

TWELVE MEN TO TRY MITCHELL

Jury Secured With No Great Delay.

SWORN AND INSTRUCTED

Only Twenty-Five Called to Obtain Enough.

MUST NOT READ PAPERS

Men Who Will Pass Upon the Innocence or Guilt of the Senator Are Placed in Custody of the Marshal.

- #### THE MITCHELL JURY.
- G. Steiner, merchant, Salem, Marion County.
 - H. Cleveland, farmer, Salem, Marion County.
 - Ed Daily, farmer, Corby, Josephine County.
 - R. L. Oliver, grocer, Pendleton, Umatilla County.
 - Bert Leabo, farmer, McMinnville, Yamhill County.
 - J. A. Baxter, farmer, Dallas, Polk County.
 - J. F. Clason, farmer, Riverston, Coos County.
 - S. T. Hobart, farmer, Silverton, Marion County.
 - S. A. Carlton, farmer, Welles, Jackson County.
 - R. F. Grant, farmer, Harlan, Lincoln County.
 - Frank Warren, farmer, Warrenton, Clatsop County.
 - W. H. Lewis, farmer, Jewell, Clatsop County.

The trial of Senator John H. Mitchell began yesterday in the United States court. It was lacking in anything sensational, but it was not devoid of interest. It resulted in the selection of the jury after nearly eight hours of effort, that will decide upon the guilt or innocence of the defendant. It demonstrated that was not thought to be possible—that out of 25 men drawn from the box, 12 could be chosen without option or prejudice to try the merits of this, one of the most important cases that ever came before an Oregon tribunal.

Jury Is Chosen.

The jury was chosen yesterday afternoon after an effort lasting from 2 o'clock until 5:30, when court adjourned until this morning at 10 o'clock, at which time the charge will be made to the jury by Mr. Henry, the case of the defense will be outlined by either Judge Bennett or Senator Thurston, and the introduction of evidence will begin. The jury is thought to be a good one, and entire satisfaction is expressed on both sides with the men chosen. It is a farmer's jury, all with the exception of two being men who follow the plow, and those being in both cases men of high standing in their respective communities. G. Steiner, the first man chosen, is a resident of Salem, where he has been in the grocery business for many years. R. L. Oliver is also a grocer, who has for a long time been in business in Pendleton. He, however, is an ex-farmer, having been engaged in the management of a large ranch near Pendleton before engaging in business in the city.

Intense Interest Shown.

The trial opened quietly, but with a suppressed air of intense interest, which was expressed in a courtroom. Long before the hour had come for Judge De Haven to appear, the room was filled with waiting jurors and members of the bar. With the exception of two or three women, relatives of those interested in the trial, no spectators were admitted, owing to the large number of jurors demanding room. Senator Mitchell was the first of the principals to arrive upon the battleground. He was closely followed by his attorneys, Judge Bennett and Senator Thurston. This party was followed in a few minutes by District Attorney Henry, W. J. Burns and others in the Government service as assistants to Mr. Henry. Judge Chapman, of Tacoma, a son-in-law of the defendant, was present, and sat beside him, as did J. H. Mitchell, Jr., the Senator's son, who has come from his home at St. Paul to attend the trial. Throughout the room were scattered prominent attorneys from different parts of the state.

Big Roll of Jurors.

At the direction of the court, Captain Staden, the clerk, called the roll of the jurors, to which 12 out of the 200 responded in notice of their presence. Others came to the clerk later, stating that they were unable to gain admittance to the chamber in time to answer to their names, so that there was a total of perhaps 150 men present at the opening of the court. After the roll had been completed, the court asked those who for any reason wished to be excused from duty to come to the bench, where it would listen to their requests, and in answer to the permission 45 men came forward, who were excused, while 25 more could not convince the court that their excuses were valid, and were forced to remain.

The Jurors Excused.

