Morning & Oregonian.



Prominent Men Indicted For Conspiracy

TO OBTAIN PUBLIC LAND

Three Congressmen and Many Others Are Implicated.

THE GRAND JURY ADJOURNS

Blue Mountain Forest-Reserve Deal Investigated - Plot to Blacken Character of F. J. Heney Also Results in Indictments.

THE BLUE MOUNTAIN INDICT-MENT.-John H. Mitcheil, Senator of Orrgon; Ringer Hermann, Representative in Congress; John N. Williamson, entative in Congress; Franklin P. Mays, State Senator and Portland sey; W. N. Jones; George Sorenson, ex-Deputy Sheriff and timber It is alleged that the defendants conspired to defraud the United States of land to be obtained in exchange for school lands fraudu lently obtained from the state, and to be included in the proposed Blue Moun-

THE CONSPIRACT INDICTMENT. John H. Hall, ex-United States Attorney; Henry Ford, private detective; Harry L. Rees, ex-Major in United States Army; A. P. Cayler, a Portland grain merchant; John Cordano, a Deputy Sheriff; J. H. Hitchings, a Portland lawyer; John Northrop, juror in the Screnson case; Charles Lord, a Portland attorney. It is alleged that the defendants conspired together to form a plot which would cause the removal of District Attorney Hency from office by hisckening his character before the publie and proving him to be a man of lax morals. The conspiracy was to bring witnesses who would swear to improper relations between Mr. Heney and

Just before adjournment, the Federal grand fury returned the long-expected indictment dealing with the Blue Mountain reserve and the frauds attempted to be perpetrated by its creation. In the indictment are implicated John H. Mitchell, Binger Hermann, John N. Williamson, Franklin Pierce Mays, W. N. Jones and been exchangeable for the most valu-George Sorenson. The charge is that the able timber land in the Northwest open ants attempted to defraud the Gov- to filing. ernment of the United States of the possession and use of and title to 200,000 acres of land situated in various of the states and territories of the Nation and of the total value of more than \$3,000,000.

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Story of the Conspiracy.

The general story of the conspiracy is that the defendants came to the conclusion that it would be of profit to gain a large tract of land which could be afterward relinquished to the Government for certificates in lieu.

In the pursuit of the scheme, therefore the defendants, or part of them, picked out tracts of school land in Crook, Grant, Harney, Malheur, Baker, Union, Umatilla and Wallowa Counties amounting in it was determined to file. were school sections, arid and worthless, and could be purchased for \$1.55 per acre from the state government in quantities not to exceed 336 acres, provided the purchaser would make affidavit that the lands were being bought by himself perenally, and for his own use and benefit.

Having picked upon the lands, a man was chosen in Malheur County to circulate the petitions asking for the creation of a forest reserve, under the plea that it was necessary for the conservation of the headwaters of the various streams taking their start in the districts affected by the proposed reserve. This agent was paid \$4 a day, and worked for some time in mak-

ing up the lists of applicants.

These applications were then sent to Washington to Senator Mitchell, who turned them over to Binger Hermann, Commissioner of the General Land Office, and the creation of the reserve was urged by the Senator to Commissioner Her-mann, and was at last ordered by Secretary Hitchcock. Two days before the order was made public by which the lands were to be withdrawn from settlement the fact that such action would be taken by the department was tipped off to the con-spirators at this end of the line by Mr. Hermann, and they immediately sent agents into the territory to make the fil-logs before the order should reach the

keres of school land, while Williamson,

Previous to this time, or about February 5, 1962, the defendants had secured 20,000

through his agents, had made arrange-ments to purchase 20,000 acres of poor timber land in Crook County.

