

ELEVEN CHOSEN; HUNT ON LAST

Williamson Jurors May Begin Hearing of Evidence Today.

BENNETT MAKES OBJECTION

Twelfth Man Served Within Year, and He Holds That He Cannot Be One to Try the Case.

- THE THIRD JURY. John Bain, Mt. Zion, cashier Oregon Mortgage Company. J. Marcus Freeman, Portland, Allen & Lewis. Thomas G. Farrell, Portland, Everding & Farrell. James B. Kirk, The Dalles, merchant. Frank Bell, Portland, Eastern Lumber Company. H. Donnerberg, Portland, plumber. Theobald Kirsch, Mt. Angel, farmer. Worth Houston, Albany, farmer. Dan Zan, Portland, manufacturer. J. J. Hembree, La Fayette, farmer. Charles Ages, Sheridan, farmer. E. Pressnell, Salem, fruitgrower.

For the third time Congressman J. N. Williamson, his partner, Dr. Van Gesner, and their associate, Marion R. Biggs, have faced the Federal Court upon a charge of conspiracy to suborn perjury. For the third time the attorneys for the defense have attempted by technical means to delay the trial and quash the indictment, and once again the court has disallowed their motion and ordered that the case proceed.

The first day was slower in action than the other first days, and the evening found the attorneys yet battling over the selection of a jury. Eleven men had been agreed upon, and the twelfth, E. Pressnell, a fruitgrower of Salem, has been accepted by the Government over the technical protest of the defense, while upon adjournment the question of his qualification was taken under advisement by Judge Hunt, who will say this morning when court convenes whether or not the man shall serve. The question hinges upon the interpretation of the state law providing that a man who has served upon a state jury within a year cannot be called again to hear a case. It is contended by the defense that this provision of the state code applies to the Federal courts, inasmuch as the practice in the Federal courts follows the state procedure in this state by custom.

Bennett Asks Continuance. After the preliminary business of the court was finished, yesterday morning, Mr. Bennett asked for a continuance in the Williamson-Gesner-Biggs case upon several grounds. He argued that the drawing of the jury was irregular, and done in a manner tending to prejudice the case of the defense. He showed that by the direction of Judge Hunt the names of the panel had been chosen from only nine of the counties of the state, eliminating all of Crook County, the home of the defendants, and the greater part of Eastern Oregon. This was discrimination against the defense, the counsel contended, and tended to the disfavor of the case of those on trial.

One more thing was noted by the attorney, who placed it with his motion as a part of a story printed on Monday last in The Oregonian, in which was detailed the fear of the Government witnesses caused by the incendiary burning of the barn belonging to Wilfred J. Crain. This article, the lawyer said, would tend to prejudice the minds of the jurors, most of whom had doubtless read it, and would prevent a fair and impartial trial, as it tended to strengthen the knowledge of the defendants as to the origin of the conspiracy. For both of these reasons Mr. Bennett asked that the case be continued and the indictment be quashed.

Not Grounds for Continuance. The court, in replying to the argument, said that he did not see that the allegations set forth were grounds for a continuance. The order of the court regarding the drawing of the jury was made in accordance with the Federal law, and he understood, as to the article, it might reflect the state of mind of the witnesses or of the community, but it would not necessarily prejudice the minds of the jury. Mr. Henny said that the order made by the court for the drawing of the jury was done in an effort to secure a fair and impartial trial of the case, and in accordance with the rule of the law. He denied the imputation made by Mr. Crain, that he, or others at his instigation, had been father to the story printed about the Government witnesses, as he had not seen the story at all, and had not heard of it until after the paper was printed.

Drawing of Jury Proceeds. Judge Hunt overruled the motion for a continuance and ordered that the drawing of the jury proceed. This was slow work, as the questions asked by the defense, which led in the examination, were many and cautious. The men were questioned concerning their knowledge of the offense charged, whether or not they had heard and read about the first two trials of the case, whether the articles in the papers, The Oregonian particularly, had biased their judgment. John Bain, the first man examined and the first one chosen, is a resident of Mount Zion and the cashier for the Oregon Mortgage Company, of Portland. He was accepted by the Government without question.

