

## JURY IS SECURED TO TRY HALL CASE

### Only Two Defendants to Be Heard.

### OTHERS PROMISED IMMUNITY?

### Only Ex-United States Attorney and Edwin Mays at Bar.

### NO EXPLANATION GIVEN

### Prosecutor Heney's Action in Not Proceeding Against Stelwer and Associates Gives Color to Rumor of a Confession.

#### JURORS WHO WILL TRY THE HALL CASE.

Alfred Freerksen, farmer, Lebanon, Linn County.  
William Fuqua, farmer, Clackamas County.  
Charles J. Sunderland, fruitgrower, Portland, Multnomah County.  
H. W. Fry, farmer, Albany, Linn County.  
Samuel W. Miles, farmer, Rickreall, Polk County.  
Ed Taylor, farmer, Sheridan, Yamhill County.  
Frank Lines, farmer, Albany, Linn County.  
Otto Nelson, streetcar conductor, Portland, Multnomah County.  
M. S. Barnes, farmer, Beaverton, Washington County.  
Frank VanWassenhove, farmer, Champagnon, Marion County.  
Eli Hamer, farmer, Crabtree, Linn County.  
Henry Freerksen, retired farmer, Shedd, Linn County.

Twelve jurors, satisfactory alike to the government and to the defense, were selected yesterday to determine the guilt or innocence of John H. Hall, ex-United States Attorney for Oregon, and Edwin Mays, who are jointly charged with illegally fencing public lands in Eastern Oregon. The first juror, Alfred Freerksen, a farmer, of Lebanon, Linn County, was accepted at 11 o'clock and the jury was completed at 5:30 o'clock yesterday afternoon with the acceptance of Henry Freerksen, a farmer, of Shedd, Linn County, and a brother of the first man selected. Both sides had exhausted their three peremptory challenges before the name of Henry Freerksen was reached, but he was subjected to a thorough questioning by Special Prosecutor Heney before being accepted.

#### Both Sides Hold Fire.

In the examination of the jurors as to their qualifications Mr. Heney, for the government, and County Judge Daniel R. Webster, for the defendants, were exceedingly careful not to disclose the slightest inkling as to the line of either the prosecution or the defense. Judge Webster made a special effort to impress on each juror that a difference existed between the charges on which Hall and Mays had been indicted and those under which the former land-fraud cases had been tried. He was also careful to ascertain whether any of the jurors, their relatives or their neighbors, during the last three years, had served on either a Federal grand jury or a Federal trial jury; if they had ever been in the stock business or had resided in Eastern Oregon; if they had discussed the pending trials with their neighbors or anybody else, or had formed an opinion as to the guilt or innocence of the defendants.

Mr. Heney, for the government, confined his examination to the jurors entirely to finding out if they had ever been engaged in the stock business, and whether or not either they, or members of their families, had ever dined on public land, or were in any way associated with the men and interests who have been identified with the land frauds in this state. In his examination of the prospective jurors, Heney was fortified with a complete history of each juror, his different places of residence, his business, his family, his social and political affiliations. Although the list of jurors was drawn only a week ago, T. B. Neuhausen, Special Inspector to the Interior De-

partment, had gathered this information and had it ready for the use of Mr. Heney when the latter arrived from San Francisco last Saturday.

### Heney Creates Sensation.

When court convened yesterday morning, Mr. Heney created a sensation by announcing that of the 12 defendants named in the indictment only Hall and Edwin Mays would be tried at this time. His failure to indicate when W. W. Stelwer, Hamilton H. Hendricks and Clarence B. Zachary were to be tried, if at all, is believed to be in color to the report that these three defendants have been promised immunity in return for important testimony against their co-defendants. The testimony of these defendants, it has been rumored, is considered essential to the case of the Government against Hall and Mays.

The plea in abatement, attacking the sufficiency of the indictment as to Franklin Pierce Mays, another of the defendants, was presented by W. LaR Hill, attorney for Mays, but it was overruled for the present by Judge Hunt. A similar plea was entered by Attorney Wilson in behalf of his client, Edwin Mays. When these proceedings had been had, Mr. Heney announced that he was ready to proceed with the trial of Hall and Edwin Mays.

