



TANNER TESTIFIES AGAINST MITCHELL

Defense Objects That He Is Perjurer.

OVERRULED BY THE JUDGE

Dramatic Scene in Court When Partners Face Each Other.

F. A. KRIBS A WITNESS

Attorneys for Defense Make Apology for Their Client—Honey Declares He Will Prove Senator's Guilty Knowledge.

Stubbornly, but with a studied and dignified desire not to grieve, the attorneys who are defending Senator John H. Mitchell, yesterday began building up their legal fortifications in defense of their client. The morning session in the United States District court was taken up with presentation of the opening statements to the jurors, and the testimony of Frederick A. Kribs, one of the government's principal witnesses. The morning session gave no intimation of the intensely dramatic scene which was to follow during the afternoon, a scene that will be long remembered by all who saw it, and one that will never be entirely blotted from the memory of Senator John H. Mitchell and Judge A. H. Tanner.

Picture, if your mind can conjure up the scene, a courtroom, crowded almost to suffocation with curious and eager spectators, in the foreground a seate judge with hair as white as the driven snow, an array of attorneys, the defendant, grown old with the flight of time, facing his partner and friend for almost half a lifetime. This was the plight in which Senator John H. Mitchell found himself yesterday. The man before him, standing in full view of that curious throng, was Judge A. H. Tanner.

The entrance of Judge Tanner, while all present knew he had been called, seemed to startle everyone. Silence fell over the courtroom. The intense mental strain under which Judge Tanner was clearly struggling seemed to permeate the entire room. As he entered he appeared like one who had just come out of a dungeon into the sunlight. As a lawyer he had entered a courtroom countless times, but yesterday he appeared as one to whom the scene was unfamiliar. For an instant he glanced almost hopelessly around the room, and a court attaché had to point him the way to the witness chair. He started toward it, faltered, as if to get a better hold on his courage, then stepped forward. As he raised his hand to be sworn as Senator Thurston rose slowly from his seat and objected, on the ground that he was a self-confessed perjurer.

Had a bomb been exploded in the courtroom the effect could not have been more electric. Judge Tanner had evidently been expecting a move of this kind on the part of the defense, and had prepared himself for the ordeal. So, had Mr. Honey. Judge Tanner dropped his hand slowly, half turned toward Attorney Thurston and waited. He was in full possession of his faculties now. Without as much as a tremor of a facial muscle he stood erect, motionless, waiting. Ex-Senator Thurston read from the Revised Statutes a section which damned perjurers from the cradle to the grave, unless judgment had been rendered or sentence passed for or against him. The attorney for the defense gave a bit eloquent about the special statute and paid a high compliment to the men who framed it. Mr. Thurston explained that he was not present to make any reflection upon the witness, but simply to perform his duty as an attorney.

Mr. Honey Is Prepared.

Mr. Honey shortly after the court was convened at 10 o'clock, addressed the jury and outlined his defense. He told the twelve men who will pass in judgment upon Senator Mitchell's guilt or innocence that he would prove that the senator had received fees for services performed by him before the land office, or the Interior Department, while he was in the Senate. The prosecutor told of the agreement entered into between Judge Tanner and Kribs and the \$2000 which the law firm of Mitchell & Tanner was to receive. Later on during the afternoon he showed by Judge Tanner that Senator Mitchell received his share of the \$2000 retainer fee paid by Kribs to the law firm of Mitchell & Tanner. From the documentary evidence which has already been introduced by the prosecution, it is clear that Mr. Honey hopes to prove that Senator Mitchell, with full

Prosecution Is Mapped Out.

knowledge, accepted his share of the Kribs retainer fee and used his influence with Elmer Hermann and others towards expediting the claims wanted by Kribs. Mr. Honey outlined the issue with great clearness. There was nothing in his arraignment of Senator Mitchell that suggested rancor, spite or a desire to get back at some one, and that some one Senator Mitchell, as intimated by Judge Bennett.

Defense Is Apologetic.

From the beginning of the trial there was apparent an air both of defiance and apology on the part of the defense. They are combating every step with objections, but from the constant ruling of the court, they were not well taken. It seems as if Judge De Haven is in a mood to have done for the bars for Mr. Honey and allowing him wide latitude. This apology for the actions of Senator Mitchell was apparent in Judge Bennett's address. He had practically admitted that the senator had received a share of the Kribs fees and his presentation of the cause to the jurors was more in the nature of a getting off his hands as quickly as possible. During both sessions of the court a number of prominent lawyers paid a visit to the courtroom. Late in the afternoon Mayor Williams was a visitor. He took a seat behind Senator Mitchell and was an interested spectator until court adjourned.

