DEFENSE SHOWN

Senator Mitchell Up for Arraignment

TECHNICAL PLEA

Charges Grand Jury Was Illegal Body.

DEMURRER AND ABATEMENT

He is Willing to Go to Trial, However, in One of the Land-Fraud Cases, That in Which Puter Charges Bribery.

The first gun in the long siege of land fraud battles which is to occupy the attention of the United States and the energies of the Federal Court this Sum-mer was fired yesterday morning when John H. Mitchell, W. W. Stelwer, H. H. Hendricks, Clarence B. Zachary, Clyde E. Glass and Edward D. Stratford appeared before Judge Bellinger for their

All interest centered around the movements of A. S. Benneth who, as counsel for Senator Mitchell, outlined some extent the course of action likely to be pursued by the distin-guished defendant in the conduct of his case, or cases, scheduled for hearing during the present term of court. Since the date of the first indictment returned against Senator Mitchell there has been a growing curiosity as to what line o defense he would adopt in resisting the assaults of the Government's prosecution, but no statement or action made by the defendant has shown what his intentions were. Vesterday morning the brief session of the court served to clear away to a certain extent this clo surmise and point to a path of techni-cality and legal obstruction that will in all probability be the groundwork upon which the defense will be reared.

Bennett Defends Mitchell.

Senator Mitchell was in the court room when his case was called and he was arraigned by United States Attorney Heney. Throughout the session the Senator had nothing to say, all of the talking being done by his attorney, A. S. Bennett, of The Dalles.

The first case called was that one

commonly known as the Kribs case, in which Senator Mitchell is accused of having, while a Senator of the United States, received compensation as a member of the law firm of Mitchell & Tanner, for having performed services before departments of the United States Government, all such acts done being in violation of section 1782 of the revised statutes of the United States. The penalty for conviction of this crime is a for a maximum period of three years and debarment from ever again holding any office of public honor or trust.

Upon arraignment on this indictment Judge Bennett offered a demurrer after first attpulating that such offer should not act as a bar to entering a plea in abatement which was intended. The ground for demurrer was that the doc-ument was not definite and certain.

Following the demurrer Bennett ofot only of the indictment in question but of all land fraud indictments returned by the grand jury just ad-

Contentions of the Plea.

The contentions of the plea are several. It is held that the jury was ir-regular and its actions void because W. E. Robertson and Carl Phelps had been excused from the jury and George Publer and Fred G. Buffum had been George Giustin, one of the jurors, is not qualified to have served on the jury.

As a fourth cause for annulment of the

conduct of the grand jury investigations and his qualifications to act before that body. It is represented in the plea that Mr. Hency is not at this time, nor will be, a resident of Oregon, but that he expects to and will make California his permanent home and place of business. For this reason it is held that Mr. Heney could not be legally appointed to the office of District Attorney by President Roosevelt and could not therefore legally appear before the grand jury. It is further alleged that Mr. Heney

has been active in working up feeling against the Senator both inside and out of court, and has been and is very vin-dictive in the prosecution of the cases. It is finally charged that, if Heney had not appeared before the grand jury unlawfully, no indictment would have been returned against the defendant. Friday morning was set as the time for hearing arguments on the plea.

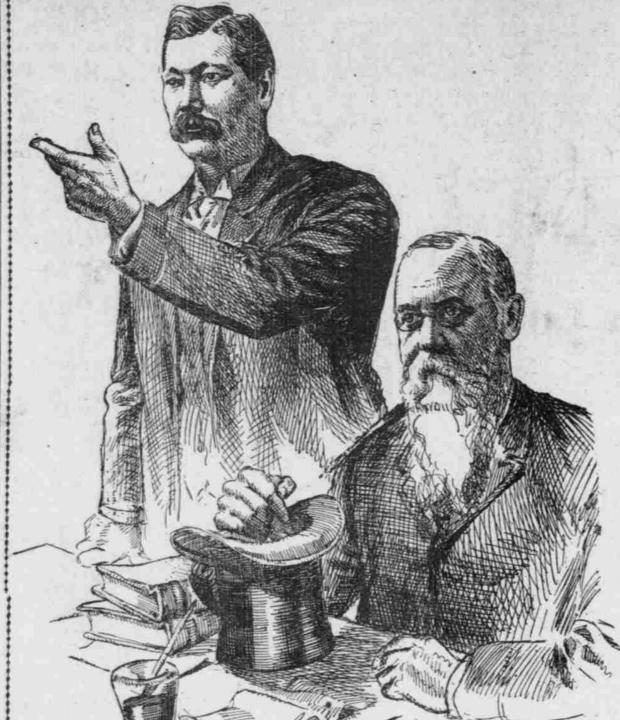
Will Stand One Trial.

