SECURING JURY TO TRY BOOTH

Motion to Dismiss Indictment Is Denied by Judge Wolverton.

MANY QUESTIONS ASKED

Jurors Closely Examined Before Being Passed—Four Secured in Afternoon—Arraignment Waived. Plea of Not Guilty Entered.

United States Judge Wolverton having denied the motion to dismiss the indictment against James Henry Booth, ex-Receiver of the Roseburg Land Office, the drawing of a jury for the trial of the case was begun yesterday. Four jurors were accepted during the afternoon, as follows: Henry C. Fowler, of Columbia County; Peter Pearson, of Multnomah; Frank Odell, of Yamhill, and E. Allen, of Benton. The jury will be completed today, and it is expected that the case will be concluded and submitted to the jury the latter part of the week. Booth was indicted on a charge of recieving $800 for giving to F. A. Kribs advance information concerning certain lands when they became available for filing. The penalty is imprisonment not exceeding two years and a fine not exceeding $10,000. Conviction under the statute disqualifies a person from holding any office of honor, trust or profit under the Government of the United States.

Promptly on convening court yesterday afternoon Judge Wolverton denied the motion of counsel for defendant for a dismissal of the indictment. Some 15 reasons were assigned by the defense in support of their motion. In dismissing the motion and directing that the case proceed to trial, Judge Wolverton held that the statute under which Booth had been indicted was broad and comprehensive in its terms and significations.

Court Holds Statute Is Clear.

Judge Woverton declared that the statute expressly inhibited any officer of the Government for receiving any compensation for services rendered or to be rendered on any matter in which the United States was a party or was directly or indirectly interested.

The sufficiency of the indictment had been attacked by defendant's counsel, but Judge Wolverton ruled that it had been drawn properly, and so far as the interest of the Government was concerned, said the Government was interested in two capacities—first, in seeing that justice was done all persons that might make entry and seek to acquire public lands; and, secondly, because the Government was the owner of the public domain. In conclusion, Judge Wolverton read from the decision of Judge Hunt, who rendered a decision on the same question one year ago, when he held that the objections to the indictment were not available.

When Judge Wolverton had passed on the motion, Judge L. R. Webster, of counsel for defendant, announced that the defendant would waive arraignment and enter a plea of not guilty. The examination of jurors was then taken up and little progress was made during the afternoon. Extreme care is being exhibited by both sides in the selection of the jury. Forty-five minutes were devoted to the examination of the first man, Henry C. Fowler, a farmer from Columbia County, who finally was accepted. Mr. Fowler admitted that he had heard some neighbors in his home county remark that it was "about time to let up in the prosecution of Oregon people for alleged complicity in the Oregon land-frauds," but he averred that sentiment had no influence on him.

Peter Pearson, for 25 years a carpenter in this city, was the second juror accepted. It developed in the examination of Pearson by Judge Webster that he had never seen, met or heard Francis J. Heney. This seemed incredible to Judge Webster, but Pearson was accepted as a juror. The third man accepted was Frank Odell, a farmer residing near Dayton, Yamhill County. Odell is a nephew of W. H. Odell, formerly connected with the state land department of the state. The fourth juror accepted was E. Allen, a retired druggist of Benton County. The examination of Mr. Allen developed that his son was until recently employed in the Census Bureau at Washington and now has a position in the land office at Roseburg. Judge Becker brought out the fact that Mr. Allen's son married the sister of George Waggoner, who was formerly connected with the Surveyor-General's office in this state under Henry Meldrum, both of whom afterwards were indicted in connection with alleged fraudulent land surveys. Mr. Allen was closely questioned by Judge Becker before being accepted.

To Keep Jurors Together.

Just as Court adjourned for the day, Judge Becker suggested the advisability of having the jurors kept together throughout the progress of the case as was done in preceding land-fraud trials. Counsel for the defendant, while not objecting to such a programme, doubted the expediency of discommoding the members of the jury until that body had been finally selected when it would be well enough not to let them separate. Judge Wolverton cautioned the four accepted jurors as well as eight veniremen awaiting examination to refrain from talking or discussing the case with anybody. They were instructed to report in Court at 10 o'clock this morning.

The case apparently will be contested vigorously. Mr. Booth, the defendant, is represented by a quartet of lawyers, as follows: County Judge L. R. Webster and Dan J. Malarky, of this city; A. C. Woodcock, of Eugene; and Dexter Rice, of Roseburg. Judge Becker, special assistant to the Attorney-General, in conducting the prosecution is being assisted by United States Attorney McCourt and T. B. Neuhausen, special inspector to the Interior Department.

