Q. Are you a native Oregonian?
A. No, sir.
Q. Where were you born?
A. In Iowa.
Q. I take it that you have read the paper since this matter came up?
A. Yes, sir; I read the papers.
Q. What papers.
A. We take The Oregonian and our county papers.
Q. Your local paper?
A. Yes, sir.
Q. The Daily or Weekly Oregonian?
A. We take The Daily Oregonian now.
Q. Do you remember of reading the account of this matter in The Oregonian?
A. Yes, sir; I have read some.
Q. Did that make any particular impression on your mind?
A. No, sir.
Q. Have you heard the matter talked about?
A. Not very much.
Q. Have you formed or expressed any opinion as to the guilt or innocence of the defendant?
A. I never have.
Q. Are you acquainted with Mr. Heney?
A. No, sir.
Q. Are you acquainted, so far as you know, with any of the Government detectives or secret service officers of the Government?
A. No, sir; I don't know anything about them.
Q. You have never heard any of them talking about the case?
A. No, sir.
Q. Have you ever heard anybody talk about the case who seemed or claimed to be interested in the matter?
A. No, sir.
Q. Is there anything that you may have heard about this case, or any matter, which would tend to prejudice you in any way against Senator Mitchell?
A. No, sir.
Q. Or make you feel unkindly toward him?
A. No, sir; I have a kindly feeling toward him.
Q. Could you and would you, if taken upon this jury, try the case fairly and impartially according to the law and evidence, without regard to anything you may have read in The Oregonian?
A. Yes, sir.
Q. If you were on trial on a charge of this kind, would you be willing to be tried by jurors who felt toward you and your case as you do toward Senator Mitchell and his case?
A. Yes, sir.
Mr. Bennett: We will accept the juror.
By Mr. Heney:
Q. Mr. Lebeau, have you ever held any public office?
A. No, sir.
Q. Do you know J. J. Fitzgerald?
A. No, sir; I don't know him.
Q. Have you ever made a timber entry in this state?
A. I never have; no, sir.
Q. Have you a brother?
A. Yes, sir.
Q. Where does he live?
A. Forest Grove.
Q. How long has he been living there?
A. He has lived there about 30 years or more.
Q. What does he do?
A. He is a merchant, or a clerk, in Mr. Bailey's store there.
Q. Do you know whether he has ever made a timber entry?
A. No, I know that he has not.
Q. Never tried to?
A. I don't think he ever did.
Q. Do you know Pierce Mays?
A. No, sir.
Q. You don't know of any reason why you could not try this case impartially, you think?
A. No, sir; I don't know of any reason.
Q. I understand you to say you never met Senator Mitchell?
A. No, I never met him; I have heard him speak once or twice.
Q. Are you acquainted with Mr. Bennett?
A. No, sir.
Mr. Heney: We will accept the juror.
Mr. Lebeau was accepted and sworn as No. 5 of the panel.

J. A. Baxter.

J. A. Baxter, being sworn on his voir dire was examined as to qualifications as a juror as follows:
By Mr. Bennet:
Q. Mr. Baxter, where do you live?
A. Dallas, Polk County.
Q. How long have you resided there?
A. Nearly all my life.
Q. What business have you been engaged in?
A. Farming and stock-raising.
Q. Were you born in Oregon.
A. Yes, sir; I was born in Polk County.
Q. I take it, then, that you have known Senator Mitchell for a good many years, or have known of him?
A. By reputation only, I never met Senator Mitchell in my life.
Q. If I may ask, how old a man are you?
A. Forty-eight years old.
Q. Have you heard any talk about this case?
A. Yes, sir, I have.
Q. From any one who claims to be interested in the matter in any way?
A. No, sir.
Q. Have you read any accounts in relation to the matter or statements in the papers?
A. Yes, sir; I take the Daily Oregonian and the local papers also, and I have read some accounts in The Oregonian, of course.
Q. You take The Daily Oregonian?
A. Yes, sir.
Q. Did you read enough in the papers or hear enough talk about it so that you could form an opinion as to the guilt or innocence of Senator Mitchell?
A. I can't say that I have.
Q. You have no opinion, then, in relation to the matter of the guilt or innocence?
A. No, sir; I have not, no fixed opinion.
Q. Do you know Mr. Heney, who is acting as District Attorney?
A. I do not.
Q. Are you acquainted with Mr. Burns, or any of the Government detectives or secret service men, so far as you know?
A. So far as I know, I have never seen any of them.
Q. Has any one talked to you about the case who seemed to have any interest in the matter or cared for it, in any way?
A. No, sir.
Q. As to how it came out?
A. No, sir.
Q. Is there anything you may have heard at any time in the past in relation to this case or in relation to any other matter which has prejudiced you in any way against Senator Mitchell?
A. There is not.
Q. You have no bias or feeling of dislike towards him from any cause?
A. I have not.
Q. You have no feeling in your mind towards him that would make you more ready to convict in his case than that of any other citizen?
A. No, sir.
Q. If you were taken on the jury, would you try the case according to the evidence given you on the trial?
A. I certainly would.
Q. Without regard to anything you may have heard or read?
A. Yes, sir; I think so.
Q. You would entirely disregard that?
A. Yes, sir.
Q. If The Oregonian should continue to publish articles while the case was on trial similar to those it has published, or articles attacking Senator Mitchell in any way, would those articles have any effect in your mind on the trial of this case?
A. Not in the least.
Q. You would not permit them to have any effect upon your mind whatever?
A. No, sir.
Q. You absolutely know of no reason why you could not try the case with perfect fairness?
A. I know of no reason, no, sir.
Q. And you would do so?
A. I certainly would, to the best of my ability.
Q. You feel that if you were on trial on a charge such as the one against Senator Mitchell you would be willing to be tried by jurors who felt toward you and your case as you feel toward him and his case?
A. Yes, sir.
Mr. Bennett: We will take the juror.
Mr. Heney: We will accept the juror.
J. A. Baxter was thereupon sworn and became juror No. 6 of the panel.

