

TANNER PROVES STRONG WITNESS

Reveals Mitchell's Dealings With Kribs.

TELLS OF SENATOR'S WORRY

Feared Firm's Books "Would Indict and Convict."

FAMOUS LETTER IS SHOWN

Graphic Story Is Told by Judge Tanner of Mitchell's Anxiety to Have Account Books Destroyed and Agreement Altered.

Once again, and for seven hours, Judge A. H. Tanner sat facing Senator John H. Mitchell in the United States courtroom yesterday, giving testimony against the former partner and friend. All day, with relentless persistency, United States District Attorney-Henry kept producing letters, entries from the daybook kept by the law firm of Mitchell & Tanner, and telegrams designed to show that Senator Mitchell knew that he was receiving fees for his labors in behalf of the claims of Frederick A. Kribs. All day Judge Tanner acknowledged the items contained in the daybook, and the letters and telegrams that passed between himself and the Senator.

It was hard for him to realize that the distinguished defendant, who sat near ex-Senator Thurston, visibly disturbed as letter after letter, telegram after telegram was produced and read as evidence, was celebrating his 73rd birthday. Yet it was almost the last hour of the afternoon session, the trial droned along. Senator Mitchell listened with vital interest to all that was being done by Mr. Henry and all that was being said by his former friend and partner, Judge Tanner. His pose was almost perfect, but behind the facial mask, the mental strain must have been terrific. Several times when letters were read, letters which tended to prove that he was fully aware that he was violating his oath as Senator when he acted for Kribs before the Interior Department, what little color there was in his face faded away and he moved nervously in his seat. From behind his gold-rimmed glasses he glanced at Judge Tanner, and his eyelids closed until there was just a narrow slit. Again when Judge Tanner recounted the interview he had with Senator Mitchell on the train coming from Kalama and other interviews held with him in the Senator's room in the Hotel Portland, the man who is acting the original of his whole career was visibly disturbed.

Tanner a Strong Witness.

It must have been a great mental and physical strain on the Senator to listen to the recital of personal affairs of himself and partners. But what of the man who was telling the story? What of the mental anguish and physical torture that he was passing through? True, he is almost a faultless witness. His answers are clear-cut and decisive. It is not an easy task to take the witness stand and testify in a trivial case. Think of the ordeal of being there for seven hours, and the end not yet in sight, laying bare to the world affairs, conversations, letters that are damaging to himself as well as to his former associate. Think of telling the court and the jury, the gaping and eager crowd present, things forced from one by the relentless agents of the law, telling them by doing so offering oneself up on the altar of public humiliation.

It was not until almost adjournment time that Judge Tanner began his most interesting testimony. Mr. Henry had been slowly leading up to a climax. His conduct of the case is little short of marvelous, considering the mass of letters, data and telegrams which he has already offered. Out of the numerous letters and telegrams offered only one letter and a few telegrams were ruled out by Judge De Haven. When Mr. Henry met with this interference, he quickly took another tack, and with almost startling suddenness he brought the witness up to the point where, in response to a telegram, he met Senator Mitchell at Kalama. Then began his story of the conversation between himself and Senator Mitchell. Representative Binger Hermann was also on the train, and the witness testified that both Senator Mitchell and Representative Hermann were exceedingly anxious to learn what would be confronting them when they faced the grand jury. Finally Judge Tanner said that he and the Senator were alone and that Senator Mitchell inquired closely as to whether the books and letters of the firm had fallen into the hands of the Government agents. It was on the train, the witness testified, that Senator Mitchell first manifested alarm regarding the Kribs transactions.

As Judge Tanner slowly but distinctly began telling of the conversation on the train and those which followed in the Senator's room at the hotel, and later those which took place at the office of the firm, a hush fell over the courtroom. There was an attempt on the part of the attorneys for the defense to keep out this testimony. They tried to make it appear that Judge Tanner had been retained by attorney for Senator Mitchell. Judge Bennett asked the witness if he hadn't received a telegram from Senator Mitchell asking him to call on Mr. Henry and John Hall, who was then United States District

Attorney, and learn, if he could, just what they had against him. Judge De Haven read the telegram and declared that it could not be construed as retaining Judge Tanner as Senator Mitchell's lawyer. Judge Tanner then resumed his testimony.