of the United States Ser receiving compensation for work done before a department while a Senator. It was stated by Bennett that insomuch

there was moral turpitude charged would insist on an immediate hearing. Which held its last session in the Holy While there is a technical difference in Land, by Mrs. Park, of Salem. the charges made by the two indictments offenses held against the Senutor are to all practical intents the same. In the first it is charged that Mitchell while a Benator received his share of \$1750 for work done by the law firm of Mitchell & at the Washington end of the line while lanner performed the work here. bany, Or. the second case it is charged that Sen-Mitchell accepted \$2000 for work

done by him for Puter.

Allegations in Indictments. The allegations of the first indictment are backed up by the testlmony of Taphis son, A. H. Tanner, Jr.; Harry great extent upon the testimony and records of S. A. D. Puter. It is therefore thought in many quarters that the ren-Hought in many quarters that the rea-son the Senator is ready to enter a plea of abatement on the one hand, attack-of abatement on the one hand, attacking the legality of the grand jury, and Portage road.



SENATOR MITCHELL AND ATTORNEY BENNETT AS THEY APPEARED IN COURT

trial under indictment by this illegal grand fury, is that the one case is very strong and the other more expable of being defended before a live special of the control of ing defended before a jury, owing to the nature of the evidence. Ex-State Senator W. W. Steiwer, H.

H. Hendricks, Clarence B. Zachary, Clyde E. Glass and Edward D. Stratford, all defendants in the Butte Crock land-fencing case, were arraigned following the hearing of the Mitchell preliminaries. Mr. Hendricks entered a plea of abate-ment while the other defendants pleaded

not guilty.

It is expected that between this time and the end of the week practically all of the defendants under indictment will have appeared for arraignment. Represents tive Williamson will appear on Friday, and Binger Hermann on Monday next. Following the arraignment of the latter, plea in abatement which, if Mr. Heney will leave for San Fran granted, will result in the annulment to remain until a short time before the not only of the indictment in question first case set for trial is ready for hearing.

MITCHELL HAS ABLE LAWYER

Ex-Senator Thurston Engaged to Defend His Friend.

OREGONIAN NEWS BUREAU, Washington. April II.-Senator Mitchell has engaged ex-Senator John M. Thurston, of Nebraska, as his counsel. Thurston was attorney for Judge Swayne citizen of the United States, but of a and successfully handled his impeachment foreign country. As a third cause for case before the Senate at the last session, abatement it was pointed out that He is a lawyer of considerable renown, Frank Bolter and Joseph Essner were baying a splendid reputation in Washington and in his home state. He is now a resident of this city and is regarded as indictment the document attacks United one of the ablest members of his professionates District Attorney Heney in his sion here. He will leave for Portland in sion here. He will leave for Portland in about ten days. Messes. Mitchell and Thurston are friends of long standing ntative Hermann started home today.

> WORK DONE BY THE MISSIONS Presbyterial Woman's Society Begins Its Annual Session.

The Oregon Presbyterial Woman's Missionary Society began its annual session at the First United Presbyterian Church yesterday afternoon. Mrs. Elizabeth Dal-gleish, the president of the society, called the gathering to order and later delivered a playground. This fact is not so noan address of welcome to the delegates from different parts of the state. After the completion of the routine business the time will come, well inside of the lifereports of the Pacific Coast Missionary Society were read by Mrs. W. P. White of Albany. A prayer service for mission ary work was conducted by Mrs. David Scott, of Portland, and a report of the At the request of Bennett the Senator was also arraigned on what is known as the Puter indictment. This is the indictment in which it is alleged that Sendictment in w stor Mitchell received \$2000 from S. A. D.