J. P. Clausen.

J. P. Clausen, being sworn on his voir dire, was examined as to his qualifications for a juror as follows:
By Mr. Bennett:
Q. Mr. Clausen, where do you reside?
A. In Middleton, Coos County.
Q. How long have you lived there?
A. Twenty-two years.
Q. What business have you been engaged in?
A. Farming.
Q. Do you own land down there?
A. Yes, sir.
Q. Have you taken Government land?
A. No, sir.
Q. You bought your land? You never have taken Government land?
A. No, sir.
Q. I take it you are a citizen of the United States, born in this country?
A. No, sir; born in Denmark.
Q. I take it you have taken out your second papers?
A. Yes, sir.
Q. And you are a full citizen of the United States?
A. Yes, sir; have been about 25 years.
Q. Are you acquainted with Senator Mitchell?
A. No, sir.
Q. Never have been?
A. No, sir; never have seen him before today.
Q. Are you acquainted with Mr. Binger Hermann?
A. No, sir.
Q. What papers do you read?
A. I read the county papers, and I take the San Francisco Chronicle.
Q. You do not read The Oregonian?
A. No, sir.
Q. Have you read anything in the papers in relation to this case against Senator Mitchell?
A. Yes, sir; in the county papers.
Q. You have not read anything in the San Francisco Chronicle?
A. Well, I don't remember that I have.
Q. You read the county papers?
A. Yes, sir.
Q. Has the matter been talked about a good deal down there in the neighborhood of where you live?
A. No, sir; not to me.
Q. You have not heard it talked about?
A. I don't remember of it; I might have heard talk about it, but it never interested me any. I did not take an interest in it.
Q. From what you read in the papers and talk you heard, did you form any opinion as to whether Senator Mitchell was guilty or not?
A. I did not.
Q. You have no opinion or impression even?
A. No, sir.
Q. Is there anything that makes you feel unkindly towards Senator Mitchell?
A. No, sir.
Q. You have no prejudice against him from any cause?
A. None whatever.
Q. Your feeling towards him is friendly?
A. Yes, sir.
Q. If you were taken as a juror could you and would you go upon the jury and try the case with perfect fairness and impartiality?
A. I would.
Q. I believe you stated you were not acquainted with Mr. Heney?
A. No, sir; I don't know him.
Q. Nor with Mr. Burns?
A. No, sir.
Q. So far as you know you are not acquainted with any of the detectives?
A. No, sir.
Mr. Bennett: We will take the juror.
Mr. Heney: The Government accepts the juror.
J. P. Clausen was thereupon sworn and became the seventh juror.

S. A. Carlton.

Mr. S. A. Carlton being sworn was examined as follows:
By Mr. Bennett:
Q. Where do you reside?
A. Jackson County.
Q. How long have you resided there?
A. Thirty-five years.
Q. Where did you come from there?
A. Linn County, Oregon.
Q. How long have you resided in Oregon?
A. Since 1866.
Q. I take it that you know Senator Mitchell either by reputation or personally in those years.
A. By reputation only; I don't know him personally.
Q. Is there anything in your knowledge of him or in the reputation, or what you have heard about him that would prejudice you in any way against him?
A. No, sir.
Q. Or a desire to have him convicted of this charge?
A. No, sir.
Q. Have you read the accounts in the papers?
A. I have, yes.
Q. Have you read enough so that you could form an opinion as to his guilt or innocence?
A. No, sir.
Q. You have no opinion as to his guilt or innocence?
A. No fixed opinion; I have an opinion.
Q. You may have formed some opinion, but you have no definite opinion?
A. No, sir.
Q. Is the impression you may have formed such that it would affect your judgment in the trial of the case in any degree?
A. I don't think so.
Q. You could disregard it entirely and everything you have heard and read?
A. Yes, sir.
Q. And you would do that?
A. Yes, sir.
Q. And give Senator Mitchell a perfectly fair and impartial trial?
A. Yes, sir.
Q. And you would not be willing to convict him until the evidence should satisfy you beyond a reasonable doubt of his guilt?
A. No, sir.
The juror was accepted and sworn as No. 9 of the panel.

