THE MORNING OREGONIAN, THURSDAY, JUNE 22, 1905.

JUDGE A. H. TANNER TESTIFIES AGAINST SENATOR MITCHELL

with you in those several lists of land operations that have been presented here? A. Who were the owners? Q. Who were interested financially Q. Or after any particular individ-AQ.

Jury

Who were the owners? Who were interested financially you in the efforts to secure those from the Government of the United

Pillsbury's Were Interested.

In one of the lists was ex-Governo A. In one of the lists was ex-Governor Pillsbury, of Minnesota, on the start, and shortly after that, John and Charles Pillsbury, nephews, hought interests, and in another tract Charles A. Smith, and a man named Johnson. Mr. Heney-Senator Thurston, pardon mn. I overlooked having the witness prove the execution of this paper, which relates to the Pillsbury interests in the flatms. I will do that now if you have po objection.

relates to the Pinnoury increase in have claims. I will do that now if you have no objection. Q. (By Mr. Heney.) I hand the wit-ness a document consisting of a number of pages. Examine that and state whose signature it bears. A. It is my signature to this, wit-messed before Albert H. Tanner. Mr. Heney: I will have this marked for identification.

Air. Heney: 1 will have this marked for identification. Q. (Mr. Thurston resuming) Have you festified to all interviews and con-versations you have had with Senator Mitchell?

A. I have; I don't remember ever speaking to him since the first of No-

Q. The first was on the 16th of Octo-

Somewhere about that time. At Mr. Tanner's office?

Yes, sir. Was Tanner present at the time? He took me in and introduced me mator Mitchell and went out into

own room. And you two were alone when t conversation took place?

A. Yes, sir. G. You have stated that you told Benator Mitchell you had employed Mr. Tanner to look after some land nat-ters? Was that the substance of the ponversation?

Tes. Tes. The next conversation took place, remember correctly, about the day after that? Well, it was two or three days, a short time after. At the same office? Yes.

Told Senator Mitchell.

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it is proper. answer was made to the question.) Q.

Q. Do you know where Senator Mitchell was at the time you gave the check to Judge Tanner of February 18th, 19627

do not.

A. I do not.
G. Was he in the district of Oregon?
A. I don't know where he was.
G. You did not see him?
A. Not that I remember.
G. Do you know whore Senstor Mitchell was on June 14. 1902, when you gave the \$1000 check?
A. No. 1 do not.
G. Was he in the district of Oregon?
A. I don't know where he was.
G. Do you know where he was on September 20, 1902, when you gave the check for \$2000?
A. No.

Was he in the district of Oregon!

don't know. you know where he was on Oc-1904? When you gave the check

Do 17 8.

for 2007 A. No. Q. Was he in the district of Oregon? A. I don't know. Q. Mr. Kribs, are you under indictment in this court? A. No, sir. Q. You have not been indicted for any matters in connection with land matters

matters A. No sir. A. No sir. Q. Where is your office A. 30 Chamber of Comi Q. What agents and re the Government have been your office lately? A. There have not been lately.

whatever they asked me about.
Q. They went over your land transactions?
A. Well, I guess they did.
Q. In the jury room, and after that you were not indicted?
A. Well, they did not ask me very much individually about my own land transactions.
Q. Look at that letter and see if that is one of the letters you say you sent to Senator Mitchell.
A. Wrote that.
Q. Is that the one you swore to in your examination in chief in answer to Mr. Heney?
A. No, that is another letter. The one I had reference to was two or three years old something like that; and I can not received about it.
Q. Then this is not the letter you referred to in your testimony?
A. No, sit.
Q. How many letters did you write to Senator Mitchell?
A. I recoilect two or three letters.

A. I recollect two or three letters. I don't think of any more; I don't re-

A. No. sir. Q. You testified before the grand

ury? A. Yes, sir. Q. As to all of these land transac-lons of yours? A. A good many of my transactions whatever they seked me about. Q. They went over your land trans-ctions?

