

## COLD CONTINUES; LOW OF 23° SEEN

The firm grip of Old Man Winter tightened on Seattle today as snow fell from a leaden sky and the Weather Bureau predicted the mercury may slide to a low of 23 degrees tonight.

Seattle Transit System service on three lines was disrupted for several hours this forenoon in the east section of the city, but by early afternoon normal schedules had been restored.

Lines affected were No. 11 Madison No. 2 Madrona and No. 27 Yesler.

The snowfall, heaviest here since mid-November, was general over Western Washington, the Associated Press reported. Vancouver, B. C., reported its worst snowfall since 1935, with a fall seven inches in the past 27 hours. Aberdeen reported four inches of snow, with more falling.

Yakima was the coldest place in the state this morning with a minimum of 17 degrees. Spokane had an 18-degree minimum, 5.2 inches of snow on the ground and more falling.

Rural schools in Whatcom County were closed today, after the area received five inches of snow and a 27-mile wind whipped it into drifts. The Associated Press said it was reported likely Bellingham schools would close tomorrow, after attendance dropped sharply today.

Schools at Kirkland, Issaquah, Bothell and Tahoma were closed today because of icy roads and snow. L. M. Dimmitt, King County superintendent of schools, reported. He said schools of the Kent, Overlake and Federal Way districts, which opened this morning, planned to close if road conditions did not improve.

Despite occasional thick weather this forenoon, United Air Lines reported outbound flights were leaving Boeing Field on schedule, but that incoming flights had been delayed at Portland.

Ice-sheathed roads last night and this morning contributed to scores of minor automobile accidents in the Seattle area.

The Weather Bureau held out some hope for tomorrow, however, calling for clearing skies.

The thermometer dropped to 29 at Boeing Field early this morning, and at the Seattle-Tacoma Airport, Bow Lake, it was down to 26.

Highest temperature forecast for today was 36, with a low tonight between 23 and 26.

Portions of the Seattle-Everett Highway resembled a flat lane skating rink last night after melting snow froze, and at one point there was a traffic snarl that immobilized nearly 300 automobiles.

The two southbound lanes midway between Everett and Edmonds Junction was jammed with hundreds of automobile between 8 and 9 o'clock last night while state patrolmen and Highway Department sanding crews nursed the traffic around a particularly treacherous area on a curving downgrade.

Falling to forecast today's snow, the Weather Man collected but one hit out of two times at bat over the week-end, and his average skidded to .667 on the baseball batting average score sheet kept by The Times.

The Weather Man's score:  
AB H Avg.  
Weather Man 12 8 .667

## 'My Time Has Come,' Says Doomed Boy

NEW IBERIA, La., Jan. 13.—(AP)—Willie Francis says he guesses a man has to die some time and "I reckon my time has plumb done come."

Interviewed today in his parish jail cell by Sheriff Gilbert Ozanne, Francis learned that the United States Supreme Court voted 5 to 4 that Louisiana may send him to the electric chair a second time.

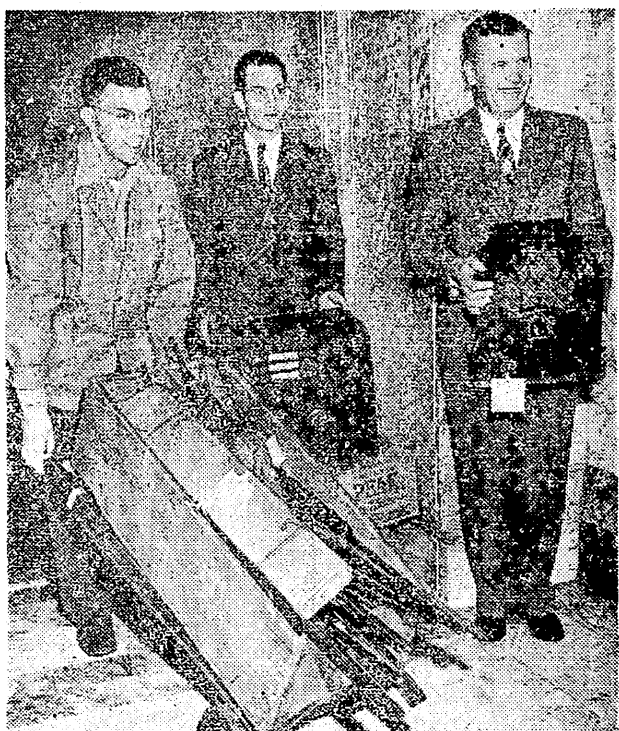
Said Ozanne:  
"When I first told Willie he was standing at the window. He sat down hard on his cot and then he got up and started walking around the room."

