

HICKS INSISTS HE SHOT IN DEFENSE

Wortman Reaching for Pocket After Personal Attack, Says Defendant.

FEAR OF DEATH RELATED

Man on Trial for Murder Says He Thought He Must Shoot or Die. Threats by Pickets Are Part of Testimony.

Testifying in his own behalf yesterday, Burt Hicks, accused of the murder of W. A. Wortman, declared that he shot and killed the union machinist and picketer while defending himself from a ferocious attack, and that he did not fire the fatal shot until after Wortman had reached his hand towards a side pocket.

He said that he instantly felt certain that Wortman was reaching for a weapon, and there swept over him a feeling that either he must die or kill his assailant.

"I reached into my left-hand inside coat pocket," said the prisoner, "and drew the revolver. I pressed it up close against his side and the shot was fired. I saw him stumble back towards the door with his hand on his side, and knew in a dazed sort of way that he was probably badly hurt. I did not devote my attention to him altogether, though, as I was expecting attack from the other pickets and stood glancing around in all directions. The revolver I held in my hand at my side."

Words With Raser Recalled.
The defendant declared that O. B. Raser, the picket captain, said to him: "You killed that man; you're a murderer," or words to that effect, and that he answered: "I didn't. Your pickets can't beat me up." All other witnesses who overheard the exchange between Raser and Hicks, including those called by the defense, have been unanimous in testifying that Hicks' retort to Raser was: "I did not; he insulted me; he called me a scab-herd."

"I was standing in the alcove at the entrance of the shoe department of the Marshall store when Wortman, Raser and another picket came along," said Hicks in his narrative. "I did not see them until they were within five or six feet of me. Then I heard the man say 'Look, there he is,' and apply a vile name. Wortman said something about a scab-herd and rushed at me, throwing me back several feet into the alcove and knocking my hat off. I shoved him back and told him several times to go away and let me alone."

Wortman Reaches, Says Hicks.
"Paying no attention to my words, he rushed me again and my back went against the west glass of the alcove with a crash. He closed in on me and pinned my left hand down tight against my side. When his hand went towards his coat pocket I was certain that my last hour had come. I was sure that he had a weapon and meant to kill me."

The witness told his story in a calm and quiet tone, breaking down and crying only when he told of going to the back of the store and calling his wife up over the telephone to tell her what had happened. He exhibited some emotion when Mr. Malarkey was questioning him about his gradual and hard work from a journeyman machinist to a shop owner, but at no time did he attempt the dramatic. He had never been arrested in his life before, he declared, and never, either as boy or man, had he engaged in physical combat with anyone.

Growth of Business Related.
The defendant testified that he is 35 years of age and that he has lived in Portland since 1883, with the exception of four years passed in San Francisco during a dull period in this city. He was in the Carpet city from 1884 to 1888. He had been born in New Hampshire and left school when 15 years of age, later supplementing his education by attending night schools. In 1895 he had started his first shop and for a time he was the only workman. This was at 293 Columbia street. Business prospered and he moved to the corner of East Water street and Hawthorne avenue and became able to employ two or three men. In 1902 he moved his shop to the present location, at the corner of East Third and East Oak streets.

Hicks said that he employs from four to six machinists, a blacksmith and two or three apprentices and up till the time of his arrest on the night of the killing, November 2, 1911, had always been in personal charge of the shop, often working with the men. He had never asked a man who sought employment whether or not he belonged to the union and did not discriminate between union and nonunion men, his only requirement being that the employes attend to business and show an interest in the welfare of the establishment. He paid \$1.50 for nine hours, he said, but when he found a man who kept his lathe clean and demonstrated that his heart was in his work his pay went up to \$2.75 a day.

Letter Comes From Union.
His own men had never come to him asking for more pay or shorter hours, the witness declared, but he had received a letter from someone claiming to represent the union, offering him the demand for higher wages and eight hours a day. He had paid no attention to the communication, not even mentioning it to his employes that he had received it.

"You were rather rough spoken with your men, weren't you?" Special Prosecutor Davis asked on cross-examination. "Rough bark often covers fine grained wood," answered the defendant. "I suppose I did 'cuss' them some once in a while."

He said that the acts of violence and the rough and abusive language of the picketers preyed on his mind and that he came to believe that his life was in danger. He had gone to Captain Baty, of the police department after two of his men, Dennis and Conn, had been badly beaten, the latter being left unconscious on the street and being unable to resume his work for weeks, and had asked permission to carry a revolver. The police official had intimated that he would not be arrested if he did so.



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—Why neglect your eyes and suffer eyestrain and troubles that eyestrain brings on when a pair of our correctly made and fitted glasses will relieve you of eyestrain and make you see things in their right light?
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THOMPSON

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ridicule his fears on cross-examination. He asked the defendant if he hadn't really cut down the weeds because they were unsightly.
"No, sir," answered the witness. "If I hadn't been shown that letter threatening to dynamite our shops and murder the shop proprietors and the men; if Victor Nealand hadn't told me that I would be shot; and if Raser hadn't told Paul Stewart that some morning they would find me lying cold and not know what had happened to me, the weeds would never have been cut."

Hicks Has Two Revolvers.
Nealand and Raser are striking machinists, the latter being the picket captain and Stewart, an apprentice in the Hicks' shop, is a relative of Raser's wife and was formerly a frequent visitor at Raser's home, according to the testimony.

The defendant admitted on cross-examination that he had a .25-caliber Colt revolver at his home on the night of the shooting. He had that revolver carrying the automatic because he was sometimes out late at night and needed it for protection.

"Yes, but it was only 5 o'clock in the afternoon when you were going home that day, wasn't it?" Private Prosecutor Davis asked.
Hicks then said that he couldn't exactly say what had prompted him to put the gun in his pocket when leaving the shop on the afternoon of the homicide. He said that he probably carried the two extra clips containing seven cartridges each, which were found on him, because he wished to keep the weapon and all articles pertaining to it together.

