

TELEPHONE QUALIFY FOR BOOTH JURY

Richard Scott Rejected Because He Resents Heney's "Meddling" in Oregon.

CHALLENGED BY BECKER

T. S. McDaniel Also Excused When It Develops That He and R. A. Booth Are Both Williamette Trustees.

Warm friendship for Senator Fulton and a positive dislike for Francis J. Heney were the reasons for the rejection yesterday of Richard Scott, a prominent Clackamas County farmer, as a juror in the James Henry Booth bribery case in the United States Court. Mr. Scott had been accepted by the defense, but in answer to questions from Judge Tracy Becker, for the Government, declared emphatically that he resented what he considered Heney's "meddling" in affairs in this state. Mr. Scott further admitted that he had said he regarded the prosecution of the so-called land-fraud cases in Oregon had developed into persecutions. In answer to questions from Judge Wolverson, Mr. Scott, however, asserted that he could not see any feeling he might have regarding the case at trial and serve as an unprejudiced juror. Following this declaration Judge Wolverson held that Mr. Scott was a competent juror. Judge Becker would take no chances and peremptorily challenged the juror, who was excused.

The ill feeling of Mr. Scott towards Mr. Heney was not disclosed in his examination by Judge Wolverson, for the defense, which was satisfied to accept him as a juror. Several preliminary questions were asked of Mr. Scott by Judge Becker, the evident purpose being to show that the juror, by reason of his prominence with the State Grange, had not been on very friendly relations with ex-State Senator R. A. Booth, brother of the defendant, James Henry Booth. But Mr. Scott declined in his answer to lay the foundation for his possible disqualification as a juror. Finally Mr. Scott was asked if he did not have a conversation with Harry E. Dyer, of East Portland, on the last of last Spring, while en route to Salem, in which he had passed an opinion on the Oregon land-fraud cases.

Resents Attack on Fulton.

"If I discussed Mr. Heney at that time, it must have been in connection with his attacks on Senator Fulton," replied Mr. Scott. "If I talked about the land frauds it was only in a general way."

"In that conversation with Dyer did you not say, 'Heney should remain in his own state and not come here meddling in our affairs'?" asked Judge Wolverson. "I do not remember that I did make such a statement," responded the juror. "My remarks were intended to apply to Mr. Heney for coming to Oregon and attacking Senator Fulton, which I resented and still consider was not warranted. I considered that in doing so Mr. Heney was entirely outside of his province."

"Did you not further say that you regarded 'these persecutions as persecutions'?" followed the Government prosecutor.

"I believe that I did make such a statement, but it did not apply to the so-called land-fraud cases. I intended the remark to apply only to Mr. Heney and his attacks on the character of Senator Fulton."

Court Rules for Juror.

"I submit to your honor," said Judge Becker, addressing the court, "that the juror is disqualified to serve in this case."

Judge Wolverson said he had no objection that Mr. Heney had prepared the indictment against the defendant on trial and the further fact that Mr. Heney might be called as a witness in the trial of the case would prejudice him either for or against the prosecution. The juror replied that he would try the case with the same consideration that he would give any other case and was held by Judge Wolverson to be a competent juror.

After conferring with United States Attorney McCourt and Special Inspector Neuhausen, the case was held by Judge Wolverson to be a competent juror. Later in the day the Government peremptorily challenged T. S. McDaniel, of Multnomah County, who was also excused after the prosecution had sought unsuccessfully to have the juror declared incompetent because of physical reasons. M. J. Adams, of Marion County; E. C. Mears, of Multnomah County, were excused for the reason that they were prejudiced against the defendants in the land-fraud trials. Jacob Ogle, aged 78 years, of Marion County, expressed a willingness to be examined as to his qualifications as a juror in the case, but was excused by counsel for both sides in view of his advanced age. Mr. Ogle was also excused by Judge Wolverson from further attendance on the court for the same reason.

McDaniel Also Challenged.