Second Day of the Trial

Summary of Arguments of Attorneys and Testimony of Witnesses.

The second day of the Mitchell trial has passed, Frederick A. Kribs, one of the star witnesses of the government has testified and has gone, Judge A. H. Tanner, the other chief pro of the case to be made by the prosecution is on the stand and will finish his story today. The complaint is smothering the jury under a mass of documentary evidence and the defense is playing upon its heart-strings. Mr. Honey is showing the jury the agreement entered into between Tanner and Mitchell and Kribs by which they were to expedite claims held by the latter, is producing checks, account books, letters and testimony in support of his indictment, while Judge Bennett and Senator Thurston, so far, have pleaded the honorable career of their client, have held out the fact that today he is passing his 29th birthday anniversary, have entered technical objections to the introduction of the testimony and have made one desperate and spectacular attempt to pass his 29th birthday anniversary on the introduction of Judge Tanner's evidence.

The prosecution had its first opening yesterday and brought out its two most important witnesses upon whose testimony it will, to a great degree, base its case.

Attempt of Thurston.

The defense had finished cross-examination of Mr. Kribs when Mr. Honey called Judge Tanner to the stand, but Senator Thurston objected to the testimony. He called attention to the journal of the court in which was entered Judge Tanner's plea of guilty to a charge of perjury. The speaker read section 3205 of the Revised Statutes of the United States providing that no person guilty of perjury could be used as a witness in the Federal court, unless judgment had been rendered.

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BOWEN RETURNS TO THE ATTACK

Reiterates Charges Against Loomis and Demands an Open Investigation.

SAYS BRIBE WAS OFFERED

Dismissed Minister Accuses President of Trying to Silence Him by Offer of Promotion, Which He Refused.

NEW YORK, June 21.—Herbert W. Bowen, ex-Minister to Venezuela, today made public a long statement in reply to President Roosevelt's letter dismissing him from the diplomatic service as a result of the investigation made by Secretary Taft into the controversy between Mr. Bowen and Francis V. Loomis, First Assistant Secretary of State.

Mr. Bowen declares that the "Venezuelan scandal" constitutes a national disgrace. He asserts that "the Loomis scandal" pervaded Caracas and constantly "grew worse and worse." He says that shortly after he called the attention of the Department of State to the matter, he received a cable offer from Washington of diplomatic promotion that would remove him from Caracas. He says:

"I admit that I regarded the offer as an attempt to bribe me, and I refused it. I am not a man of a higher position, and inspired by Mr. Loomis. I make no doubt that in the course of the recent inquiry it has been sufficiently plain that I did not believe his conduct as Minister to Venezuela honorable."

Wants Open Investigation.

Mr. Bowen says that the recent departmental inquiry should not prevent an open, impartial, fearless and thorough investigation into all the facts. Suppression of truth will never establish it. He adds:

"Tolerance of evil will never crush it. No officer, however high, should shelter a wrongdoer."

When he went to Venezuela as successor to Mr. Loomis, Mr. Bowen declares, he found rumors seriously affecting the honor and integrity of his predecessor, both as a man and a representative of the United States Government. Mr. Bowen says that, as he felt a sense of pride in representing the United States, these rumors were a source of continual mortification to him. Epitomizing the rumors, Mr. Bowen says:

Repeats Attack on Loomis.

Mr. Loomis, while Minister, was reported to have used his public position, in private purse by obtaining interests in concessions and in various claims against the Venezuelan government. He was commonly thought to have been in the pay of the Bermudez Asphalt Company and to have made use of his own official position to give color to the belief that the United States was especially favorable to the contention of that company in its controversy with the Venezuelan government. He has no means of refuting the charges. He says that a substantial truth was assumed by my diplomatic colleagues as well as by the general public at Caracas.

Referring to the documents left by his predecessor in the Legation at Caracas and forwarded by Mr. Bowen to the State Department, the latter says:

"I cannot better express my own feelings in regard to their contents than in the words of the Secretary of State, who in his letter acknowledging their receipt said: 'I have been greatly surprised and pained in reading the documents you sent me.'"