State Holds Remark Important.
On direct examination Hicks said that he turned around and made a dirty remark to a couple of pickets who addressed him a few minutes prior to the homicide, as he was walking towards Grand avenue, on East Morrison street. Mr. Davis asked a great many questions about this remark, striving to leave the impression that a man who was frightened as badly as the defendant declares he was would not have dared to make such a statement practically in the midst of 29 or 30 pickets.

That he often got up at night and looked out the window, imagining that he heard noises and fearing that the pickets were around his house and might dynamite or burn it, was another statement of the defendant. He said also that on one occasion the pickets had appeared at his plant to the number of 25 after it had been "tipped" off to him that they had made statements that they intended to "get" his shop that night. Five or six policemen were on hand and nothing happened.

Mrs. Hicks preceded her husband on the witness stand and told of the cutting of the weeds, the placing of the bolt on the woodlift and other precautions taken by her husband to guard against possible assault. His manner had changed completely since the strike commenced, she said. Previously he had been bright and cheerful, but he became morose and gloomy. He had often spoken to her of his fear of the pickets.

Firearms Experts Testify.
At the night session A. E. King and Joseph Williams went on the stand as experts on firearms. After the coat and vest worn by Wortman had been exhibited to them, they testified that the bullets must have been fired with the muzzle of the weapon not more than a half inch from, and probably much closer to, Wortman's coat. They had made experiments with an automatic pistol similar in every way to that used by Hicks and had used exactly the same kind of cartridges. The coat would not have been torn around the hole made by the bullet or powder-burned had the gun been further away than that described, they declared.

This case bears out the statement of the defendant that the bullet was fired when the muzzle of the pistol was pressed close to Wortman's side and to discredit the testimony of witnesses for the state, O. B. Raser and H. L. Born, who declared that the muzzle of the weapon was at least two feet away from the body of Wortman.

Both witnesses admitted that, until asked to experiment for the purpose of testifying at this trial, they had never sought to ascertain the effect of bullets fired into cloth. Neither knew anything about cloth. They had tied a vest over a sack filled with straw in experimenting and did not know whether the effect would have been different had a real man been inside the vest. Special Prosecutor Davis succeeded in making unpleasant King's stay on the stand during cross-examination. Judge Gatens ruled that the evidence of the two men could be considered by the jury for "what it is worth."

Attorney Malarkey announced that the defense will conclude the introduction of testimony this morning. Special Prosecutor Davis says that he probably will require three or four days for rebuttal.

Evans Meeting Postponed.
The meeting arranged for Walter H. Evans, Republican candidate for District Attorney, at St. Johns last night, was not held. The meeting has been postponed until some night next week, probably Wednesday, when the many friends of Mr. Evans in that populous suburb promise him an enthusiastic reception. Mr. Evans will conduct an active campaign until the day of election.

GEWURTZ

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First Yamhill and Second Streets

JOSELYN IS SPEAKER

POSITION OF TRANSPORTATION LINES SET FORTH.

Persons at Club Luncheon Told Oregon's Prosperity Depends on Railroads' Success.

Oregon's prosperity is dependent largely upon the prosperity of the railroads in Oregon, said B. S. Josselyn, president of the Portland Railway, Light & Power Company, at the weekly meeting of the Transportation Club at the Imperial Hotel yesterday. He urged his hearers, of which there were more than 100, to explain to the people of the state the important position occupied by the transportation companies and the necessity of maintaining laws on the statute books that will not be detrimental to their successful operation.

"I do not believe that you are fully aware," he said, "of the fact that out of the \$890,000,000 worth of assessable property in the state of Oregon in 1911, \$170,954,889 was assessed against the transportation companies. Of this amount \$11,000,000 was against electric railroads, and \$25,000,000 against the company I represent. It follows, then, that one-fifth of the burden of maintaining the official status of the state of Oregon is placed upon the transportation companies—that is, they pay one-fifth of the taxes. In reality they pay more, for there are special assessments in the way of paying, rentals of bridges, franchises and corporation taxes and other forms of government. If the entire amount were counted, it would be a huge one, indeed. Therefore, in case you have occasion to speak with regard to what the transportation companies do for Oregon, keep in mind this thought: That of every \$5 paid in support of the state and county government, \$1 comes from the transportation companies."

person is working for a transportation company. That would make the number of employes in the state of Oregon engaged in transportation something like 170,000. But of course it is less than this number, and while there are no statistics at hand upon the subject, I am told that the number of employes engaged in transportation work in Oregon will total 20,000. Of this 20,000 nearly all are voters, and inasmuch as we have 125,000 voters in the state of Oregon, you can say that 18 per cent of them gain their livelihood in work similar to that in which you and I are engaged. I bring out these facts to show you the importance of your position as transportation employes in relation to the welfare of the state.

"Therefore, it is quite important to you that the concern for which you work secures justice at the hands of the people, and I mean by justice an equitable and fair treatment. No one engaged in the railroad business expects to receive from the people more than he is justly entitled to. I have a great regard for the good sense of the people of this city and state, and I have the utmost confidence in the integrity of its citizenship."

W. T. Buchanan, publicity director of the Portland Railway, Light & Power Company, presided. H. E. Vernon, general agent for the Santa Fe, will be chairman of the meeting next week.

Merchants National Bank

Founded in 1886 Washington and Second Sts.

If you are contemplating the opening of a bank account or a change in your present banking arrangements the officers in this bank will be pleased to explain to you in detail the facilities and service we have to offer, in addition to assuring you of a personal interest in your success and welfare.

The club will hold a smoker Friday night, April 13, at which time the primary election returns will be read.