Casper Wiesmander.

Caspar Wiesmander, being duly sworn, on his voir dire, was examined as to his qualifications for a juror, as follows:
By Mr. Bennett:
Q. Mr. Wiesmander, where do you live?
A. For the last couple of days I am in Oregon City. I used to live at Maxwell, and for a while in Portland, the last few months. But before, I always lived in Clackamas County, near Maxwell.
Q. How long is it since you lived in Clackamas County?
A. Before I came to Portland?
Q. Yes; how long since you first came there?
A. I came there in 1869.
Q. Where did you come from?
A. I came from New York, and from Germany before I came from New York.
Q. Do you own any Government land?
A. I took up a homestead.
Q. When was that?
A. The 28th of December, 1869.
Q. And you proved up on it?
A. Yes, sir.
Q. Have you taken any land since that time?
A. Not since that.
Q. So, was that where you now live?
A. Well, not exactly. I sold that about seven or eight years afterwards and bought a place right close to it, and then I sold that last one, and that is the reason I am living in Oregon City now.
Q. Having lived here since 1869, I take it you have known Senator Mitchell, or known of him?
A. I don't think I do. I think this is the first time I ever saw him, today. I might have seen him before.
Q. You have known of him during that time, I take it?
A. I have known Mr. Bennett a good many years, too.
Q. Well, you know Senator Mitchell, by reputation, I mean?
A. I guess I do.
Q. Heard a great deal of him?
A. Yes.
Q. Is there anything in what you have heard of him that prejudices you against him in any way?
A. Not at all; I have no prejudice against anybody.
Q. You have no feeling of dislike towards him?
A. Nothing at all of that kind.
Q. Any feeling that you would like to see him convicted on this charge, or anything of that kind?
A. Not that I can see.
Q. Well, you know whether you have any such feeling as that or not?
A. Well, of course, now if you asked me my opinion——
Q. I am not asking you your opinion.
A. I have no feeling against him.
Q. Have you any feeling that you would like to see him convicted?
A. Not at all.
Q. Do you read the paper?
A. I do.
Q. What paper?
A. The Journal, Telegram and Oregonian—all three of them; since I am in Portland here, I have plenty of time.
Q. This matter has been talked about a good deal in your neighborhood and all around this country?
A. Well, off and on while it was before the grand jury.
Q. You have heard it talked of a good deal?
A. Yes.
Q. From what you have read in the paper, and what you have heard about it, have you formed any opinion in relation to the matter?
A. I have.
Q. That is a pretty definite and fixed opinion, is it not?
A. Well, pretty strong.
Q. And you have expressed it a great many times?
A. Well, not a great deal.
Q. Well, you have expressed it?
A. Not from my own, altogether, but only what the paper stated.
Q. You have a pretty strong and definite opinion?
A. I have a strong opinion.
Q. Have you ever told people what you thought about it?
A. I don't think I ever did.
Q. Is that such an opinion in your mind as would take evidence to remove?
A. I think so. I think it would take evidence to remove it.
Q. Pretty strong evidence?
A. Pretty strong evidence.
Q. You don't feel, then, that you would be a fair juror?
A. Well, I could be fair to any man under oath.
Q. But you don't think it would be fair for you to sit on the jury, having such a strong opinion?
A. Well, of course it takes pretty strong evidence to remove it.
Q. If you were on trial in a case of this kind, on a charge of this kind against you, you would not want to be tried by a man who had as streng an opinion in your case as you have in Senator Mitchell's case?
A. Just as soon as anybody else, so far as I am concerned.
Q. You would be willing to be tried by a man who had a strong opinion against you?
A. If a man is true to his duty, it don't make any difference. The opinion could be removed.
Q. But until it was removed you would have your mind pretty well made up?
A. I have my mind made up, yes.
Q. You think if the evidence was strong enough in his favor to change your opinion, that you might find differently, then.
A. Well, of course, I would not say that now.
Q. But it would have to be strong enough to change your opinion?
A. It would have to be pretty strong.
By Mr. Heney:
Q. Do I understand that if you were sworn as a juror now and the case was submitted to you without evidence, you would be willing to go out and vote on it?
A. I would try and do my duty.
Q. Would you be willing to go out and vote on it without any evidence?
A. I don't think so; I would want evidence first.
Q. If evidence was produced here, could you exclude the opinion that you have and try the case on that evidence alone?
A. Well, that is a pretty hard matter for me to express my opinion on this.
Q. As I understand you, you said a while ago that if a juror wanted to do his duty, you would just as soon have him try you, if he had such an opinion as you have?
A. I would.
Q. Well, is that because you could try the case on the evidence produced here?
A. I would try to.
Q. Without any regard to your opinion?
A. I would try the case on the evidence.
Q. Without any regard to the present opinion you have?
A. Well, yes, sir; I think I could do it. Of course, my opinion is pretty strong.
By the Court:
Q. Do you have a fixed opinion that the matters that you have read in the papers were true?
A. Well, of course, if everything what the paper stated was true—
Q. That is not it. I asked you whetner you believed everything that was stated in the paper, whether you had the opinion that every statement made was true?
A. I don't know; I don't believe everything that is stated in the papers.
Q. You understand, don't you, that as a juror it would be your duty to be guided by the evidence of the witnesses?
A. Yes, sir.
Q. Do you think you would be able to listen to the evidence of the witnesses given in the hearing and base your verdict entirely on the testimony, without any reference to what you have read in the papers?
A. You mean without any feeling of any kind?
A. You mean without any feeling of any kind?
Q. Yes.
A. I think I could do that.
Q. You think you could?
A. Yes, sir.
Mr. Bennett: May we shy a word in relation to the matter, Your Honor? It seems to me that this juror has shown that he has a very strong and unqualified opinion in his mind. It is true, he says he does not think he has expressed it, but the opinion is very much stronger than that of the juror that was excused by Your Honor. Of course, it may throw some light on a man's conduct on the jury as to what he thinks he would do, whether he thinks he could disregard it, and I submit to Your Honor that we are all full of the sweet egotism that this we could do better than ordinary human nature could do. It seems to me it is a question for the court and not for the juror, as to whether his opinion is so strong and fixed in his mind that it probably would have more or less influence upon him in the trial.
The court: The juror does not speak our language very well, and is not able to clearly express himself. But he seems to be a very intelligent man, and an intelligent man who has no personal prejudice against the defendant I am certain would be able to dispose of the case upon the evidence to which he listens. He understands perfectly well that what he has read in the newspapers is not evidence, and that it is his duty as a juror to render a verdict based upon the evidence. I do not see any reason why an intelligent man cannot do that. An intelligent man can do it unless he has some personal prejudice, and the juror does not seem to have that, and I will overrule the challenge.
Mr. Bennett: The defendant excepts. We will excuse the juror.