ELEVEN OF 14 ARE ARRAIGNED

Umatilla Land-Fraud Defendants Given Till August 1 to Plead.

Eleven of the 14 defendants included in the Umatilla land-fraud indictments were arraigned before Federal Judge Wolverton in the United States Court yesterday. They were given until August 1 in which to plead. The following defendants were arraigned: J. H. Raley, John Crow, William Siusher, Joseph H. Parkes, Bailey Ross, John Vert, Charles Matthias, George Adams, William Rahe, Samuel Olmstead and O. P. Bowman. Having not been served with bench warrants, William Caldwell and George McDonald did not report in court. Robert E. Porter, another of the defendants, was granted an extension in time until next Monday, when he will be arraigned. With the exception of Caldwell, all of the defendants were represented by Judge Henry E. McGinn, of this city, and Judge James S. Fee, of Pendleton.

The application of the defendants for an extension in time in which to plead was altogether agreeable to United States Attorney McCourt, who expects for some time to be engaged with Judge Becker in the trial of the original land-fraud cases in this state and in which indictments were returned over three years ago. Counsel for the defendants in the Umatilla cases yesterday applied to the court for copies of the indictments at the expense of the Government. Until they have had an opportunity to study the formal charges against them, none of the accused would discuss the case yesterday.

Williams Forfeits Bail.

Cash bail to the amount of $1500 was confiscated by the Government yesterday on order of United States Judge Wolverton in the Federal Court. This money had been deposited in the United States Clerk's office by J. Williams, alias Lawrence, who had been arrested on a charge of smuggling opium into this country. Williams was caught with about $500 worth of the drug in his possession and deposited cash bail for his appearance in court at a subsequent time. The money was declared forfeited to the Government on motion of United States Attorney McCourt.

MINISTERS FAVOR UNION

MEETING HELD BY EVANGELICAL PASTORS' SOCIETY.

Two Branches of Church Represented—Officers Elected by State Organization.

The Union Evangelical Ministerial Association of Portland held its annual meeting yesterday forenoon in the First English Church, East Sixth and Market streets, for election of officers and discussion of the action of the conferences of the two branches of the Evangelical Churches in this state on church federation. As nearly all the pastors of both branches had been changed many new faces were present. The misunderstanding of the action of the conference of the Evangelical Association on the question of federation, as set forth in the resolutions adopted by the Portland Ministerial Association, was cleared away at the meeting yesterday.

CHOSEN PRESIDENT OF UNION EVANGELICAL MINISTERIAL ASSOCIATION.

Rev. A. A. Winter.

One of the resolutions adopted by the Ministerial Association last year was that the Evangelical Association recognize the Dallas College, which is under the control of the United Evangelical Church, and place a member on the board of trustees. The conference, while sanctioning the resolutions, referred to the commission appointed by the general conference for favorable action. The impression gained ground that the conference was opposed to federation and final organic union.

At the meeting yesterday Rev. Theo. Schauer, now presiding elder for the Evangelical Association, assured the ministers present that the conference was heartily in favor of union, but in view of the fact that the general conference had appointed a commission to handle just such questions, the resolutions were referred to that commission. He explained further that the conference got the impression that the United Evangelical conference only could elect a trustee of Dallas College.

It was decided to make arrangements to hold union campmeetings and conventions on the camp ground at Jennings Lodge, on the Oregon City line, controlled by the Evangelical Association. The preparations for these events were placed in the hands of Rev. Theodore Schauer, of the Evangelical Association, and Rev. M. J. Ballentyne, representing the United Evangelical Church, as presiding elders. The conventions and campmeeting will last altogether two weeks.

The following officers were elected for the ensuing year: President, Rev. A. A. Winter, of the First United Evangelical Church; vice-president, Rev. Theodore Schauer, of the First German Church, Evangelical Association; secretary, Rev. Frank B. Culver, of the First English Church, Evangelical Association; treasurer, Rev. C. C. Poling, of Second United Evangelical Church of Portland. The following were present: A. A. Winter, First United Evangelical Church; Rev. Frank B. Culver, of the First English Evangelical Association; Rev. C. C. Poling, Second United Evangelical; Rev. C. P. Gates, St. John, United Evangelical; Rev. J. Bowersox, Ockley Green, United Evangelical; Rev. N. Shupp, Milwaukie, Evangelical Association; Rev. M. J. Ballentyne, presiding elder, United Evangelical; Rev. Theodore Schauer, presiding elder, Evangelical Association; Rev. M. Heverland, Memorial, Evangelical Association; Rev. E. S. Hornschuch, Evangelical Association; Rev. F. Bentz, First German, Evangelical Association; Professor D. M. Metzger, of Dallas College. It is expected that at the ministerial convention, which will be held at Jennings Lodge in July, that Dallas College will be recognized favorably.