In the examination of Mr. McDaniel by Judge Becker it was brought out that until four years ago he was employed as bookkeeper for the Advocate, the official publication of the Methodist Episcopal Church, of which members of the Booth family were prominent members. Mr. McDaniel also admitted that he and R. A. Booth, brother of the defendant on trial, were members of the board of trustees of the Willamette University. It was further confessed by the juror that he was subject to illness when confined in a room, especially where there was any smoking. For these reasons Judge Becker asked the court to adjudge the juror disqualified, but Judge Wolverson held that the man was competent and physically able to sit as a juror. The Government excused Mr. McDaniel after using its second peremptory challenge.

Andrew A. Lee, of Marion County, also is a member of the board of trustees of Willamette University, and when questioned by Judge Wolverson admitted that while a member of the board he had disagreed with R. A. Booth, another member on a question of policy concerning the institution. He insisted that his relations were not such on that account that he would be influenced in any particular in a fair and impartial consideration of the case. He was accepted after being questioned at considerable length by both sides.

Six Added to Jury.

During the day six additional jurors were secured, making a total of twelve who were accepted. Those accepted yesterday were: C. W. Hermens, of Yamhill; David J. Grant, of Polk; George Bolter, of Polk; W. J. W. McCord, of Clackamas; W. W. Poland, of Linn; Andrew A. Lee, of Marion. The other two members of the jury probably will be secured before noon today, when the opening addresses will be made. The introduction of testimony should begin not later than this afternoon. Counsel on both sides expect to conclude the

case and submit it to the jury this week.

Representatives of the Government here say that the Hermann and Williamson cases undoubtedly will be tried either late this Summer or early in the Fall. Mr. Heney is scheduled to come to Portland from California to try these two cases. Mr. Hermann will be defended by A. S. Worthington, who represented the defense in the recent Hyde-Benson trial at Washington, and ex-Senator J. M. Gearin, of this city.

MAY CALL HENEY AND BURNS

Becker intimates They May Testify in Booth Case.

Counsel for James Henry Booth, ex-Receiver of the Roseburg Land Office, now on trial in the Federal Court on a charge of bribery, will not outline their defense until the Government has presented its opening argument. It was intimated yesterday by Judge Becker, for the Government, in the examination of the jurors, that Francis J. Heney and W. J. Burns, of the Secret Service, may be called as witnesses for the prosecution before the Booth case is closed. It is understood that the defendant on trial had several conversations with Heney and Burns while they were in Oregon. These talks are said to be critically important as relating to the case on trial. Whether or not the two Government officials will be called from San Francisco will depend on the testimony of Booth, the defendant, when he takes the witness-stand. The purpose in sending for Heney and Burns would be to give testimony in rebuttal.

ARRESTED FOR ILLEGAL FILING

James D. Hazelwood, of Medford, Faces Federal Charge.

Charged with perjury, James D. Hazelwood, of Medford, was lodged in the Multnomah County Jail yesterday in default of \$200 bonds. The recent Federal grand jury returned an indictment against Hazelwood, charging him with perjury in making application for a homestead in Jackson County in July, 1906. In the investigation of the charge against Hazelwood, B. S. Reams, of Jackson County, was the complaining witness. It was represented by Reams that he was the owner of a mining claim that had been worked satisfactorily for probably 15 years and that Hazelwood, knowing the facts, made application before A. S. Hill, United States Commissioner, to file on the land as a homestead, subscribing to a non-mineral affidavit in support of the application. Later Hazelwood relinquished his claim and never attempted to make final proof.

Numerous instances of this character had been called to the attention of United States Attorney McCourt, who concluded to present the facts before the grand jury for its consideration. The result was that a number of indictments were returned and Hazelwood was included among the defendants. The practice of these men, it is alleged, was to seek to acquire possession of valuable mineral lands by filing on the same as a homestead. In order to do so it was necessary to subscribe to a non-mineral affidavit, declaring that the land was non-mineral and not suited for mining pursuits. By this process several instances were reported in which mining claims were ousted from their holdings.

Bark Vendee Is Libeled.