F. D. Hobart.

S. D. Hobart being duly sworn on his voir dire was examined as to his qualification for a juror as follows:
By Mr. Bennett:
Q. Where do you reside?
A. Silverton, Marion County Oregon.
Q. And you have resided there how long?
A. Over 50 years, most of the time.
Q. I take it during that time, you have got acquainted with Senator Mitchell, either personally or by reputation?
A. Yes, sir; I met him and have been introduced to him at one time, and heard him speak several times.
Q. Is there anything in what you may have known or heard of Senator Mitchell, outside of this case, which might prejudice you against him in any way?
A. No, sir.
Q. You have no feeling of dislike or opposition to Senator Mitchell in any way which might prejudice you against him?
A. No.
Q. Have you read the papers, accounts of this matter that were published?
A. Yes, sir.
Q. In The Oregonian?
A. Some in The Oregonian and Telegram and the Semi-Weekly Statesman.
Q. You read them pretty generally?
A. Yes, sir.
Q. Has the matter been talked about in your neighborhood?
A. Yes, some.
Q. You have taken part in conversations about it a good deal?
A. Well, not a great deal?
Q. You have talked with Mr. McMahon?
A. I don't remember that I did.
Q. You never talked with him about it?
A. I don't remember that I did; I have only seen him once for a long time.
Q. Do you know Mr. McMahon?
A. Yes.
Q. Is he a friend of yours?
A. Well, not particularly.
Q. You are not associated in any way, politically or otherwise, with him?
A. No, sir.
Q. You have not made any common cause in relation to any matter that brought you and Mr. McMahon close together?
A. I don't remember that I have.
Q. Have you seen McMahon since you have been sworn as a juror?
A. No, sir, I have not.
Q. Has any one talked to you about the case since you have been summoned as a juror?
A. Very little.
Q. Who did talk to you?
A. Some of our home folks might have mentioned the case, or something about it.
Q. Do you remember who?
A. No, sir; I don't.
Q. Did they ask you how you felt about the matter?
A. I don't know that they did; I don't remember that they did.
Q. Didn't they ask you how you felt in relation to the matter?
A. Well, I don't remember that they did.
Q. They talked to you about it, did they?
A. Oh, likely, a very little.
Q. Did you express your opinion to them about it?
A. I don't know that I did.
Q. Do you know whether you did or not?
A. I believe I did not.
Q. You formed an opinion at the time, from what you read in the papers and from what you heard?
A. Well, some; not a strong opinion at all; I have not read all of the evidence?
Q. Was that such an opinion as would prejudice you against Senator Mitchell in the trial of the case?
A. No, sir; I don't think it would prejudice me.
Q. You don't think it would prejudice you against him at all?
A. No, sir.
Q. Was that opinion made up from reading the sworn statement in the papers, the sworn statement of Tanner and others, published in The Oregonian?
A. Well, what I read lately in regard to it was in the Telegram. I have not read The Oregonian in relation to it lately. In the Evening Telegram I read more about it—well, I only read the charges, that was all.
Q. Did you read what Judge Tanner was reported to have said about the matter?
A. Some time ago, I think I did; yes, sir.
Q. That is what I mean—some time ago.
A. Yes, sir.
Q. That purported to be the sworn statement, in open court?
A. Yes, sir; I read that.
Q. Was it upon that statement partly, that you made up your mind?
A. Why, of course, I could not judge further, whether that statement was true or not; and I did not make up my mind whether that statement was true or not.
Q. That is, you did not make up your mind whether Judge Tanner told the truth or not?
A. No.
Q. But you have no doubt but what it was truly reported?
A. I supposed it was truly reported; I only supposed it; that was all.
Q. And you understood it is to be on sworn testimony on his part?
A. I think so; it was some time ago.
Q. Was it partly on the other that you made up the opinion you have, or was it something else?