SHEET MUSIC OPPORTUNITY

Continuing today, all our 25c and 35c counter music—consisting of all the latest popular hits, etc.—will be on sale at 14c a copy or two for 25c. This is a splendid opportunity to replenish your stock of music at a very nominal cost—one which will not be duplicated for a long time to come. Graves Music Co., moved to 111 Fourth street, just north of Washington.

Lovers Arrive at Dover.

DOVER, June 22.—Mme. Anna Gould arrived here this morning from Paris, accompanied by Prince Helie de Sagan.

Kruse's Beach Hotel, now open. For reservations and rates apply to J. D. Kruse, lessee, Gearhart Park, Or.

PROGRESS IN TRIAL

Walton Expected to Take Stand Today.

HANEY CERTAIN OF GUILT

Says Prisoner Will Be Tried Repeatedly Until Conviction or Acquittal Results—Motorman Repeats Story of Previous Trials.

For the fourth time the Walton case will go to a jury in Judge Cleland's department of the Circuit Court, probably this afternoon. The state made good progress yesterday in getting the testimony before the jury, and it is believed that before noon today Walton himself will take the stand. At the previous trials Walton's testimony has stood unsupported, even by the police record of the amount of money taken from him upon his arrest, and it is thought by many that his manner on the witness stand has indicated the effort with which he has told a connected story under the cross-fire of Deputy District Attorney Haney. The latter is being assisted by Deputy W. B. Adams.

Haney Convinced of Guilt.

"I am convinced that Walton is guilty of holding up the Willamette Heights car on the night of September 1, 1904, and of shooting Policeman Nelson," said Mr. Haney yesterday. "If this jury disagrees, although I don't see how the jurymen can do so and be true to their oaths, we shall try him again. We intend to secure either a conviction or an acquittal before we call a halt, unless the county goes broke or our term of office expires. It is not Walton's fault that he is not on trial here for murder in the first degree, for it was only the prompt work of Dr. George F. Wilson in sewing up Nelson's wounds in the intestines that prevented Nelson's death."

Policeman Olaus Nelson was the state's first witness yesterday. He told a connected story of seeing Walton board the car, of seeing him hold up the conductor, and of rushing to the rear of the car to grapple with the thug. Walton shot him twice, he said, while Motorman G. A. Bingman was coming to the policeman's assistance.

Motorman Repeats Story.

The motorman is now in Los Angeles, while Conductor Johnson, who was held up, is in the East. Bingman was sent for about two weeks ago. He told the same story on the stand yesterday that he has told to three other juries. He said he succeeded in wrenching the revolver from Walton's hand after two shots had been fired. Two of the shells in Walton's gun were empty and three were loaded. Bingman said he recognized Walton as soon as he saw him in the scuffle with Nelson.

Police Captain J. T. Moore said that when Walton was searched at the police station $2.80 in nickels, dimes and quarters was found on him, besides a bottle half filled with whisky. This story was corroborated by Archie Leonard, who was property clerk at the station at the time. The entry made in the book at the station also corroborates their testimony. It is expected that Walton will say, as he has before, that he had only 15 cents that night.

Mrs. C. Badgley, the stenographer who took Officer Hogeboom's testimony at a former trial, as well as that of Conductor Johnson, read their statements to the jury. Dr. George F. Wilson told of Nelson's precarious condition when received at the hospital.

Attorney Dan R. Murphy is fighting the case for the accused man. Henry St. Rayner, who has conducted the previous trials, was ill Saturday, so that it was necessary to continue the case until yesterday.

BRING SUIT FOR COMMISSION

C. K. Henry & Son Ask Judgment for $1750 Against E. H. Parker.

Suit to recover $1750 has been brought against E. H. Parker in the Circuit Court by Charles K. Henry and Charles W. Henry, of Charles K. Henry & Son, a local real estate firm. It is alleged that Parker solicited the real estate men last October, to secure a loan of $125,000 for five years at 7 per cent on the new Commercial Club building and grounds, located at the southeast corner of Fourth and Oak streets. The money, it is asserted, was subsequently obtained from the Balfour-Guthrie Investment Company. For its services the real estate firm, through its attorney, asserts that it is entitled to $1250 commission.