At 10 o'clock Clerk Slados drew the 12 names following from the box: Albert Freerksen, Linn; William Fuqua, Clackamas; Charles J. Sunderland, Multnomah; R. W. Fry, Linn; Samuel W. Miles, Polk; A. N. Clark, Columbia; Ed Taylor, Yamhill; H. B. Springer, Linn; George B. Hoyt, Marion; Frank Lines, Linn; L. C. Schorn, Multnomah; and Otto Nelson, Multnomah. Before the noon adjournment Freerksen, Fuqua, Sunderland, Fry and Miles had been accepted and the names of the others, existing in the secretary's challenge, had excused Clark.

### Know Two Defendants.

Hoyt admitted an acquaintance with W. W. Stelwer and Hall and was acceptable to the defense. Heney ascertained from the juror that he had attended two sessions of the Oregon Legislature as a member of the "third house," but Hoyt denied that he was working in the interest of any particular Senatorial candidate.

"Do you know Elias Fidler?" inquired Mr. Heney. Hoyt had said he had not discussed the land-fraud trials with anybody.

"Yes," replied the juror.

"Did you not see to him, when discussing the cases, that I hope to God they will convict every one of them?"

"No, sir, I did not. He asked me about you, and I told him that I wished some one else had my place. We then said that he would like to go in my place."

The prosecution asked the juror, but when the defense accepted him, Mr. Heney used his second peremptory challenge and Hoyt stood aside.

The juror who was excused by Mr. Heney had served as a juror in the Zachary case in August, 1906, and Lyons and Nelson proved acceptable to both sides. This exhausted the list of 12 of whom eight had been accepted. The following names were then drawn: M. S. Barnes, Washington County; R. R. Templeton, Linn; Thomas Cummings, Linn; Frank VanWassenhove, Marion. Although Barnes was handicapped with the record of having served a term in the Oregon Legislature in 1906, he was accepted as a juror. Mr. Heney also VanWassenhove. Templeton insisted that he had convictions that would influence his verdict and the prosecution did not resist the challenge that was interposed by the defense. Cummings was excused by the court for the reason that he was plainly prejudiced against the defendants. He satisfactorily answered the questions asked of him by

## CONTENTS TODAY'S PAPER

THE WEATHER	YESTERDAY'S—Maximum temperature, 45 degrees; minimum, 34.
TODAY'S—Occasional rain; southerly winds.	Foreign.
Japanese Cabinet crisis not caused by emigration question. Page 3.	Stoessel trial shows forts could not get ammunition. Page 4.
National.	House considers seven law against bribery of Senators and Representatives. Page 1.
Senator Bacon proposes new currency bill. Page 2.	Rejection of Schuebel by Senate practically assured. Page 1.
Cortelyou denies he has resigned, but offer of Trust presidency is confirmed. Page 3.	President Penna. entertains officers of fleet. Page 2.
Politics.	Breaker and Dick held up Ohio appointments to spite Roosevelt. Page 5.
Deadline in Kentucky Senatorial fight continues. Page 2.	New Senators in Maryland. Page 5.
Woolgrowers hear anti-Roosevelt speech from Carter and turn down Warren. Page 4.	Domestic.
Evidence of Thaw's insanity accumulating. Page 1.	Nevada Legislature will petition for retention of troops. Page 4.
All bodies recovered at Boyertown, but many cannot be identified. Page 3.	Dr. Reuschamp murdered by Thomas brothers in Oklahoma vendetta. Page 3.
Another New York banker indicted. Page 3.	Sport.
Smithson to run burlesque racket with Hillman. Page 13.	Pacific Coast.
Parade of 10,000 unemployed men to be held in Seattle. Page 6.	Shingleweavers strike when they learn of reduced wages. Page 5.
Bellingham girl found in hospital after spending night with young man. Page 3.	Commercial and Marine.
Demand for spot hops and contracts. Page 12.	Wheat declines at Chicago on large sales. Page 15.
Profit-taking sales in stock market. Page 15.	Only one bid is made on the specifications for the Humboldt dam. Page 4.
Portland and Vicinity.	Jury secured to try Hall land-fraud case. Page 1.
City Attorney says city's rights on Bull Run River are well protected. Page 10.	Hazardous dealers meet here in convention January 27. Page 14.
Homeravenport lectures at White Temple. Page 11.	State Horticultural Society concludes program. Page 10.
Chauffeurs will be required to take examinations. Page 10.	Mrs. Frank Kubik, in suit for divorce, alleges husband threw hot potatoes at her. Page 14.

