on and Hyde, where the same questions rose. The laws of California prescribe, in Oregon, that a juror must be on it assessment roll. The California snal code provides for the challenge of rand jurors upon certain enumerated founds. It was held, however, that the rovision disqualifying persons from ting on the jury whose names were to on the assessment roll did not apply grand jurors, because it was not injuded in the only grounds of challenge trmitted to be made to grand jurors, niess it was a ground of challenge, it ould not be a ground for setting aside indictment.

awfully appeared before them, the resumption is that the same result sould have followed. In other words, if. Heney's influence with the grand ary cannot possibly be said to have sen affected by his residence, and that a the ground of his alleged disqualification to held the office."

One of the most important of the pustions upon which Judge Bellinger assed was that relating to the right of the defendants to assail the indictment by plea in abatement. Upon this point udge Bellinger said:

Organization of Juries.

by plea in abatement. Upon this point Judge Bellinger said:

Cognatization of Furies.

"It remains to be considered whether the organization of the grand jury and the legality of its proceedings can be attacked on the grounds alleged, as a matter of legal right.

"Section 800 of the revised statutes provides that jurors in the United States courts shall have the same qualifications as jurors of the highest courts of law in the state where the court is held, and they shall be designated by hallot, lot, or otherwise according to the mode of forming such juries then practiced in such state court, so far as such mode may be practicable, by the courts of the United States, and for this purpose the courts of the United States may by rule or order conform the designation and empaneling of juries in substance to the laws and usages relating to jurors in the state courts.

"This section is the act of 1840, with some amendments not important in this connection.

"No express rule or order has been

some amendments not important in this connection.

"No express rule or order has been adopted in this court conforming the designation and empaneling of juries to the laws and usages of the state courts, although this court has conformed its practice in that respect to state laws and usages since its organization. It is not left, however, to the discretion of the United States courts to conform their practice respecting the organization of juries to state laws. The requirements of the act of 1840 (section 860) are imperative, and (juries) shall be designated, etc., according to the

Baking Powder

POPULAR

mode of forming such juries in the state courts.

"In the case of United States vs. Reed. 3 Blatch 435 (Federal Cases No. 16,134), tried in the northern district of New York before Justice Nelson and District Judge Hall, it was held that the state is which sholished challenge to the grand jury panel and limited the objection that might be made to any particular juror, applied in the federal courts sitting in New York. Nelson, justice, delivering the opinion of the court, after explaining the reasons for allowing the challenge to the array at common law, said: "So that, in point of law, as well as in truth, both the challenge to the favor and the challenge to the favor and the challenge to the array, directly or indirectly, in each case, go to the determination of the proper qualifications of grand jurors, either as individuals or as a panel. And, if we are right in our premises, it follows that the two sections in question are directly within the act of congress of 1840, and are applicable in regulating the selection, summoning, returning and organization of grand juries in the federal courts."

Accused Man's Protection.

mode of forming such juries in the state courts.

Since the State courts.

For the first of Februal Cassas was head.

I make the St Poterial States was the states in the grand purpose and little in the poterial cassas was an analysis of grand purpose.

I was a state in the St Poterial Cassas was a panel of grand guizer and the states of the states in the states of the states in the states of the state of the states of the state in which it is states of the state in which it is state of the states of the state in which it is states of the sta

"Judge Thayer, commenting upon the case, stated it as his opinion that under section 721 the court was authorised to conform its rulings to the practice which obtains in the state courts of Missouri, and that under the practice in the state courts it was clear beyond question that the piea in abatement stated no valid ground of objection to the indictment.

"Section 722 referred to in the foregoing opinions provides in effect that the jurisdiction in civil and criminal matters conferred on the circuit and district courts by the provisions of title 12, and of title Crimes," for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States. But when the laws of the United States are not suitable, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law as modified and changed by the constitution and laws of the state shall govern, etc. The defendant upon this hearing contended that the operation of this section was limited to offenses under what is known as the civil rights act, and that the phrase civil rights and, and that the phrase civil rights and register in the provision, and there can be no question as to its general application.

"In the case of the United States vs. Clune, 62 Fed. 798, Judge Ross held that there being no provision of the United States, 194 U. S. 469, the court held that it was the duty of the court in Porto Rico to recognize any valid existing local statute relating to the qualifications of jurors. By the local law to jurors, and by it made a ground of challenges were allowed to jurors for the disqualification relied upon in the plea. The question as to whether the objection allowed by the local law to jurors, and by it made a ground of challenge, could be taken by plea in abatement after the

The Eenson Case.