A. Well, it was as much on that as anything. Of course, I could not judge whether that statement was true or not, but that would have to be settled later.
Q. That being the sworn testimony, would it keep coming up in your mind if you were on the jury and hear Judge Tanner testify? Would it keep coming up and you be comparing to see how near it corresponded?
A. Well, it might, possibly.
Q. You could not entirely disregard it and keep it out of your mind?
A. No, I don't think I could.
Q. It would more or less affect your judgment—that sworn statement—in the trial of the case?
A. I think it would.
Q. You don't think you would be a fair juror, after reading that sworn statement and making up your mind about it? You don't feel that your mind would be in a fair condition to try the case?
A. Well, I think it would be.
Q. Well, you think notwithstanding that statement was sworn, you could disregard it?
A. If it were refuted?
Q. What?
A. If there was some testimony that refuted it, I might; it would have no effect.
Q. Suppose the testimony of Judge Tanner should be a little different on this trial from what it was before; would that have any effect on your mind?
The Court: I think the juror cannot answer that question. He cannot tell until he has heard the testimony what effect it would have on his mind. The juror says he has read what purported to be the testimony of Tanner, but that he has no opinion as to whether that is true or not. You may ask him whether he would believe that testimony, but if somebody came upon the stand and contradicted it, he cannot tell that; nobody can tell that. It is not possible for him to tell it. He does not know what impression the witness will make on his mind, and as a matter of course, it would depend entirely upon the impression the witness makes upon his mind as to whether he would believe it or not.
Q. But I understand you have formed some opinion from that sworn evidence, in relation to the case.
A. Well, it is only a question whether the evidence is true or not. Of course, I am not prepared to judge whether the evidence was true or not.
Q. That is, whether Judge Tanner told the truth or not; you are not prepared to judge?
A. No, sir; I am not prepared to judge whether it is true or not, what I have read.
Q. But you have an opinion on that testimony in relation to the guilt or innocence of the defendant?
A. Well, if it could be known it was true, it would have an effect upon me.
Q. Would it have an effect upon you until you were convinced it was false?
A. It would have no particular effect until I am further convinced.
Q. Then you have no opinion now in relation to the case whatever, as to the guilt or innocence of Senator Mitchell?
A. No, sir; I don't think I have.
Q. Mr. Hobart, suppose that in the trial of this case the Oregonian should publish articles against Senator Mitchell, attacking him in relation to this matter, would that have any effect upon your mind in the trial of the case?
A. It would depend upon the evidence they produced.
Q. Would any argument the Oregonian might make or anything it might say or any attack it might make prejudice your mind in any way?
A. I don't think so.
Q. You would not permit it to affect you at all; you would judge the testimony yourself without regard to what the Oregonian might say about it?
A. Yes, sir.
Q. Or what the Oregonian might think about it?
A. Yes, sir.
Q. You have no personal prejudice against Senator Mitchell?
A. No, sir.
Q. Your feeling is kindly toward him?
A. Yes, sir.
Q. If you were on trial on a charge similar to the one against Senator Mitchell, would you be willing to be tried by jurors who felt towards you and your case as you feel towards Senator Mitchell and his case?
A. I would.
Q. If taken on this jury, you would go upon the jury and give him exact justice and the benefit of every doubt, if it came to a question of doubt, the same as any other man who was on trial?
A. Yes, sir.
Q. And you would not be willing to convict him until you were satisfied of his guilt beyond a reasonable doubt by the evidence?
A. No, sir.
Mr. Bennett: We will take the juror.
Mr. Heney: We will take the juror.
S. D. Hobart was thereupon sworn and became the eighth juror.