It is further alleged that on October 5 the defendant asked C. K. Henry & Son to secure tenants for the new building on a five-year lease. The rental was to be $330 a month. Balfour Guthrie & Co. were secured as tenants, and for this the brokers assert that they are entitled to receive $525 commission.

SAYS SHE HAS TITLE TO LAND

Ella Talbot Replies to Contempt Proceedings Started.

Ella Talbot, in her answer to the contempt proceedings started in the Circuit Court, in which she is cited to appear and show cause why she should not be punished for disobeying the order of the Court in retaining possession of Council Crest property, says she has a title to the ground. She filed notice of appeal to the Supreme Court yesterday.

The land in question is a portion of Talbot Heights, 65x700 feet. She brought suit against the Security Savings & Trust Company, W. K. Smith, Walter V. Smith and Susan W. Smith to quiet title. Judge Gantenbein decided against her in January. It is her claim that she inherited the land from her mother, Sarah Ann Talbot, who died in 1900. As ground for the dismissal of the contempt proceedings it is asserted that Ella Talbot has a right to remain in possession of the land uptil the appeal to the Supreme Court is decided, and because she is not injuring the property.

L. W. Heppner Made Administrator.

Louis W. Heppner, son of Henrietta Heppner Blackman, has been appointed administrator of her estate. She died intestate May 27, 1908, leaving property valued at $3000. Of this $2400 is personal property, the balance real estate. Mr. Heppner is to act under $4800 bonds. The heirs are: Henry B. Heppner, Grangeville, Idaho; Herman A. Heppner, Portland; Louis W. Heppner, Portland; Della Gresshamer, Walla Walla; Anna Blakeny, Portland.

Saloon Closed by Sheriff.

Alleging that C. S. White and Walter Johnson, who conduct the Canyon Club Cafe at Nineteenth and Washington streets, have not paid their rent, the Enterprise Beer Agency has brought suit against them in the Circuit Court to recover $267.70. Of this amount $240 is for the rent of the saloon, and $27.70 is for beer delivered and consumed, but unpaid for. The place was closed by the Sheriff yesterday.

Will Admitted to Probate.

The will of Mary K. Arnold, who died June 15, leaving an estate valued at $17,910, was admitted to probate in the County Court yesterday. John Arnold and Caroline J. Kingsley, two of the children, were appointed executor and executrix, to act without bond. Appraisers were appointed as follows: Frank I. Weber, John Kirkley and Hiram Terwilliger. The will provides that the estate shall be divided equally among the children, who are: Alvina, Mary, George and John Arnold and Caroline J. Kingsley, all of Portland.

Sentenced for Burglary.

Finis Brown, alias Fred Bonapart, was sentenced by Judge Gantenbein yesterday afternoon to serve two years in the Penitentiary for robbery. He had changed his plea from not guilty to guilty. He was jointly indicted with C. H. Smith. The latter has not yet been tried. The two men are charged with holding up Julius Miller, April 23, and robbing him of $650, $600 of which was covered by two United States Treasury notes.

Suit Over Paint Bill.

The Oregon Paint & Varnish Company is suing the Kelly Paint Company before Judge O'Day, in the Circuit Court. W. E. Green and Abner U. Green are the two partners who have brought the suit, while J. J. Kelly and Thomas E. Kelly constitute the defendant firm. The suit is over a $549.03 paint bill, only $135 of which is alleged to have been paid. The plaintiffs demand the balance, $414.03.

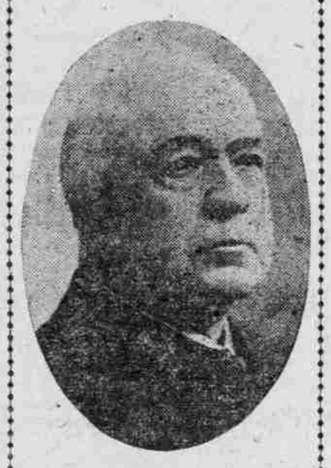
MINISTER DIES SUDDENLY

REV. JOHN GLEN DROPS DEAD OF HEART DISEASE.

Seized With Fatal Illness After Visit to City—Pastor First Free Methodist Church.

