

FOUR NEEDED TO COMPLETE JURY

Booth Case Will Probably Be Ready for Trial by Monday Morning.

COUNSEL ASKED TO HURRY

Each Side Uses Two Peremptory Challenges and Five Alternative Venue-men Are Accepted After Questioning by Lawyers.

Only five additional jurors, making a total of eight, were secured in the Booth conspiracy case yesterday, leaving four to be selected. These accepted yesterday were: Frank H. Wall, furniture salesman, of Portland; J. M. Nutkey, farmer, Monmouth, Polk County; H. T. Buxton, farmer, Forest Grove, Washington County; Robert E. Davis, retired farmer, Multnomah County; George Randall, retired farmer, Oregon City, Clackamas County. In adjourning court until 9:30 o'clock this morning, Judge Wolverton ordered counsel to make an earnest effort to complete the jury before noon today, when court will adjourn until 10 A. M. Monday.

Each side yesterday used two of its three peremptory challenges, the Government excusing F. S. Doernbecher, furniture manufacturer, and Delos D. Neer, an architect, both of this city. The defense excused E. J. Pettit, a farmer of Monmouth, Polk County, and T. J. Hunkers, farmer-banker of Selo, Linn County. Doernbecher was not wanted by the Government, probably because he is president of the Doernbecher Manufacturing Company, a furniture manufacturing plant, which was indicted along with Munkers and other furniture factories in the Federal Court last Fall and paid a fine for violating the anti-trust law. Architect Neer admitted that he had formed an opinion regarding the prosecution of land-fraud cases that would require substantial evidence to overcome.

Pettit Excused by Defense.

It was nothing of a surprise for the defense to excuse Mr. Pettit, who, the day before in answer to questions touching his fitness to serve as a juror, announced decisively that he believed land-fraud had been committed in this state and he considered the guilty persons should be prosecuted and punished. In answer to questions from Judge Webster, Mr. Munkers said he was a farmer and president of the bank at Selo, Linn County. He admitted that he had formed an opinion regarding the prosecution of land-fraud cases. Munkers, ex-Sheriff and Democratic State Representative-elect from Linn County, who had been elected as a Statement No. 1 man. Political reasons undoubtedly were behind the selection of Munkers, since one of the defendants, ex-State Senator Robert A. Booth, has for years been an active member of the Republican party in Lane County.

When asked by Mr. Becker, for the Government, if he had ever exercised his rights as a citizen and sought to acquire any public land, Munkers said that he went to Roseburg about five years ago, intending to file on a tract of Government land in Douglas County, but changed his mind and retained the land Office. At the time, James Henry Booth, another of the defendants on trial, was Receiver of the Roseburg office.

Acceptance of Buxton Surprise.

H. T. Buxton, a Washington County farmer, was accepted by both sides only after Judge Wolverton overruled a challenge imposed by the defense based on the fact that he had served as a juror within the last two years. It was brought out in the examination of Buxton that he had served as a juror in the Federal Court in this city in August, 1908.

A. G. Woodcock, of counsel for the defense, cited the Federal statute of 1870, in which it was provided that a taxpayer could not be summoned for jury service in any other Federal Court twice within a period of two years. In contradiction of this provision of the statute, Mr. Becker, for the Government, referred to a later statute, enacted in 1879, in which was provided that citizens eligible to petit jury service could not be called twice within one year.

After hearing argument on the question, Judge Wolverton held that the statute of 1879 in its provisions was antagonistic to the one first enacted and therefore repealed by implication the conflicting provisions of the statute of 1870. The defense saved an exception of the ruling of the court. The final acceptance of Buxton as a juror, especially by the prosecution, was regarded surprising, since it was rumored about the Federal building yesterday that in the Watson case two years ago, Buxton held out for acquittal for several years, refusing to enter a verdict of guilty, contended for by his associates.

Monotony Is Often Broken.

Several amusing incidents occurred during the day in the examination of the different jurors. This was particularly true of the political experiences or aspirations of the different veniremen. Robert E. Davis, retired druggist of this city and captain of a company in the Second Oregon during the Spanish-American War, testified that he was decidedly a novice in the game of politics. He said that about 15 years ago he was elected unexpectedly as a delegate to a Republican convention. "But I did not take enough interest in politics," explained Captain Davis, "to attend the convention. So I made out a proxy. Not knowing where my appointment came from, I discovered afterwards that I made a mistake and gave the proxy to a Simon delegate and not to a Mitchell man—the Mitchell people having secured my election."

Illegal Liquor Selling Charged.