Those who were excused were: E. F. Wiley, Wells, Benton County; J. C. Slegmund, Gervais, Marion; J. F. Berker, Roseburg; M. J. Anderson, Du-

fur; David Griggs, Comstock, Douglas; H. C. Brandes, Portland; T. J. Armistead, Portland; E. A. Ely, Ely, Clackamas; E. P. Swedland, Portland; R. M. Cooper, Carus, Clackamas; W. Smith, Portland; C. H. Woodard, Portland; J. N. Elliott, Kellogg, Douglas; George H. Ball, Ballston; W. H. Fallin, Grant's Pass; A. S. Vaughn, Middleton, Washington; S. J. Crafts, Mt. Tabor; H. Dyer, Myrtle Creek; F. A. Powell, Powell; W. A. Storey, Portland; M. J. Allen, Echo, Umatilla; Gus Burkhardt, Portland; W. O. Pearson, Marion; W. S. Conner, Iona, Morrow; J. H. Brown, Sheridan; J. W. Reith, Chadwell, Clatsop; A. E. Butterfield, Portland; P. O. Estes, Sumpter; H. Sutcliffe, Portland; Henry Hogrefe, Blooming, Washington; Henry Boge, Farmington, Washington; W. S. Cooley, Beulah, Malheur; Henry S. Thuman, Portland; C. A. Alsley, Portland; E. M. Clymer, Fossil; S. A. Hughes, Salem; Frank Cleek, Junction City; W. H. Games, Portland; J. M. Porter, Corvallis; John McCroder, Clatsop; J. E. Povey, Portland; Frank Forest, Prineville, and W. S. Beckner, Salem.

It took an hour to hear all of the men who did not wish to serve, at the conclusion of which the court was adjourned until 2 in the afternoon, in order to allow the clerk to readjust the amended jury list ready for the selection of the trial jury.

Selection of a Jury.

In the afternoon the court proceeded at once with the selection of the jury, 12 names being drawn from the box to fill the panel. At the beginning, some discussion arose between the judge and the attorneys over the mode of selection, the former following the rule of the California courts and the Federal practice while the latter were in the habit of adhering to the Oregon practice. Judge De Haven ruled, however, that each man, as accepted, should be sworn, and in the event of rejection, another name should be drawn at once, not waiting until the entire lot of the jury-box were examined, as is practiced in the state courts here.

G. Steiner, the first man called, was accepted, much to the surprise of the spectators, who were keyed up for a long struggle and perhaps a special venire. H. Cleveland, the second man to be examined, was approved after ten minutes of questioning by the attorneys, but R. E. Downing, of Salem, was rejected on account of political affiliations and a previously expressed opinion, after 20 minutes quizzing by both the defense and the prosecution. Ed Daily, of Kirby, was the next man up, and was selected in a short time, when Frank E. Hart, of Portland, afforded some amusement by his evident desire not to serve, and was excused by Judge De Haven for cause.

Challenged by Defense.

E. M. Kirby, of Yamhill, was challenged peremptorily by the defense, and Mr. Henry followed suit in the case of H. T. Hill, a brother of W. Laird Hill, who became mixed under the cross-examination of the prosecution. R. L. Oliver, of Pendleton, was accepted by Mr. Henry without question, after a short examination by Judge Bennett, as was Bert Leabo, of McMinnville, who, however, went through a couple of minutes with Mr. Henry before he proved his lack of bias.

E. J. Jeffrey, of Portland, was challenged by the defense, but was accepted peremptorily by Mr. Henry, while W. H. Galland was challenged for cause by the defense. R. M. Loudon, of Astoria, was excused by Mr. Henry, who said his last peremptory challenge to go.

J. A. Baxter, of Dallas, was accepted by both sides, as was J. E. Michael, of Portland, but the latter after his acceptance asked to be excused on account of physical disability, which request was granted by the court.

Challenges of Defense.

J. F. Clason, of Coos County, was accepted with but little examination, but O. P. Sharp, of Stafford, was challenged by the defense, which challenge was resisted by Mr. Henry, the juror being at last excused by the court on the ground that he had expressed an unqualified opinion.

Kaspar Weismandel, of Oregon City, was objected to by Judge Bennett, but the court overruled the challenge, upon which the defense used up another of its peremptory objections and the juror was allowed to go.

W. Otto Bryeman, of Portland, had formed a decided opinion and was challenged by Judge Bennett for cause, while Franklin D. Gray, of Russellville, went the same road and was followed by Joe Huddleson, of Lane County, each of whom had formed opinions which it would take much evidence to change.

Acceptable to Both.

S. T. Hobart, of Silverton, broke the spell by being acceptable to both sides, after which S. A. Carlton, of Jackson County; R. F. Grant, of Lincoln; Frank Warren, of Clatsop, and W. H. Lewis, of Clatsop, all were sworn in and the task was completed at 5:35, after three hours and a half of weary effort.