Opposition Is Aroused. After the petitions had been sent to Mitchell, and by him turned over to Her-mann and the General Land Office, it seems that a great deal of opposition was aroused to the creation of the reserve, and remonstrances were sent into the of-fice protesting against the setting aside of the lands. As a result of these objections, Mr. Hermann wrote to S. B. Ormsby on March 11, 190, inclosing him the petitions asking for the creation of the reserve, together with remonstrances from George W. McBride and Joseph Simon, who saw that an injustice was being done. In this letter to Ormsby, Commis-sioner Hermann asked that an investiga-tion be made of the lands about to be put in a reserve, and a report sent to the of-fice at the earliest time possible showing the conditions and stating whether or not

it would be well to set aside the lands F. P. Mays, so it is said, was told that Ormsby was about to make an investigation of the lands, and accordingly the Portland attorney set aside two sections of land in the proposed reserve for the use of Ormsby, the claims being put in escrow for the Forest Superintendent, provided he made a favorable report and was able to secure favorable action in the

was able to secure favorable action in the creation of the reserve. Ormsby made a favorable report on the lands which he had been sent to look at. and the order of withdrawal was made.

About this time, however, and before the order was made, the story of a new railroad to be driven through the part of the state, contiguous to the proposed reserve caused the timber lo-cators to begin to flock into the land and large tracts were taken up by them. In addition to this Ormsby went to Dan Tarpley, so it is said, and told him of the reserve plan, advising him to get in on the deal. Tarpley went to McKinley and the latter raised the oney to take 17,000 acres of the land inclosed in the proposed boundaries of

"Timber Sharks" Rush In.

These extensive filings alarmed F. P. Mays, who wrote to Hermann advising the temporary withdrawal of the lands at the earliest moment and before the influx of claimants would gobble up the greater part.

Williamson also, September 23, 1902, wrote to Hermann advising the withdrawal of the lands before the "timber sharks" gained too large holdings in the boundaries of the proposed preserve of the combination.

After the filings had been made the

fact was brought to the notice of Sec-retary Hitchcock that practically all of the lands in the reserve were not worth being put into a reserve of any kind. This information was given by Gifford Pinchot, the head of the Bu-reau of Forestry, who, after conference with Secretary Hitchcock, took the map of the proposed Bine Mountain reserve story. and cut out of it all the school lands in the tract covered by the petitions for its creation. The reserve was then created according to the wishes expressed in the petitions which had been filed, but by this action of Pinchot's the con-spiracy was killed almost before it was born and no benefit was reaped by any of the men who had filed on the lands. Had the scheme been carried through, however, all of this school and other nd would have been filed upon by the agents of those now under indictment would have been made valid as base by the fact of the creation of the reserve, and the scrip subsequently issued for it, upon its reversion to the Government, could have been sold for an advanced figure to the timber syndi-cates of the country, as it would have

This is the same sum asked of all those

nection with the land cases. Grand Jury is Excused.

The grand jury was excused after having returned the indictments yesterday afternoon, and will take a retrict Attorney Heney, which will be made about the first of April, at which time Mr. Hency will return to Portland from the East and will resume the in-vestigations which have not as yet been

finished. It was stated by Mr. Hency yesterday more than 150,000 acres, upon which afternoon in the courtroom that there is determined to file. These lands had been several indictments voted by had been several indictments voted by the jury which it had been impossible to prepare at this time and which would be held over and not returned to the court until the body was called

What these indictments are is a mys tery, but it is supposed that they have to do with the investigations which have been made into the conduct of the Roseburg Land Office and the dealings of the timber buyers and syndicates of the past few years.

W. W. Steiwer and Dr. Van Gesner.

two of the principal men indicted for fencing in the land in Wheeler County, yesterday afternoon furnished bonds in the sum of \$4000 each. Bench warrants were ordered issued for the rest of those under the indictment. It has been promised by Mr. Stelwer that he will stand as bondsman for a part of those in the list with him and if he will do this the warrants will not be served, otherwise the men will be brought to Portland in the custody of the United States Marshal and placed in jail until they are able to furnish bail.

MITCHELL LETTERS SECURED Government is in Possession of Strong

Evidence Against Senator. It has been learned that the Govern

(Concluded on Third Page.)

Senators No Longer Believe in Mitchell.

PROOF IS TOO STRONG

He Is Still Determined to Fight to a Finish.