"Books Would Indict and Convict."

That he was keeping nothing back was patent, yet he told his story without any apparent signs of feeling or hesitation. At the Portland Hotel Senator Mitchell had suggested the destruction of the books and all letters. Judge Tanner recited a conversation when they were both in their office, and said that Senator Mitchell, when he looked at the entries in the daybook, which showed that he had received his share of the money paid the firm by Kribs, exclaimed that the "books would not only indict but convict him." Then came the story and the talk leading up to the changing of the contract of partnership. Judge Tanner testified that he had told Senator Mitchell that he would stand by him and do all in his power to prevent him (Mitchell) from going into court, but he refused to sanction the destruction of the firm's books or destroying the letters. He declines to do this, he stated, because the contract of partnership was still in existence. Then followed the plan to change this contract, which Judge Tanner admitted that he aided in doing. But before he would do this, the witness stated that he had explained to Senator Mitchell the dangers that beset even this move.

That was Harry Robertson, who drew up the original contract, he testified, Senator Mitchell, so the witness testified, said that he (Mitchell) would "manage" Robertson if he (Tanner) could trust his own son. It was this contract, it will be remembered, on which some exceedingly clever detective work was done. The contract contained a misspelled word, was written on a machine on which was used a black ribbon, and upon a paper that bore a different watermark from that used in the original contract of partnership. Both the original and the substitute were produced in evidence, and the witness acknowledged them.

It took Judge Tanner almost 20 minutes to tell the court and jury of the conversations between himself and Senator Mitchell. It seems that not once, but repeatedly, Senator Mitchell tried to get Judge Tanner to consent to burning and destroying all evidence that would connect him with the deal with Kribs.

CANNOT FORBID BIG CORPORATIONS

Roosevelt Says Effective Federal Supervision Is the Best Thing.

TO PUNISH LAWBREAKERS

No Matter How High They Stand, They Will Be Indicted and Tried.

New England Welcomes President Roosevelt.

WILLIAMSTOWN, Mass., June 22.—The zigzag journey of President Roosevelt among the colleges of Western Massachusetts ended today with his departure from Williamstown after he had received from Williams College the honorary degree of LL. D. His way in this state, which was of scarcely thirty-two hours duration, was a busy one. He attended three college commencements, at two of which he received high honorary degrees, traveled several hundred miles and besides delivering significant addresses at each commencement, made a number of speeches from the platform of his car to citizens who had gathered at the stations along the route.

The President arose early today and leaned from a window enjoying the superb view of the Berkshire country. After breakfast he devoted a few minutes to meeting the classmates of James R. Garfield, United States Commissioner of Corporations, who is a trustee of Williams, and then made a quick inspection of the new memorial chapel dedicated yesterday.

After a short walk the President accepted the invitation of his host for a drive, which ended just before the commencement exercises began. He spoke twice here, once upon receiving the degree and again from the steps of the church where the commencement exercises were held, to the people who could not get into the room. Then came luncheon and before 2 o'clock the President was on his way back to Washington. His train made stops at North Adams, Adams and Pittsfield, when the citizens joined in demonstrations and were addressed briefly by Mr. Roosevelt.

During the trip there was not an unpleasant incident. Yesterday's rain was disagreeable, but today, though the skies were cloudy, no rain fell until after the train bearing the President had started south.

The President's train is due in Washington early tomorrow. He will return to New England next week to attend commencement at Harvard university. President Roosevelt delivered a short address, in which he said:

"I am going to illustrate what I mean by some work now being done in the department of justice and in the bureau of corporations, at the head of which stands your fellow citizen, James R. Garfield. Revolutions have been passed by important bodies demanding the investigation of what is called the 'beef' trust and of the Standard Oil Company. The beef trust had to be investigated partly by the department of justice acting through the District Attorney of Chicago. The Commissioner of Corporations was to report upon the facts of the case, and the District Attorney was to act on the legal evidence he could obtain. If the District Attorney can collect legal evidence which will show that there had been willful and intentional violation of the law by any man, no matter how high he stands socially and financially, he will be indicted and, if possible, convicted. If he does not secure such legal evidence no amount of popular feeling in the railroad."

