

JURY IN PHILLIPS CASE WILL HEAR TALE TOMORROW

Rapid Work at Kalama Will Likely Result in Selection of Jury This Afternoon; State Wins Strong Point.

(Special to The Journal.) Kalama, Wash., March 6.—Four challenges by the state for cause and two by the defense, whereby six prospective jurors were dismissed, marked the morning session of the trial in which Hugh C. Phillips, former president of the defunct Commercial bank of Vancouver, Wash., is charged with accepting deposits after he knew the institution was insolvent.

Indications at noon were that the jury will be completed this afternoon, when an adjournment is probable until tomorrow morning, at which time the opening statements to the jury will be in order. While the jury box is full, it is possible the state will be excused for cause, and neither side has yet had an opportunity to use peremptory challenges. The state is entitled to three peremptories and the defense to six.

The state won the first clash this morning when Judge McKenny ruled that the testimony of Mrs. Mary E. Hamilton may be read into the record in the present trial. Mrs. Hamilton, the complaining witness in the case, died yesterday at Vancouver, and the body was left at the law firm and witnesses to Kalama.

Attorneys for Phillips objected to receiving the testimony of Mrs. Hamilton given at the former trial, but Judge McKenny overruled them and directed that a jury be empaneled. The morning session was almost without incident, the talesmen being questioned in detail as to their knowledge of the case and their feeling toward the state and the defense.

HI GILL IS AGAIN TURNED DOWN BY WOMEN, HE SAYS

(Continued from Page One.)

teenth ward, Ballard, where he was supposed to be very strong, by over 600, West Seattle, fourteenth, is close, but Cotterill leads by about 100.

Where Cotterill's Gain Came.

Reviewing the situation, it shows that Gill polled his primary vote of 2,430 and 6000 additional. Cotterill's primary vote was 1,423, but he polled heavily from voters who at the primary were for Pariah (Republican) and Wells (Socialist). Cotterill conducted a most energetic campaign and, backed by the closed town and church element, overcame heavy odds.

Considerable politics and religion were mixed in the non-partisan campaign. Gill, always a Republican, was backed by one church element and by some Democrats, as he had picked Ed Cuddehe, former sheriff and Democratic war horse, for chief of police. Cotterill, always a Democrat, failed to poll all his party vote, but it was augmented by the vote in the residence element and the women. Gill attributes the result to the women, as he did a year ago when he was recalled.

Partial Councilman Results.

Incomplete returns show the election of John G. Pierce, A. J. Goddard and A. F. Haas, present councilmen, for the three year term and also Charles Marble, new candidate, for the one year term. Marble was pitted against Burgess, socialist. Complete returns from 60 out of 281 precincts are: Marble, 527; Burgess, 421, showing surprising socialist gains. From 63 precincts James E. Bradford, for reelection as corporation council, gets 489, while E. J. Brown, socialist, polls 497. Scott, socialist, for treasurer, made a great run against Terry, present incumbent, 57 precincts giving Scott 4327 to Terry's 6955.

On account of the cumbersome bal-

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lot, which is being done in counting and certifying returns on the charter amendments and bonds for harbor improvement, as well as other interesting issues, including the single tax. It is evident that single tax has lost by probably 2 to 1 vote. Forty-four precincts complete give the single tax amendments a total of 2,151 votes. These precincts are widely distributed and are fairly representative. It is believed this rate will be maintained but single tax advocates believe they have made a great showing, indicating that their position on the general harbor improvement, carried overwhelmingly. City returns are very slow, but the vote indicates about 2 to 1 for harbor improvements and terminals, only a 60 per cent vote being required.

Have Enough Taxes.

The Bogue civic center plans, on which a bitter fight was waged, have been defeated, the average voter being opposed to the city's undertaking additional expense.

At noon it was impossible to predict the result on other amendments, as the ballot is so involved.

One surprising feature is the heavy vote polled, about 65,000 out of 70,000 at primary. Many voters failed to express themselves on the charter amendments and bond issues and the vote on these will fall far short of the head of the ticket, in which a majority were intensely interested.

Cotterill reiterates that the result shows the city's decision, in which he ruled that the trust officials could only be held on the first count of the indictment charging combination in restraint of trade.

Socialist Movement Grows.

Incomplete returns indicate that the four Socialist candidates who surprised Seattle by winning the nomination were all defeated in the finals. The Socialist candidate for corporation council, E. J. Brown, made the strongest showing and polled about 25,000 votes. One Socialist candidate for the council lost by less than 1000 votes, according to present returns.

The Gill enthusiasts, who were confident of victory, had planned for a rousing celebration to welcome the return of their favorite, and the word was passed around that cafes and saloons would not mind the closing hour should Gill come back.

It is estimated that over \$50,000 was lost on the election, much of it at the rate of 10 to 1 and 5 to 1 on Gill. Following the primary election Gill men freely offered even money that he would win by 5000 and 10 to 1 that he would win. Odds gradually dropped to even money until yesterday when odds were given 5 to 1 against Gill again.

FULLER OBJECTS TO FRAE REGULATION BY CITY ORDINANCE

(Continued from Page One.)

and during the course of this Attorney R. R. Dunlavy, who had been accorded the privilege of the floor as a taxpayer, declared that the streetcar corporation was seeking to cure defects in franchises at present held by them by inserting carefully worded, but apparently harmless paragraphs in the franchise now before the councilmen for passage.