Letter of F. A. Kribs.

Mr. Thurston: We will offer this let-er in evidence as a part of our cross-Mr. Thurston: we will other the ores-ter in evidence as a part of our cross-examination. Letter admitted in evidence without objection as Defendant's Exhibit A, and read to the jury, as follows:

FREDERICK A. KRIBS,

FREDERICK A. KRIBS, Timper Lands. 740 Chamber of Commerce, Portland, Oregon. February 1, 1904. Hon, John H. Mitchell, United States Sen-ate, Washington, D. C. My Dear Senator Mitchell: I had quite a lengthy talk with Judge Tanner the other day, who is my attorney in all my iand matters. He stated that he was going to write you concerning certain matters. What I wish to ask of you is that if you can new your way clear to knock out the resolution introduced by Senator Hey-burn, of Idaho, wherein he seeks to hold up and have all forest-reserve Heg selec-tions canceled that have been made with-In the past two years.

by and have all lorest-reserve help selec-tions canceled that have been made with-in the past two years. I think his resolution refers to 'base' used that was surrendered by the differ-ent railcond companies, and of course would be on the odd sections, or other granted lands. The Government has been freely accepting all such entries, and a great many of us on this Coast have hought seversi thousand acres directly from the railroad companies and made melections, and from time to time have been procuring different requirements con-cerning these entries, and aid require-ments have been demanded from us by the interior Department, and it would seem that all entries aiready made should stand. It would work guite a hardship on a

stand. It would work guite a hardship on a good many of us to have such a resolu-tion as that become a law. If you have any information on the sub-ject that would be of interest to me. I would be very much pleased to bear from you. Very truly yours. PRED A. KRIBS. Q. Will you state again what pacala

Q. Will you state again what people were interested with you in those land transactions? A. At the present time, the estate of Governor Pillsbury, John and Gharles Pillsbury, C. A. Smith and C. J. John-son. That would represent probably the principal holders of the lands in dispute.

the principal holders of the lands in dispute. Q. How were you operating? As a syndicate? A. No, sir: I would look up a tract of timber and buy it, and sell it to differ-ent people as I would get a chance; or any other locations whatever I would recommend, those other people would buy. Q. How were the profits divided? A. In a part of those lands I owned at interest outright for myself and paid for my own interest, and the other locations I generally charged so much per acre.

iocations I generally charged so much per acre. Q. How were the profits divided when you made money; between whom? A. Well, so far to date, there have not really been any profits to divide, because we have not sold anything. In some amail transactions I would sell those lands at an advanced price over the cost and make whatever I could myself out of it. Q. Did you have any written agree-ment with those parties or any of them about your land transactions? A. No, only in one case the first year

Mr. Thurston then read the statute About when was that paper signed? About the date it bears, March 5, A. About the date it bears, March 5.
G. Do you know where the paper itself was typewritten?
A. It was typewritten here in this city. If I am not mistaken about it: in fact, I know it was.
G. Was Senator Mitchell here at the time that you signed that paper, and that it was typewritten?
A. No. sir: I think not.
G. After you signed the paper, what did you do with it?
A sent this one and the duplicate copy of it to the Senator at Washington to be signed by him and one copy retained by him for himself, and to send the other copy back to me.
G. Was it accompanied by a letter?
A. Yes, sir. In due time I received my of it back signed by the Senator, which is this copy here. 1961 Qif A Stat Mr. Thurston's Argument.

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The Partnership Agreement.