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NINETEEN KILLED IN TRAINWRECK

Horrors of Twentieth Century Limited Disaster Grow in Telling.

MALICE UNDOUBTED CAUSE

List of Dead Includes Several Noted Men—Injured and Dying Reveal Experiences—Time of Train Made Longer.

CLEVELAND, O., June 22.—The list of fatalities in last night's wreck of the Twentieth Century Limited on the Lake Shore at Mentor, O., is one of the largest in the history of this road, numbering 19 persons. All the victims were prominent in the business and professional world in New York, Chicago, Cleveland and other cities.

The official list of the dead and injured, as compiled by the officials of the Lake Shore Company follows:

- #### List of Dead.
- The Dead—Passengers:
 - JOHN R. BENNETT, attorney, 31 Nassau street, New York.
 - JOHN A. BRADLEY, of the law firm of Rowley, Rogers, Bradley & Rockwell, Akron, Ohio.
 - T. E. MORGAN, second vice-president of the Wellman-Seavers-Morgan Company, Cleveland.
 - C. H. WELLMAN, of the Wellman-Seavers-Morgan Company, Cleveland, died in hospital.
 - A. L. ROOBER, New York City, representative of the Platt Iron Works, Dayton, O.; died in hospital.
 - S. C. BECKWITH, advertising agent, New York.
 - A. H. HEAD, London, England, representative of the Otis Steel Company of Cleveland; died in hospital.
 - H. W. WRIGHT, traveling man, Chicago; died in hospital.
 - D. E. ARTHUR, traveling man, Milwaukee; died in hospital.
 - J. H. GIBSON, traveling man, Chicago; died in hospital, Cleveland.
 - H. C. MEXLING, New York City, with the Wheeling Corrognated Iron Company.
 - L. M. EIRICK, manager Keith's Theater, Cleveland; killed in wreck.
 - E. R. NAUGLE, Chicago, proprietor of a railway supply house; killed in wreck.
 - TWO UNIDENTIFIED MEN, supposed to be L. A. Johnson, of the military firm of Conroy & Johnson, Cleveland, and Henry Trutz, barber of the train.
 - EMPLOYEES:
 - ALLEN TYLER, engineer, Collinwood, Pa.; died in hospital.
 - R. J. BRANT, head brakeman, Erie, Pa.; died in hospital.
 - N. B. WALTERS, baggage man, Hamburg, N. Y.; died in hospital.
 - D. MICKLEY, porter on Pullman car, Chicago; died at scene of wreck.
 - W. H. ABBOTT, Boston, supposed to be

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LAW OFFICERS ARE ON THE TRAIL

Attorney-General and District Attorney Take Hand in Equitable.

JEROME BEGINS INQUIRY

Proceedings Will Be Taken to Punish Wrongdoers and Secure Return of Graft Money—Salaries Paid to Dummies.

NEW YORK, June 22.—Following the publication of the report of Superintendent of Insurance Hendricks as to the affairs of the Equitable Life Assurance Society came the statement that District Attorney Jerome, of New York County, has undertaken an inquiry into the conduct of the society.

August Belmont has tendered his resignation as a director of the Equitable.

Attorney-General J. M. Mayer arrived from Washington tonight, and will remain in town several days investigating Equitable affairs. In an interview tonight, Mr. Mayer said:

"It is manifest that the people throughout the whole country are profoundly interested in the affairs of the Equitable Life Assurance Society. Therefore, I think it fitting to say that appropriate steps will be speedily taken by me:

"First, to accomplish the return to the Equitable of any profits wrongfully made or retained by reason of trust relations or otherwise.

"Second, to debar from holding office in this company any person who has been faithless to his trust or who violated any provisions of law.

"Third, to obtain an accounting for any waste or misapplication of funds for any reason or by anybody.

Secure Policy-Holders' Rights.

There are certain other matters of importance which I am studying, but to which it would be premature to refer in detail. It might be, for instance, to the interest of the policy-holders to learn the character of, and the occasion for, some of the legal services paid for during the past few years. But above all, inquiries as to alleged delinquencies, the greatest necessity of the situation is that the rights of the policy-holders in all respects be ascertained as clearly and as completely and as quickly as is legally possible. In this and other particulars, I shall try my best to obtain results.