Mr. Bowen tells of sending to the State Department information of the report current in Caracas "that an incriminating check to Mr. Loomis and a letter from him to the governmental custodian of the asphalt property promising that the United States would not intervene in Venezuela were in the hands of one of President Castro's friends." He continues:

Promotion as Bribe.

Shortly afterward I received a cable from the State Department offering to me the position which was intended to be a stepping-stone to an Ambassadorship. It seemed to me under the circumstances that the United States demanded that I should stay for the present at least, in Caracas, and I declined the offer, personally advantageous as it was to me.

Concurrently with the report in Caracas that President Castro had possession of documents directly incriminating the First Assistant Secretary of State, President Castro dispatched a general agent to Washington. Concurrently with my refusal to leave my post at Caracas there began to appear from Washington such false and misleading statements in our papers as "Bowen has asked to be recalled; he wants to sever diplomatic relations with Venezuela; he advises that a naval demonstration may be made immediately in Venezuelan waters; he is at sword's point with Castro." False reports of this sort are ordinarily contradicted by the Department of State. In this instance they were not. Any one at all familiar with diplomatic relations with Venezuela will understand without further explanation the manifest embarrassment of such a situation.

Did Not Originate Charges.

After referring to the appearance of the Loomis charges in several papers Mr. Bowen says:

"To say that I investigated those charges is the product of a bad imagination. It was right after this that I was summoned by the State Department to Washington and a departmental inquiry was made into Mr. Loomis' conduct and I was dismissed from the diplomatic service. Yet I am neither responsible for Mr. Loomis' unworthy reputation in Caracas nor for the scandalous stories circulated about him. He obtained the reputation himself while living here as American Minister from May, 1907, to April, 1907, and the statements charging him with dishonesty and dishonorable conduct were made with such detail that mere denial by me was useless. What was needed was an investigation, and that I refused."

Mr. Bowen says he regards the offer of a promotion as an attempt to bribe him. He adds:

"The statement that I attempted to steal or otherwise improperly procure information is unwarranted. I made use of confidential agents only, and of our Consul's office in Venezuela. The State Department on at least

OYAMA DRAWING HIS RING CLOSE

Has Captured Nearly All Positions Needed Before the Great Battle.

WILL CRUSH LINEVITCH

Attempt to Draw Off Japanese by Feint With Cossack Raiders Met by Advance of New Army.

SPECIAL CABLE.

TOKIO, June 21.—The position of General Linievitch's army is even more desperate than that of General Kurapatkin before the defeat of Mukden, and the Japanese general staff expects within a very short time to receive the report that the Russian army has either been destroyed or captured.

When General Linievitch discovered that he was nearly completely surrounded, and that enormous bodies of Japanese troops were being massed on his right and left, while his center was being constantly shelled by field artillery, he apparently realized that it was impossible for his 250,000 men to withstand the assault of such superior strength as Oyama's and he determined on a feint in the hope that he might draw off some of the Japanese forces. He ordered General Mitsuoka to lead the westward movement, to attempt to penetrate the Japanese screen and try to cut their lines of communication.

After losing heavily in several engagements, the Cossack chieftain made his way through neutral Mongolia and swept around the Japanese left, in the hope of drawing back some of the troops from the north. Instead, the Japanese simply moved forward a new army from Wonsan and drove the Russians back.

General Oyama's troops have now captured all of the most important positions necessary for the success of his contemplated movement, and word of a general engagement is expected momentarily.

JAPANESE ADVANCE IS BEGUN

Pushing Forward Along Whole Front on Russian Positions.

ST. PETERSBURG, June 21.—(U.S. A. M.)—The public, which has no idea that negotiations for an armistice are on foot, believes that a great battle in Manchuria is now beginning, and official dispatches from both sides bear out the idea that the Japanese have commenced their main advance, though as yet there have been no heavy collisions.

The Japanese, following the checking of the movement to the west are now pushing forward in force along the railroads and the Mandarin and Malankal roads, their front now stretching from Singingchuan, 15 miles north of Changtu, and east through Shuanmiao station to Yaoma Pass on the Mandarin road.

The Russians gave up the advanced positions without serious resistance and are evidently retiring to their first line of entrenchments, which is believed to cross the railroad at Sipinghai, 14 miles further north. They have a number of other fortified positions before reaching their ultimate line of defense at Kirin and Changchung.