DOES NOT FEAR THAT LETTER

He Says He Expected Its Publication, and Will Not Resign-Fulton Is Too Busy to Act as Counsel.

OREGONIAN NEWS BUREAU, Washington, Feb. 11. The United States Senate has lost all confidence in John H. Mitchell. The confession of his law partner, corroborated by his own letter, published here this morning, has wrought a complete change in the attitude of the Senate toward Mr. Mitchell and has had the effect of utterly destroying his usefulness as a member of that body. While many Senators continue to sympathize with him, none goes so far as to longer

In the language of one Senator "he has convicted himself."

Less than a month ago, when Senator Mitchell, in open Senate, defended himself against his former indictment and denied having been in any way involved in the land frauds, the Senate took him at his word. Not a Senator seemed to doubt him and fully half the Senators present went to him to assure him of

Today there is no longer that confidence, though much sympathy remains. Even Senators who have known Mitchell intimately for years, who have trusted him always, are aghast at the revelations of the last two days; they cannot explain away the tenor of the confession nor the letter written in Senator Mitchell's own hand. Even the most faithful admit that Mitchell faces a very grave situation. They hope, but they very much doubt if he can clear him-

Facts Shock the Senate.

The Mitchell case was the foremost topic of conversation among Senators today. It even took precedence over the break between the President and the Sen-The Senate is very jealous of its honor; it is loath to believe that one of Eaca of the men indicted will be re- its members has fallen from grace, but quired to furnish bonds of \$4000 for the overwhelming showing against Mitchhis appearance before the court in appearance before the court in April when the case will come to trial. his own words, proved a very great shock and the Senate was compelled to admit that it had misjudged the man.

Notwithstanding this prevailing sentiment the Senate will take no step toward depriving Senator Mitchell of his seat. Officially, at least, he will be given the benefit of the doubt until his case is disposed of by the court, and until that time he will be permitted to retain his seat. unless he should voluntarily relinquish it. The Senate will not force him out, but on the other hand, will not welcome him in its midst as it would have done a month ago.

When he returned from Portland early in January, many Senators urged Mitchell to go back into the Senate as if no stain had been cast upon him. The Senate then believed him innocent, but will not again invite him into its chamber.

Mitchell Will "Stick It Out." Mitchell is aware of the change of

sentiment toward him and is apparently depressed at losing the confidence of men who have long been his friends, yet, in spite of his depression, he has lost none of his determination to "stick it out." If others have lost confidence in him, he outwardly has not lost confidence in himself. He is going to adhere to his plan outlined two days ago, to hold on to his seat, go home within a month and fight for acquittal.

It was rumored in Washington today that Mitchell had been urged by his friends at home to resign his seat in the Senate. Asked about the report, he replied:

"You can say to the people of Oregon that, as I am not conscious of having done anything that would call for my resignation, I have not the slightest idea entered my mind. No such proposition in Oregon, but on the contrary. I have the indictment.

een in receipt of dispatches urging that should not think of it. In conclusion ou can rest assured that the present Legislature will not have an opportunity of electing my successor, unless I should dle before the session adjourns."

Expected Letter Would Be Published. Asked if he had anything to say about his letter to Judge Tanner, Senator Mitchell replied: "I am not afraid of that letter. There is nothing in it that will hurt me. I had a suspicion when I wrote it that it would be published. I was not surprised to read it in the papers this

morning. I really expected it would be

made public." 'Yes, I sent the letter as published, nd the reason, I think, in part at least, appears on its face. After I had been indicted, Judge Tanner had been retained by me as my leading lawyer for my deense, and he had consented to act as such, as his letter in my possession would clearly show. Senator Fulton also had ousented to act as his associate in my defense. I was extremely anxious that Tanner should come here for a consulta tion with Senator Fulton and myself in regard to my defense, and the purpose of my letter was, as will appear from the letter itself, to induce him to come and bring with him all of our firm books, in order that we might be fully advised as to precisely what entries were made and by whom made. I supposed I was writing a confidential letter to my retained lawyer urging an early consultation with me, his client, and his associate attorney, Senator Fulton, And for reasons satisfactory to me, when I wrote the letter and now, I desired to avoid publicity In regard to his coming, hence my state ment in my letter that it should be treated as entirely confidential. Any other questions that may be desired of me in reference to this letter or any other mat-

is called. "The suggestion in the press dispatches that I desired to talk to Tanner in regard to his testifying before the grand jury is preposterous, as it has been publicly known for some time that the grand jury would adjourn long before Tanner could reach this city."