The 12 men were immediately sworn by the clerk and were then placed in the custody of United States Marshal Reed and the 12 balliffs of the court. Judge De Haven cautioned the men not to discuss the case among themselves until after the trial had been finished and the case sent to them for consideration. He also stated that inasmuch as the case was of so great importance he would order that they be kept secluded from contact with the outside world until after their verdict had been rendered. For similar reasons he would order that no newspapers be given them until after the trial. The court then adjourned until 10 o'clock this morning, when the introduction of evidence will begin.

FULL STENOGRAPHIC REPORT

Proceedings Taken to Secure a Jury on Court's Charge.

The following is a stenographic report of the proceedings taken to secure

MORTON WILL NOT BE PROSECUTED

President Will Declare His Position on Santa Fe Rebate Case.

IS NOT AFTER INDIVIDUALS

Letter to Be Published Today Will Signify Purpose to Stop System Without Persecutions—Morton's Defense Strong.

CHICAGO, June 20.—(Special.)—In a dispatch from Washington to the Record-Herald, Walter Wellman says: "President Roosevelt stands by Paul Morton. He will not permit the Attorney-General to prosecute Mr. Morton for alleged violation of the interstate commerce law. His decision to this effect is to be announced tomorrow.

"But this is not all. The President has written a most remarkable letter, which is also to be made public tomorrow. It is a letter in which he virtually places wings upon the broad shoulders of the young man who is now both Secretary of the Navy in this city, and chairman of the board of directors of the Equitable Life Assurance Society in New York.

Will Not Prosecute Individuals.

"The President reviews the whole episode of the Santa Fe rebates and violation of the law. He leaves little doubt that in his judgment the Santa Fe is guilty of technical infraction of the law, as a corporation. But the President differentiates between the corporation and its individual officers. He takes the ground that, whatever the officers of the railway did, they did in pursuance of a system at that time in vogue and because they could not well help themselves. What the Government wants to do is to break up the system, to correct the methods of corporations. It has no wish to persecute individuals who were themselves victims of the system."

Morton a Railroad Reformer.

When the President comes to speak of Paul Morton as a man, the letter is characteristically "Rooseveltesque." He declares that he chose Mr. Morton for a member of his Cabinet because of his frank and outspoken denunciation of the very practices with which the Santa Fe road is now charged with being guilty. The President says it was Mr. Morton's advocacy of reform in railroad methods that first attracted his attention to that gentleman, and that instead of prosecution, Mr. Morton is entitled to commendation for what he has done. The President intimates that it would be the height of injustice to hale Mr. Morton before the courts for a technical violation of the law by a corporation with which he was connected and for which he might possibly be held technically responsible.

Fate of Equitable Involved.

This action of the President comes at a most critical moment in the career of Paul Morton. As chairman of the board of directors of the Equitable, Mr. Morton has undertaken an Herculean task. That task is to restore popular confidence in the great insurance society whose scandals have been recently aired in public. To do this work successfully, Mr. Morton will need every atom of his strength, every bit of his moral force. If he is to prove strong enough to pilot both the scandal-laden craft and his new skipper, Thomas F. Ryan, Mr. Morton will find it necessary to have the help of his friends and to fall back upon the reserves of his character and reputation. If at this crisis President Roosevelt had decided that the Government should prosecute Mr. Morton for violation of the Federal law, there can be no doubt of what effect it would have been. For Mr. Morton it would have spelled failure, the ruin of his career in its larger aspect. Confidence in the Equitable, which must at best be of slow growth, could not have been attained while its executive head was in the dock of a Federal Court.

WHICH WAS FIRST DEAD?

Question About the Andrewses on Which Millions Hang.

NEW YORK, June 20.—Upon the determination of the exact time of the death of Wallace Andrew and his wife, who were burned to death in their home in this city on April 7, 1886, depends the success or the failure of a contest for \$2,000,000, which was begun in the New York State Supreme Court here today.

of his \$2,000,000 estate, cutting off his relatives with \$50,000. Under the laws of 1890, still in force, a testator leaving a wife and child cannot give more than one-half of his estate to charity, and the beneficiaries there, Mrs. Andrew's surviving her husband, and therefore, under the law, the Andrews' Institute for Girls can only receive \$1,000,000.

Content for the institute contend that there is no proof that the wife survived her husband and raise the presumption that the woman, naturally being the weaker, died first. The will already has been admitted to probate.