"As a matter of fact," declared Dunlavy, "the company is now operating without any franchise whatever of a number of streets. It lost all its rights on these streets when it abandoned tracks, the abandonment of which constituted forfeiture on whole systems of car lines. The company has in the proposed franchise ordinance incorporated provisions making the city consent to these abandonments."

Council Should Deliver Ultimatum.

"This franchise now before you will, if passed, be read with and construed in such a way that the company is operating under which the company is operating and it is of the utmost importance to the public that the council exercise all its constitutional rights in safeguarding the interests of the people. In fact, I may say, the company is operating now only on the sufferance of the council and it is your duty to deliver an ultimatum to the company instead of sitting here and listening to an ultimatum from the company."

The speaker's remarks, just mentioned, followed a declaration by Vice President Fuller that the franchise would not be accepted if the company with the amendments giving the council the right to regulate fares.

Councilman Burgard and Baker contended that the insertion of the amendment, which had been previously suggested by City Attorney Grant, would have no effect on the present franchise of the company and that, as they said, it would apply only to "stub ends," covered by the proposed franchise, it would be of little practical value.

City Attorney Grant then explained that the charter gives the city two important rights in granting franchises. One of these permits the lawmakers to fix the maximum fare and the other grants the right to reserve the privilege of reducing fares at such times after the granting of a franchise as such reductions shall seem reasonable and proper. But unless the franchise specifically states that the council reserves such right it may not be exercised thereafter.

Attorney Dunlavy declared that the object of the company in protesting against the insertion of the regulatory provision was to cure defects in franchise now held by the company and permit its legal forces to raise questions which will hamper the city in any effort which may be undertaken at a future time to order reduced fares on any of the lines now being operated.

Councilman Joy finally offered a substitute amendment for the one suggested by City Attorney Grant and submitted by Councilman Maguire. This amendment, which was also couched in different language, was also objected to by the company officials.

The committee adopted the amendment, however, and adjourned to meet in the council.

As soon as the main body had convened Councilman Joy presented the original amendment. After an arduous discussion in which Councilman Clyde and Councilman Baker exchanged personalities, the amendment offered by Mr. Daly was adopted. The council then voted to send the franchise to the committee on franchises.

executive board. He said that the people in many suburbs are clamoring for the franchise to be put through the council on its final passage, and that it should go to the board right away.

See Right Pleasantry.

"Well, I am not familiar with the franchise. It was handed to me in its present form only last night," declared Councilman Clyde, and I move that it be laid on the table until Tuesday morning, in order to give me and the rest of the council ample time to become acquainted with all its provisions. I don't like this franchise. I tell you frankly, I don't like it. It seems to me a rotten proposition from start to finish."

"I am familiar with the franchise ordinance," remarked Councilman Baker, "because I have not had time to take long trips to California." (Councilman Clyde spent nearly two months in California, returning only quite recently.) "Well, I have not had time to take so many short trips to the Electric building," retorted Councilman Clyde sarcastically. (The Electric building is the headquarters of the Portland Railway, Light and Power company.)

After these little pleasantries the vote was taken and Councilman Clyde's motion carried unanimously. The council will hold an adjourned meeting next Tuesday morning, at which time the franchise will probably be sent to the executive board, though it is likely that the measure will carry a number of added amendments. In the opinion of Councilman Clyde the franchise ordinance, as it now stands, is full of "jokers."

Prepares for Action Against "Shoe Trust"

Washington, March 6.—Attorney General Wickham today ordered United States District Attorney French of Boston to come here and prepare to take criminal action against the officials of the United Shoe & Machinery company, the shoe trust.

The government will appeal from Judge Putnam's decision, in which he ruled that the trust officials could only be held on the first count of the indictment charging combination in restraint of trade.

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RAIN AND SNOW FALL HEAVILY IN CALIFORNIA

(United Press Special Wire.)

San Francisco, March 6.—Northern California people are jubilant today. It is snowing in the mountains and Weather Forecaster Meade of this city says that by night 50 inches will have melted at ground level at Summit. The shortage of snow has been a big bugaboo for irrigation and power people and ranchers. Before the present storm the fall was about one seventh of normal, presaging dire things in the summer.

In the northern valley regions they are getting a good rain drenching, too. At Red Bluff for the 24 hours ending at 5 o'clock this morning the precipitation was 1.60 inches; Eureka, .88. In this city the fall for the present storm is 2.10. Professor Meade predicts that the storm, which covers a wide area of the coast, will last 20 hours longer.

Taft Republicans in Session.

(United Press Special Wire.) San Francisco, March 6.—Taft Republicans believe the candidacy of the president for renomination received a big boost at the Taft meeting held here at the Palace hotel. A large number of Republicans from various sections of the state attended, and permanent organization of the Taft progressive Republican league was effected by the election of former Senator Behlman as president and Joseph R. Cuttin as secretary of the league.

Mail Pouch Is Looted.

(United Press Special Wire.) Los Angeles, March 6.—Postal Inspector C. F. Webster has admitted that a bag of mail, including letters delivered to have contained large sums of money, was stolen from Santa Fe train No. 75 Saturday night. No estimate of the amount of money or negotiable securities will be possible for several weeks.

Bourne Non-Committal.

(Washington Bureau of The Journal.) Washington, D. C., March 6.—Senator Bourne was asked today whether his recent statement regarding the change of mind by Roosevelt about becoming a candidate was to be taken as an endorsement of T. R. for president. He replied: "That was a commendation of evolution," and added "When I've anything to say I'll give it out." Which does not sound much like an endorsement of Roosevelt.

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