D. F. Grant.

D. F. Grant, being sworn, was examined as follows:
By Mr. Bennett:
Q. Where do you reside?
A. In Lincoln County.
Q. Harlan?
A. Yes, sir.
Q. How far is that from Yaquina Bay?
A. It is about 50 miles from my place to Yaquina Bay.
Q. How do you get over there from your place?
A. Well, I don't know as it is, either. It is 19 miles to Elk City and ten miles around the forks of the road where you go down to Toledo, and eight miles on to Newberg.
Q. Where is your market point?
A. Our market point is Corvallis.
Q. How long did you say you had lived in Lincoln County?
A. Thirty-two years.
Q. Are you acquainted with Senator Mitchell personally or by reputation?
A. Only by reputation. I heard him speak once; that is the only time I ever saw him until now.
Q. Is there anything in that which would prejudice you against him in any way?
A. No, sir, nothing that I know of at all.
Q. Was there anything that has prejudiced you in any way against Senator Mitchell?
A. Nothing whatever.
Q. Have you read accounts in the papers in relation to this matter?
A. Some of them, yes, sir. I have not been very particular in reading the accounts. I live back where we don't read very much.
Q. Has that prejudiced you against him?
A. No, sir, not at all.
Q. You formed no opinion about the matter?
A. Well, no, only just as newspaper accounts, of course; if there was evidence to counteract that, or evidence on the opposite side, of course my mind would be very easily changed so far as the newspaper account is concerned.
Q. But have you made up your mind at all in relation to the matter?
A. No, sir, not particularly.
Q. You have not expressed any opinion at all to your neighbors?
A. Well, we only talked about it among the neighbors there at home, about the newspaper accounts, but so far as making up my mind is concerned I have not done that.
Q. Then do you feel, Mr. Grant, that these newspaper reports have prejudiced you against Senator Mitchell to some extent?
A. No, sir, I do not.
Q. You feel that you have formed no opinion that would prejudice him in the least in the trial of the case?
A. None whatever.
Q. And you would, if taken on the jury, try the case according to the evidence?
A. Yes, sir; I undoubtedly would.
Q. And nothing that has been said in the newspapers would prejudice you in any way?
A. No, sir.
Q. And nothing said by the newspapers during the trial would prejudice you?
Q. No, sir, no more than it had before.
Q. And if you were taken you would stand against conviction until you were convinced beyond a reasonable doubt of Senator Mitchell's guilt of the charge, before you would be willing to find a verdict of guilty?
A. Yes, sir, I would.
The juror was accepted and sworn as No. 10 of the panel.

Frank Warren.

Frank Warren being sworn was examined as follows:
By Mr. Bennett:
Q. Where do you live?
A. Clatsop County.
Q. How long have you resided there?
A. Ever since I was about 17 months old, about 26 years I guess.
Q. What business are you engaged in?
A. Logger.
Q. For yourself?
A. Yes, sir.
Q. I take it you have become acquainted with Senator Mitchell personally or by reputation?
A. I have heard him speak several times through here; I have no acquaintance with him.
Q. Is there anything which would prejudice you against him in any way?
A. No, sir.
Q. You don't feel unkindly toward him?
A. No, sir.
Q. Your feeling is one of kindness toward him?
A. Yes, sir.
Q. There is no desire on your part or any feeling that you would like to see him convicted on this charge?
A. No, sir.
Q. And if you were taken on the jury you would try the case with perfect fairness and impartiality?
A. Yes, sir.
Q. You have formed no opinion as to his guilt or innocence, I take it?
A. No, sir I have not.
Q. You do not know enough about the case to form any opinion?
A. I have read a little about it in the papers, but not to any great extent.
Q. Not enough to form an opinion?
A. No, sir.
Q. Would you be willing to be tried by jurors if you were charged with an offense of this kind, who felt toward you and your case as you feel toward Senator Mitchell and his case?
A. Yes, sir.
Q. (By Mr. Heney.) Have you ever talked with Senator Fulton about this case?
A. No, sir. I have not.
The juror was accepted and sworn as No. 11 of the panel.

