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R. F. IRVING, Editor, and Proprietor

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PROVEN GUILTY

JUDGE TANNER CONFESSES AND BLAMES MITCHELL.

Greatest Sensation of the Whole Land Fraud Investigation—Money Received by the Firm From Swindlers Went to Mitchell.

Portland, Feb. 11.—Judge Alfred H. Tanner, one of the most prominent attorneys of Portland, and law partner of Senator John H. Mitchell, recently indicted by the federal grand jury for perjury in connection with the land fraud cases, made a full confession in Judge Bellinger's court at 2:30 p. m. today.

Judge Tanner admitted that the partnership agreement which he furnished the grand jury when testifying for Senator Mitchell, was made up within the past three months and dated back to March 5, 1901. He says further that this was done to prevent Mitchell from being caught on the indictment later presented, of receiving money for illegal fees while a United States senator when, as a fact, all fees received from government department work were to go to Mitchell. Judge Tanner and his son aided in formulating this agreement, and then the two went before the grand jury swearing to falsehoods to shield the aged senator in his struggle with the government's prosecuting officers.

The confession came as a bomb to the community, although not to the government's principal officials, District Attorney Francis J. Heney and Chief of the Secret Service Force W. J. Burns. In the indictment presented by the grand jury against Judge Tanner for perjury, the government plainly charged him with conspiring to protect his partner. He was accused of having aided in preparing this agreement within the past three months at his own office and through the instrumentality of his son, A. H. Tanner, jr., he was also accused of knowing that Senator Mitchell received as his share of the profits in the firm business, a portion of the money paid by Frederick A. Kribs to have cases expedited before Hermann. Further the accused was charged with knowing that Senator Mitchell had a personal account in the Merchant's National bank. A list of 8 to 10 witnesses was affixed to the indictment containing these charges. The government plainly indicated its case and the officials connected with the prosecution expressed no doubt of conviction.

The fidelity of Senator Mitchell's close friends has been tried in many cases, but the public was not ready to learn that a man of Judge Tanner's prominence and standing would commit perjury even to save his business partner. After once swearing to a statement calculated to clear Senator Mitchell, the public expected that Judge Tanner would maintain his position. But it appears that the government secret service force, under Mr. Burns, and the district attorney, wove the web of guilt with such irresistible strength that the business partner concluded it was folly to hold out longer and jeopardize himself and his son to exculpate one who had voluntarily committed a crime.

The story of this case dates from the early investigation of land frauds by the present grand jury. When Senator Mitchell realized a force that ranked John H. Hall had entered the field of inquiry, he arranged to forestall the charge of receiving money from any source laying him open to indictment under the statutes regulating senators and representatives in congress. The partnership agreement was then framed, and in its provision was made showing that Senator Mitchell expressly provided against any department business going to his personal agent. This agreement was submitted by Judge Tanner when he was first called to testify. The document bears the date of March 5, 1901, and is signed by the two lawyers, as principals, and Harry C. Robertson, witness. Mr. Robertson is private secretary to Senator Mitchell, and has been in the Mitchell-Tanner law office for many years. Judge Tanner affirmed that this document was made and executed at the time indicated. His son was called by the grand ju-

ry and swore that he had not written the agreement within the past three months, and generally attested what the father had said.

But the government secured other evidence. Three stenographers, Edith Bern, Amie C. Spencer and Maggie O'Brien, were called to testify. P. D. Cunningham, who sells type-writer paper and supplies, was asked to swear as to the time when the paper on which the agreement is written, was sold at his store. J. W. Newkirk, cashier of the First National Bank, and Ralph W. Hoyt, cashier of the Merchants Bank, were also called upon to testify regarding bank accounts, distribution of money and personal funds.

This evidence developed the need of having Harry C. Robertson testify, and he was summoned from Washington. He spent much time with the grand jury, and was twice recalled, laughter and applause from the inquisition room greeting the ears of men outside during his testimony.

It seemed to spectators that Mr. Robertson had given testimony that met with general approval.

These suspicious developments were intensified this morning when Judge Tanner and Mr. Robertson were in a long consultation with District Attorney Heney and Mr. Burns. The purport of this talk could only be guessed, but watchers believed that the government was being made the possessor of important information. The climax came in the afternoon when announcement was made that Judge Tanner had made a full confession of his guilt as a perjurer, and admitting that the partnership agreement had been prepared recently to clear Senator Mitchell.

The effect of this sensational development was stunning, and seemed to leave no doubt of Senator Mitchell's ultimate fate. With the government in possession of such evidence that it could force Judge Tanner to a confession against his partner, and this confession accumulative evidence against the senator, conviction seems to have been made quite certain.

Auburn, Cal., Feb. 11.—Henry Carr, the San Francisco second-hand dealer, who sold the pistol to Adolph Weber, was cross-examined at this morning's session of the murder trial. The witness demonstrated by the weapon itself his means of identification. The barrel was shaky and portions of the nickel plate were worn off.

At the noon adjournment, Adrian Wills, the schoolmate of Weber, was on the stand. Wills took the defendant to his home the night of the fire. His shoes and stockings were wet and were changed at Wills' home. During the evening the defendant repeatedly suggested that they go up to the barn where the pistol was found. Wills also stated that at the defendant's suggestion they and Lincoln Marrow had ice cream, and that the defendant wanted to go and call on some young ladies. All this happened within a few hours after the murder.

New York, Feb. 11.—Icicles on the cables and trestles of the bridge across the East River have been a source of great danger since the rain Thursday night, and the police were finally compelled to close the Brooklyn bridge to foot passengers. Some of the icicles were many feet in length, and weighed more than 100 pounds, loosened by the sun's rays, they fell frequently and imperiled the lives of those on board passing ferry-boats, who insisted on remaining outside the cabins. In one instance a chunk of falling ice struck a horse harnessed to a wagon on the deck of the boat. The animal became frightened and plunged into the East River. He fell on a large cake of ice and was rescued after much effort.

