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WEEKLY AND SEMI-WEEKLY.

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H. F. IRVING, Editor,  
and Proprietor.

## For January

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## HIS SPEECH

SENATOR MITCHELL ADDRESSES U. S. SENATE CONCERNING HIS RECENT INDICTMENT.

Cal's His Accusers "Malicious and Atrocious Liars"—Leaves the Senate to Return no More Unless Cleared—Many Senators Greet Him.

Washington, D. C., Jan. 17.—With dramatic fervor, Senator Mitchell of Oregon, on the floor of the senate this afternoon, denounced his accusers and publicly branded them as "malicious and atrocious liars." He proclaimed his innocence of the charges upon which he and Representative Hermann were recently indicted in Portland, and expressed confidence in his ultimate vindication. He declared:

"I assert in the most positive, unqualified manner that each and every one of these charges, in so far as they involve me, are absolutely, unqualifiedly, atrociously false, and I here, and now indignantly and defiantly denounce, authorize and publicly brand them as malicious, atrocious liars. I defy my defamers and challenge them to produce any evidence other than that of condemned thieves, forgers and perjurers to sustain any such charges."

1 o'clock Senator Mitchell took the floor of the senate and commenced reading his statement. There was a large attendance of senators. Mitchell's voice was trembling as he started, and nearly broke down with emotion. Later his voice grew stronger and he read the statement in a clear, determined and forceful tone.

Senator Mitchell explained his connection with S. A. D. Puter, in having certain land claims passed upon favorably by Representative Hermann, then commissioner of the general land office, as merely the duty a senator owed his constituents. He declared that he had no suspicion that any thing was wrong with the homestead entries in question, and that his personal concern in the case was identical with that in hundreds of others.

"I have done this invariably without making any charge or accepting compensation of any kind, and so long as I remain senator I shall continue to do these things for my constituents, so help me God, even at the risk of a hundred indictments," said the senator.

In unmistakable language the senator charged that the alleged confession of Puter was secured through promises of leniency or clemency made by the government's representatives. After emphatically and specifically denying that Puter had paid him \$2,000 for his services, he said:

"I denounce the said S. A. D. Puter—this self-confessed and duly convicted land thief, forger and perjurer—who, with his associates, facing the penitentiary, as having, under promise of leniency or clemency made by Francis J. Heney, prosecuting officer, representing the government, made this infamous and atrociously false charge against me for the purpose and with the expectation of saving himself and his convicted partners in crime from deserved punishment."

Mitchell expressed the belief that he might have been imposed upon often in espousing claims which may later have been proved not valid.

"But," he declared, "it is only by the gravest distortion and misconstruction that any of these letters or any of my acts in reference to them can be construed as badges of fraud and corruption."

"It may be thought or said by some that I have violated precedent in coming here at this time," he said; "but let me tell you, Mr. President and senators, while I am subject to serious charges, I have not been proved guilty of any of them. I am an innocent man, and I have at this stage of the proceedings the same right as any other senator to come here in defense of my character, which is as dear to me as that of any other senator on the floor."

"Were it proper at this time to ask an investigation of the charges against me by this body, I would gladly move in that direction; but

in view of the fact that an indictment has been reported against me, I deem it my duty to first respond to the claims of the court. But I trust and believe that the time will come when I can with propriety demand of this senate a thorough investigation."

Criticizing public officers "who knowingly misconstrue the public acts of public men, and thus seek to distort and convert them into badges of dishonesty," Mitchell said:

"In conclusion, permit me to declare that the representatives of any government who will tolerate this are unworthy of the exalted position they occupy."

"As for myself, I defy them here and now to produce any evidence worth a moment's consideration which will connect me in any wrongful manner whatever in any of the land frauds in Oregon or elsewhere."

It was during consideration of the conference report on the Philippine franchise bill in the senate today that Senator Mitchell entered the chamber and took a seat in the rear, near the main doorway. It was his first appearance since the indictment for alleged conspiracy in the land fraud cases in Oregon found against him. In a moment he was surrounded by senators, who assured him of their faith in his ability to demonstrate his innocence.