Rev. John Glen, pastor of the First Free Methodist Church, at East Ninth and Mill streets, dropped dead of heart disease yesterday at 6 o'clock P. M., at his home adjoining the church. Mr. Glen had just returned from a trip to the city in company with his friend, Rev. W. N. Coffee, and complained of feeling ill. Shortly after he was stricken and expired. He is survived by his wife and two sons. Professor Irving Glen, of the State University at Eugene, and William Glen, of Spokane; and a daughter, Mrs. A. S. Curry, of Seattle.

DROPS DEAD OF HEART DISEASE.



The Late Rev. John Glen.

Mr. Glen was born in New York 69 years ago, and entered the ministry in early manhood. He came to the Pacific Coast 25 years ago, settling at Seattle. Later he removed to Los Angeles and San Jose. He came to Portland four years ago, serving as pastor of the First Free Methodist Church for a period of three years. After an absence of one year he was again chosen pastor of that church at the conference last May. His first wife died several years ago, and he was married to Mrs. Clarkson, of San Jose, Cal., only a few months ago.

PORTLANDERS AT DENVER

Local Credit Men Leave to Attend National Convention.

Prominent credit men of this city will represent Portland business interests at the convention of the National Credit Men's Association, which opens in Denver today and lasts until June 26. The special Pullman car Aries left Portland Saturday night with the Portland and Seattle delegates on board and was routed over the O. R. & N. and the D. & R. G. to Denver.

The following delegates will attend the convention from Portland: F. Barhu and wife, Jasper Crane, Edward Rutherford, E. M. Underwood, F. E. Gurlick, F. M. Caldwell, H. Caldwell and wife, L. M. Sawyer, J. B. McMay, C. T. Rice, J. C. Lloyd. Delegates from Seattle, who accompanied the Portland credit men East, were: David H. Ryan, C. F. Willis, F. W. Spangle, Thomas Mermiges, J. M. Case, R. R. Fox, W. B. Judah and H. S. Gaunce.

Our Straw Hats are light as air-ships. They are sailing on the wind of success.

You'll feel your head in the clouds when you've exchanged your old heavy hat for one of these top pieces.

All styles, shapes and bands at Alteration Sale reductions.

$10 Panamas, now $5.00
$5 Panamas, now $3.00
$3 Straw Hats, now $2.00
$2 Straw Hats, now 85¢

THE LION CLOTHIERS
166-170 Third St.

PARK BOARD CRITICISED

Council Grills Members for Not Following Charter Provisions.

The City Park Board was severely criticised by the members of the City Council committee on judiciary and by City Attorney Kavanaugh yesterday afternoon when a bill for $44 was presented by the Jones Lumber Company. No requisition accompanied it, and by reason of this fact, it became apparent that the members of the Park Board had once more neglected to follow the provisions of the charter in placing an order.

"The Park Board makes us more trouble than all the rest of the Boards combined," declared Councilman Bennett, chairman of the judiciary committee. "They are all the time causing a mix-up by their loose methods of doing business. And they are usually the first to criticise every one else. It seems to me that it is about time for the Park Board members to learn how to transact their business."

"No city board makes the mistakes the Park Board makes, or makes so many errors in transacting business," said City Attorney Kavanaugh. "It seems strange, too, with I. Lang among its membership that the Park Board should make these mistakes."

After discussing the matter for a time, the judiciary committee instructed the City Auditor to write the members of the Park Board for "full information on the subject," and "seek the reason for ordering supplies without following charter provisions."

SHEET MUSIC OPPORTUNITY

Continuing today, all our 25c and 35c counter music—consisting of all the latest popular hits, etc.—will be on sale at 14c a copy or two for 25c. This is a splendid opportunity to replenish your stock of music at a very nominal cost—one which will not be duplicated for a long time to come. Graves Music Co., moved to 111 Fourth street, just north of Washington.

Judgment for Mann for $20.

Because William Nutting failed to deliver certain railroad ties to Jacob Mann as per contract, Judge O'Day in the Circuit Court yesterday decided that Nutting must pay Mann $20. Mann brought suit to recover $100. Twenty dollars was the amount paid by Mann to Nutting to bind the contract.