"Francis said 'It's the same thing again. It's the same thing all over again. I cot t o start worrying again and, Boss, I thought I'd got out of it. But I guess a man's got to die some time. And I reckon my time has plumb done come.'"

Ozanne said Francis, a lanky youth, has been unusually jolly during the past few weeks, exchanging remarks at night with another convicted slayer "down the corridor."

The other man, also a Negro, is named Paul Brown, and Ozanne said at night Brown and Francis like to yell through the bars of their doors and talk about "how many years" they expect to get.

## JAPANESE RIFLES



The last of confiscated Japanese radios, cameras, shotguns, knives and rifles held in the governor's office vault at Olympia under wartime powers since 1942 have been removed. The property is being sent to United States Marshal Jack Denise in Seattle for final disposition. Helping carry some of the property through the office doors are (left to right) Felix Noske, George Fogle and State Patrol Sgt. Dave Rigg.

## Speaking of the News

Two Vote Contests Face State House of Representatives

By ROSS CUNNINGHAM, Associate Editor

OLYMPIA, Jan. 13.—The House of Representatives will demonstrate to itself in the next few days that something should be done to eliminate confusion over cross-voting in elections.

The session opens with a familiar controversy—contesting elections in two legislative districts on the grounds that cross-over votes were not counted legally last November; in these contests three unsuccessful Republican candidates hope to win seats in the House from Democrats.

The contests have a familiar ring. No session in recent years has opened without the lawmakers having to settle matters which should have been determined when the polls closed in the general election. It is a state of confusion which the Republicans can settle for all time if they are consistent in their policies.

THE 24th Legislative District is one of the few in the state which has three representatives. This is because it embraces such a wide area, Clallam, Jefferson and Mason Counties.

In the general election, the Democratic candidates were George Adams, Dr. U. S. Ford and Francis Pearson. The Republicans were Merle Hufford, Ed H. Faubert and David Burrows.

Legislative candidates compete on an individual basis, and in this instance the three adjudged to have the highest number of votes were Pearson, Adams and Hufford (Hufford is a former University of Washington football player).

A post-election study of the results convinced Republicans that some of the election officials had been confused in counting ballots.

It is no wonder that the judges might have been confused when it is seen what they were up against. As a hypothetical case, take a voter who wanted to ballot a straight Democratic ticket but also wanted to split his ballot in favor of Hufford.

The voter would mark the circle in the top of the paper ballot and place an X after Hufford's name. Properly counted, the ballot then would give Hufford one vote and one vote would be subtracted from the straight ballot total of each of the three Democratic candidates.

The voter doubtless was confused, too, but he would have been certain of his choices if he had marked each individual candidate he favored.

THE Legislature is all powerful in seating its own members. Thus if the Republican majority in the House should choose to do so it could jockey around to declare the two Republican candidates in the 24th District elected. There are many ways of doing this if the proponents can swing enough votes.

There is no indication that the Republican majority intends to use its strength to decide who was elected. They are expected to re-

## KILLER LOSES IN HIGH COURT

(Continued From Page One)

has occurred which amounted to "cruel and unusual punishment" in the constitutional sense. He noted that attorneys for Francis contend that because "he once underwent the psychological strain of preparation for electrocution now to require him to undergo this preparation again subjects him to a lingering or cruel and unusual punishment."

The justice commented:  
"Even the fact that petitioner (Francis) has already been subject to a current of electricity does not make his subsequent execution any more cruel in the judicial sense than any other execution."

"The cruelty against which the constitution protects a convicted man is cruelty inherent in the method of punishment, not the necessary suffering involved in any method employed to extinguish life."

But Justice Burton's dissenting opinion held that execution by deliberately repeated applications of electricity would be cruel and unusual punishment as forbidden by the Constitution.

The proposed second application of current, Justice Burton wrote, would be "intentional." He said the question presented is how many shocks "does it take to produce a cruel, unusual and unconstitutional punishment?"