Other Jurors Secured. J. Marcus Freeman, of Portland, was the next man chosen, after several had been examined and found wanting. Mr. Freeman is employed with the Allen & Lewis firm of this city. Thomas G. Farrell, of the Portland firm of Everding & Farrell, followed Mr. Freeman and was selected by both attorneys. James B. Kirk, a merchant of The Dalles, broke the monotony of excuses and made the fourth jurymen pleasing to both the Government and the defense. Frank Bell, an employee of the Eastern Lumber Company, of Portland, was next selected to serve. H. Donnerberg, a plumber of Portland, had not formed any opinion of the case and was satisfactory to both attorneys. Theobald Kirsch, a farmer from Mount Angel, had not read anything about the case. He did not read any English papers, and the German publications did not deal in land frauds to any great extent. He did not know what case it was that was on trial, and so was chosen. Worth Houston, a farmer of Albany, was selected, though the defense objected to him as being politically opposed to Mr. Williamson. Mr. Houston said he was a Democrat, and the court held that such difference in political opinion would

Texas Denies a Square Deal

The Fort Worth Telegram under date of March 25th, 1905, says, editorially:

The People of Texas may realize that Bondy & Lederer will see to it that the American Vuelta Tobacco industry is protected.

Please recall that during the three years of tremendous expense required to raise our first crop of tobacco, rival cigar makers at home tried every means to nullify our efforts. But the fact that we used the entire output of American Vuelta Tobacco in the TOM KEENE, which retails at FIVE CENTS, put the cigar smoking public on our side.

So the Cubans will find their attack a boomerang, for it is the strongest possible indorsement of our success.

We want you with us. Smokers who know and recognize quality ARE with us. Get a TOM KEENE today and note the great difference to most nickel Cigars.

J. R. SMITH & CO., 225 PINE STREET, PORTLAND, OREGON



EXCEPTIONAL ACHIEVEMENT AWAKENS EXCEPTIONAL HATRED AMONG A FEW, AND IT DESERVES THE EXCEPTIONAL SUPPORT OF THE MANY

not act as a bar to the honest trial of the case. He was selected, therefore, over the objection of the defense. Dom Zan, the well-known Portland singer, was also chosen, though he did not wish the job. He said he had a slight opinion, but that he could waive it when he heard the evidence, and he was accepted by both prosecution and defense. J. J. Hembree, a farmer of Lafayette, was acceptable to both sides of the controversy, and was sworn in to serve during the trial.

Question on the Rule. Charles Ages, a farmer of Sheridan, filed the next to the last chair, being acceptable to both Mr. Henny and Mr. Bennett, and then E. Pressnell, a fruitgrower of Salem, was examined for the last place. Mr. Pressnell said that he had been summoned as a jurymen by the State Circuit Court within a year past, upon which the defense challenged him for cause. Mr. Henny objected, arguing that the simple rule of the State Court did not bind the procedure of the United States Court. Judge Hunt took the question under advisement until this morning, when he will decide whether or not Mr. Pressnell is entitled to a seat upon the jury. In the event of the juryman being allowed to sit, the defense may interpose a peremptory challenge, as it has only used two out of the three in the selection of the men chosen. If Mr. Pressnell remains, the actual trial will begin practically with the opening of the court, this morning at 10 o'clock.

Permitted to Change His Name. Christian Martens Madsen was authorized by Judge Webster yesterday to change his name to Charles Christian Martin, a name by which he has been known since he was a schoolboy.



FEDERAL JUDGE HUNT, WHO IS IN PORTLAND TO TRY LAND FRAUD CASES.

SHOULD NOT INTERFERE. We trust that President Roosevelt will avoid complications with the Cuban delegation now in Washington to secure revision of the tobacco duties on the score of reciprocity treaties. What the Cubans demand is a tariff barrier against the importation of the Vuelta sprouts to the United States. Under the terms of fairness to Cuba, they want to destroy a new American industry which has flourished wondrously in Texas in the last few years. A large cigar manufacturing firm has found that the sprouts can be transplanted from Cuba to certain parts of Texas where soil conditions are similar to those of the Vuelta Abajos districts of Cuba. The leaf produced from the sprouts is pronounced by experts as absolutely identical with Cuban grown product. It would be an inducement to American capital seeking investments in Texas to kill off the industry. The Cubans have their rights in Cuba and the Texas in Texas. President Roosevelt should not interpose his alleged technicalities in reciprocity treaties.

Supreme Court Proceedings. The Telegram. V. Texas, March 24.--Proceedings in Texas refused: later

MINORS GET LIQUOR

Testimony Given Against the El Rey Saloon.

PROPRIETORS ARE ACCUSED

Strong Evidence Secured to Show That Place is Disorderly and That Drink is Sold to Minors.