Lieutenant General Linievitch evidently has imposed an embargo upon press messages, indicating that hostilities have entered on a serious phase.

If negotiations for an armistice are on foot, they must bear immediate fruit in order to prevent a battle perhaps greater in its casualties than that of Mukden.

COSSACKS SLASH AND SLAY

Strikers Driven Into Forest, Slaughtered and Mutilated.

MOSCOW, June 21.—The Velcherzina Pochta prints a report of terrible events alleged to have taken place June 16 in the manufacturing town of Ivanovo Voznesensk, where serious strike disturbances prevail. The Cossacks, while dispersing a strike meeting in the suburb of Talka, displayed ferocious brutality, pursuing the unfortunate fugitives, including women, to a neighboring forest, dragging them out of their houses and ruthlessly killing the strikers and disfiguring their faces with their knouts. It is said that 25 were killed and hundreds wounded.

IN THE COURSE OF THE RIOTS THE STRIKERS SET FIRE TO THE CANDOURINE MILLS AND FOUGHT THE SOLDIERS SAVAGELY IN ORDER TO PREVENT THE FIREMEN FROM PUTTING OUT THE FIRES. ALL BUSINESS IS SUSPENDED IN THE TOWN, WHICH IS LIKE A CITY OF THE DEAD, THE POPULACE FEARING TO VENTURE INTO THE STREETS.

STRIKES FOR ARMISTICE

Roosevelt Trying to Prevent Another Battle Before Peace.

WASHINGTON, June 21.—It is intimated in official circles here that negotiations are proceeding, looking to an armistice between Japan and Russia. The stumbling block in the way of an armistice appears to be that neither belligerent is willing to take the initiative. The present negotiations, it is understood, consist of an effort to sound one another out as to their willingness to agree to an armistice.

Nelldoff Appointed Envoy.

ST. PETERSBURG, June 21.—M. Nelldoff, Russian Ambassador to Paris, has been definitely appointed one of the Russian peace plenipotentiaries.

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FEW WORDS ON EQUITABLE

Entire Correspondence Indicates Moody's Disagreement With Judson and Harmon and Roosevelt's Opinion of Morton.

WASHINGTON, June 21.—President Roosevelt in his letter on the Santa Fe rebate case, not only refused to allow the prosecution of Paul Morton individually, but clearly defined his policy in prosecution of railroad companies for violation of the Interstate Commerce act and of trusts for violation of the anti-trust law. He also took occasion to severely criticize the management of the Equitable Life Assurance Society and to suggest that life insurance should be placed under Federal supervision.

The whole correspondence relating to the Santa Fe rebate case was given to the public today, and the President's letter to Secretary Morton forming its final chapter. The correspondence tells the whole story of the difference of opinion between Attorney-General Moody and Messrs. Judson and Harmon, the special counsel employed to inquire into the case. The latter wished to bring contempt and criminal proceedings against both the Santa Fe Company and the Colorado Fuel and Iron Company and their officials for violation of the injunction issued by the United States Court against the giving and receiving of rebates on coal shipments. As Mr. Morton was among the Santa Fe officials involved, this would mean that the President should instruct one member of his cabinet to prosecute another. Mr. Moody refused to authorize such proceedings, holding that there was no evidence to justify a direct charge against individual officials, but favored such proceedings against the offending corporations and, later, action against individuals, if these proceedings should prove them culpable. The President approved this course, but the individual responsibility of the officers of a corporation for its misdeeds and resignations.

President's Policy Defined.

In his letter to Mr. Moody, the President defines the limits between prosecution of corporations and that of individuals. He declares that Mr. Morton is not liable to prosecution in the case, but is entitled to commendation for having given the testimony on which the Santa Fe injunction was based, for having ordered his subordinates to cease giving rebates and for openly opposing the prosecution of the Santa Fe officials. He tells how he ordered his subordinates to obey the injunction and says the offending tariff was not withdrawn through the oversight of a subordinate. He reiterates his opposition to rebates.

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PUT THEIR TRUST IN CZAR

Russians Rejoice Over Early Prospect of National Assembly.

