Near electric railway station, convenient to Portland.

MORTGAGE LOANS On Business and Residential Property. 5% EVERETT & SIMONDS 7%

MORTGAGE LOANS ON REAL ESTATE. WESTERN TRUST & MORTGAGE CO. Commercial Club Bldg.

SOMERSET VILLAS. COUNTRY LIFE WITHIN THE CITY LIMITS.

WAREHOUSE SITE. 3 full lots, on West Side, can be had this week.

19th & Raleigh Sts. North Portland Business District. Corner, 50x100 feet.

21st & Kearney Sts. Apartment Site. Corner, 100x100 feet.

13th & Market Sts. Corner, 60x100 feet. Income \$70 per month.

10th Street Near Morrison. Fractional Lot. PRICE, \$65,000.

WAREHOUSE SITE. 3 full lots, on West Side, can be had this week.

FOR SALE. \$15,000 Per Lot \$45,000. F. E. REED, 402-3 Oregonian Bldg.

FOR RENT. Modern Hotel and Stores. The new, modern five-story reinforced concrete building.

FOR RENT. CORNER, CLOSE IN 100x100. Two six-room modern flats.

FOR RENT. RIVERDALE DISTRICT. One acre overlooking the river, fine view of mountains.

FOR RENT. 500 Acre Farm 300 Acre Farm 160 Acre Farm. Near electric railway station.

FOR RENT. MORTGAGE LOANS ON REAL ESTATE. WESTERN TRUST & MORTGAGE CO.

FOR RENT. THE CEMETERY Beautiful Mt. Scott Park. LARGE, PERMANENT, MODERN PORTLAND CEMETERY

FOR RENT. FACTORY SITES 16c sq. ft. Both water and rail shipping facilities.

FOR RENT. 500 Acre Farm 300 Acre Farm 160 Acre Farm. Near electric railway station.

FOR RENT. MORTGAGE LOANS ON REAL ESTATE. WESTERN TRUST & MORTGAGE CO.

FOR RENT. THE CEMETERY Beautiful Mt. Scott Park. LARGE, PERMANENT, MODERN PORTLAND CEMETERY

MORTGAGE LOANS. CENTRAL BUSINESS PROPERTY. LOWEST CURRENT RATES.

MORTGAGE LOANS. REAL ESTATE DEALERS. BRUBAKER & BENEDICT, 502 McKay Bldg.

MORTGAGE LOANS. REAL ESTATE DEALERS. AGATE BEACH. Near Newport, Or. Most scenic and desirable beach resort.

MORTGAGE LOANS. REAL ESTATE DEALERS. HOLLADAY AD. HALF BLOCK. 100x200 on E. 23d st.

MORTGAGE LOANS. REAL ESTATE DEALERS. PORTLAND HEIGHTS—REAL ESTATE. 1 acre on E. 23d st.

MORTGAGE LOANS. REAL ESTATE DEALERS. WOODSTOCK LOTS. 8 lots, on E. 23d st.

MORTGAGE LOANS. REAL ESTATE DEALERS. IRVINGTON LOTS. Slightly restricted residence sites facing 62 Hawthorne.

MORTGAGE LOANS. REAL ESTATE DEALERS. HOLMAN-STREET LOTS. 4 lots, on corner E. 18th and Holman.

MORTGAGE LOANS. REAL ESTATE DEALERS. WEST SIDE LOTS. On the corner, lots water, sewer, gas, electric.

MORTGAGE LOANS. REAL ESTATE DEALERS. IRVINGTON LOTS. Slightly restricted residence sites facing 62 Hawthorne.

MORTGAGE LOANS. REAL ESTATE DEALERS. HOLMAN-STREET LOTS. 4 lots, on corner E. 18th and Holman.

MORTGAGE LOANS. REAL ESTATE DEALERS. WEST SIDE LOTS. On the corner, lots water, sewer, gas, electric.

MORTGAGE LOANS. REAL ESTATE DEALERS. IRVINGTON LOTS. Slightly restricted residence sites facing 62 Hawthorne.

MORTGAGE LOANS. REAL ESTATE DEALERS. HOLMAN-STREET LOTS. 4 lots, on corner E. 18th and Holman.

MORTGAGE LOANS. REAL ESTATE DEALERS. WEST SIDE LOTS. On the corner, lots water, sewer, gas, electric.

MORTGAGE LOANS. REAL ESTATE DEALERS. IRVINGTON LOTS. Slightly restricted residence sites facing 62 Hawthorne.

MORTGAGE LOANS. REAL ESTATE DEALERS. HOLMAN-STREET LOTS. 4 lots, on corner E. 18th and Holman.

MORTGAGE LOANS. REAL ESTATE DEALERS. WEST SIDE LOTS. On the corner, lots water, sewer, gas, electric.

MORTGAGE LOANS. CENTRAL BUSINESS PROPERTY. LOWEST CURRENT RATES.

MORTGAGE LOANS. REAL ESTATE DEALERS. BRUBAKER & BENEDICT, 502 McKay Bldg.

MORTGAGE LOANS. REAL ESTATE DEALERS. AGATE BEACH. Near Newport, Or. Most scenic and desirable beach resort.

MORTGAGE LOANS. REAL ESTATE DEALERS. HOLLADAY AD. HALF BLOCK. 100x200 on E. 23d st.

MORTGAGE LOANS. REAL ESTATE DEALERS. PORTLAND HEIGHTS—REAL ESTATE. 1 acre on E. 23d st.

MORTGAGE LOANS. REAL ESTATE DEALERS. WOODSTOCK LOTS. 8 lots, on E. 23d st.

MORTGAGE LOANS. REAL ESTATE DEALERS. IRVINGTON LOTS. Slightly restricted residence sites facing 62 Hawthorne.

MORTGAGE LOANS. REAL ESTATE DEALERS. HOLMAN-STREET LOTS. 4 lots, on corner E. 18th and Holman.

MORTGAGE LOANS. REAL ESTATE DEALERS. WEST SIDE LOTS. On the corner, lots water, sewer, gas, electric.

MORTGAGE LOANS. REAL ESTATE DEALERS. IRVINGTON LOTS. Slightly restricted residence sites facing 62 Hawthorne.

MORTGAGE LOANS. REAL ESTATE DEALERS. HOLMAN-STREET LOTS. 4 lots, on corner E. 18th and Holman.

MORTGAGE LOANS. REAL ESTATE DEALERS. WEST SIDE LOTS. On the corner, lots water, sewer, gas, electric.

MORTGAGE LOANS. REAL ESTATE DEALERS. IRVINGTON LOTS. Slightly restricted residence sites facing 62 Hawthorne.

MORTGAGE LOANS. REAL ESTATE DEALERS. HOLMAN-STREET LOTS. 4 lots, on corner E. 18th and Holman.

MORTGAGE LOANS. REAL ESTATE DEALERS. WEST SIDE LOTS. On the corner, lots water, sewer, gas, electric.

MORTGAGE LOANS. REAL ESTATE DEALERS. IRVINGTON LOTS. Slightly restricted residence sites facing 62 Hawthorne.

MORTGAGE LOANS. REAL ESTATE DEALERS. HOLMAN-STREET LOTS. 4 lots, on corner E. 18th and Holman.

MORTGAGE LOANS. REAL ESTATE DEALERS. WEST SIDE LOTS. On the corner, lots water, sewer, gas, electric.