ter connected with my case, I will be

ready to promptly answer when my trial

Senator Fulton was asked tonight if he intended to act as counsel for Senator Mitchell. "It is true that Senator Mitchell spoke to me about acting as attorney for him," said he, "and if I were situated so I could devote the requisite time to his defense, I would gisdly undertake to do so, but the fact that my time is so engrossed by official duties, and the possibility of course that an extra session of Congress may be convened, renders it impracticable."

Williamson Not in House.

Oregon had no representation in the House of Representatives today. Ac- and rules for its ent cording to his announced determination, Representative Williamson remained away and Mr. Hermann is confined to his home by a cold. S weral Welcern njembers say would, in such a case, go shead as if no indictment had been rendered. William- a portion of section I. which says: son's friends express doubt if he is guilty,

Comment on Mitchell's Case. Only one Eastern paper today, the New

York Times, printed comment on Senator Mitchell. The Times said: We have not the elightest desire to dies the case of Senator Mitchell. We recall with interest the tearful sympathy he ex-cited in the Senate by his vehement protesta-tions of entire innocence and purity of intention. We sincerely hope he will be able to pass unerathed the ordeal awaiting him, but the fact that his law partner confesses to perjury in swearing that an agreement by which Mr. Mitchell surrendered all profits se

cored through the departments at Washington was made in March, 1901, when in reality it was drawn up in December, 1904, and was intended to save Mitchell from indiciment, re-veals a mode of doing business and a code of professional and personal morals of an ex-tremely objectionable sort. Mr. Mitchell is entitled to suspension of judgment, but clearly not to unqualified acceptance of his protestations of virtue.

WILL NOT AFFRONT THE HOUSE Williamson Will Not Attend Sessions While Under Indictment.

WASHINGTON, Feb. 12-Representative John N. Williamson, of Oregon, who on Saturday last was indicted by the Federal grand jury at Portland, Or., for alleged conspiracy to defraud the United States of public lands, said today that he should not attend the sessions of the House of Representatives pending his trial for the effense with which he is

Mr. Williamson said he had high ideals of what the House should be and believed tt would be an affront to his fellow-members to appear on the floor while the cloud is hanging over him. He declined to make any statement regarding the indictment against him.

Binger Hermann, Mr. Williamson's colleague from Oregon, who also has been of resigning. Such a thought has not indicted by the grand jury in connection with the land-fraud cases, has been athas been suggested to me by any one tending the sessions of the House since

Railroads Balk at the plaints are made by a shipper regard ing rates or service the railroad com Commission Bill.

MADE PUBLIC

Some Stringent Rules for Government of Roads.

GREAT POWER FOR GOVERNOR

Washington Chief Executive Can Remove Member of Board at Will, With No Recourse to the Courts.

OLYMPIA, Wash, Feb. 13 - (Staff Correspondence .- The rallroad commission bill, for which the State of Washington has been waiting with bated breath since the beginning of the session, made its appearance before the joint railroad com- by the committee this evening. In size it is much more formidable than the Kennedy bill. containing nearly 3000 words, which are pread through 28 sections.

The bill does not fix the salaries of the ngine wipers or determine the manner which general superintendents shall be appointed, but a perusal of the title gives the impression that it is intended to take quite a hand in the management of the roads. The title is:

An act to establish a railroad commiss or the State of Washington, whereby discrim-nation and extortion in railroad and express larges may be prevented and reasonable and ust freight and passenger service and tariff may be corrected and established; to authorize a commission to make all necessary rules and regulations for its government and the carry ing into effect the provisions of this act; to give to said commission the power to regulate the sule of raffroad tickets and cos reet and provide charges for hauling loaded or empty cars, proper trackage, proper trains service, and sufficient freight and passenger coms and just and reasonable joint rates and arrage charges, to prescribe penalties for violation of this act, and to provide means

Governor Given All Power.