"In the case of the United States vs. Benson, supra, Justice Field, applying the local law, refused to set an indictment aside when the name of a grand juror did not appear on the last preceding assessment roll. This was a disqualification under the statute, but not a ground for challenge. The court, referring to the state law, said: "Turning to the causes for which a challenge to the panel, or to an individual grand juror, may be interposed, we find none which embraces the objection taken by the plea in abatement.

I believe there is no case where an objection to an indictment in a federal court has been sustained when the mode employed to present the objection was contrary to the provisions of the local law.

"Section 1259 of the Orange code pro-

"I do not," replied Judge Bennett.
"I do not consider that the question is now before the court, in view of the rulings which have been made," replied Judge Bennett.

A brief discussion ensued as to the demurrer which was filed by Senator Mitchell simultaneously with his plea in abatement. It was agreed that briefs should be submitted by both sides and that the court should pass upon the demurrer without argument.

Mr. Heney will leave for San Francisco tomorrow or the next day. He has an important civil case to try next Monday in Fresno. The length of his stay in California is uncertain.

OREGON WHEAT TURNED THE TIDE

(Continued from Page One.)

"To Wall Street: Don't get rattiled by Thursday's and today's flurry. This is only a tiny whiff of what is coming. Wait until they break 5 points between quotations and one of the great lights of financial dominions throws up his hands and tries to untangle a few hundred millions of liabilities with three great systems and a number of industrials involved. When this gentleman's affairs go into court, then there will be revelations. I would advise the traders to hold their lines steady until my fullpage advertisement gets to the moneyed of Berlin. London and Paris. Theh Wall street will have something to dance to. "THOMAS W. LAWSON."

The Milwaukee defalcation, together with the Equitable squabble, is in line with Lawson's predictions, and has taken the edge off the market. Pittsburg reports approaching overproduction in steel and iros.

Today's trading on the stock market was sensational, inasmuch as most of the transactions were by professionals. The big advance in Louisville & Nashville yesterday somewhat foretold what would happen today, but no one outside of the big clique believed that prices would go up as far as they did.

The Inrgest rise today was in American Smelter, common, the advance amounting to \$5.25.

St. Paul proved a big bull beit and rose \$2.75.

Canadian Pacific went \$1.25 higher on

POPULAR

to the panel, or to an individual grand Juror, may be interposed, we find none which embraces the objection taken by the plea in abatement.

Decause it is the best. The use objection to an indictment in a federal court has been austained when the mode employed to present the objection was contrary to the provisions of the local law.

Bection 1269 of the Oregon code provides that no challenge shall be made or allowed to the panel from which the grand jury is drawn, nor to an individual grand jury is drawn made.

Tall of Tragic Reaning.

Are these lines from J. H. Simmons, of Casey, Ia. Think what might have resulted from his terrible cough if he had not taken the medicine about which to entires; I had a fearful cough, that disturbed my night's rest. I tried every contrary to the provisions of the local law.

"Section 1269 of the Oregon code provides that no challenge shall be made or allowed to the panel from which the grand jury is drawn, nor to an individual grand jury is drawn, nor to an individual grand jury is drawn, nor to an individual grand jury is drawn made or taken by a fearful cough, that with the mode or taken by the had not taken the medicine about which to easy in the partie of the had not taken the medicine about which to easy in taken the medici

When Portland Citizens Show the Way.

it was in the hands of the professional boosters.

New York Central advanced \$1.27\forall and Ontario & Western rose \$2 on the general upward shove today.

Tennessee Coal & Iron was not neglected for a single minute by the clique, and as a result of their labors advanced \$2.

Union Pacific common was given a great part of the attention of the manipulators and advanced \$2.27\forall .

Both United States Steel stocks were excited, the common advancing \$1.12\forall and the preferred \$1.25.

TWO FAILURES.

(Journal Special Service.)

New York, April 25.—W. E. Purker & Co., Wall street bankers, assigned today for the benefit of their creditors. The amount involved is unknown.

The suspengion of Christian & Clark was also announced on the consolidated stock exchange this morning.

FAMILY SURROUNDS BOY MURDERER

Mother, Brothers and Sisters of Tom Brown Watch Long Process of Choosing a Jury.