W. H. Lewis.

W. H. Lewis was sworn and examined as follows:
By Mr. Bennett:
Q. Mr. Lewis, where do you reside?
A. Seaside.
Q. You are from Clatsop County, too?
A. Yes, sir.
Q. How long have you lived in Clatsop County, Mr. Lewis?
A. Thirty-five years.
Q. Are you acquainted with Senator Mitchell personally or by reputation?
A. Only by reputation.
Q. Is there anything in what you may have known of him by reputation which would prejudice you in any way against him?
A. Nothing.
Q. You have not been opposed to him or anything of that sort in such a way as to make any prejudice in your mind?
A. No, sir.
Q. Have you read accounts of this matter in the papers?
A. Yes, sir.
Q. Have you heard it talked about?
A. Yes, more or less.
Q. From that have you formed an opinion as to the matter?
A. I have not, not publicly, no, sir.
Q. You are not prejudiced against Senator Mitchell by what you have read and heard in any way?
A. No, sir.
Q. And you could give him just as fair a trial as though you had never heard a word?
A. Yes, sir.
Q. Do you read The Oregonian?
A. Yes, sir.
Q. Are you influenced in your opinions by it?
A. I rather think not.
Q. You don't intend to be——
A. No, sir.
Q. If The Oregonian was to publish articles attacking Senator Mitchell during this trial, or make arguments against him, would that have any effect upon your mind?
A. No, sir, I don't think it would at all, sir.
Q. Not in the least?
A. No, sir.
Q. You could and would go upon the jury and try the case with perfect fairness and impartiality?
A. Yes, sir.
Q. And if it became a question of doubt in the evidence, until you were satisfied of his guilt of the crime charged beyond a reasonable doubt you would not be willing to find him guilty?
A. No, sir.
Mr. Bennett: We will take the juror.
Mr. Heney:
Q. Have you ever expressed any opinion in regard to the guilt or innocence of Senator Mitchell?
A. No, I think not; I don't recollect that I have; no definite opinion.
Q. You have not talked with anybody at any time who claimed to know the facts?
A. No, sir.
Q. You have never talked with Senator Fulton about it?
A. No, sir.
Juror accepted and sworn as No. 12 of the panel.

Instructions of Court.

The Court: Gentlemen of the jury, I deem it my duty to make an order committing you to the custody of the Marshal during your attendance on this case. The Marshal will provide you with food and a suitable place to sleep. I have no doubt it will be a little inconvenient to you. In making this order, you are not to understand that the court reflects upon any one who has any connection with the case, because I do not for one moment suppose that anyone, either upon the part of the defense or upon the part of the Government would enter into improper relations with you; but I do it simply because I think it is proper that it should be done, so that this case will be decided by you wholly upon the evidence which you shall listen to at the trial. It is your duty, gentlemen, not to converse among yourselves about this case at any time until it shall finally be submitted to you for decision, and you will permit no one to talk to you in relation to it; if anyone does, it will be your duty to report the fact to the court.
The Marshal will take charge of the jury and will be directed to furnish two bailiffs to attend upon the jury.
Mr. Bennett: May it please the court, I do not know what the course of the newspapers may be in relation to this matter, but——
The Court: The Marshal will be directed to see that the jurors do not have any newspapers. He will be directed to hold no conversation with any member of the jury except to ask them whether they have agreed upon a verdict, or unless directed to hold a conversation with them by order of the court.
Whereupon the court adjourned until 10 o'clock this morning.

Fire Started From Engine Sparks.

H. J. Miller, whose house, stable, barn and implements on his farm at Linnton were destroyed by fire last August, appeared before Judge Sears and a jury yesterday as plaintiff in a suit against the Northern Pacific Railroad Company to recover $7000 damages. The fire occurred in the night time, and Miller testified that it was caused by sparks from a locomotive. Evidence was introduced showing that sparks emitted by engines attached to passing trains had caused grass and brush fires within a few days of the Miller fire, which were promptly extinguished by the section crew of the railroad company. Miller complains that his fruit trees and crops were also burned. The trial will be resumed today.

Madame Ruff Seeks Habeas Corpus.

Madame Regina Ruff, who is under arrest on a charge of swindling Mrs. Clara Stearns out of $1000 in California, does not desire to return to the Golden State, where there are said to be many victims awaiting her presence. Yesterday she made an attempt to obtain her freedom by means of habeas corpus proceedings, and Judge Frazer set the case for hearing this morning. W. D. Leatherman, with the assistance of John F. Logan, attorney, filed a petition in her behalf in the State Circuit Court. The petition recites that Regina Ruff is illegally restrained of her liberty by Chief of Police Hunt, who does not hold her on a warrant, but only on a telegram from Oakland, Cal. It is alleged that she is not a fugitive from justice, and is not guilty of any crime, and that her detention is illegal and void. It is also averred that Governor Chamberlain has no jurisdiction to issue a warrant of extradition. As Madame Ruff makes a business of revealing the past, present and future, she doubtless knows what her fate will be in the present case.

Says Land Was Misrepresented.