Puter for services in expediting various of Warm Springs. "Our Duty Toward claims before the General Land Office at Foreign Missions" was the subject of a Washington, the act being in violation of the Federal statute prohibiting a mem-

The evening session of the society consisted of devotional services, a thanks offering service conducted by Mrs. J. H. as there was moral turpitude charged Gibson, of Portland, music by the Grand in the second indictment, the Senator Avenue choir and a talk on the Jerusa would plead not guilty to the charge and lem cruise of the Sunday School Alliance.

The following is the programme for to-day at 2:45 A. M.: Devotional exercises, Mrs. Park, of Salem; "Open Parliament on Missionary Societies," Mrs. Wilson, of Portland; music, Miss Hoberg, of Port-land; nomination and election of officers and the selection of a delegate to the croand that the Senator did work and the selection of a delegate to the gen eral conference of the society of the United States, which is to meet at Al-

Portage Engine Is Completed.

It is announced that the engine ordered from Davenport, ia., for the use of the Portage road has been completed and is now on the way westward. It will reach tack made on him by W. G. McPherson in Portland the latter part of this week, and a letter which was published in yester after its trial tests by the Portage road day morning's Oregonian. In it Mr. Mc Robertson, and many documents, and the ruse is considered to be a very strong size. The second case will depend to a used in the construction work now going

Wittenberg on East Side High School,

SAYS LOCATION IS MISTAKE

Thinks It Will Rob Children of Haw-Playgroung. Declares That It May Cause an Epidemic.

Director Herman Wittenberg has aken a determined stand against the building of the East Side High School on the block adjoining the Hawthorne School. He calls it a mistake and gives

Monday night the School Board decided to build on the block mentioned, which is owned by the city, and ut that ime Mr. Wittenberg voted a decided no. Yesterday he gave his reasons for makng such a strong objection. He said: It will mean the crowding of 2000 chilldren within the compass of two blocks, and it is wrong to place small and large children so close together, for the larger ones are sure to tyran-nize over the little ones.

"If an epidemic were started, the whole school would be affected, with the children so close together, and if the epidemic affected only one school. the other would have to be closed also. account of its proximity.
With only a 60-foot street between

them a fire would be disastrous to both for the Fire Department on the East Side is not as efficient as on the West Side, and the flames would sure carry from one building to the other. "My strongest objection is, however, that the building of the High School time of the present directors when they will have occasion for being sorry that they left no playground.

"In New York City today they are tearing down high buildings to give many times the amount in the future, and be forced to have land condemned for the purpose of furnishing the play-

Mr. Wittenberg also says that he would like to see the residents of the East Side protest against the action of the School Board and believes that, if a to bear, the School Board can be induced to reconsider its action.

Architects may submit plans for the

new building, it seems, but no com-pensation will be offered except to the winner. Under this ruling the architects say that it will hardly be worth for them to spend the money in preparing plans for which they may never get a return, and only a few of them

BAYER REPLIES TO M'PHERSON Declares That the Latter Would Have Offered Him Money.

tempts to form a conspiracy by which bids for furnace work in the schools could on there.

The engine is of the same type of locomotive as those used on the Southern Pacific and O. R. & N. though not so heavy, and will be used on the short line of the Portage road.

Bids for furnace work in the schools could be kept above a reasonable amount.

"As a matter of fact," said Mr. Bayer yesterday afternoon, "McPherson it was who would have liked to form a pool. It came about in this way: At the time

bids were taken for certain schools in 1963 we saw there would be an oppor-tunity to make money by bidding for some of this work, so we placed our bid, and McPherson knowing this, feared that we would underbid him and cut his down very low. He was awarded the contract and we walked down the street together afterward. . He then said to me, 'In-stead of cutting my bid so low, I could have afforded to give you \$1000 to keep you from bidding."
"Mr. McPherson in his letter yesterday

ccuses me of many things which he muself has done, and if I cared to do so, could call him just as many names as

Mr. Bayer being the originator of the row, though not wholly through his own desire, says he is now determined to take a definite stand and attempt to expose the methods by which McPherson was awarded contracts for furnace work. He other work. said yesterday he believed T. J. Jones, the school architect, and McPherson were J. connected in some way in their business relations, and that McPherson was placed n a position to have an undue advantage

PERMIT TO VIOLATE ORDINANCE

Hunt Indignant at Action of City Council.