## SENATE SURE TO REJECT SCHUEBEL

### Conclusion From Row in Delegation.

### IN HUMOR TO TURN MEN DOWN

### Bourne Issues Statement Which Causes Anger.

### RAISES ISSUES OF FACT

### His Three Colleagues Insist That He Agreed to Majority Rule, Then Broke Away Because of His Obligation to U'Ren.

OREGONIAN NEWS BUREAU, Washington, Jan. 15.—Careful study and analysis of the situation here justifies the prediction that the Senate will reject the nomination of Christian Schuebel. This prediction is not authorized by any member of the Oregon delegation, and may be condemned by Senator Bourne, but feeling runs high in the Oregon delegation, and matters have reached a point where no other outcome seems possible.

Senator Fulton and Representatives Hawley and Ellis refused to support Mr. Schuebel, because they believed him not qualified to fill the office of District Attorney. Evidence is accumulating, sustaining them in their judgment, and their position is further strengthened by the conduct of Schuebel since his nomination was sent to the Senate.

### Had Promise in Advance.

Moreover, it is believed that Mr. Bourne had the promise of Mr. Schuebel's appointment before the recommendations of the opposing candidates were placed in the hands of the President, which, if substantiated, will not strengthen the junior Senator when he engages in a final combat with his colleagues in the Senate.

It was demonstrated yesterday that the Senate is not averse to rejecting nominations for due cause, and from all appearances there is a stronger case against Mr. Schuebel than was made out against the four unfortunate Ohio postmasters.

### Adds Fuel to Flames.

Mr. Schuebel's chances of confirmation were not enhanced by a statement issued by Mr. Bourne today, in which he attempts to dispel the idea prevalent among his colleagues that he broke his agreement with them in recommending Mr. Schuebel after a majority had agreed to recommend George G. Bingham. This statement only adds fuel to the flames. Moreover, it called forth an emphatic contradiction from Mr. Fulton and the two House members. There is a feeling that Mr. Bourne subscribed to the patronage agreement as long as it profited him, and then ignored it when it would no longer serve his purpose.

When the delegation met December 14 to frame a policy for disposing of Federal patronage, it was universally agreed that in selecting general offices such as District Attorney, Collectors of Customs, etc., the delegation "should act by its majority." Mr. Bourne says that on that occasion he specifically declined to be bound by that agreement so far as the District Attorneyship was concerned. Mr.

Fulton says Mr. Bourne made no such reservation, but, on the contrary, specifically stated that this office should be filled according to the newly adopted policy.

### Might Have to Make Fight.

Messrs. Ellis and Hawley do not go quite so far as Mr. Fulton, but both say that Mr. Bourne made some tentative statement that he "might have to make a fight for Mr. Schuebel for that office, because of his obligation to Mr. U'Ren and Mr. Schuebel on account of the support they gave him in his campaign for the Senate," but Mr. Hawley and Mr. Ellis assumed from Mr. Bourne's tentative reservation that he would make a fight to get the delegation to endorse Mr. Schuebel and failing in that, would yield to the majority, as any other member of the delegation might have yielded on other appointments when Mr. Bourne was in the majority.

No attempt was made that evening to reach an agreement on the District Attorneyship, but on the Monday following Mr. Hawley drafted his version of the delegation's agreement, which he submitted to Mr. Fulton and it was approved. He then took it to Mr. Bourne, told him what it was and asked if it met with his



Will V. Vischer, Who Shot a Policeman at Omaha.

approval. Mr. Bourne put on his glasses, looked at the statement for a couple of minutes, and handed it back, saying:

"That is exactly right, old man." He made no reservation regarding Mr. Schuebel at that time.