"If any crime has been committed by anybody, that situation is manifestly for the District Attorney."

A close friend of the Attorney-General stated tonight that the Attorney-General would have the rights of the policy-holders ascertained by the courts.

Salaries Paid to Dead Men.

Attention was directed today to the fact that four of the Equitable officers mentioned in the report of State Superintendent of Insurance Hendricks as drawing salaries for the last five years, are no longer actively connected with the company. E. W. Lambert appears in the report as a medical director with a salary of \$25,000 a year. He died 13 months ago, and yet, according to the table, his salary was paid this year and last. Edward Curtis, who figures as a medical director at \$15,000 a year, resigned that position 18 months ago. George H. Spiere, who is now a director, is down on the list as financial manager at \$12,000 a year, although H. R. Winthrop succeeded him as financial manager many months ago. J. B. Loring is recorded as a registrar with a salary of \$5500 a year. Mr. Loring ceased to perform the active duties of that office in April, 1903.

Officers of the society today said that possibly Mr. Hendricks had gotten hold of an old list.

Mr. Jerome, in answer to a request, today received a telegram from Mr. Hendricks, stating that an official copy of his report had been forwarded and should reach New York tomorrow.

PLAIN CASE OF STEALING.

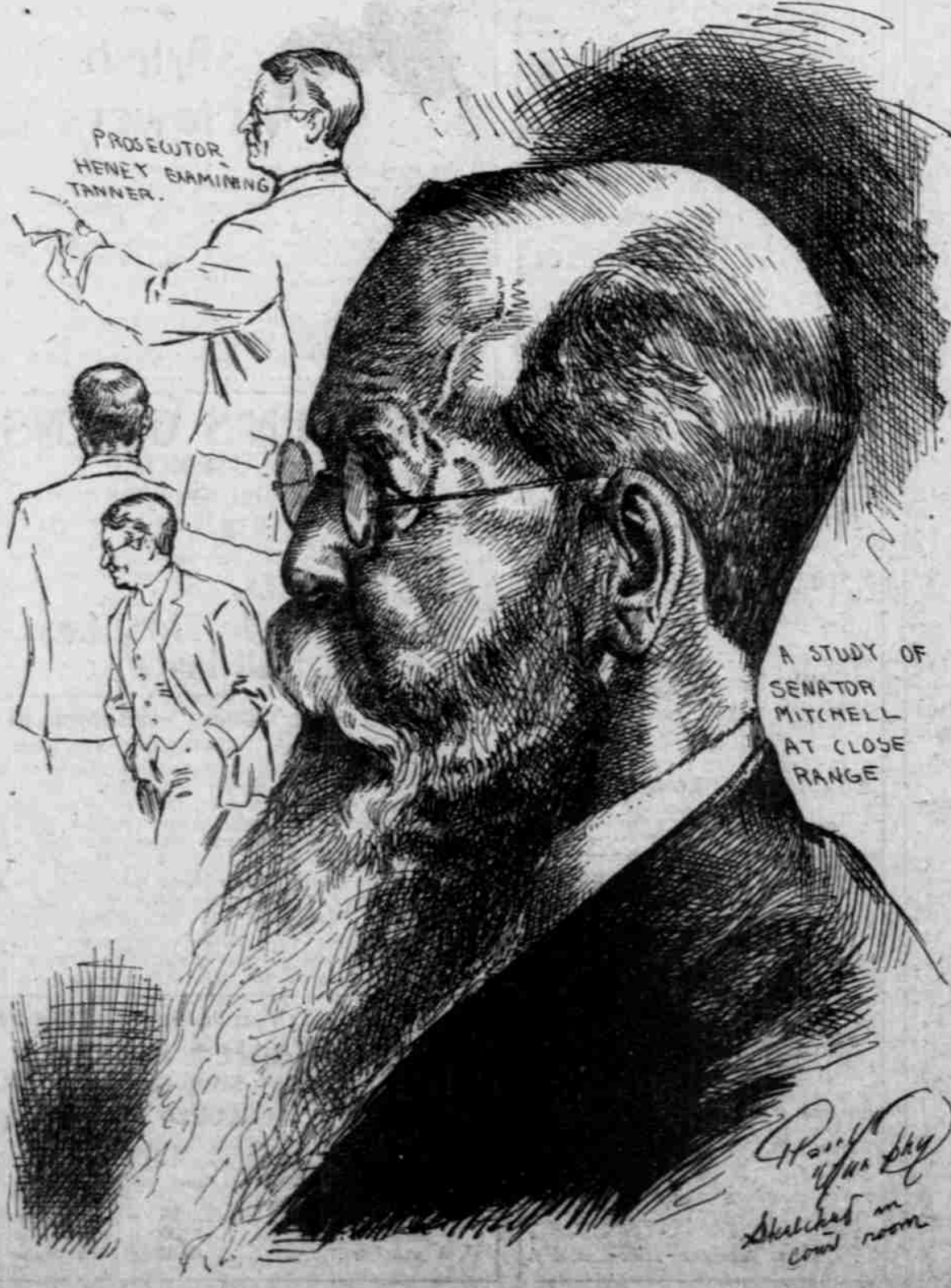
ALBANY, N. Y., June 22.—That Governor Higgins regards the report of Insurance Superintendent Hendricks upon the Equitable Life Assurance Society as worthy of the attention of the criminal authorities of New York County was made plain by him today, when he broke his silence on the subject of the Equitable situation by the reference to the commandment "Thou shalt not steal" as having been among the laws violated in the management of the insurance company and by the announcement that he had sent a copy of the report to District Attorney Jerome. The text of the letter follows:

"I herewith inclose for your consideration a copy of the preliminary report of the Superintendent of Insurance upon the affairs of the Equitable Life Assurance Society of New York. The findings set forth in the report are based on evidence taken by the superintendent under the insurance laws. If in your judgment any of the alleged facts established by legal evidence would constitute criminal misconduct in the County of New York on the part of any person I will, if you desire, request the superintendent to submit to you the evidence taken before him."

The governor was asked tonight whether

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HARRY MURPHY'S PEN PORTRAITS AT THE MITCHELL TRIAL



WORK OF MANIAC OR AVENGER

As to who is responsible for the open switch, which was the cause of the wreck the railroad officials are still uncertain. They believe that the wreck is the result of the act of either a maniac who wanted to see a wreck of a fast train, or some person bent upon revenge. A careful examination of the switch today showed that it was in perfect condition.

DETECTIVES ARE WORKING ON THE CASE

Trainmen are of the opinion that the crew of the Twentieth Century was deceived by a second white light 100 feet beyond the switch which was open, but, while traveling at such fast speed, was unable to gauge the distance, and mistook the second light for the first one.

W. H. Marshall, general manager of the Lake Shore, gives the speed of the train as not a contributory cause to the wreck. He said that other Lake Shore trains travel through Mentor at a speed equal to that attained by the Twentieth Century last night, which was not, Mr. Marshall said, above the rate of 60 miles an hour. The schedule of the train called for a speed of 57 miles an hour at that point.

The wreck had no effect on the sale of tickets for the same train tonight, the full quota allotted to this city having been sold long before the time of the train's departure.

Corner York, of this county, announced this evening that the inquest would begin next Monday morning at 9 o'clock, at the Courthouse in Painesville. He says he will summon officials of the railroad company to testify.

A peculiar feature of the wreck is that all those who met death were either fatally burned or scalded. R. C. Cordaugh, of New York, is only slightly hurt, and will be discharged from the hospital within a few days.

Six bodies were taken from the wreck; three more were found in the wreckage today, and ten persons died in Cleveland hospitals.

Difficulty of Identification.

The only means of identifying the body of E. E. Naugle, of Chicago, was his initials upon a piece of linen and a button worn on his clothing. Communication with a tailoring house, established his identity. His brother came to Cleveland today and will take the body back with him.

Of the two unidentified bodies there is not the slightest means of identification. The family of I. S. Johnson, a prominent military goods manufacturer of this city, stood before the two charred bodies today, trying to discern something about the objects that might tell which of them is their husband and father.

The body of L. M. Eirick, manager of Keith's Theater, was identified by the

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