BUY SUPPLIES FOR CANAL

Portland Man Gets Appointment for Northwest.

OREGONIAN NEWS BUREAU, Washington, June 20.—It was announced at the office of the Panama Canal Commission today that a branch purchasing agency to cover the territory tributary to Portland and Puget Sound would be established immediately at Tacoma, Wash. F. H. Harroden, of Portland, formerly connected with the Oregon Railroad & Navigation Company, would be placed in charge of this agency. Colonel Clarence Edwards, chief executive officer of the commission, when he made the announcement, said:

"It was decided to locate a purchasing agent at Tacoma after full and free discussion of the various cities on the North Pacific Coast. Most of the supplies purchased there will be of lumber and forage, with the great bulk of them in the first-named commodity. Although the agency is located at Tacoma, dealers in Portland, Seattle and other cities of that section will be given opportunity to bid, and shipments will be made not only from Tacoma, but from Portland and Seattle when deliveries can be made more promptly there."

FOUR PURCHASING AGENTS.

Shouts Announcing Policy in Buying Canal Supplies.

WASHINGTON, June 20.—Chairman Shonts, of the Isthmian Canal Commission, announced today that he had decided to place assistant purchasing agents as follows:

Alfred Anderson, at New York; S. E. Deffer, at New Orleans; Major C. A. Dewey, at San Francisco; and F. H. Harroden, at Tacoma.

Each of these assistant purchasing agents will, when advisable, cover the territory in which he is located by official visits to cities in the neighborhood of the city in which he has his headquarters.

The policy of advertising for bids "C. I. I." the Isthmus will be adhered to, according to Mr. Shonts. Arrangements are being perfected under which advertisements will appear simultaneously in the leading newspapers in each section of the country. This method will avoid discrimination against any port or section of the country.

Two New Postmasters.

OREGONIAN NEWS BUREAU, Washington, June 20.—Washington postmasters appointed: Touchet, William B. Dugger, vice Robert Cummins, resigned; Ward, Aloysius Velden, vice William McMillan, resigned.

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SWEEP RUSSIANS OUT OF COUNTRY

Immense Strategic Movement Begun by the Japanese Army.

ATTACK ON VLADIVOSTOK

Three Armies Advancing From Corea to Complete Oyama's Enveloping Movement—More Details of Sea Battle.

ST. PETERSBURG, June 20.—A number of private telegrams which have been received during the past 24 hours from Cheadziung indicate that the Japanese forward and turning movement now being developed in Manchuria is the largest in the history of the war, and indicates that it is the intention of Field Marshal Oyama to endeavor to sweep all Northern Corea and Manchuria clear of Russian troops of every arm.

Three Japanese detachments are reported advancing from Corea northeastward. The first consists of 300 infantry and 700 cavalry, with several batteries of mountain artillery, who are working toward Chitzang. The second, the strength of which is not now known, is moving from Musan, while the third is turning from Keenchan on the Russian front. The Japanese lines extend from the Sea of Japan at Geman across Corea and Manchuria to the Mongolian frontier.

Officers here who are cognizant of the situation anticipate that as soon as the army of General Linkevitch is engaged, the Japanese will develop an assault in force on Vladivostok and also attempt to force the Sungari River, and thus be in a position to cut off the retreat of Linkevitch's army, should it be defeated.

RUSSIANS ARE OUTFLANKED

Oyama Continues Victorious Advance With Over Half-Million Men.

LONDON, June 20.—The correspondent of the Daily Telegraph at Tokio sends the following: "The Japanese are continuing their victorious advance in Manchuria. The Russians have been completely outflanked on both wings and news of Japanese victories may be expected shortly.

"The Japanese have considerably over half a million men in the field. Their preliminary operations began as far back as May 20.

"Two significant announcements have been made—the first that the Japanese Consul-General has informed the Viceroy of Liang Kiang that Admiral Uriu's squadron intends to cruise in the Yangtze River, and the second that the British squadron at Hongkong will proceed to Wei Hai Wei and begin gun practice off Shantung province on June 22.

"Your correspondent with the Japanese headquarters reports that Coasacks were repulsed with heavy losses near Lianhuapao June 15, but were considerably reinforced at Teikaton and that another raid is expected in the direction of Hailinberg the Russians have been reinforced by three divisions. General Madjaric commands the advance lines and is trying to check the Japanese northward advance. The Japanese expect good news shortly.