Later, when matter had been discussed informally, Mr. Bourne found no other member of the delegation would join him in endorsing Mr. Schuebel, and he then told Mr. Ellis that he would reserve to himself the right to fight for Mr. Schuebel and to carry his fight to the White House, if necessary. He felt his obligation to Mr. U'Ren and Mr. Schuebel was such that he could not do less. That was the first time, so far as can be learned that Mr. Bourne positively and decisively announced that he would ignore his agreement with his colleagues and act independently.

### Another Point in Dispute.

The delegation takes further exception to Mr. Bourne's statement that he would not join in recommending "applicants unqualified for office or seriously or personally objectionable to him." This statement, they believe, carries the inference that others would endorse men unqualified or personally objectionable to Bourne, and yet it was unanimously agreed on December 14 that no man should be recommended for office who was personally objectionable to any member of the delegation. Moreover, Mr. Hawley's statement, approved by Mr. Bourne, contains this paragraph:

"Candidates of course must be qualified to perform acceptably all the duties of the office sought, regular, of good reputation and generally acceptable." Moreover, it is pointed out, Mr. Bourne never questioned Mr. Bingham's qualifications and never as much as intimated that Mr. Bingham's appointment would be personally objectionable to him. He merely said he did not know Mr. Bingham.

## CRAZY ACTIONS OF HARRY THAW

### Host of Witnesses Says He Is Insane.

### GORONER'S JURORS TESTIFY

### Ten of Them Say He Was Irrational After Killing.

### BUTLER TELLS HIS WHIMS

### Littleton Offering Ample Evidence to Land Him in Matteawan Asylum, Then Would Fight to Get Him Out.

NEW YORK, Jan. 15.—Adhering strictly to their promise to interpose no other defense than that of insanity in behalf of their client, the attorneys representing Harry K. Thaw at his trial today continued the examination of witnesses, who swore that young Thaw at various times in his life appeared to them irrational and mentally unsound. Practically all of the testimony was entirely new to the case, and had to do with acts down to the day of the tragedy itself. Then came the declaration of the ten men who sat on the coroner's jury during the inquiry into Stanford White's death, all of whom declared that the defendant the day following the shooting acted irrationally. His manner and appearance were such as to cause the juror jury to discuss his state of mind after their formal verdict had been rendered.

In the day's testimony there was more delving into the history of the Thaw family, Alfred Lee Thaw, of Richmond, Va., a third cousin of the defendant, taking the stand and telling of the last of insanity, which had caused his father and brother to die in state asylums.

### Eccentricity of Thaw.

Some of Thaw's alleged eccentricities, revealed for the first time, were related today by Christopher Baggan, steward of the New York White Club; by Miss Matilda Stein, a telephone operator, and by August Weber, a former butler in the Thaw household.

Thaw spent a portion of the afternoon of June 25, 1906, at the White Club and at that time—a few hours before the tragedy—was pictured by the steward as being highly nervous and frequently exclaiming: "This is awful." He asked the steward to have a valuable package put into the safe. After the shooting, the package was opened and found to contain three cigarettes wrapped in tinfoil.

District Attorney Jerome in cross-examining the club steward brought out the fact that Thaw played bridge there with many prominent men. The witness declared he was not supposed to know what Mr. Thaw, Mr. Gates, Mr. Schwab and others played for, but he was sure nothing but mineral water was ever served at the tables.

The telephone operator told of Thaw's putting in 75 calls one morning at the Grand Hotel and then forgetting all about them.

The butler told many details of Thaw's

life at home in 1903. He was still under examination when adjournment was taken.

### May Land Him in Asylum.

The separate incidents of alleged irrational conduct on the part of the defendant are being put in evidence by Mr. Littleton as the foundation for the expert testimony that is to come. He also hopes to accumulate such a mass of testimony as to Thaw's erratic conduct as to make it impossible for the District Attorney to fulfill the task the law places upon him of proving Thaw sane "beyond every reasonable doubt."