The same is received without objection as Government exhibit 11, and read to the jury, as follows:

GENUINE AGREEMENT BETWEEN TAN-

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<text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text> and return the other to me. "With kind regards, I remain, "Yours truly." Q. I will hand you a document consist-ing of two letter sheets. Whose aigna-ture, if you know, does that bear? A. I recognize it as the signature of Senator Mitchell. Q. Was that letter in your possession before? A. Tec, sir, that letter, as suggested in is bere, was filed away with the partner-ship articles, for the reason that the senator wanted it understood that some oil stock that had been carned under the oid arrangement should be divided in ac-ordance with the former articles of arrangement should be divided in ac-cordance with the former articles of arrangement should be divided in ac-out that had been carned under the oid arrangement should be divided in ac-cordance with the former articles of arteces of agreement, and it was so filed articles of agreement and articles until I due to the originality come into your articles of agreement and articles articles

Q. You have not been indicted for any anatters in connection with land matters	A. No, only in one case the first year	to determine; that is something with which the court has nothing to do.	tures and safe now in the library and office of said firm, are owned equally,	marked "Government's Exhibit 16," are	son
or others? A. No sir.	or two I was in the country. I was to receive so much per acre for all land	The defendant excepts to the ruling.	share and share alike, by said John H. Mitchell and said Albert H. Tanner. It	March 21, 1901-Hon. John H. Mitcheil.	Is
Q. Where is your office now? A. 330 Chamber of Commerce, this city.	that I purchased or that they author- ized me to purchase.	Objection Is Overruled.	is further agreed that only such law books shall be purchased in the future	United States Senate, Washington, D. C. Dear Senator: I have just received	mir
Q. What agents and representatives of	Q. With whom was that contract? A. That was with Mr. Smith.	The objection was overruled, and the defendant allowed an exception.	as may be agreed upon by said John H. Mitchell and said Albert H. Tanner, and	your favor of March 12, inclosing arti- cles of copartnership duly signed by	Ros
the Government have been frequently at your office lately?	Q. Who is Smith?	A. H. Tanner, being first duly aworn, on bohalf of the Government testified as fol-	to time out of the proceeds of the firm.	you, and I note what you say in your	des mu
A. There have not been any there very lately.	A. A lumberman of Minneapolis. Q. Who was the Mr. Johnson you	lows: Direct Examination.	and shall be regarded as one of the	letter in regard to the oil business, which, of course, is satisfactory to me.	300
Q. How long ago? A. There was an agent there some time	A. He is a lumberman in Minneapo-		necessary, and legitimate expenses of the firm, such new books to be held	There is a clause in the articles which I thought covered all those matters and	aro
an February, as I recollect.	Q. Was you interested with them in	By Mr. Heney- Q. Judge Tanner, where were you bern?	equally the same as the others by said John H. Mitchell and said Albert H.	left them as they are in the previous	the
Q. Did he secure from you a written statement as to your testimony or the	any other lands here in this state?	A. I was born in Clark County, State of Washington.	Tanner. It is further understood and agreed	arrangements, but as you suggest, the statement of the matter in your letter	hav
A. He dil some time thereafter.	A. No, no other lands but timber lands.	Q. In what year? A. In 1855.	that said Albert H. Tanner shall give his undivided attention 1d the business	will leave it entirely free from any question. I will attach your letter to	070
Q. Do you know where that statement	Q. Isn't it a fact, Mr. Kribs, that your business here was to secure the	Q. How long have you lived in Oregon? A. I have lived in Oregon since I was	of said firm in Portland, Oregon, or	my articles of copartnership also as suggested.	tah
A. I suppose it is in the possession of the Government.	timber lands of Oregon for this syndi- cate of Minneapolis lumbermen?	a boy about 8 years old. I think.	wherever such business may call him, and that said John H. Mitchell shall	Tanner-direct.	mu