Walter H. Evans, Assistant United States Attorney, will go to Baker City next Wednesday to represent the Government in the prosecution of R. R. Duffy and Ida Chase, who have been arrested on a charge of selling liquor at retail without first having obtained a special license from the Government. The arrest of the couple was made on complaint of the United States authorities at Idaho. The offense was charged to have been committed at Payette, just across the state line from Ontario.

Probe Grazing Problem.

WASHINGTON, July 17.—An agreement was adopted between the Secretary of the Interior and the Secretary of Agriculture for investigation of the effect of grazing sheep and cattle within the watershed on National forests which are important to irrigation. Potter, chief of the grazing branch of the Forestry Service, and S. D. Bronse, of that bureau, will cooperate in these investigations with officials of the Reclamation Service. The Water Users' Association and the presidents of both the Cattlegrazers' and Sheepgrazers' Associations in Arizona have been invited to arrange to have representatives of their several interests accompany the representatives of the Government.

INVESTIGATION OF WATER SHORTAGE

Health and Police Committee of City Council Calls for Complete Inquiry.

WILLFUL WASTE CHARGED

About 350 Gallons Per Capita Used for Irrigation During Two Hours Daily—Restrictions Probable Until Meters Are Installed.

Shortage of water all over the city caused Councilman Wills, of Sellwood,

COUNCIL WILL ORDER KAMM TRACT OPENED

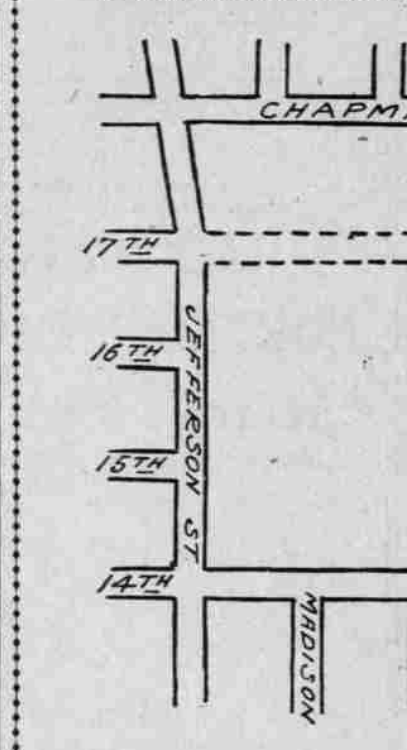


DIAGRAM SHOWING PROPOSED EXTENSION OF MAIN AND FOURTEENTH STREETS.

The street committee of the City Council has recommended the opening and laying out of Main street, from Fourteenth to Chapman, and the improvement of Seventeenth street, through the tract owned and heretofore held intact by Jacob Kamm. The main body will undoubtedly vote to order the work, which is said to be the beginning of a large amount of grading, laying out and filling in that district. The matter will come up for action next Wednesday morning. Councilman Baker, in whose ward the property lies, is the author of the resolution to improve and to open up the Kamm tract. It is his firm belief that the public demand for thoroughfares through the tract is so urgent that it must be done promptly. That it should have been ordered long ago is the general belief among the members of the Council.

The tract is bounded on the east by Fourteenth, on the west by Chapman, on the north by Jefferson and on the south by Taylor streets. All the years that Portland has been growing and expanding, this piece of property has been idle, there being no means of crossing it. This situation has been extremely detrimental to the development of the whole district, the Councilmen declare, and must now be relieved.

If the Council orders Main street put through and improves Seventeenth, it will furnish an excellent thoroughfare both ways, and will be of incalculable value to traffic. As to the manner of improvement of Seventeenth street, the street committee left that with Councilman Driscoll, who is a property-owner on the street.

Resolution, ordering the City Engineer to open up and lay out Salmon street, from Fourteenth to Chapman, was recommended to be rescinded, as it is said the district does not at this time require two streets there. West of Chapman street and between Morrison and Jefferson streets there is a large tract of unimproved property, which will soon come in for attention at the hands of the Council, as it is believed it should be improved. It would require a big bill to place some of this land in good condition for building purposes.

charge, did not follow its own rules in making the award. They also object, it is said, to the "executive sessions" held by the directors while considering the plans, and wish the members of the Board to explain in full all the details of the award.

City Superintendent Riegler, who acted with the directors in the matter, said last night that he has heard no complaints from any of the architects. He also declared that the report of the jury was made public, and said that there is no cause for any complaint from the architects.

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PAVING WAR IN COUNCIL

DIVISION ON QUESTION OF PATENT MATERIALS.