(Special Dispatch to The Journal.)
Chehalis, Wash., April 25.—A special venire of 24 jurors was returned this morning in the Brown murder trial.
The work of securing a jury has gone The work of securing a jury has gone on very tediously throughout the day. The line of questioning by attorneys for the defense shows they intend to enter an insantty plea.

Brown sits beside his mother, his head cast down and his eyes focused on the floor, taking absolutely no interest

and sisters of the boy are in court, and the room is crowded with spectators. The case is attracting considerable at-tention from the public and promises to be one of the longest in the history of Lewis county on account of the time taken in securing a jury and the great number of witnesses to be examined.

HOP POOL ATTACKED

(Continued from Page One.)

Dallas: Charles Buchanan of Cornellus and John Ransau of Grants Pass.

and John Ransau of Grants Pass.

Letter From the Growers.

The following letter, signed by nine of the larger growers and holders of hops in California, was received last night by Conrad Krebs:

"To the Growers in Oregon and Washington—We, the undersigned, growers and holders of hops in California, most earnestly solicit your co-operation in our efforts to advance the market value of our holdings. We are positively convinced of the following facts:

"That the present fictitious hop market is the result of the co-operation and manipulation of the short sellers. That these same short sellers during the spring and summer of the year 1904 and in the face of a shortage of three years contracted our hops with the

spring and summer of the year 1904 and in the face of a shortage of three years contracted our hops with the brewers for 18 to 20 cents delivered. This was before the vines had appeared in our yards.

"The crop of 1904 has come on, and we find today an actual shortage of 25,000 bales in the United tBates, and England will need 200,000 hundredweight more. The bears are now without stock, but are selling continually to the brewers the hope we now hold, expecting later to force us to take such prices as they may choose to give. It is a life-and-death struggle with us. If we permit manipulators to regulate the market for 1904, what will be the price they will set on our 1905 crop? If they have their way, hops will not be worth the bailing.

"Now we, the remaining holders in California, are fully convinced if the growers in Oregon and Washington will pool their hops for 60 or 90 days, a just remuneration for their efforts will be the result, and the market will forever be taken from the hands of the bears, and 1904 hops will be selling at the true price they should command. You have pooled in the past but the occasion was never so momentous or vital as at present. If there ever was cause for the

pooled in the past but the occasion was never so momentous or vital as at present. If there ever was cause for the growers of Oregon and Washington to pool now is the time. Hops should be worth 40 to 50 cents. If you pool that will be the result.

"Again we ask you to co-operate with us and destroy now and forever these despicable manipulators and teach the originators of the same a life-long lesson."

(Journal Special Berrice.)
Chicago, April 25.—At a public meeting in the city council chamber last night a permanent organization was formed with the object of accomplishing municipal ownership of gas works in Chicago.

Alaska Refrigerators

Something About Them You Don't Know

Alaska Refrigerators are not the cheap, trashy kind that some departsell, but are a first class, up-to-date Refrigerator, representing sell, but are a first class, up-to-date Refrigerator, representing the highest achievements in refrigerator perfection. Every ALASKA is lined with white tile throughout; you can tell them easily—don't buy any other recommended "just as good." We ask that you compare the finish and style of the Alaska with other refrigerators shown. The only refrigerator made having a chargeal lining. The ice rests on a corrugated galvanised iron rack, which is so constructed as to leave an air passage under the iron. The warm air in the provision chamber rises through the flues at each end of the ice chamber, comes in contact with the ice through the flues at each end of the ice champer, comes in contact with the ice at the central opening in the lid flue, becomes colder and drops under the ice rack, where all moisture is condensed and falls through the central opening under the ice into the provision chamber, cold and dry. No other system keeps the air so long in contact with the ice as the ALASKA does, consequently the Alaska does its work more thoroughly than any other refrigerator.



Highest awards at the World's Columbia Exposition, Atlanta Exposition, Tennessee Centennial Exposition.

FIFTY STYLES RANGING FROM

\$10.00 to \$200

Sold On Easy Terms.

Over 650,000 in Use

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CONGRESSMAN SHOT IN PROHIBITION RIOT

Representative Pinckney and Three Others Killed in Texas Shooting Affray.

(Special Dispetch to The Journal.)