Ole J. Steen who purchased a timber claim from O. J. Weisten for $2100, giving in payment $1100 and notes and a mortgage for $1000, yesterday sued Weisten in the State Circuit Court to recover the money and securities, and to have the transaction declared null and void. On motion of W. A. Cleland, attorney for Steen, Judge Frazer signed an order enjoining Weisten from transferring the notes and mortgage.
Steen says Weisten represented to him that the claim contained 6,000,000 to 8,000,000 feet of a fine growth of large cedar trees, and was half a mile from the Siuslaw River, and near a sawmill. These representations Steen alleges he found upon examination to be false. The timber, he asserts, is almost worthless, and is in the midst of a fire district, and the claim is two and a half miles from the Siuslaw River.

Referee to Make Accounting.

In the suit of A. J. Dietz against H. L. Stephenson to recover possession of the Hotel Scott Judge Sears yesterday rendered a decision in favor of Dietz and appointed J. V. Beach as referee to make an accounting.
About a year ago Dietz purchased a quarter interest in the hotel with the privilege of buying another quarter or even the entire hotel on certain terms. He and Stephenson ejected Dietz from the hotel and deprived him of participation in the management. With the assistance of the referee the litigants will probably be able to settle the controversy.

Patrolman Hart Suspended.

Patrolman Hart was suspended yesterday by Chief of Police Hunt, pending an investigation by the police commission of a charge of insubordination and conduct unbecoming an officer. He will appear before the committee tonight and be questioned as to his conduct. It is alleged he has been very active in spreading derogatory stories about Chief Hunt. The accused claims he has never told anything but the truth.

DAILY METEOROLOGICAL REPORT.

PORTLAND, June 20.—Maximum temperature, 80 deg.; minimum, 52. River reading at 11 A. M., 13 feet; change in past 24 hours, fall, 0.3 of a foot. Total precipitation, 5 P. M. to 5 P. M., none; total since September 1, 1904, 32.57 inches; normal, 45.29 inches; deficiency, 12.63 inches. Total sunshine June 19, 1905, 14 hours and 68 minutes; possible, 15 hours and 46 minutes. Barometer (reduced to sea level) at 5 P. M., 30.03.

WEATHER CONDITIONS.

Fair weather continues in the Pacific Coast States. The temperatures have risen slightly in the Willamette Valley, the Sound Country, Northern California and the Great Salt Lake Basin. Elsewhere they have remained nearly stationary.
The indications are for fair weather in this district Wednesday with slightly higher temperatures.

WEATHER FORECASTS.

Forecasts made at Portland for the 24 hours ending at midnight, June 21:
Portland and vicinity—Fair. Northwest winds.
Oregon and Washington—Fair. Northwest winds.
Idaho—Fair.

PACIFIC COAST WEATHER.

STATIONS.	Maximum temp.	Precipitation past 12 hours	Wind. Velocity	Wind. Direction	State of weather
Baker City	76	0.00	8	N	Clear
Bismarck	76	0.14	16	N	Cloudy
Boise	82	0.00	8	NW	Clear
Eureka	54	0.00	8	NW	Cloudy
Helena	86	T	8	N	Clear
Kamloops, B. C	82	0.00			Cloudy
North Head	58	0.00	24	NW	Pt. Cldy.
Pocatello	82	0.00	20	W	Clear
Portland	80	0.00	4	NW	Clear
Red Bluff	98	0.00	6	SW	Clear
Roseburg	84	0.00	8	NW	Clear
Sacramento	88	0.00	8	S	Clear
Salt Lake City	84	0.00	6	NW	Clear
San Francisco	58	0.00	24	SW	Clear
Spokane	80	0.00	4	NE	Clear
Seattle	74	0.00	12	NW	Clear
Tatoosh Island	54	0.00	18	SW	Cloudy
Walla Walla	86	0.00	4	NE	Clear

T trace.

J. G. MACK & CO.
EXCLUSIVE CARPET HOUSE
Fall stocks are now arriving. The New patterns include some of the very best designs ever made in Carpets.
A NEW CARPET
perfectly made and fitted to your rooms would give them an air of comfort and elegance that nothing else can supply.
New Stocks now on show.
86 AND 88 THIRD STREET

PHIL METSCHAN, Pres. C. W. KNOWLES, Mgr.
Imperial Hotel Co.
SEVENTH AND WASHINGTON STREETS, PORTLAND, OREGON
European Plan . . . . . $1.00, $1.50, $2.00 per Day

THE BEST WAY TO SEE PORTLAND
Is by Tally-Ho, Cabriolet, Boulevard Wagon, or Landau.

Sizes to accommodate 4, 6, 9, 16 and 28 people.
PHONE MAIN 229
UNITED CARRIAGE COMPANY
11th and MORRISON Sts.

Ye Oregon Grille
In the new Hotel Oregon, corner Seventh and Stark Streets. Orchestra every evening after six o'clock.

For Camp, Picnic or Summer Home
the ready-cooked food
Grape-Nuts
eaten dry or with a little cream or condensed milk. 3 or 4 teaspoonfuls give one a
"GO"
for hours.
"There's a Reason"