Dispute Also Over Proposed Use of Brick Instead of Belgian Blocks Between Cartrucks.

A big fight is raging in the City Council over the subject of hard-surface pavements, one faction favoring a resolution to order no more of this kind of improvement, which includes bitumastic, asphalt and Hassam, and the other who are opposing such a resolution. Another feature of the matter, which appeared yesterday afternoon for the first time when the street committee met, is that the Portland Railway, Light & Power Company wishes to use vitrified brick instead of Belgian blocks between its tracks all over the city where such improvement is required by the Council.

With Councilman Wallace absent, the street committee tied on the vote on a motion to specify brick for the contemplated improvement of Hawthorne avenue, from East Water street to East Fifty-eighth, and the subject of the paving of the city streets, as reported. It will form the basis for an animated debate, in which Councilman Vaughn and Rushlight will be the chief forces favoring brick and Councilmen Kellaker and Driscoll will champion the Belgian blocks when it comes before the Council.

The fight against "patent" pavements will not be a long one, it is expected, for the Council will act on it next Wednesday, it is thought, but that it will sooner or later find its way into the Council seems a certainty. Councilman Kellaker, the chief exponent of the "anti-patent" wing of the Council, his contention being that the city, under the present charter, has no authority to incur the expense of these pavements, as he declares there is no competition in either brand.

Other Councilmen, however, cannot see it in this light, and it is a question as to whether the fight against the "patent" pavements will result in their defeat. The matter is a lively one, it is believed, when the question of the kind of material to be used by the streetcar company for improving its portion of the city is taken up for discussion.

FROM DR. TILZER AGAIN

Denies That He Accused Dr. Baar of Ignorance.

NOTES OF PROBATE COURT

Appraisers Find John A. Martin Estate Worth \$161,952.

The estate of John A. Martin is valued at \$161,952.40 according to the inventory

and appraisal, filed in the County Court last night. Three lots in Dooscher's Addition, in North Portland, on which stand a number of unimproved buildings, stand at \$200,000. A block in King's Addition is appraised at \$18,000, while the life insurance carried by Martin is worth \$387.51. The appraisers are John Stewart, Frank E. Dooly and A. G. West.

The estate of Bernard O'Hara is worth \$63,514.48, according to the report of the appraisers, filed in the County Court yesterday. D. W. Wakarfield, D. S. Stearns and H. W. Fries estimate that lots 5 and 8, block 53, Couch Addition, at Ninth and Everett streets, are worth \$40,000. Lot 8 in block 54 at Third and Davis streets is valued at \$18,000, while the west half of lots 15 and 18, block 290, in the same addition, situated at Twenty-second and Overton streets in North 4th, are worth a deposit of \$35 in the First National Bank, and a deposit of \$16 with the United States National Bank.

The final account of the estate of John B. S. Trotter, filed with the County Court yesterday shows that property worth \$332.25 it was necessary to pay only \$38.59 in settlement of outstanding accounts. There is therefore in the hands of the administratrix, Anna M. Trotter, property worth \$293.66.

The receipts from the estate of William Johnson have been \$4683.75, according to the final report of Genevieve Johnson, the administratrix. Of this \$2256 is real estate, the balance is personal property, valued at \$2427.75. The names of James B. Upton, M. J. Cannon and H. F. Latourette were inserted in the record yesterday as appraisers, having been inadvertently omitted when they were appointed.

The final report in the estate of William B. Robinson, filed yesterday by William B. Robinson, the administrator, shows the receipts to have amounted to \$719.91. Of this there is still on hand \$2506.25 in cash, deposited with the Security Savings Trust Company; rents on property \$3000, and a note and mortgage for \$1000.

The ordinance of which Councilman Driscoll is author, prohibiting women from entering saloons, was discussed and finally recommended for discussion by the Council. Over this measure there is much difference of opinion among the Councilmen, and its fate is in doubt. The liquor interests do not want it to become a law is admitted, but there is said to be a strong demand for it from all moral reform forces, and it has its champions in the Council, chief of whom are Driscoll and Wills.

Councilman Concannon, chairman of the committee on health and police, is strongly opposed to the proposed ordinance, as he says it appears to him to be a measure aimed at the smaller saloons, and in favor of larger establishments located in the heart of the city. The ordinance was prepared by City Attorney Kavanaugh and Chief Deputy Grant, and both have urged its passage as a highly important law looking to the regulation of the public morals. That it will occasion a big fight when it comes up for action is beyond dispute, and it is believed that it is impossible at this time to foretell the result.