Charles Johnson, a longshoreman of this city, yesterday libeled the bark Vendee for \$1500 damages for personal injuries alleged to have been sustained while assisting to load the boat with a cargo of lumber, June 18 of this year. In his complaint Johnson charges that while descending a ladder to the main deck of the vessel grand jury returned an indictment charging him with carrying liquor into the Umatilla Indian reservation. Less than a month ago Mitchell completed a sentence in the County Jail for a similar offense.

Saloon Closed by Sheriff.

The saloon of F. C. Markwardt at 188 Third street was closed by the Sheriff yesterday because of a suit brought in the Circuit Court by the Grand Hood Brewing Company. The company is seeking to recover \$22 for rent and liquors and \$75 attorneys' fees.

QUEEN RECEIVES MUCH APPLAUSE AT "TOYSHOP"



PEGGY BOYER, WHO IS THE LITTLE MORTAL CHILD CHOSEN BY THE DOLLS TO RULE OVER THEM DURING THEIR HOURS OF FREEDOM.

WALTON JURY OUT

Locked Up for Night Without Returning Verdict.

FOURTH TRIAL FOR HOLD-UP

Deputy District Attorney Haney Declares Prisoner Will Be Tried Again if Definite Verdict Is Not Returned.

The jury which has been trying Charles W. Walton in Judge Cleland's department of the Circuit Court for the fourth time, retired for deliberation at 5:15 last night, and was locked up for the night several hours later without having arrived at a verdict. If there is another disagreement Deputy District Attorney Haney says that the case will be tried for the fifth time.

Walton took the witness stand yesterday morning and gave his version of the streetcar holdup at the fair grounds between 10 and 11 o'clock on the night of September 1, 1904. With but few exceptions the story was the same as that he has told at previous trials. He said that before he took the car a flask of whiskey was obtained for him, because he had a headache. He was not positive whether the handkerchief, which others testified he used as a mask, and which was pulled off over his head at the police station, was tucked under his coat or knotted. He stuck to the story that he had only 15 cents in his possession at the time of the holdup, and to account for the \$2.80 which the police record shows was taken from his pockets at the station.

John McNulty was placed on the stand yesterday morning to testify that the moon was not shining at the time of the robbery, as it rose at 11:25 P. M. District Attorney Manning was questioned regarding a statement made at the Good Samaritan hospital by Patrolman Nelson, who was shot by the holdup, when it was thought Nelson would die. Mr. Manning said that he did not think this was preserved after it was found Nelson would recover.

BRAKEMAN SUES FOR \$20,000

Declares Broken Footplate Was Cause of His Injuries.

Because the footplate on the pilot of a freight engine had been broken off in an accident and was not replaced, L. O. H. Vose has brought suit in the Circuit Court against the Northern Pacific Railway Company to recover \$20,000 damages. He alleges that while employed as a brakeman on the freight train running between Ellensburg and Tacoma, Wash., known as "Extra 1399," he met with an accident and was injured for life.

NOTE BONDS FOR TOWAGE

PORT COMMISSION ACTS UNDER NEW LAW.

Authorizes Issue of \$500,000 for New Service Under Amendment Passed at General Election.

The Port of Portland Commission, at a special meeting held at the City Hall yesterday afternoon, voted to proceed at once with the execution of the initiative amendment to the charter of the Port of Portland, authorizing the commission to establish a towage and pilotage service between Portland and the sea. The initiative is to be in the amount of \$500,000, bearing interest at 6 per cent per annum, in denominations of \$1000 each.

It is understood that a friendly suit will be instituted to test the legality of the action of the Port of Portland Commission, in the courts. The resolution adopted by the commission to establish the towage and pilotage service, if carried out without interference from the courts, will mean that the service will be operated by the commission, as provided by the O. R. & N. Company, which now conducts it.

The action of the Port of Portland Commission follows the passage of an amendatory act, instituted by initiative petition, through the instrumentality of Edmund C. Giltner, January 3, 1908. This was submitted to the voters at a general election and was carried by a good majority. The action of the commission yesterday, therefore, is simply ordering the execution of the will of the people.