The law, the dissenters said, provides only for application of a current strong enough to cause quick death and for continuance of the current until death results. In a capital case, they contended, the law should be "construed strictly."

Francis was convicted of the hold-up killing of Andrew Thomas, a white druggist of St. Martinville. Thomas was robbed of \$4 and his watch.

Attorneys for Louisiana argued before the Supreme Court that there was no ground for interfering with the sentence of the trial court, which ordered that Francis be put in the electric chair and a current passed through his body until he was dead.

## P. U. D.

(Continued From Page One)

was assigned the duty of writing the majority opinion to affirm the judgment of the lower court.

"It has the support of four members of the court as considered at the time of the hearing."

"Meanwhile, one member of the court has taken a leave of absence and there has been appointed an acting judge to take his place."

Justice Walter Beals is on leave of absence hearing war criminal trials in Nuremberg, Germany. Don Abel of Chehalis was named as acting judge to fill in for Beals.

"The acting judge cannot function on this case," Justice Mallery said, "because he was not a member of the court at the time of the hearing."

"The situation now is that eight members of this court are eligible to function hereon."

"Four of them having signed the opinion, no more than four members can oppose it. Under these circumstances, the judgment of the lower court stands as the judgment of the case, because there is not a constitutional majority of this court to reverse it."

Justice Mallery added that Judge Connelly is a member of the court as of the time the opinion was filed "because his successor (Justice Matthew W. Hill) was not yet qualified by taking or filing his oath of office. The judgment of

## Prejudice Against Military Rule Is Broken by Marshall

By RANDOLPH CHURCHILL

WASHINGTON.—The appointment of Gen. George C. Marshall as secretary of state has provoked a good deal of discussion on the desirability of entrusting professional soldiers with the administration of great political offices.

In the Western democratic world, there long has been a prejudice against allowing military men to acquire political power. Even in wartime, the great countries of the West always have insisted upon the highest power remaining in civilian hands. The soundness of this doctrine was emphasized by contrast when, in June, 1940, Marshal Pétain became premier of France and at once capitulated to the Germans.

In England, this prejudice against military rule dates from the days when Oliver Cromwell administered that country with his 12 major generals. The English dislike for this type of government was so intense that it resulted, on Cromwell's death, in the restoration of the monarchy under Charles II, and the passing of an act of parliament making it illegal to maintain a standing army in England in times of peace.

This law is still valid today. Therefore, the first business when Parliament meets each year is the passage of an act known as "The Army Annual." The preamble

of the lower court, therefore, stands affirmed."

## How Case Was Brought Before Supreme Court

The Skagit P. U. D. case reached the Supreme Court after John Wylie, Skagit P. U. D. secretary, refused to sign and seal bonds for the purchase of the utility properties, after he had been directed to do so by the Superior Court of Skagit.

Wylie contended P. U. D. laws do not permit purchase of systems outside boundaries of any specific P. U. D. Puget Sound properties include systems in Seattle and Tacoma.

The Weyerhaeuser Timber Company filed a brief to the Supreme Court as appellant-intervenor in support of Wylie during hearing of the case. The timber company said the district aspired to be a statewide master district.

"Unlimited Powers"  
The City of Seattle, through its corporate counsel, also said the district sought to become a potential "state authority" with unlimited powers and no boundaries to its district.

The Skagit District replied that it was the "selected organ of 15 sister districts" to consummate the purchase, and asserted it was not attempting to "invade" territory outside its boundaries.

Seattle's corporate counsel, A. C. Van Soelen, replied that rate payers in unorganized areas, which the district would acquire as a result of the purchase, would be expected to contribute "over \$400,000 of the purchase price in a grandiose transaction in which they have no voice."

Representatives of Snohomish and Thurston County P. U. D.s supported the Skagit district saying economic development of hydro-electric resources of Washington "depend on joining large systems and districts into a complete and systematic whole."

states, "Whereas it is illegal in time of peace to maintain a standing army, new therefore be enacted that for the next twelve months an army of (so and so many) men be raised." Many foreigners regard this as an archaic piece of mumbo-jumbo, but it is the English way of underlining and sanctifying the historic steps by which English freedom was achieved.

"The people of the United States appeared to reject the English tradition when they elected Gen. George Washington as their first President. But Washington, though a military genius of the highest order, was not a professional soldier. His military ability derived from the fact that he was an English country gentleman, a class of people who always have had a naive and instinctive capacity for the art of war."