Hempstead, Tex., April 25.—A prohibition meeting here last night broke up in a shooting scrape in which Congressman John M. Finckney, Thomas Pinckney, his brother; John A. Mills, a leading prohibitionist, and J. N. Brown, a lawyer and anti-prohibitionist, were killed. Doc Tompkins, private secretary to Representative Pinckney, and Rollin Brown, son of J. N. Brown, are seriously wounded.

Tompkins was making a speech which

Rollin Brown, son of J. N. Brown, are seriously wounded.

Tompkins was making a speech which offended Brown, who began the shooting which precipitated the flot. A number of men appeared to be engaged in the shooting and something like 100 shots were fired.

The meeting was called for the purpose of petitioning the governor to send rangers here to enforce the local option law. The entire community is in a turmoil and the rangers are en route to preserve order.

Pinckney was a native of Texas, aged 60, was a confederate soldier, for many years judge of Waller county and was elected in 1903 as congressman from the Eighth Texas district.

(Jeurnal Special Service.)

(Jeurnal Special Service.)

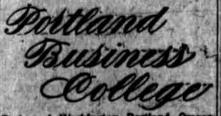
Havana, April 25.—The house of representatives has refused to expose the congressmen who stole public documents on the night of April 14. The resolution providing for a search for the stolen documents was tabled by an almost unanimous vote. The missing papers showed conclusively that public funds were misused by public officials.

NOTICE

Green Slab-Wood, 16 inches, \$1.75 Dry wood, 16 inches, \$s.50 per load

355 Front St.

Portland Sawdust Company



PORTLAND MAY BE THE CHOSEN CITY

practically dropped out of the race.

The contingent favoring, Portland, while not so vigorous in their efforts at the cutset as the contending cities, has

Denver, Colo., April 25.—The which for the last two days has throughout the west from A throughout Montana, is subsiding. nevertheless been working quietly and Wires are still prostrated and railroad faithfully with the and in view of ulti-traffic badly demoralized. Colorado mately succeeding in landing the covieted prize. It now appears as though from floods is feared.

FREE TRIPS TO LEWIS AND CLARK FAIR!

THE JOURNAL'S **Lewis and Clark Contest**

READ CONDITIONS, SEND IN YOUR FAVORITE'S NAME, AND GET TO WORK AT ONCE

Owing to the wide general interest in the Lewis and Clark Fair. THE JOURNAL will pay the expenses of twenty trips to the fair, for the most popular persons outside of Multnomah county.

THE JOURNAL will pay the entire expense, including railroad and sleeping car fare, admissions to the exposition for one week, hotel bills for one week and amusements.

The Trips Will Be Divided as Follows:

The Trips Will Be Divided as Follows:

To the most popular person in Coos or Curry county, one free trip; to the most popular person in Josephine or Jackson county, one free trip; to the most popular person in Douglas county, one free trip; to the most popular person in Benton or Lincoln county, one free trip; to the most popular person in Sambill or Polk county, one free trip; to the most popular person in Yashington or Tillamook county, one free trip; to the most popular person in Lina county, one free trip; to the most popular person in Lina county, one free trip; to the most popular person in Clackamas county, one free trip; to the most popular person in Clackamas county, one free trip; to the most popular person in Claumbia or Clatsop county, one free trip; to the most popular person in Mosco, Sherman or Crook county, one free trip; to the most popular person in Morrow, Gilliam or Wheeler county, one free trip; to the most popular person in Union or Wallows county, one free trip; to the most popular person in Union or Wallows county, one free trip; to the most popular person in Union or Wallows county, one free trip; to the most popular person in Baker county, one free trip; to the most popular person in Baker county, one free trip; to the most popular person in beate or Klamath county, one free trip; to the most popular person in fastern Washington, one free trip; to the most popular person in seatern Washington, one free trip; to the most popular person in seatern Washington, one free trip; to the most popular person in seatern Washington, one free trip; to the most popular person in seatern Washington, one free trip; to the most popular person in seatern Washington, one free trip; to the most popular person in seatern Washington, one free trip.

The basis on which credit for votes will be given is, one vote for oversity of the popular person in trip. The contest opens at once and closes at midnight on June 18. Pick out your favorite, fill out coupon below sud mail it at once to THE JOURNAL.

The time is

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ily Journal, 1 year.	A STATE OF THE STA
ily Journal, 8 months	PERCENTED TO SEE

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ONE VOTE