Criminal lawyers of prominence who are following the case outlined by the defense, and who are taking into consideration the fact that a specific plea of insanity has been entered this year, declare that acquittal under the circumstances can come only with the added clause "on account of the insanity of the defendant at the time the act was committed." This, it is declared, would compel the court to commit Thaw to Matteawan Asylum, whence a fight to prove his present sanity and thus gain freedom would have to be conducted through habeas corpus proceedings.

Dr. Horathus W. Wood, of Philadelphia, testified that some years ago he examined Harriet Alice Thaw, a relative of Harry Thaw, and found her of unsound mind. Mr. Jerome's objection to this evidence was overruled.

### Whims at White Club.

Mr. Baggan said Thaw five days before he killed White, and although the day was hot, insisted on carrying a screen wherever he went about the room, and was highly nervous, excitable and irritable, trembling when touched to summon him to the telephone. He was nervous. On the day of the tragedy, Thaw was at the club playing whist with Captain Wharton, John A. Drake and John B. Gleason. At other times, Mr. Gates and Mr. Schwab were present.

"But they always appeared calm, didn't they?" asked Mr. Jerome.

"Yes."

"And Thaw was nervous?"

"And they were playing for money?"

"I don't know."

"Have you an idea?"

"No, sir, I am not supposed to have any."

"I know you are not supposed to have any, but as a matter of fact, haven't you?"

The rules forbid playing for money, sir."

The court officers had to suppress frequent outbreaks of laughter.

"Did Thaw and his party have anything to drink on June 27?"

"Oh, all sorts of mineral waters."

"And what else?"

"Nothing, unless they had it with them. We didn't serve anything but mineral waters at the club, sir."

"But every member has a locker?"

"Yes, sir."

"They keep all they want in the locker?"

"Yes, sir, I guess so, sir."

"And drinks were served from the lockers that day?"

"I really don't know."

### Telephone Girl's Experience.

Miss Stein said she was telephone operator at the Grand Hotel in 1903 and 1904, when Thaw was a guest there under the name of Farr. His eyes were always staring and bulging and his manner was irrational. She told about the telephone calls and said one morning Thaw ordered breakfast three times in 20 minutes. Evelyn Nesbit also was at the hotel under the name of Farr, but it was not the morning after she left that Thaw put in the 75 telephone calls. Miss Nesbit herself made several calls on the phone that day, one of them to Burr McIntosh.

Mrs. Caroline Lowery and William A. Johnson, newspaper writers, who witnessed the tragedy, and Lionel Straus, a portrait painter and eye-witness, characterized Thaw's actions as irrational.

### Irrational, Say Coroner's Jurors.

Francis McGuinness and Henry Schaefer, members of the Coroner's jury which conducted the inquest as to Stanford White's death, testified that Thaw at the inquest appeared irrational. After the trial, however, he conducted their questions, Foreman Grennells, for the jury, asked Mr. Schaefer:

"Did Thaw's eyes appear then as now?"

"No, sir," said the witness.

Henry W. Schnell, another member of the Coroner's jury, also testified as to the defendant's irrationality. "The fact," he said, "that the jurors discussed Thaw's mental condition after rendering their verdict."

Here Mr. Littleton sprung something of a surprise by asking the witness if he had read Mr. Jerome's comment on the former trial. He replied in the affirmative.

"Did my remarks influence your judgment?" demanded Mr. Jerome.

"In a way they did," Mr. Schnell said.

### Many Insane Relatives.

Alfred Lee Thaw, of Richmond, Va., a third cousin of the defendant, in response to a series of questions from Mr. Littleton, gave the history of the Thaw family. His father, W. S. Thaw, died insane in Williamsburg, Va., after 19 years in the asylum, and his brother Horace died insane at 23 years of age at Staunton, Va., in the hospital there. Harriet Alice Thaw is the witness' father's half-sister. The great grandfather of both the witnesses and the defendant was Benjamin Thaw. The commitment papers of William S. and Horace Thaw were introduced and received in evidence.