In any case, the unhappy experience of the United States under the presidencies of Gen. Ulysses Grant and Gen. Andrew Jackson convinced American public opinion of the unwisdom of confiding the civilian government to military men.

Despite all this, the appointment of General Marshall has been extremely well received. Unanimously endorsed by the Senate, he enters upon his difficult task with the good wishes of all Americans, irrespective of party, and with the criticism of none.

Marshall More Than Soldier

Why is this? Marshall is known by everyone in Washington to be far more than a soldier. No other American has a deeper comprehension of the true, long-term interests of the United States. And Marshall's wartime experience on the highest levels has enabled him to obtain a more complete grasp of world affairs than most of the leading politicians.

It is usually only in politically unstable countries such as Spain, China, Japan and some of the Latin American republics that military men are permitted to acquire political power. But the United States today finds itself in a political situation of unusual breach with tradition.

Having lost control of both the Senate and the House of Representatives, it was essential to President Truman to find a secretary of state acceptable to both the Republican and the Democratic Parties. This could be done only by going outside the ranks of both parties.

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## LOCOMOTIVE HITS TRUCK; 5 SURVIVE

Three soldiers were injured, one seriously, and two others were bruised when an Army truck was struck by a railroad locomotive in Spokane Street near Sixth Avenue South about 7:30 o'clock this morning.

The injured, taken to the Fort Lawton Station Hospital, are James Madison, technician fifth grade; William Fair, technician third grade, and Pfc. Carl Schmidt. All are members of the 863rd Port Company, stationed at Camp Jordan.

Madison suffered a possible fracture of the right shoulder and face lacerations. Fair suffered a possible leg fracture and scalp lacerations. Schmidt was treated for cuts.

Treated at the hospital for minor cuts and bruises were the two other occupants of the 2½-ton truck, Pvt. Chris Flavor, the driver, and Corp. John Marshall. All are Negroes.

Flavor told police that as the truck, traveling west, approached the railway crossing, under the east end of the Spokane Street Viaduct, the soldier riding in the cab beside him became excited and grabbed the steering wheel.

The driver told Officer C. E. Litzenger he saw the locomotive and was preparing to stop as he neared the crossing. He said that when his companion grabbed the wheel, his foot slipped off the brake pedal, struck the accelerator and sent the truck onto the tracks in front of the slow-moving locomotive.

The truck was knocked off the tracks. Litzenger said the locomotive was a Union Pacific engine.

Lomela territory, Belgian Congo, now has 9,480 acres of rubber plantations.

## Japanese Seamen Denied New Hearing

WASHINGTON, Jan. 13.—(UP)—The Supreme Court of the United States today denied for the second time a hearing to 219 Japanese seamen who have been ordered deported from the United States.

The men jumped ship in U. S. ports and sought refuge in this country as a "political asylum." They said they feared imprisonment and possibly execution if returned to the Dutch East Indies because they were sympathizers with the revolting natives there.

For the host who finds carving a fowl or roast a chore, a new carving plank with toothed metal arms clamps the meat in any desired position for slicing.

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## Firemen's Action Saves Thousands

Because of the "amazingly complete" salvage operations performed by the Seattle Fire Department, the King County Welfare Department was saved thousands of dollars in a fire which burned part of the Lyon Building Wednesday.

Mayor William F. Devin was informed today by L. L. Hegland, welfare administrator.

Hegland said he and his associates were impressed and surprised by the completeness of steps taken by the firemen to protect the equipment in the rooms.

## Fire Hits Cannery

WARRENTON, Or., Jan. 13.—(UP)—Fire early today destroyed two auxiliary buildings of the San Juan Canning Company's fish-processing plant here and for a time threatened to destroy all of the plant. Loss was estimated by Harold Gramson, manager, at from \$25,000 to \$30,000 covered by insurance.

Willie the Penguin says:  
WHEN YOU HAVE A COLD,  
AND CAN'T TASTE A THING,  
ALWAYS SMOKE KOOLS  
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Listerine Antiseptic right away! In tests over a 12-year period those who gargled Listerine Antiseptic twice a day had fewer colds, and usually had milder colds, and fewer sore throats, than those who did not gargle Listerine.

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