Q. Did you keep a copy of it?	A. No, sir.	Q. How long in Portland? A. I lived in Portland since 1875.	give such attention to the business of said firm as he can consistent with his	Q. I suppose the original bore your sig- nature?	rigi
 A. I have a copy of it, yes. Q. Can you produce it? 	Q. That is not true? A. No. sir.	Q. When were you admitted to practice law?	duties as United States Senator from Oregon. Each member of the firm shall	A. Yes, sir. Q. Was there any change-that is, any	to
A. I think so, if I am given time to Book for it.	Q. You did do some of it, didn't you? A. Some of what?	A. In 1879. Q. When did you met John H. Mitchell?	do all in his power to advance the in- terests of the firm and to procure busi-	addition to that agreement-made at any time?	1151
Not Promised Immunity.	Q Obtain some timber lands for those gentlemen?	A. My best recollection is that my first acquaintance with Senator Mitchell was	ness for the firm. It is further understood and agreed	A. Yes, it was changed by a little sup- plemental agreement, I think, in Novem-	rigi
Q. I would like to ask you to look for	A. I scripped by forest reserve scrip	some time in 1880, along there.	that in case the firm is at any time re- tained on a contingent fee, or other	ber, 1994, just relating to the share of each in the proceeds of the business,	ciai the
and present it here at your earliest convenience. When that statement was	and bought lands wherever I thought there was any bargain in them.	Q. Have you occupied a position on the bench as the reason you are called Judge?	agreed fee, a brief statement of the	Mr. Heney-It merely makes the change	kno Fre
obtained from you, or at any other time, what inducements were held out to you	Q. You tried to get more that you failed on, didn't you?	A. I was Municipal Judge here three or four years, some years ago, and I pre-	terms of the agreement shall be entered as of the date of such agreement in the	from one-half to two-fifths for Mitchell and three-fifths for Tanner.	A B
as to immunity from prosecution by any	A. I don't know of any such transac-	g. Were you engaged with Mr. John	day-book of the firm. It is understood that the business of	Q. That is the only change that was made?	abo #0
Q. Not any?	Denies There Is Syndicate.	H. Mitchell in the law business and in partnership at any time?	the firm is confined exclusively to the legal business in all its branches, in all	A. Yes, sir, Mr. Heney-We want to show that it	tha
A. No. Q. That was your voluntary statement?	Q. All these lists that have been put	A., Yes, sir.	courts, and wheresoever called or em-	did, not affect any other part of the agreement. It is so short it may as well	the
A. Yes. Q. Have any such suggestions been	in, the three numbered lists of forest lands in Orogon, you were attempting	Q. When did you first enter into any partnership with him?	It is expressly understood and agreed that these articles of copartnership	go in.	Get
made to you since by any one? A. Only such suggestions as I kind of	to secure all those lands for yourself and this syndicate of Minneapolis lum-	Mitchell's Partner in 1891.	shall take effect and be operative from and after the fifth day of March, 1991.	Q. Whose signature does that paper bear?	tim
made myself in drawing it up, but I	bermen. Is not that true?	A. 1 think it was about 1391, the first	and are not intended to affect the rights	A. That is Senator Mitchell's signature and my own.	tati
Q. Then the suggestions as to immunity	A. There was no syndicate, for dif- ferent interests.	Q. How long did that partnership con-	of either of the parties on account of services rendered previous to said date	Q. Executed at the date it bears?	nea sub
from prosecution came from you? A.*Yes, sir. Q. And you had talks on that subject	Q. For different interests? A. Yes.	A. Well, it continued until a few	under any of the prior articles of co-	A. Yes, sir. I recognize there also the signature of Mr. Robertson as a witness, Q. And the other witness?	tor
Q. And you had talks on that subject with the special agents of the Govern-	Q. That is what you were here for? A. I entered up those lands accord-	months ago, when this trouble came up, covering a period of about 15 years, I	and that all moneys received from or on account of business done under said	A. I don't know the signature of the	