Several additional members of the coroner's jury were called, and all agreed that Thaw was an irrational man the day following the shooting. One of the witnesses said he was sure that Thaw was "absolutely crazy."

### Butler Tells of Crazy Tricks.

After the coroner's jury, 10 of them altogether, had been disposed of, Mr. Littleton called August Weber, who served as a butler in the Thaw house, in Lafayette Square, Washington, from January to May, 1903. The witness said he

## PROVIDING LAWS AGAINST BRIBERY

### Parties Getting Together in House.

### HARD ROW FOR EMBEZZLERS

### Severe Penalties for Those With Itching Palms.

### COMMITTEE GIVES GROUND

### Randell Would Cut Off Passes and Franks From Senators and Congressmen and Forbid Them to Serve the Corporations.

WASHINGTON, Jan. 15.—So persistent have been the efforts made in the House of Representatives to amend the bill codifying the penal laws of the United States that the committee on the revision of the laws today consented to let down the bars, and as a result the measure was changed in some important particulars.

The pacific attitude of the committee in this regard served to modify the opposition to the measure, and in consequence the proceedings today were devoid of the heated arguments which have characterized the previous debates. When the House adjourned there were pending a number of other important amendments, which seemed to meet with no particular opposition by the committee, but which were passed over until tomorrow.

The portions of the bill which attracted the most attention were those covering the giving and accepting of bribes by Senators and Representatives, and the sale of endorsements or support for appointive public offices. It is to the amendments touching these questions that the House tomorrow will devote itself upon resuming consideration of the bill.

### Embezzling of Public Funds.

Perkins (N. Y.), a Republican, sought to have the committee elucidate section 90, embracing the embezzlement of public funds in the hands of the United States Treasurers. This was the first criticism from a Republican, and Perkins remarked that, if no amendments were to be permitted, at least explanations were in order.

Chairman Moon and others of the committee declared that the section amply safeguarded public officers in cases of default, where it was clear that they themselves were innocent of wrongdoing. The committee again advised members having amendments to introduce separate bills covering their objections, which only served to elicit further attacks by Democrats. In these they were led by Cockeran (N. Y.), who reiterated the contention that the changes should be made in the bill itself, and not through currency measures.

### Democrats Gain One Concession.

An amendment by Cockeran to make the statute applicable only when Treasurers or Assistant Treasurers "willfully or negligently fail to use the care and diligence entrusted to their care was lost."

The Democrats waged an unsuccessful fight against a committee amendment which modified the statute prohibiting collecting and disbursing officers from trading in public property, so as to make the penalty not more than \$200 instead of the specific amount.

An amendment by De Armond of Missouri, to add imprisonment for not more than ten years to the penalty was defeated. He then changed it to make the imprisonment not more than one year. Amid loud Democratic applause the amendment was accepted by the committee and was incorporated into the bill.

"The first ray of light," remarked Cockeran, at which there was more Democratic applause.