BAR WASHING AWAY

Jetty Has Deepened Channel to 26 Feet.

WIDTH NEARLY 3000 FEET

Government Officials Elated With Improvement of Conditions at Mouth of Columbia River.

Full Report This Week.

Preliminary returns from the survey of the mouth of the Columbia River show a general widening and an increased depth of water on the bar. Blue prints of the survey are being made, and the full results of the survey will be ready to be made public within the next week. At present, Government officials declare that the depth of water has been increased to 26 feet, and that the width of the channel has been increased to nearly 3000 feet.

JAPANESE DEMANDS LICENSE

Petitions County Court Against State Dental Examiners.

Upon the petition of George Y. Yamaya, Judge Gantenbein, of the Circuit Court, issued an order yesterday for a writ of mandamus against the State Board of Dental Examiners. This order is to compel the board to issue a license for the petitioner, or appear in court at 9:30 A. M., June 30, and show cause why it has not been done. A copy of the mandamus was served on John Yates, president of the board. Yamaya asserts that prior to January 1, 1905, he had been practicing dentistry in Oregon for five years. On this date he was granted a license when he made application to the board, June 1, 1907, and fulfilled all the other requirements of the Oregon law relative to dentists. He asserts that he presented to the board the affidavit of L. D. Reaves, but that this did not secure for him a license.

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H. B. LITT

FRENCH LINGERIE DRESSES

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\$12.50

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FORMERLY \$20 TO \$35

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AT LUNCHEON

WILL ATTEND ELKS' LODGE Chamberlain and Moody Delegates to National Meeting.

Governor Chamberlain and Ralph Moody will leave about July 3 for Dallas, Texas, to attend the grand lodge of Elks, representing Portland lodge, W. S. Levens, district deputy grand exalted ruler, of Baker City, and probably other past exalted rulers, will join the party, though at present there is nothing definite known as to their plans.

Mr. Moody is a member of the grand lodge committee on charters and has occupied that position for the past three years. By reason of that position he is one of the best known members of the grand lodge and it would not be a matter of surprise if he should be chosen to occupy even a higher office than that which he now holds.

Among local members of the organization it is confidently expected that within the next two or three years the Grand Exalted Ruler of the organization again will be chosen from the Pacific coast, Judge Melvin, of Oakland, being the last one chosen from this part of the country.

About a dozen delegates to the grand lodge will attend from this state and Idaho and in all probability they will have a special car. In addition to the delegates there will be a number of members of the order who will make the trip for as a rule the "Hello Bills" on the outside of the convention hall exceed in numbers those who are the accredited delegates.

PALE BOHEMIAN

Being in a class by itself, especially conducive to good health, and actually a substitute for food. It is a fact that such beer as PALE BOHEMIAN contains a great many, if not quite all, of the nutritive qualities that make bread such a remarkable health food. A great many people in this country eat one small sandwich for lunch and drink one bottle of beer. As a rule, you will find them exceptionally healthy.

One Dozen Large Bottles \$1.75, and 40 Cents for Returned Bottles.

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Merchants Savings & Trust Company

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Capital \$150,000

Pays interest on Savings Accounts and Time Certificates.

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FOR MEN and WOMEN

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270 WASHINGTON STREET.

First Prize \$10
Second Prize \$5

For letters describing the good points of Kee Lox Ribbons and Carbons. Competition closes July 15. For particulars and samples, call or send to KILHAM STATIONERY & PRINTING CO. Fifth and Oak Streets.

The Glad Hand

Isn't a circumstance when compared with the glad foot. If you wear the "Crawford Stub" your feet will be as easy as a hardened creak's conscience; won't bother you at all, no matter how far you go. The "Stub" is made in all the leathers—tan and black—oxford ties or regular high shoes. Genuine oak-tanned soles in every pair. Come in and try on a pair; let's get acquainted, anyhow.

Price \$4