According to the action of the City Council, there are some persons engaged in business in Portland who should be permitted to break ordinances that the police are required to enforce. A notable instance of this kind lies in the granting of a permit to Neustadter Bros., on Stark street. They have been allowed by the Council to have the trap door on their sidewalks open. Other merchants are compelled by the officials to keep their doors

Chief of Police Hunt vesterday received from City Auditor Devlin notification that Council has granted the permission

stated to the firm named.
"This is peculiar, indeed," said Chief
Hunt. "Here I have to enforce this ordinance compelling other merchants to keep their trap doors closed, and the Council comes along and grants special permission to a single firm to break the law. I pre-sume there will follow an avalanche of complaints, when this becomes known. Discrimination on my part will be charged,

Chief Hunt also received notification yesterday that there would be no more permits issued for the burning of rubbleh in the city limits. Until now, it is said, permits have been granted to almost all who have sought them of Chief Campbell, of the Fire Department.

Matinee Every Day.

The crowds are increasing every per-formance at the Empire Theater, where the new stock company is giving an ex-cellent production of "The Ticket-of-Leave Man." a sensational English melodrama. Every detail in the way of scentry and effects is receiving more care than many a high-price attraction. A matinee is given every afternoon at 2:15 o'clock and one performance each night, beginning at 8:15 o'clock.

Freights for March Are Heavy.

The freight business of Portland for t onth ending March 31 is practically dou ble that of the corresponding month of 1904, as shown by the monthly reports which are now being compiled by the freight men of Railroad Row. In 1904 approximately 485 cars of competitive freight from Eastern points came into Portland over the various lines. Last month more than 785 cars of the same kind of freight were received here.

ROME, April 11.-The general commit-

Is the joy of the household, for without it no happiness can be complete. How sweet the picture of mother and babe, angels smile at and commend the

she looks forward to the hour when she shall feel the exquisite thrill of motherhood with indescribable dread and fear. Every woman should know that the danger, pain and horror of child-birth can be entirely avoided by the use of Mother's Friend, a scientific liniment for external use only, which toughens and renders

pliable all the parts, and assists nature in its sublime work. By its aid thousands of women have passed this great crisis in perfect safety and without pain. Sold at \$1.00 per bottle by druggists. Our book of priceless value to all women sent free. Address BRADFIELD REGULATOR DO., Atlanta, Ga.

CLAFKE FOR MAYOR 25 YEARS OF

Club Strongly in Support of Candidacy.

SPEAKERS EULOGIZE HIM

"A Business Administration by Business 'Man" Is the Slogan of His Supporters in the Campaign.

"A business administration by a busi ness man," is to be the railying cry of the Glafke Republican Club and the prom-ise of its candidate for the Mayoralty, W. B. Glafke.

The second meeting of the club was neld in Alisky Hall last night, at which the organization of the club was com-pleted. A large attendance of representative business men foreshadowed the strong support which the mercantile in-terests, are expected to give Glafke, and the offices and committees of the club were filled with the strongest of such men. The officers, who were elected unanimously, are: President, Hugh Mc-Guire; vice-president, W. H. Corbett; sec-retary, P. W. Custer; treasurer, Charles L. Mastick. President McGuire named as I. Mastick. Fresident McGuire named as the executive committee G. M. Brown, of the Hazelwood Cream Company; F. Dresser, of F. Dresser & Co.; E. H. Kil-ham, of Howe, Davis & Kiliham; E. New-begin, of R. M. Wade & Co.; George Lawrence, Jr., of the George Lawrence Com-pany; W. H. Corbett, of the Willamette Iron & Steel Works, and George W. Hoyt, assistant cashier of the Merchants' Na-tional Bank. Within a few days several other names will be added to this com-

What By-Law Says.

Article 2 of the by-laws states: "The of ject and purpose of this club shall be to secure by all honorable means the elec-tion of William B. Glafke as Mayor of the City of Portland, Or., at the city elec-tion of 1906," and this was the sentiment fully indersed by a score of speakers.