During the hearing of charges against Harry E. Bowen, Belle Rowley and Andrew Hoffman in the Municipal Court yesterday morning, Charles Fox, a minor, swore that Bowen and Hoffman had given him liquor in El Rey saloon on several occasions. As a result of this testimony, Deputy City Attorney Fitzgerald will file charges against each. Bowen is already held on charges of maintaining a disorderly house and selling liquor to women under the age of 21 years; Belle Rowley is charged with maintaining a disorderly house, and Hoffman is up on a similar charge.

After hearing the evidence adduced by the city and state, Judge Cameron took the cases under advisement until this morning, at which time he will render his decision. Ralph McGody, representing the defendants, argued that there was not sufficient evidence to convict, but Mr. Fitzgerald contended that it had been clearly shown that offenses had been repeatedly committed against the statutes in El Rey saloon and house.

DAILY CITY STATISTICS

- Marriage Licenses. LICHTFORTH-SAGNER-Gustav Lichtforth, 42, 253 Front street; Emma Sagner, 25; ELLIOTT-LEWIS-Lambert Dunbar, 25; ELLIOTT-LEWIS-Lambert Dunbar, 25; FRIEDMAN-DETERS-Stephen Friedman, 21, Woodburn; Anna Deters, 21; LARSON-JOHNSON-Henry W. Larson, 23, Bellingham, Wash.; Sabina Johnson, 23; TAYLOR-ROBECK-George K. Taylor, 25, Grresham; Emma Hornecker, 22; SHAW-JOSELYN-Shaw, 23, New York; WILSON-ROBECK-George K. Taylor, 25, Grresham; Emma Hornecker, 22; HUNTER-JONES-Samuel R. Hunter, 27, Milton, Or.; Sylvia Jones, 25; GANTNER-REASONER-H. G. Gantner, 25, Ashland; Myrtle Reasoner, 19; BRENNEN-WESTFALL-Charles P. Brennan, 25, Grant street; Marie Westfall, 25; SMITH-MARKS-Herman R. Smith, 40, 496 Sherman; Francis Marks, 47; FREEMAN-VERBINGTON-O. A. Freeman, 24, 595 East Madison; Daisy E. Verbington, 24; SUTTON-PETERSON-William Sutton, 25, 171 North Sixth street; Alice Peterson, 21; ROGERS-COLLINS-H. R. Rogers, 36, Georgetown, Wash.; J. J. Collins, 22; DUNBAR-ORR-J. A. Dunbar, 27; Sarah Irma Orr, 22; RAIRD-CLELAND-John C. Baird, 34, 91 Sixth street; Beate Isabella Cleland, 28; WILKINSON-REID-William W. Wilkinson, 26, 180 North Fifteenth street; Elizabeth Keenan, 24; BREWLAND-ABET-Herbert Greenland, 36; Johanna M. Abet, 25; RAY-ERICKSON-C. W. Ray, 34, Seattle; MARY-ERICKSON-C. W. Ray, 34, Seattle; SHIRLEY-KELLY-Fred Shirley, 28; Josephine Kelly, 25.
- Deaths. WHITE-At Good Samaritan Hospital, September 2, Mrs. Alanda H. White, a native of Maine, aged 48 years. EPALDING-At Hotel Portland, September 4, Mrs. Lela Eyster-Spalding, a native of Cincinnati, O., aged 21 years, 8 months and 10 days. HAMEL-At 1 East Twenty-eighth street, September 2, Gilbert Harry, infant son of Mr. and Mrs. William D. Hamel, a native of Oregon, aged 2 months and 15 days. STOLTZ-At Good Samaritan Hospital, September 4, Mrs. Sadie Goodwin Stoltz, a native of Indiana, aged 33 years, 11 months and 11 days. WENDROTH-At St. Vincent's Hospital, September 2, Richard G. Wendroth, a native of Chicago, Ill., aged 30 years. Remains removed to Clatskanie, O., for interment. BIRKOP-At 608 Pettygrove street, September 1, Emma, daughter of Mr. and Mrs. J. Birkop, a native of Seattle, Wash., aged 2 years, 4 months and 25 days. HODDERBURY-At Mt. Taylor Sanitarium, September 1, Mrs. John Soderbury, aged 48 years. Remains removed to Seattle for interment. HAVIRD-At St. Vincent's Sanitarium, September 2, May, daughter of Mr. and Mrs.

GONZALES IS HERE

Sheriff Word Brings Him Back From Denver.

GETS NEW INFORMATION

Charge of Murder for the Killing of John L. Anderson at Bonneville May Be Preferred Against Prisoner.