A. Tes, some time after I had prac-	ing to the laws of the United States.	think, altogether. Q. Were your partnership relations	previous articles of copartnership shall be divided as therein specified.	Mr. Heney-We will offer this in evi-	gus
Ucally made my statement. Q. At the time you made your state-	Q. I am not asking you that. You were here trying to get this vast area	with him cordial or otherwise?	Is is further understood and agreed that said partnership may be terminat-	dence. The paper referred to is marked "Gov-	thir tor.
ment, Mr. Kribs, was it not true that you	different capitalists; is not that true?	A. They have been very cordial; never had a word with him in my life that I.	ad at any time, by either of the parties	ernment's Exhibit 17," and read to the jury, as follows:	was
were being threatened by the special offi- cers of the Government with prosecution	A. Yes. Q. Was you interested with Mr.	Rnow of. Q. Were the partnership agreements in	nereto, by giving the other sixty days' notice in writing, unless sconer dis-	Supplemental Partnership Agreement Be- tween John H. Mitchell and Albert H.	plai I h
and indictment? A. Weil, the most of the threats I ever	Puter in any list of lands you have re-	writing? A. Yes, sir,	solved by mutual agreement of the par- ties.	Tanner. It is hereby stipulated and agreed that	in 1
Q. Were you not being threatened?	A. I bought a list of lands through	Q. Will you produce them? A. Well, there have been several.	In witness whereof, we have hereunto set our hands and seals in duplicate this 5th day of March, 1991.		the
A. There were not any of them mak- ing me any threats, but they were trying	Q. Is that the only interest you had	Q. Have you any of them with you, the first one and all of them?	this 5th day of March, 1991. ALBERT H. TANNER (Seal.)	Tanner, under the firm name of Mitchell	clai
to nno out by asking questions and one	A. And I bought about 1000 acres.	A. Yes, I have them, I think, from	ALBERT H. TANNER (Seal.) (Signed) JOHN H. MITCHELL (Seal) Mr. Heney-We gave notice to counsel		and
thing end another, to see if they could get any information out of me.	over in Curry County, another loca- tion: lands he controlled; I don't know	the beginning. The first one is dated February 1, 1901. That was the partner-	on the other side to produce in court upon this triat the original letter of Mr. Tan-	said business to be divided between said	and O
Q. They wanted to secure your evidence for the Government?	whether he owned them or not, but I	ship agreement entered into between the Senator himself and his son, Hiram E.	net of March 6, 1901, referred to in his		bee
A. They wanted to find out what I knew, and I suppose if it was valuable	Q. Did you have any parinership	Q. Had there been a partnership be-	Mr Thurston-If the court please, we	tofore, shall, commencing from the first day of November, 1994, he divided as fol-	per
Q. Who were those men?	deal with him in those lands? A. No, sir.	tween you before then? A. No, this was the beginning of the	take exception to that method of proced- ure in the trial of an indictment against a	lows, that is to say: The said John H.	abo I h
A. The man that talked with me was Mr. Burns.	Q. A straight-out purchase on your	partnership arrangements.	defendant. It is an unheard-of practice. I don't know where such procedure was	the net profits, and the said Albert H.	agu Q
Q. Anybody else?	A. Yes.	Q. I understood you to say that you were in partnership with him first in	ever taken before. The prosecution can- not, under the law, call upon the defend-	Tanner shall receive three-fifths (2-5) of the net profits, the same to be divided at	
 A. I talked with Mr. Heney. Q. Do you know who Mr. Burns is? 	Q. (Redirect examination.) Did Smith have any interest in any of the lands	A. No. this agreement was in 1891.	ant to testify, or to present anything given	the end of each month and paid to each partner, as under the existing arrange-	8
Q. Who is he?	chumerated in that affidavit as to the Philabury estate lands?	the beginning of the partnership arrange- ment.	in testimony by word of mouth or by the presentation of documents.	ment. This arrangement to be continued so long as the parties heretofore agree	Rho
A. He is in the Government Secret Service Department.	A. Had no interest whatever in it. Q. Did Johnson have any?	Mr. Heney-We will offer that agree- ment in evidence, although we do not	The notices referred to are offered in evidence, and are marked Government's	to the same.	whe