R. G. Morrow was called upon to explain the object of the club for the benefit of these who were not present at its in-ception. After speaking of the dissatis-faction which was felt by many toward the present aziministration, and recount-ing the abilities and fitness of the club's

andidate, he sald: "Matters have now come to this pass nat when a man wants a public office he must go out and seek it. A petition must be secured and filed and an announcement made of just where he stands and wha he is for, and his election is dependent entirely upon the number of friends he has backing him. This is what this club proposes to do; it will tell what Mr. Glafke is and will back him and work toward securing his nomination and eletion. This club is an outgrowth of spon-taneous feeling that Mr. Glafke is the most capable man in the city for the Mayoralty. He is a Business man whose successful career is known to every one. and there can be no doubt but what he will administer the affairs of the city in the same business manner that he devotes to his own matters."

Glafke Makes Speech.

A demand was made on Mr. Glafke for a talk. He said: "I am Into this work just as Mr. Mor office which I hope to gain with the help of friends. I can only repeat what I said the other night, should I succeed I will do just what my platform announces. run the city on absolutely business principles. I shall try to surround myse elples. I shall try to surround with men who are known to be honor with men who are known to be honor at able, honest, and absolutely above any idea of "graft," and who will consider i an honor to serve the city in any capacity that they may be called upon serve in, either in committee or as

Other speakers were George W. Hoyt, J. P. Finley, W. W. Robinson, C. L. Mastick, J. H. Kelley, S. M. Luders, W. H. Davis, James Roberts, F. W. Ariss, James McKercher, J. N. Blair and W. H. Chapin

Eulogize Their Candidate.

All of these spoke of Mr. Giafke in highly culogistic strain and urged the best efforts of every one to secure his nomination. It was urged that the en-tire down-town busines interests of the city were lining up solidly for Mr. Glafke. Mr. Morrow brought before the clui an invitation extended from other Re publican clubs for a conference to b held for the purpose of uniting on a car didate. At first such a step was no looked on with favor since the club's po sition was already defined, and it could not be expected that it would recede from it or enter into any compromise. Just before adjournment, however, it was de-cided to appoint a committee to meet with committees from other clubs and urge the acceptance of its candidate. This committee will be appointed by President McGuire today. Volunteers were asked for work in each precinct of each ward and many present tendered their services.

This large increase is due in great part to the influence of the Exposition upon the freight traffic. The exhibits sent from various places have something to do with the increase, but the greater part is caused by general shipments of commo-dities, the trade in which has been stimulated by the Fair.

Delegates to Farmers' Congress,

thoughts and aspirations of the mother bending over the cradle. The ordeal through which the expectant mother must pass, however, is so full of danger and suffering that

AGONY ENDED

Boston Business Man Cured By Cuticura of Awful Humor Covering Head, Neck, and Shoulders After Hospital and Doctors Failed.

Under date of September 9, 1904, Mr. S. P. Keyes, a well-known business man of No. 149 Congress Street,

Boston, Mass., says: "Cuticura did wonders for me. For twentyfive years I suf-fered agony from a terrible humour, completely covering my head, neck and shoulders. discharging matter of such offen-

siveness to sight and smell, that to my friends, and even to my wife, I became an object of dread. At large expense I consulted the most able doctors far and near. Their treatment was of no avail, nor was that of the hospital, during six months' efforts. I suffered on and concluded there was no help for me this side of the grave Then I heard of some one who had been cured by Cuticurs, and thought that a trial could do no harm. In a surprisingly short time I was completely cured.

CUTICURA-THE SET, \$1.

Complete Treatment for Every Humour from Pimples to Scrofula

Bathe the affected parts with hot water and Cuticura Soap, to cleanse the surface of crusts and scales and soften the thickened cuticle; dry, without hard rubbing, and apply Cuticura Ointment freely, to allay itching, irritation, and inflammation, and soothe and heal; and, lastly, take Cuticura Resolvent Pills to cool and cleanse the blood. A single set is often sufficient to cure the most torturing, disfiguring skin, scalp, and blood humours, with loss of hair, when all else fails.