There is so much of the bill, and it cov ers so many different features of the transportation business, that it will rethey thought Williamson was making a quire considerable study to determine mistake in absenting himself; that they what it all means. That it is a strictly one-man power is disclosed, however, in

"A Commissioner may be removed by as indicted, but in these troublous times the Governor for any cause which he men hesitate about being quoted on such shall deem sufficient, which power of removal shall be absolute, and there shall be no right to review the same in any court whatsoever."

The term and salaries of the Commis sioners are the same as in the old bill, vis., two, four and six-year terms for a starter, and after that six-year terms, with an annual salary of \$5000, a secretary at \$2000 and three clerks at \$1200 each. A bond of \$30,000 of each of the Commissioners is required, the bond to

be held by the state. The rate-regulating powers of the commission are substantially the same as have already been outlined, and only on complaint can the commission be called on to declare and enforce what they decide to be a reasonable rate, such rate to become effective 30 days after notice has been served on the railroad company. From these rulings the roads are to have the right of appeal on filing bonds sufficient to cover any possible damages through delay in enforcing the rate.

Section on Joint Rate. The joint-rate matter is handled in sec-

tion 4, in part as follows:

That when the rate substituted by the comission as herein provided shall be a joint rate, and the railroad or express company par-ties thereto fall to agree upon the apportionment, the commission may facus a supple-mental order declaring the portion of such joint rate to be received by each railroad or express company thereto, which shall take effect of its own force as part of the original order, and when the order of the commission preacribes the just relation of rates to or from common points of the lines of the several railroads or express companies parties to the proceedings, and such railroads or express com-panies fall to notify the commission within five days after potice of such order that they five days after notice of such order that they have agreed among themselves as to the changes to be made to effect compliance therewith, the commission may lesse a supplemental order prescribing the rate to be charged to or from such common points.

Provided, however, that before the commission shall have the power to fix joint rates or compel one road to hauf the cars of another or deliver freight or cars to another, the commission must be satisfied that an injustice or injury will result to the shipper seeking the enforcement of said joint rate if the same is not established.

On the refusal of the railroad com-

pany to comply with the rulings of the commission, obedience can be forced by injunction proceedings or other process, and in addition the offending party shall be subject to a penalty of \$250 per day for each day of refusal to recognize the ruling.

Section 6 provides that when com plaints are made by a shipper regardpany shall be given 20 days' notice for correcting them. A fine of some \$125 to \$500 and six months in jail is provided for any rallroad official who refuses to submit for the inspection of the commission all of the books and papers of the corporation.

The commission is instructed in sec tion 12 to ascertain as soon as possible the cost and present value of all rail road property in the state and the exac financial condition of each road, to gether with the amount of salaries paid all employes, etc. Power is granted to employ experts to aid them in securing the needed information. Provi sion is made for the holding of meet ings in any part of the state when omplaint is filed, and witnesses sum moned to appear before the commission will be paid \$2 per day and mileage.

Interchange of Traffic. In section 15 the bill is rather severe

regarding the interchange of traffic at junction points, and also delegates to the commission power to regulate the long and short hauf problem which is the nightmare of the most experienced railroad men in the country. These two features are covered in part as follows Every railroad or express company which shall willfully fail or refuse under such regulations as may be prescribed by the cosion to receive and transport without delay or discrimination the passengers, tonnage and cars, loaded or empty, of any connecting line of railroad, and every railroad which shall, under such regulations as may be prescribed by the commission, willfully fall and refuse to transport and deliver without delay or discrimination any passengers, tennage, or cars loaded or empty, destined to any point on or over the line of any connecting line of railroad, shall be deemed guilty of unjust discrimina-tion, provided perishable freight of all kinds and livestock shall have precedence of ship

It shall also be unjust discrimination for any rallroad or express company subject to charge r receive any greater compensation in the (Concluded on Third Page.)