ST. PETERSBURG, June 21.—(U.S. A. M.)—The impression produced by Emperor Nicholas' speech Monday at Peterhof to the delegation representing the anti-Bureau Congress of Zemstvo and city magistrates assembled at Moscow, in reflection in the joyful acclaim with which it has been received by the Russian press. The question of peace and the representations that another great battle has begun in Manchuria have become of secondary importance in the public mind before the great fact that the Emperor has again placed himself to the disposal of his people. The Russ declares that the history of representative government in Russia dates from Whit Monday. "A hundred commissions elaborating schemes for reform," the paper continues, "could not inspire the people with as much hope in the future of Russia as the Emperor's words in the delegation which were characterized by the reactions of traitors, conspirators and revolutionists. The fight is not yet won." "The Emperor's words," the paper continues, "were not only a source of inspiration to the people, but they were also a source of inspiration to the Emperor himself. He has again placed himself to the disposal of his people. The Russ declares that the history of representative government in Russia dates from Whit Monday." "A hundred commissions elaborating schemes for reform," the paper continues, "could not inspire the people with as much hope in the future of Russia as the Emperor's words in the delegation which were characterized by the reactions of traitors, conspirators and revolutionists. The fight is not yet won." "The Emperor's words," the paper continues, "were not only a source of inspiration to the people, but they were also a source of inspiration to the Emperor himself. He has again placed himself to the disposal of his people. The Russ declares that the history of representative government in Russia dates from Whit Monday."

CONVERGE ON POSSIET BAY

Japanese Armies Advancing to Besiege Vladivostok.

NEW YORK, June 21.—Three Japanese columns are moving parallel to the

PRINCE EITEL'S YACHT THIRD

IMPERIAL YACHT CLUB, Kiel, Germany, June 21.—Prince Eitel Frederick sailed his new 35-foot Elizabeth in the first race at the Kiel regatta today and came in third among ten competitors. Wasee V, owned by the Wasee Boat Club and sailed by Otto Protzen, crossed the finishing line first, 26 seconds ahead of the Prince's boat. The George, owned by the Berlin Yacht Club, was second, being 39 seconds ahead of the Elizabeth.

HARD BLOW TO GOVERNOR

Brown Elected Sheriff in Spite of Carter's Opposition.

HONOLULU, June 21.—A. M. Brown, the Republican nominee, was today elected Sheriff of Oahu County, in which the office is included, by a vote of about 2500 to 1850, received by the home-rule candidate, A. Poepe, and \$50 received by William H. Brown, the present incumbent and an independent candidate. The closing of the campaign was the most bitter in the history of local politics. Governor Carter, an active fighter against Brown, in favor of Henry H. Brown, who have elected all their ticket except two Supervisors and possibly Treasurer.

HONOLULU, June 21.—Returns received by wireless telegraph indicate that the Republicans were generally successful in yesterday's election for county officers in the Islands of Maui and Kauai, but were defeated in the Island of Hawaii by a fusion between the Home Rule party and the Democratic party.

There is considerable discussion in Honolulu as to the political effect of the election of A. M. Brown, the regular Republican nominee for county officer, to the office of Sheriff. It is suggested that it may possibly lead to the resignation of the Governor. Several of the Republican leaders held a conference with the Governor today, and it is reported that they discussed the election, telling the Governor that their support of Brown was not intended as opposition to his administration.

Governor Carter will leave for the mainland June 23, and he may go to Washington to confer with President Roosevelt.

OFFENSE OF THE SANTA FE

The correspondence began with a letter from Messrs. Harmon and Judson to the Attorney-General dated February 28 last in which was given a review of the testimony in the Colorado case before the Interstate Commerce Commission, with the conclusion that a violation of the injunction had been shown. This letter states that from August, 1902, to December, 1904, the Santa Fe carried coal for the Colorado Fuel and Iron Company from Colorado points to El Paso, Tex., and Denning, N. M., at less than published rates. The coal was apparently billed at published rates, but the freight included the price of the coal, which was collected by the railroad company and paid to the fuel company, which obtained a rebate of that amount, while other shippers paid the full rate without rebate. The letter says:

"This plan and the way it was carried out plainly indicated to the Government and to the public, and to enable the company to gain a monopoly of the coal supply at the expense of giving them a strong advantage over competitors in the actual cost of transportation. The motive for thus favoring the fuel company does not appear in the evidence thus far taken, but the fact is clear."

Want to Prosecute Officers.

The letter says that one chief officer of either company testified and therefore the others could not claim immunity from prosecution. The fuel company submitted no papers and the railroad company only such as are by law made public, so that neither company could claim immunity.

Messrs. Harmon and Judson proceeded to recommend that the railroad company

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