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A PLOT AGAINST HENEY

SOUGHT TO DESTROY OFFICER'S INFLUENCE.

Five Men Are Named as Conspirators—Evidence Shows Caylor Tried to Set Marie Ware Against Heney.

Portland, Feb. 11. John H. Hall, Harry L. Reese, A. P. Caylor, Henry W. Ford and J. H. Hitchings will in all probability be indicted for attempting to obstruct justice, by plotting against United States District Attorney Francis J. Heney.

After quiet repose for several days this sensational case seemed this morning to be near a climax. Three important witnesses were summoned to testify before the federal grand jury, among the number being State District Attorney John Manning. These witnesses have added important testimony to that already before the grand jury, and there is little doubt in the minds of those who are following the inquiry that an indictment will be returned against the before mentioned men.

District Attorney Manning was before the grand jury previously, and took refuge behind his position as a permanent grand juror, and declined to testify to the federal investigators in regard to facts that had come to his knowledge as a state officer.

United States District Attorney Heney took a different view of the state official's duty at that time and asked of Judge Bellinger a decision on the matter. The latter took it under advisement. Mr. Heney later concluded that Mr. Manning's testimony was not material, and waived further effort, so that Judge Bellinger did not pass on the delicate point.

Recent developments made Manning's testimony more vital. He was accordingly summoned this morning and spent more than an hour with the federal grand jury narrating particulars of the affair as they came to him.

Following his appearance Attorney A. J. Vantyne and Patrolman H. L. Carlson were called and gave their testimony on the same subject.

A. P. Caylor, who returned to the city a few days ago, and who was accused of being implicated in the plot to entrap Mr. Heney with Marie Ware and later with the effort to get evidence that he had been seen with her at a lodging house, testified yesterday. He lingered around the court room much of the morning hours, but emphatically declined to be interviewed, and resented all imputations of his complicity.

The charge against the men is that they sought to have Marie Ware entice Mr. Heney to her apartments or other place where they might be found together and exposed. As she did not agree to lend herself to this purpose, it is alleged next that she was urged to acquiesce in the scheme of producing testimony that she had been seen already with Mr. Heney at some lodging house.

Patrolman Carlson has thrown important light on the government's case and the testimony of District Attorney Manning seems to have filled a gap.

Indictments will probably be returned this afternoon, but may not be presented until the grand jury reports on all of the cases remaining unfinished Monday. The work of this jury in the land fraud and allied cases will terminate Monday, as District Attorney Heney and Assistant Oliver E. Pugin will leave Portland Tuesday for Washington. Final report is expected Monday evening.

Since the Journal's story of yesterday to the effect that ex-Receiver J. T. Bridges of the Roseburg land office, had agreed to give the government full testimony in regard to the cases being investigated, there have been many developments indicating that such is the case. Bridges is in close touch with the government in all of that work now being prosecuted, seems perfectly friendly in every respect, and his numerous friends believe that he is giving the government all the evidence that he possesses.

Such a development as this would leave the burden of all blame for land office irregularities and offenses resting upon the shoulders of ex-Register J. H. Booth. It

would also have the effect of centralizing the government's prosecution upon the ring of R. A. Booth, Binger Hermann, J. H. Booth, R. A. Downs, F. A. Kribs and the large operators who have been gathering in vast acres of timber land. Friends of Bridges argue that he has not profited by whatever may have been done at the land office district, as his position was a minor one, and that he is warranted in placing the blame upon the men who have been enjoying the real fruits of the work.

New York, Feb. 11.—The Casino Theatre is on fire. The whole interior of the theatre seems to be ablaze. There was no audience in the house at the time the fire started, but Lillian Russell's "Lady Teazle" company was rehearsing. Several members of the company were obliged to jump to the street from windows.

The fire burned through the entire balcony, reached the stage, broke through the roof. Every one escaped from the theatre without serious injury. One chorus girl was slightly hurt and the stage carpenter was overcome by smoke, but was taken out in safety.

The building will be a total loss. The fire gained great headway, owing to insufficient water pressure.

The theatre is a large brick building at the corner of Broadway and Thirty-ninth street. It was built in the '80s, and was famous for a long time as the home of the Aronson musical comedies. The auditorium in the house is one story above the street level and is reached by a winding staircase. This fact makes it doubly fortunate that there was no audience in the house when the fire started.

New York, Feb. 11.—It is greatly feared that the Antarctic expedition, commanded by Dr. Charcot, which started more than a year ago, from a South American port in the hope of reaching the South Pole, has been lost, says a Times' dispatch from Paris. It is known to have encountered a terrible storm in April last year, and has not been heard of since, nor have any traces of its movements been discovered by Uruguay, which sent out a party to its rescue. Charles Rabot, a member of the committee of the Society of Geography in Paris, intends to organize another search party to ascertain its fate.

At Summit.

Troy Mays, of Elk City, visited this place Tuesday.

Frank Davis, of Harlan, was here on business Tuesday.

John Marrow has branched out in the chicken business on a large scale. He has purchased two incubators and has a flock of chickens beside. We wish him success in his new venture.

Ada Henkle visited over Sunday at Summit.

The C. & E. dining car is sidetracked here this week.

T. Ranney was a business visitor at Corvallis Monday.

Andrew Hamar is with his sister Mrs. Carlson, at Toledo, assisting in caring for her sick child, Wilbur.

French Butler has been at his father's home. He left for Blodgett Tuesday.

There is a rumor afloat of a telephone line being put in at this place some time this coming summer.

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