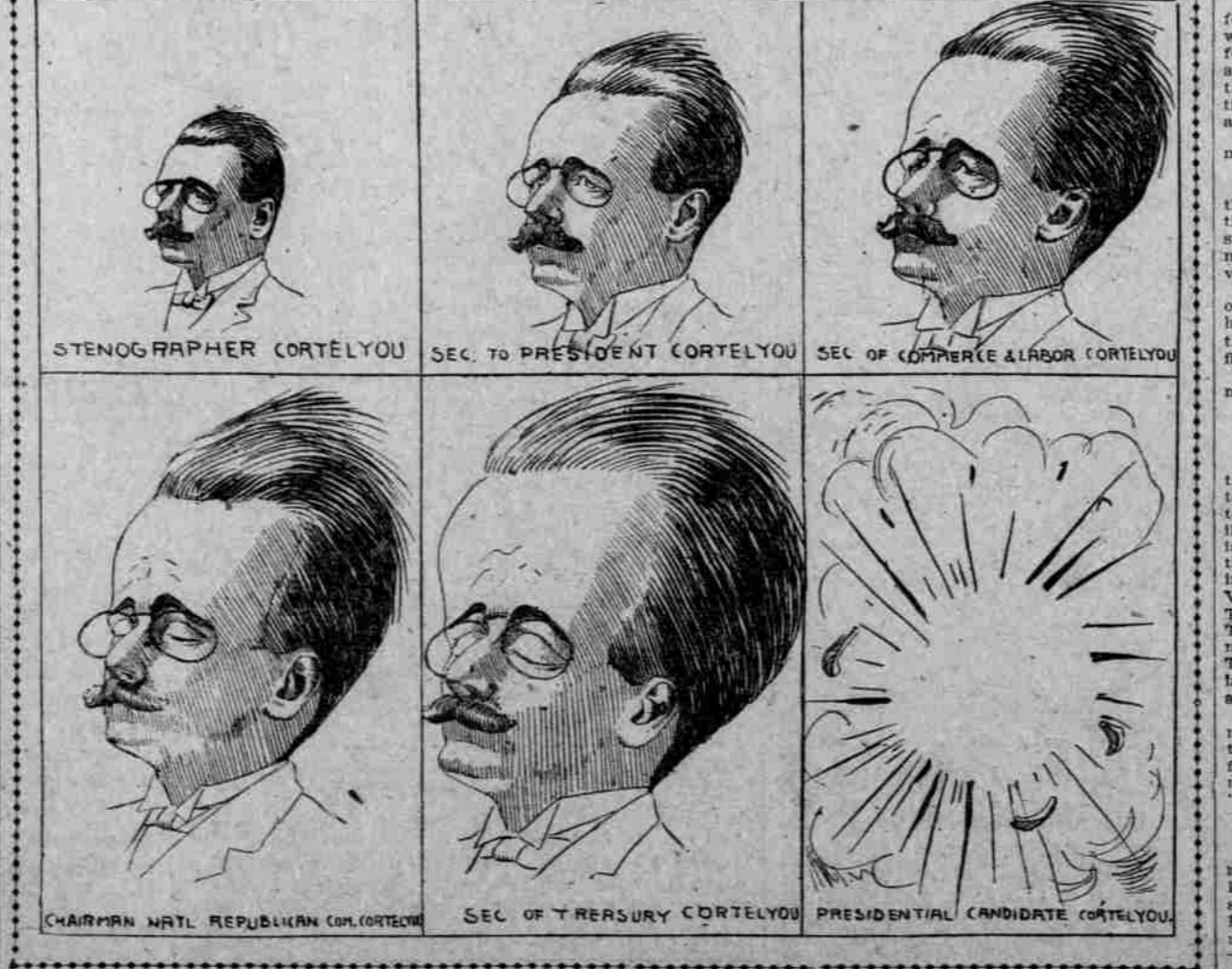
Party lines were obliterated on an amendment to section 17 by Crum-packer, Republican, Indiana, limiting the punishment to any officer issuing certificates containing any "material" statement which he knows to be false. Supporters of the amendment were found on both sides of the Chamber, but it was rejected.

### Bribery of Congressmen.

Amendments to section 512, relating to the solicitation of bribes by Senators, came thick and fast. Randell of Texas offered two, the first making it an offense for any public service corporation to give to any Senator or member or judge of the United States Court any free transportation or any frank or free privilege, money or anything of value, making it a high misdemeanor for such persons to receive the same under penalty of a fine of \$1000 or imprisonment for one year or both; and the second making it a high misdemeanor for any Senator or member or member-elect to hold any employment or receive any pay as an officer, representative or attorney of any bank or public service corporation and providing a fine of not more than \$5000 or imprisonment of not less than one year and ineffectibility to hold any public office.

De Armond succeeded in adding to the section a clause applying the penalty to any Senator or member when the bribe is given to any person "with the consent, connivance or concurrence of such Sen-

## JUST A PLAIN CASE OF BIG HEAD



(Continued on Page 3.)

(Continued on Page 3.)