Heels of New Rubber

Thousands of flat, broken-down feet have been calling for comfort for thousands of years-until recently, in vain-In many cases the collapse of the little bones which should support the arch of the feet is caused by the bad construction

of shoes. Then, more than ever, is the spinal column and nerve system sensitive to the jar

of hard leather beels in walking. While O'Sullivan Heels in all cases give comfort to the wearer, they give flat-footed people actual relief from pain, through absorbing jars on the spine with new

rubber. O'Sullivan's are the only new rubber Unless you order by name, the same

price (50c. pair, attached) may bring you worthless substitutes. Of Shoe Dealers everywhere.



Awarded the GOLD MEDAL at the Louisiana Purchase Exposition for Superior Quality, Purity and Per-fection of Age

For sale at all leading bars, cafes and drug store

S. HIRSCH & CO., Kansas City, Mo.



Prevent

Headache

If subject to headache, take Dr. Miles' Anti-Pain Pills when you feel the first indication of an attack, and you will find that they rarely ever fail to

stop further progress. Pain weakens the nerves, and the longer you suffer, the more frequent will be the attacks.

On the contrary, if the nerves are relieved of this weakening influence, the at-tacks will be less frequent, and

finally disappear altogether. Dr. Miles' Anti-Pain Pills contain no opium, cocaine, morphine or chloral in any form. They are absolutely harmless if taken as directed, and will have no other effect, except to drive out the pain.

drive out the pain.

"Dr. Miles" Anti-Pain Pills are all right, and I can recommend them to sair one in need of a remedy for head-ache, neuralgia, or pain of any kind. My health is not very good, and I am subject to frequent attacks of severe headache, but since I began taking Dr. Miles' Anti-Pain Pills I do not suffer from that trouble as I used to. They never fall to give relief in a few minutes, and if taken promptly on the approach of headache will prevent an attack from coming on. Pain Pills prevent, as well as cure."

MRS. WM. PEDRICK.

Gloversville, N. Y.
Dr. Miles' Anti-Pain Pills are sold by your druggist, who will quarantee that

your druggist, who will guarantee that the first package will benefit. If it fails he will return your money. 25 doses, 25 cents. Never sold in bulk. Miles Medical Co., Elkhart, Ind



The Misery of Piles

Thousands know it and thousands daily submit, through their ignorance, to the

torture of the knife. They are ignorant of the fact that there is an internal remedy that will positively and painlessly cure.

Dr. Perrin's Pile Specific The Internal Remedy

strikes at the prime causes of piles-indigestion, congestion of the liver and constipation. These causes are removed and removed for good. Get a bottle today and see how well it proves the truth of this

For dyspepsia, indigestion, constipation, biliousness, catarrh of the stomach and kindred ailments it is the greatest remedy

that has ever yet benefited mankind. When these troubles are taken care of and cured. Piles will be a thing of the past. Dr. Perrin Medical Co., Helena, Mont.

Bleeding, Weeping, Crusting, Scaling.

TREATMENT 75c.

Consists of Hardina Soap, medicated, antisep-tic; Skinhealth (oint.), to kill humor germs, heal the skin and stop litching, and Skinhealth Tablets, to expel humor germs. MULTI-TUDES OF MOTHERS rely on Skinhealth TUDES OF MOVINE, Start of immediately retired with Hardina Soap for immediately retired and quickly cuting all kinds of distressing homore from infancy to old age, for beautifying the skin and hair, soothing all irritations and for many antiseptic uses. Drugglata, WOODAED, CLARKE & CO., Fourth and Washington Sts.

HAND SAPOLIO

FOR TOILET AND BATH

Delicate enough for the softest skin, and yet efficacious in removing any stain. Keeps the skin in perfec condition. In the bath gives all the desirable after-effects of a Turkish bath. It should be on every wash

ALL GROCERS AND DRUGGISTS



CHICHESTER'S ENGLISH

PENNYROYAL PILLS

Original and Only Genuine.

AFF. Alware-reliable Ladies, art Dengies

or CHICHESTER'S ENGLISH

in RED and Geld metallic boses, enigt
with shore ribour. Lake no other. Refuse

Daugerous Subestitutions and Latig
fons. Bay of your Drengitt, or sad 4e, in

clamps for Fartheniaes. Testimentals

and 'Relief for Ladies, 'on letter, by re
furn Mail. 18,000 Yustimentals. Bold by

ull Drengina. Chichester Charmentals