To Extend Fire Limits.

The health and police committee recommended to the Council the extension of the fire limits on the East Side, as proposed by Building Inspector Dobson and prominent business men of the district, and it is believed this measure will carry without difficulty.

Plumbing Inspector Hey and City Health Officer Fohl were present at a committee meeting to urge recommendation of the passage of an ordinance regulating the construction of livery stables and governing the matter of safety of horses. They were instructed to draft

CITY MAY SELL JAIL

Plan Recommended to Provide Money for New Building.

COUNCIL WILL CONSIDER

Scheme to Be Brought Before Body in Resolution by Health and Police Committee—Other Subjects Discussed.

If the City Council adopts a resolution introduced before the committee on health and police yesterday morning by Councilman Wills, the Executive Board will be authorized to advertise for bids for the present City Jail and site, at Second and Oak streets. The plan is to sell the old building and the ground upon which it rests and to use the proceeds for the construction of a new home for the police department, the Municipal Court and emergency hospital.

The resolution also would authorize the Executive Board to sell the vacant lots belonging to the municipality, located in various sections of the city, the receipts from this source to be applied on the new jail building. The most important piece of property included in this list is the market block.

"The only thing to do is to act now, if we are ever to have a new City Jail building," said Councilman Wills. "The city must have it, and the time is ripe. The need is so great that every one knows it, and there should be hearty co-operation in securing it."

To Keep Women Out of Saloons.

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GOOD THINGS IN PORTLAND MARKETS

THE end of the long procession of fresh fruits and vegetables that annually files through our markets before the discriminating eyes of the Portland public has almost been sighted. Some are already nearly out of sight. Strawberries, for example, which were certainly lovely and pleasant, are now a lovely and pleasant memory, and are justly regretted, are practically gone. Of course we remember that the stalwart rear-guard from the Hood River Valley, Scappoose and other famous brands of apples, has not yet made its appearance, and promises to be a host in itself.

The very large majority of the offerings now in market is "made in Oregon," and the state has reason to be proud. The displays for sale are exhibits of first-class, really handsome fruit. The Lambert and Bing cherries are unusually large and attractive, and the apricots and peaches can challenge California any day. Lambert and Bing cherries are selling for 15 cents and 10 cents a pound respectively. Royal Apricots are reduced to 4 cents a pound, with a downward tendency. Apricots are 40 cents a basket and peaches 15 cents and 20 cents a dozen, or 8 1/2 a box. Fancy, boxed boxes of choice cherries are being sent East at \$2 a box.

Among the newest fruits in the market are nectarines, at 45 cents and Simon plums at 25 cents a basket. Peaches and prunes are also quoted at the same price—35 cents a basket. Pears, 25 cents a dozen. Cantaloupes and watermelons are in plenty, and are selling the former at three for 25 cents, and the later at 3 cents a pound, or 40 cents for 20 cents a dozen. Bananas, 35 cents a dozen. Late Valencia oranges, 25 cents to 30 cents a dozen.

Among small fruits, loganberries are at their best, and are offered at two boxes for 25 cents. Blackberries are down to 12 1/2 cents a pound, and black raspberries, 10 cents a box, or three for 25 cents. To the delight of old country folk, whole, white and red currants were to be seen side by side. The first mentioned were new, and by no means overplentiful. They were selling at 15 cents a box, 15 cents a bushel, and at 10 cents a box. Red Astracan apples at \$2.50 a box. Gravenstein at a rather lower figure and grape fruit at three for 25 cents about exhausted the list of delicacies. Among vegetables crooked necked and Summer squashes seemed to be about the only new comers, which were retelling at 15 cents a pound each, and asparagus at 15 cents a bunch. Eggplant, 20 cents a pound; cucumbers, 5 cents each or three for 25 cents for large samples; beets, 25 cents a dozen; green peas, 5 cents a pound and coming down; string beans, 10 cents a pound; bell peppers, 15 cents a pound; potatoes, 15 cents a pound, and hot-house tomatoes, 25 cents a pound, with all the usual small vegetables made a bountiful selection.

In the fish markets a number of smaller varieties had again made their appearance, croppies and catfish, at 15 cents a pound each; silver smelt, two pounds for 25 cents; crawfish, in the height of season, and cooked in wine, considered a delicacy, at 40 cents a dozen; crabs are very scarce, salmon trout, at 20 cents a pound; Oregon black bass, 30 cents a pound; white sturgeon, 25 cents a pound, with Chinook salmon and black cod at

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