"The Russians have constructed three strong bridges across the Tumen River. "A Japanese merchant has been granted the fishing concession in Quelpart Island, Corea. Another merchant has been granted similar concessions in an island near Sakhalin. A German bank will be opened at Yokohama."

BOTH ADMIRALS OBSTINATE.

Divided Councils Preceded Battle of Japan Sea.

VICTORIA, B. C., June 20.—Survivors of the Russian Baltic squadron tell of Admiral Rojestvensky's council to prepare to meet the Japanese, in interviews given vernacular papers received by the steamer Empress of China today. After the junction between the squadrons of Rojestvensky and Svegoloff on May 5, a conference was held on the Klisla Bayward. Two Admirals wanted the squadron to enter the Pacific and try to force Teaguru Straits. A captain protested, saying they should take Formosa and make a base there. Rojestvensky called his staff aside and held a consultation, after which he announced the squadron would proceed via Taushima Straits to Vladivostok. Cheers followed the announcement and many toasts were drunk in champagne.

It seems the Japanese Admirals were also divided in their opinion as to the place to meet the Russians, but Tojo remained obdurate in his calculation that Rojestvensky must pass through Taushima Straits, and nothing would induce him to change his opinion. He would have nothing said against his course and made his dispositions at Taushima.

DIDN'T KNOW HE HAD BEEN HIT

Togo Wondered How Trousters Were Torn in Battle.

VICTORIA, B. C., June 20.—During the battle of the Sea of Japan, Admiral Togo had a narrow escape, according to Captain Ichi of the Mikasa. On May 27, the Mikasa, flagship of Admiral Togo, and the Nishipi, flagship of Admiral Mian, were the objectives of heavy Russian fire. Admiral Togo stood on the bridge, glass in hand, in a position which his officers considered too exposed. They remonstrated with him without result. Shells struck masts, smokestacks and presently a shell

dropped on the bridge gangway near the top. A splinter from this shell tore a piece of iron as large as a man's hand from the compass and this struck Togo's right leg over the calf. Captain Ichi picked up the splinters, which he keeps as mementoes from the battle. Togo was wounded after the battle. The Admiral laughed and said he had wondered how his trousers had been torn.

YASHIMA SUNK BY A MINE

Details of Loss of Japanese Battleship Off Port Arthur.

VICTORIA, B. C., June 20.—Long-suppressed details were received in the mails from Japan today of the sinking of the Japanese battleship Yashima near Port Arthur on May 13, 1904. The disaster took place within five minutes of the loss of the battleship Hatause, from the same cause as mine. "When the Yashima struck the mine the Hatause and the cruiser Totsuho were sinking. Captain Sakamoto, of the Yashima, steamed at full speed for a Japanese mine. The Yashima was abandoned so fast that hope of saving her was abandoned. The crew was ordered to the Kasagi and Totsuho, which were conveying the crippled battleship and the Yashima went down in 25 fathoms. The tops of her masts can still be seen above water.

The squadron which accompanied the Yashima when she was destroyed consisted of the Hatause, Yochino, Shikishima, Kasagi and Totsuho, three battleships and three cruisers. The Shikishima was also in danger of sinking when going to the assistance of the Yashima, but withdrew to safety because of warning signals from the Yashima by the torpedo graph. The mines which sank the three Japanese vessels were laid by Captain Wren, of the Bayan, now a prisoner in Japan, on the night of May 14.

Will Use Captured Ships.

VICTORIA, B. C., June 20.—According to mail advices from Japan by the steamer Empress of China, the captured Russian ships, with the exception of the Orel, which requires extensive overhauling, will be placed in commission at once, it being necessary to make only a few minor repairs. From Sasebo it is reported that hopes are held of regaining the Admiral Nakhimoff. Monomach and Dmitri Donokol. Investigations are being made regarding the work, which is expected to be commenced at once. The Danish wrecking steamer Heralda was bought by the Japanese Admiralty, will be used to float these vessels. The Nakhimoff and Monomach sank while being towed by the auxiliary cruiser Sado, which foundered on their drift. They and the Dmitri Donokol went down in comparatively shallow water.

Another Bill for Russia to Pay.

LONDON, June 20.—Premier Balfour, replying to a question in the House of Commons today, said correspondence with the Russian government was proceeding in regard to the sinking of the British ship St. Kilda. The government took a very serious view of the matter, because it had received the most specific assurances that no such action would again be taken.