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President Speaks at Lincoln Banquet.

RACE PROBLEM HIS TEXT

He Urges North to Help South in Solving It.

EQUAL OPPORTUNITY FOR ALL

He Defends Negro's Right to Legal, but Not Social Equality, and Expresses Sympathy for the South.

NEW YORK, Feb. 15.-As the guest of or at the Lincoln dinner of the Reublican Club in this city tonight, Prestient Roosevelt made a speech on the race He appealed to the North to make its friendship to the South all the greater because of "the embarrassment of conditions for which she is not alone responsible," declared that the heartiest acknowledgments are due to the ministers, law officers, grand jurors, public men and "great dally newspapers in the outh who have recently done such effective work in leading the crusade against lynching," and said that the problem was to "so adjust the relations between two races of different ethnic types that the backward race be trained so that it may enter into the possession of true freedom, while the forward race is enabled to preserve unharmed the high civilization wrought out by its forefathers." Following the President, Senator Doillver, of Iowa, responded to the "Abraham Lincoln"; George A. Knight, of California, spoke on "The Republican party," and James M. Beck, ex-Assistant Attorney General of the United States, on the "Unity of the Republic."

The dinner was held in the main ban met hall of the Waldorf-Astoria, and in the number of guests and elaborateness of decorations it is believed to have excelled any function of its character ever held in New York. The guests numbered more than 1900 and not only crowded the main banquet hall, but the Astor gallery. the Myrtle room and even the foyer of the second floor, the whole of which was used. Among the guests were 275 women, who dined in the Astor gallery.

In the main banquet hall the galleries were almost entirely hidden by decorations and the tables were laden with roses. On the walls were festoons of American flags and the coats of arms of the States. Back of the speakers' table was a large oil painting of Lincoln, draped with American flags and surmounted in electric lights with the famous motto, "With malice toward none; with charity for all."

Assembly of Great Men. Among those who sat at the Presi-

dent's table were: Secretary of War Taft, Eliau Root, Whitelaw Reld, R. B. Odell, Senator Dolliver, John H. Finiey, president of the College of the City of New York; Oscar Strauss, Bishop Ice stops navigation in Upper Columbia. Fowler, Lieutenant-Governor Bruce, George A. Knight, Andrew Carnegie, Lieutenant-General S. M. R. Young, retired; General O. O. Howard, Brigadier-General Frederick D. Grant, Rear-Admiral Joseph B. Coghlan, Surgeon Charles F. Stokes, U. S. N.; James M. Beck, Dr. Nicholas M. Butler, president of Columbia University; Frank S. Black, General G. M. Dodge and Dr. Henry M. McCracken, chancellor of New York University.

The President was introduced by Louis Stein, president of the Republican Club, in a brief speech. As President Roosevelt rose to reply, the banqueters in the adjoining rooms crowded into the main hall and gallery, every lovernor Chamberlain says graft governs | inch of which was occupied. The President said:

> The President's Speech. In his second inaugural, in a speech which will be read as long as the memory of this Nation endures, Abraham Lincoln closed by

> saying:
> "With mailes toward none, with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in: . . . to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations." Immediately after his re-election, he had al-

endy spoken thus: "The strife of the election is but hu nature practically applied to the facts of the What has occurred in this case must ver recur in similar cases. Human nature (Concluded on Page 12.)

MEMBERS OF THE FEDERAL GRAND JURY, WHO HAVE RETURNED MANY INDICTMENTS, UNITED STATES DISTRICT ATTORNEY HENEY AND W. J. BURNS, WHO HAVE INVESTIGATED LAND FRAUD CASES



READING PROM LEFT TO RIGHT: A RETTINGAR Y. W. BOUNETT, CREISTIAN CHRISTIANS CHRISTIAN POSTER ADAMS, GEORGE GUISTIN, L. A. VOGAL, W. P. DUTTON, F. G. BUFFUM, L. N. EDWARDS, F. J. HENEY, W. J. BURNS.