Q. He has been out here investigat- ing these matters?	A. No. sir.	consider it material to the case, but the	Exhibits 11 and 12. Indee 'Sennett-We question the suffi-	ties hereto this first day of November, nineteen hundred and four (1994).	Å
Q. Did not Mr. Burns tell you that	in the other lands which you were in-	other party will probably call it up on cross-examination, and it will be better	ciency of these notices also, Your Honor. Court-Proceed with your proof.	JOHN H MITCHELL (Seal). ALBERT H. TANNER (Seal).	Kri
you might be prosecuted? A. No, he never said I would be pres-	A. That 1 selected for Smith and	to introduce it in chronological order. The Court-I do not see how a part-	Q. Mr. Tanner, did you keep a copy of the letter which accompanied that part-	Witness present:	list
Q. What fid he saw?	others? Q. Yes.	nership agreement so far back is ma- terial, and I do not like to have the time	nership agreement when it was sent by	H. C. Robertson, W. H. H. Wade.	but
A. He said the best thing for me to do, that I would probably be subpos-	A. He had no interest whatever.	of the court taken up with irrelevant matter.	you to Senator Mitchell? A. Yes, sir. Q. What sort of copies of letters did	Q. Do you know Frederick A. Kribs? A. Yes, sir.	9
souchs with duty think that they baken me	Excused.	Mr. Heney-Very well, we will not offer it, but if the one immediately preceding		Q. How long have you known him? A. I have known him since October,	Q
about to come in and tell the truth about the transaction Q. You thought that was rather a monthly a monthly a second sec	A. H. Tanner Is Called.	the one that is in consideration in this	A The admitted some vests and the stre-	1991, I think; somewhere along there.	A
	A. H. Tanner was called, and the clerk proceeded to administer the oath.	petent to show the one preceding that	tem of keeping carbon copies of the let- ters, and keeping them in the letter files, instead of using the old letter-press sys-	Q. Did you have any business deal- ings with him in October of 1901?	man
A. No. I was not taking very much stock in any of them at that time	Mr. Thurston-Before the oath is admin- istered, if the court please, we object to	thera not?	tem. Q. Examine the paper which you now	Q What did it relate to?	alga A.
Q. But after that you did give your written statement?	the swearing of this witness, and in sup- port of ear objection we offer in evidence	A. Yes, sir; three I have here and then the one you have, and the last one of	have in your hand, and state whether or i	A. Well, my first knowledge of Mr. Kribs was a telegraphic dispatch which	ture Q
A. Well, yes, 1 did. Q. And consented to go before the	the journal of this court, page 21, being the entry of Fabruary 11, 1865. We also	1907. Mr. Reney-Well, I will withdraw that	not that is a carbon copy of the letter which you sent?	I received from him from Minnespolis,	write
grand jury as a witness? A. I was subpoensed to go there.	offer in evidence the original indictment	last offer.	A. Yes, sir, it is; except it is not signed. The copies are not signed, as the orig-	Mr. Bennett: We object to the wit-	to T
Q. YOU KHEW YOU were going to be	on file in this court, covered by that en- try, from which it will appear that Mr. Tanner has been indicied in this court for	Q. I hand the witness a paper indorsed on the outside. "Agreement between John H. Mitchell and Albert H. Tanner." Ex-	build of addition ware	ness stating what the telegram said Court: It is not necessary to go back	one
subposmeed didn't you? A. Nothing certain about it. G. Tou gave your testimony there?	perfury and has entered a nice of multer		to it?	the thet	bros
A. Yes, str.	the abjection of motion Shit of the Deviced	amine that paper and state if you know whose signature R bears? A. Those are the signatures of Sama-	A. Yes, sir. Mr. Heney-We will offer that in evi-	Q. What did this business arrange.	Q
Q. Did anybedy in connection with	Statutes of the United Stales	A. Those are the signatures of Sena- tor Mitchell and myself.	Marked "Government's Exhibit 16."	ment that you had with him in October, 1901, relate to, in a general way?	A
			and the state of the	A CONTRACTOR OF A PARTY OF A PART	12
			A STATISTICS AND A STATISTICS IS IN	P-1 - The stand of the state	

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