Frank Gonzales a barber, 25 years old, was returned from Denver by Sheriff Word, yesterday afternoon, to answer to a charge of larceny, and he may be accused of the murder of John L. Anderson, at Bonneville, on August 17 last. Anderson had started to go to his old home in Missouri at the earnest solicitation of his old mother. His body was discovered in a rock quarry near Bonneville, where he had been killed with a heavy iron bolt, and it is supposed that he and his companion were beating their way east, and that his companion murdered him for his money.

A deputy under Harry Brown, Sheriff of Baker County, was at Bonneville the day of the murder, and says he saw Anderson and a man answering the description of Gonzales together. Sheriff Word has been hot on the scent ever since the bloody deed was done, and he traced Gonzales to Ogden and Salt Lake, but the officers at those points failed to find him. He was finally apprehended at Denver. While on his trip to bring Gonzales back, Sheriff Word obtained some additional evidence. Gonzales and Anderson once lived at Salt Lake, and knew each other. Gonzales had a wife named Marcellus. The Salt Lake Herald, upon the arrival of Sheriff Word, published a story that when Anderson lived in Salt Lake he was known as William Saxton. He and Gonzales were the best of friends until Saxton won the affections of the woman, who then deserted Gonzales. The latter and Gonzales had trouble, leading to their arrest, and Gonzales later threatened to kill Saxton. They both followed gambling at Salt Lake. It is supposed that Anderson and Gonzales met again in Portland and renewed their

A MUSICAL TREAT.

Mrs. Kathleen Lawler, one of Portland's most popular sopranos, has been engaged by Ellera Piano House for their Fair concert this week. In addition to the recital at 10:30, she will assist at the Pianola concerts at the Massachusetts and Illinois buildings Thursday and Friday afternoons respectively. Mr. S. J. Storey, with his violin, will also be an attractive feature of these musicales. Following is today's programme: Violin solo--(a) Etude in F.....Rubenstein (b) Cavalleria Rusticana Intermezzo.....Puccini (c) No. 3, Op. 10.....Mozart. Sopranos solo--(a) How Can I Leave Thee.....Schmidt (b) Good Bye.....Tosti (c) Violetta.....Wright. Miss Kathleen Lawler accompanied by the Pianola. Mr. L. P. Bruce at the Pianola. Haddorf Piano Used.

BUSINESS ITEMS.

If Baby is Cutting Teeth. Be sure and use that old and well-tried remedy, Mrs. Winslow's Soothing Syrup, for children teething. It soothes the child, softens the gums, allays all pain, cures wind colic and diarrhoea.

CASTORIA For Infants and Children. The Kind You Have Always Bought

HAND SAPOLIO FOR TOILET AND BATH

Delicate enough for the softest skin, and yet efficacious in removing any stain. Keeps the skin in perfect condition. In the bath gives all the desirable after-effects of a Turkish bath. It should be on every wash stand. ALL GROCERS AND DRUGGISTS

"WOODLARK" OLIVE OIL

From Sound Sun-Ripened CALIFORNIA OLIVES

No olive orchards in the world surpass those of California in the richness of their product. "Woodlark" oil is shipped to us in bulk and bottled in our own laboratory--no cotton seed oil here--just plain, pure, palatable oil of the olive--if it wasn't right we wouldn't put our "WOODLARK" brand on it--but we don't take anybody's word for it, we test it--that's why its GUARANTEED 100 Per Cent PURE. Gallon Jugs .....\$3.50 Quart Bottle .....\$.85 Pint Bottles .....\$.50 It gives you the bloom of health.

Woodard, Clarke & Co. DRUGGISTS Fourth and Washington Streets

DAILY METEOROLOGICAL REPORT. PORTLAND, Sept. 5.--Maximum temperature, 78 deg.; minimum, 49. River reading at 9 A. M., 24 feet; change in past 24 hours, none. Total precipitation, 5 P. M. to 5 P. M., none; total since September 1, 1905, none; normal, 0.15 of an inch; deficiency, 0.15 of an inch. Total sunshine September 4, 1905, 8 hours and 37 minutes; possible, 13 hours and 9 minutes. Barometer (reduced to sea level) at 5 P. M., 30.02. WEATHER CONDITIONS. Fair weather continues in the Pacific States with no marked change in temperature. Light smoke is reported in the interior of Western Oregon and Western Washington and also in Southwestern Idaho. The indications are for fair weather in this district Wednesday. WEATHER FORECASTS. Forecasts made at Portland for the 24 hours ending at midnight, September 6, 1905, are: Portland and vicinity--Fair. Northwest winds. Oregon and Washington--Fair. Northwest winds. Idaho--Fair.