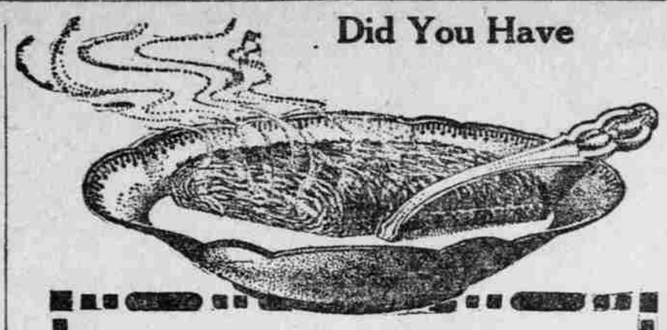
A Grand Family Medicine.

"It gives me pleasure to speak a good word for Electric Bitters," writes Mr. Frank Conlan of No. 436 Houston St., New York. "It's a grand family medicine for dyspepsia and liver complications; while for lame back and weak kidneys it cannot be too highly recommended." Electric Bitters regulate the digestive functions, purify the blood, and impart renewed vigor and vitality to the weak and debilitated of both sexes. Sold under guarantee at Woodard, Clarke & Co.'s drug store. 50c.

OUT OF THE HIGH RENT DISTRICT

Calef Bros
HOME FURNISHERS
360-370 EAST MORRISON ST.
PORTLAND ORE.

OUR RENTS ARE LESS
OUR EXPENSES ARE LESS
OUR PRICES ARE LESS



Did You Have

Did you have
Shredded Wheat
for breakfast this morning? After you have tried all the "new ones" you will come back to Shredded Wheat, the world's best cereal food. Not so heating as corn or oats and much more nourishing and more easily digested. Try it with milk or cream or with fresh fruits. At your grocers.

Always heat the Biscuit in oven to restore crispness. Two Shredded Wheat Biscuits with milk or cream will supply all the energy needed for a half day's work. Try Toasted TRISCUIT, the Shredded Wheat wafer, for luncheon, with butter, cheese or marmalade.

GOING EAST?
NORTHERN PACIFIC RAILWAY
Makes
LOW ROUND-TRIP FARES

YELLOWSTONE NATIONAL PARK
Is directly reached from Livingston, Montana, at low fare, including all expenses of trip, and stopover for this trip can be secured on any kind or class of ticket, regardless of limit of ticket.

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For full information as to fares, train service, berth reservations, etc., call on or write
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Assistant General Passenger Agent,
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BUFFALO LITHIA SPRINGS WATER
Has Been Before the Public For Thirty-six Years.

In the Experience of the Following Physicians It Has a Pronounced Value in the Treatment of

Bright's Disease and Albuminuria of Pregnancy. — Alfred L. Loomis, J. Marion Sims, Samuel O. L. Potter, John V. Shoemaker, Graeme M. Hammond, Wm. H. Drummond, I. N. Love, G. Halsted Boyland, Cyrus Edson, J. Allison Hodges, George W. Miltenburger, J. Page Massie and Geo. Ben. Johnston.

Uric Acid Troubles and Inflammation of the Bladder. — Roberts Bartholow, Jas. K. Cook, Hunter McGuire, John T. Metcalf, Frank Woodbury, Alex. B. Mott, Chas. B. Nancrede, Nathan S. Davis, Jr., Jas. L. Cabell, P. B. Barringer, A. F. A. King, T. Griswold Comstock, Jos. Holt and Giuseppe Lapponi.

Medical testimony upon request. For sale by the general drug and mineral water trade.
Hotel at Springs Opens June 15th.
BUFFALO LITHIA SPRINGS WATER CO. BUFFALO LITHIA SPRINGS, VIRGINIA

Don't Give a Child Any Form of Harsh Physic

You know what castor oil, pills and harsh cathartics do by the griping pains that follow.

You can feel how the stomach and bowels are irritated.

That is how harsh physic gets its effect—by causing the bowel fluids to flow.

They act as pepper acts in the eyes or the nostrils. Pepper causes fluids to flow.

But do you think it right to treat membranes in that way—the tender membranes of children?

Cascarets are the only laxative that should ever be given to children.

They are vegetable—gentle and natural. They are as harmless as food.

Children like them because they are candy. And because they never cause pain.

Even grown people are injured by every dose of drastic cathartics. Children are doubly injured.

The use of harsh physic, if continued, is bound to end in chronic dyspepsia.

Cascarets are candy tablets. They are sold by all druggists, but never in bulk. Be sure to get the genuine, with CCC on every tablet. The box is marked like this:

Cascarets
THEY WORK WHILE YOU SLEEP

The vest-pocket box is 10 cents. The month-treatment box 50 cents. 12,000,000 boxes sold annually. 820