Disaster at Tokio Arsenal.

VICTORIA, B. C., June 20.—Mail advices were received today of an accident at the Tokio Arsenal on May 28, exploding one of the magazines and resulting in the loss of lives and property. The explosion occurred in the northern section of Tokio, in a thickly populated district, and was working night and day, employing several thousand workmen.

Russian Move Is Checked.

LONDON, June 20.—The Tokio correspondent of the Times says that the Russian offensive movement against Liaoyangpung was designed to forestall a powerful outflanking operation, which Lieutenant-General Mischenko had long been preparing.

IS ROBBED AND DESERTED

PORTLAND WOMAN VICTIM OF SMOOTH LOVER.

Persuades Her to Sell Lodging-House Under Promise of Marriage, Takes Money and Departs.

BOTH ADMIRALS OBSTINATE. Divided Councils Preceded Battle of Japan Sea.

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BOWEN IS KICKED OUT OF OFFICE

President Denounces His Conduct.

DISLOYAL TO COUNTRY

Charges Against Loomis Are Based on Falsehood.

SLANDERED HIS SUPERIOR

In Letter to Taft, Roosevelt Makes Terrible Arraignment of Minister to Venezuela, Dismissing Him From Service.

WASHINGTON, June 20.—The dismissal of Herbert W. Bowen, for some years United States Minister to Venezuela, and the exoneration of Assistant Secretary of State Francis R. Loomis from the allegations brought against him by Mr. Bowen, are the outcome of the Loomis-Bowen controversy which has attracted wide attention for many months past. This disposition of the case is made by President Roosevelt in a letter addressed to Secretary Taft, made public tonight, approving Mr. Taft's report on his findings and conclusions in the case. The President scathingly arraigns Mr. Bowen, declaring that his conduct is "especially reprehensible"; that Mr. Bowen asked one of his witnesses to enter the employ of a certain company for the purpose of, "in plain words, stealing," documents which he hoped might incriminate Mr. Loomis; and that Mr. Bowen has "evidently for many months, indeed, for the last two years, devoted himself to hunting up scandal and gossip, until it became a monomania and caused him to show complete disloyalty to the country he represented."

The President says he had hoped to promote Bowen as a reward for much of his service he had done good work; but that his usefulness in the diplomatic service is now at an end. The President adds that he would direct that Mr. Bowen's resignation be requested but for his statement that he would consider a resignation an admission of misconduct, and the dismissal is therefore ordered.

Unit for the Service.

The letter quotes correspondence and testimony. The President states that it appears that Mr. Bowen, while Minister, secured the publication of attacks on Mr. Loomis and furnished to the press documents pending before the State Department for approval, and that his explanation is inexcusable and shows his "entire unfitness for the service." Even if Mr. Loomis had been guilty, says the President, Mr. Bowen's conduct would be unpardonable.

Taft Exonerates Loomis.

The report of Secretary Taft, on which the President's action is based, is a voluminous document, reviewing the charges and the evidence taken. Mr. Taft says that there was nothing dishonorable in the transactions in which Mr. Loomis figured, but that he was indiscreet. The report says that Mr. Loomis was not justified in becoming personally interested in any of the schemes, either with a mere nominal interest or substantial interest. He holds, however, that Mr. Loomis has been "most cruelly slandered," comments him for the self-restraint with which he has met the charges, and points out that Mr. Loomis' bitter experience in this case makes it unnecessary to point out the moral that a minister cannot afford in the country to which he is a representative to make personal investments, etc.

President's Letter follows:

Roosevelt Arraigns Bowen.

To Secretary Taft: Sir—I have read your report of June 19 on the Bowen-Loomis matter. I agree with all your findings and conclusions regarding Mr. Loomis and have nothing to add thereto.

There remains to be considered the case of affecting Mr. Bowen, against whom Mr. Loomis has made counter-charges. Mr. Bowen has denied that he made "charges" against Mr. Loomis. This is a mere matter of terminology. In his letter to Secretary Taft of April 2 beginning "My dear Sir," and signed "yesterday," he writes:

"As I understand you are to be the absence of Mr. Hay, I feel that I ought to see that you are fully informed here. Consequently, I inclose herewith copies of papers which have been in Mr. Loomis' hands, and which will furnish you with the facts that I think you should know.

"Then follow certain cablegrams, including a report that Mr. Loomis was paid a check and that the custodian of the Bermude