It was at the conclusion of the routine business, when nearly every member had paid his personal respects to the Oregon senator, that Mitchell arose. His call, "Mr. President," brought profound stillness throughout the chamber.

The scene throughout his speech was intensely dramatic. Nearly every member of the senate was present and the public and press galleries were crowded. Mitchell was given the closest attention, every senator turning toward him and listening intently.

Mitchell began the statement in a low, broken tone, and at times his emotion was so intense that he could not proceed. At the conclusion of that part of his speech his emotions again overcame him and words were almost inaudible whispers. When he concluded the galleries applauded until suppressed by presiding officer of the senate, Forsaker of Ohio.

At the conclusion of his speech a number of senators shook hands with Mitchell and assured him of their belief in his innocence. Among them were Teller, Patterson, Stewart, Newlands, Kearns, DuBois, Fulton, McComas, Scott, McCumber and Daniel.

Mitchell could continue on the floor without objection from any one. It is not Mitchell's intention to do this, however, and it is believed he will take no further part in the proceedings this session.

Portland, Jan. 17.—Alarm is spreading among homesteaders in Southern Oregon as the federal investigation into timber frauds progresses in that direction. The work of the government's secret agents is much more far-reaching than had been expected. It is now apparent that there is to be a searching, investigation into the condition of lands and timber taken up by supposed homesteaders, who have not complied with provisions of the law regarding the making of improvements and residence on the land. It is said thousands will lose lands by cancellation of their filings, and in many cases indictments will result from perjury committed in making final proof. In many instances, it is said, perjury has been committed in making homestead filings on valuable timber claims, in order to secure the timber without paying the \$2.50 per acre required by law. A large number of citizens who have thus secured timber claims by swearing that the land was more valuable for agriculture than for the timber are now being listed by the agents of the interior department. In every case where a valuable timber claim has been taken as a homestead the filing will be canceled. If final proof has been made, the patent will be canceled.

No Pity Shown.

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## TO CHANGE IT.

LOCAL OPTION LAW ATTACKED IN LEGISLATURE AT SALEM.

Many Amendments Proposed—Some of Them of Vital Importance—Bill Was Introduced in the House by a Wasco Member.

Salem, Or., Jan. 18.—Almost every important provision of the local option law adopted by the people of Oregon last June will be either wholly eliminated or so modified as to be meaningless, if the bill introduced in the house yesterday by Wayne of Wasco becomes a law.

The bill was framed by the liquor interests, and it is expected to arouse one of the hottest fights of the session. By its terms county prohibition is abolished and each precinct must decide for itself whether the sale of liquor within its boundaries is to be permitted. Nor can all precincts in the state avail themselves of the local option law, for the new bill makes the law applicable, in incorporated cities and towns, only to "residence precincts," and in none others can the question of prohibition be raised.

The difficulty of calling an election to decide whether prohibition shall be adopted is greatly increased, for the Jayne bill requires the signatures of 40 per cent of the registered voters to the petition before the election can be held.

The sale of liquor by wholesale is expressly removed from the application of the law. Many minor changes are also made.

If the Jayne bill is adopted and receives the governor's approval the local option law will no longer be recognizable.

The Jayne bill amends sections 1, 2, 3, 6, 7, 8, 10, 12, 15, 16, 17 and 18 of the local option law, repeals section 14, and adds three new sections.

Section 1 of the original law provides for an election by any county, subdivision of a county or precinct, whenever a petition therefor is signed by 10 per cent of the registered voters, and in no event shall more than 500 signatures be necessary.

As amended by the Jayne bill, such an election can only be held by individual precincts, upon petition of not less than 40 per cent of the registered voters of the precinct, and it is further provided that only precincts lying either wholly within or without the boundaries of an incorporated town or city may hold such election. The effect of this provision is to make it impossible for precincts lying partly within and partly without a city or town to adopt prohibition.

Section 2 of the local option law provides that liquor may be sold in cases of illness upon the prescription of a regular physician, "provided that a physician who does not follow the practice of medicine as a principal and usual calling shall not be authorized to give the prescription called for in this section." The proviso quoted is omitted entirely in the Jayne bill, thus opening the way for druggists or other persons not regularly practicing medicine as a principal calling to give prescriptions for alcoholic drinks.

Section three of the local option law provides that prohibition elections may be held in June of any year. The Jayne bill provides that they shall be held only in the alternate years intervening between the general elections. In other words the questions of prohibition can be submitted to the voters of a precinct only once in two years, instead of every year, as under the original law.

The proposed changes in section seven and 8 are unimportant and incidental to the plan of precinct local option as distinguished from local option of counties or groups of precincts.

Section ten of the local option law declares that when an election results in favor of prohibition, the sale of liquors shall become unlawful immediately upon the counting of the votes in the county court, 11 days after the election. The Jayne bill would give an interim of 90 days after the count before prohibition becomes effective.

Under section 12 of the original

law, when an election has resulted in favor of prohibition the issue cannot be raised again for two years. Under the Jayne bill whether an election results for or against prohibition, no other election can be held for two years.

Section 14 of the local option law is repealed in accordance with the plan of precinct local option.

Section 15 of the original law is so amended by the Jayne bill that even after a precinct has voted in favor of prohibition, it does not become operative until the county has refunded "to any person thereto engaged in the sale of liquor the proportionate amount" of license fees paid by him for the unexpired term.

Section 17 of the original law made it "the special duty of the district attorney to file or have filed complaint" in all cases where the law is violated. With a just appreciation of the embarrassment which this provision may cause a district attorney, and an evident desire to take such responsibility from his shoulders, the Jayne bill amends this section so that the district attorney is obliged to file complaint only "when there is probable cause to believe" that the law is being violated, and when the "same is made to appear by the affidavit of some person who purports to know the fact."

Section 18 of the local option law is as follows:

"In all prosecutions under this act, by indictment or otherwise, it shall not be necessary to state the kind of liquor sold, nor to describe the place where sold; nor to show the knowledge of the principal, to convict for the acts of an agent or servant; and in all cases the persons to whom intoxicating liquors shall be sold in violation of this act shall be competent witnesses. The issue of a license or internal revenue special tax stamp by the government to any person for the sale of intoxicating liquors shall be prima facie evidence that such person is selling, exchanging or giving away intoxicating liquors."

This section is amended by the Jayne bill so as to read:

"In all prosecutions under this act, by indictment or otherwise, the offense charged shall be stated with the same particularity that is required in the case of other offenses against the criminal law of this state, and in all cases the person to whom intoxicating liquors shall be sold in violation of this act shall be a competent witness."

Section 20 of the Jayne bill is designed to give the counties and precincts that went "dry" last November a chance to try out the question again. If 10 per cent of the voters are dissatisfied with prohibition and sign a petition calling for an election, the question shall be resubmitted in the June election, 1906.

## Corvallis & Eastern Railroad

Time Card Number 22.

2 For Yaquina:	
Train leaves Albany.....	12:45 p. m.
" " Corvallis.....	1:45 p. m.
" " arrives Yaquina.....	5:40 p. m.
1 Returning:	
Leaves Yaquina.....	7:15 a. m.
Leaves Corvallis.....	11:30 a. m.
Arrives Albany.....	12:15 p. m.
3 For Detroit:	
Leaves Albany.....	1:00 p. m.
Arrives Detroit.....	6:00 p. m.
4 From Detroit:	
Leaves Detroit.....	6:30 a. m.
Arrives Albany.....	11:15 a. m.
Train No 2 connects with the S P train at Corvallis and Albany giving direct service to Newport and adjacent beaches	
Train 3 for Detroit, Breitenbush and other mountain resorts leaves Albany at 8:00 p. m., reaching Detroit at 6:00, giving ample time to reach the Springs the same day.	
Train No. 1 arrives in Albany in time to connect with S P south bound train, as well as giving two or three hours in Albany before departure of S P north bound train.	

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