MITCHELL'S FORMER LAW PARTNER IS THE ONLY WITNESS OF THE DAY

(Continued From Pirst Page.)

or to hasten in the matter and to avoid

A telegram was also read from Mitchell, telling that the claims under considera-tion had been certified for patent by the department. The prosecution next read a letter from Tanner in answer to the tele-gram, telling that they were entitled to 1006 extra as soon as Kribs was certain that the claims would certainly be pat-ented.

what was perhaps one of the most important letters introduced was one of May 12. 1862, from Senator Mitchell, acknowledging the receipt of a deposit slip for the previous month, and asking that a copy of the day book, covering the time slaped since his departure for Washinston, be sent to him. This copy should contain an itemized account of all money received, from whom received and for what. The next letter was one of June 3, containing a copy of the book asked for containing a copy of the book asked for, together with a deposit check for \$727.55, being the amount due the Senator for

At the afternoon session Mr. Heney continued his chronological introduction of evidence, bringing up piece by piece the correspondence relative to the Kribs clafins. He introduced the stubs to the checkbooks of the firm, which showed all the checks paid and to whom. These, by gomparison with the day book, showed conclusively where the money received had gone. A carbon copy of the day book, sent to Senator Mitchell, was identified by Mr. Tanner and introduced in evidence

fense.

The witness further testified that in September, 1962, he had entered into another agreement with Kribs by which he was to secure the approval of several testing the firm work the firm let selections. For this work the firm Was to receive \$1000, \$500 in cash and \$500 when the work had been accomplished. A letter was introduced written to Mitch-il in which Tanner had urged the Senator to poke the matter up, as the fee depended upon getting the claims through quickly. He identified a check for \$500 paid as the first retainer for the work. In response Mitchell had written stat-

Benator at Kalama.

Ex-Judge Tanner said he had met the

the train, and that after a general conversation with him he had had a private conversation. The Senator was very anxious about the condition of things here. He had wanted to know if it were her that conversation. The Senator was very anxious about the condition of things here. He had wanted to know if it were possible for any of the Government agents to have gained access to the firm books, or if the Government were going to be able to get information out of Kribs in relation to the matter. He said he was afraid of the transaction and wanted to see the firm books, and that he would come to the office the next day and examine them.

The sook was then exhibite they. Jury Jury 1 hand to you Government exhibit to 5. Do you know whose signature that check bears?

A. It is the signature of Fred A. Kribs. Q. Is there an indorsement on the back of it?

A. Yes, sir: it is indorsed in the firm hame of Mitchell & Tanner in my own handwriting.

Q. Ind you receive that check from Mr. Kribs about the date it bears?

A. Yes, sir.

Q. Is that the payment of 1900 referred to in the entry in the daybook which has just been put in evidence?

A. Yes, sir.

amine them.

The next day, according to the testimony, the Senator went to the office, and Tanner took the books into his private office, where they examined them together. The Senator appeared to be much surprised at the way they were kept and at the entries made. Tanner teld him if there had been anything wrong this entries had been anything wrong the senators and him all him. in his actions he should have told him no long ago, that he had simply made a record of the business as it happened, thinking no wrong on the Scantor's part. Senator Mitchell wanted him to desiroy

the entries about the land matters, but the witness had reminded him that there were several persons who knew what they tweet had contained, and that it was not there-

fore safe.

He had seen the Senator next at the hotel and he had continued to talk about the books, saying that the entries could not only indict him, but would convict im if they were to fall into the hands f the Government. The witness had advised him to make

clean breast of it, but the Senator had perjety to do so, he has then called to mind the clause in the agreement re-lating to department practice, and they had changed it so that all the fees for such work were made nayable to Tan-ner. The Senator said that any means were jugifiable; that Hitchcock was try-ing to ruin him, and that the offense was not morally wrons. The Senator had agreed to fix H. C. Robertson, and the

new agreement had been signed.

The witness then identified the contract as changed, and after the Government had presented the letter written by Mitchell asking that Tanner bring the books of the firm to Washington

FULL STENOGRAPHIC REPORT

Judge Tanner's Testimony and Important Documents Introduced. The complete stenographic report

follows:
The court met pursuant to adjournment at 10 o'clock A. M., June 22, 1885. Direct examination of A. H. Tanner continued.
Q. Judge Tanner, did you make any agreement with Mr. Kribe in Pebruary, 1800. with reference to any other lands than those described in lists I and 2. about which you have testified?
A. Yes, sir I had an agreement with him in regard to another list of land, I think, some time in February, 1802.
Q. Did you make an entry in your firm books at the time that agreement was entered into?
A. I think I did, yes, sir.
Q. I will call your attention to the firm day book, page 145. Do you find an entry there in relation to it?
A. Yes, sir; made under date of February.

A. Yes, air, made under date of February 13.

Q. Now state what the agreement was with Mr. Kribs on that occasion?

Mr. Bennett: Of course this is all subject to our same objection, your honor.

A. He brought in a list. I think, consisting of some 20 odd claims under the timber act, and said they were in the same condition as the others, practically. That the caims had been proved up and that the entrymen were people who lived around Roseburg and in the vicinity of the land, and that they were all right, except this same question was involved, whether his having taken deeds to them soon, after they made their final proof would invalidate the entries, and I made another arrangement with him; told him I thought that we could make the same arrangements as to the retaining fee, a thousand dollars, and then if there were any hearings or contests in the local office at Roseburg he would have to pay in addition to that whether the action. Yes, mir; made under date of Feb-

iff I remember rightly: I don't know what the entry shows there.

Q. Examine the entry and perhaps that will refresh your memory.

A. No, it was to be the same as the other. I see by the entry. Five hundred dollars cash and five hundred dollars when the cutries were approved for patent.

Q. Whose handwriting is theit entry in on page 187.

A. That entry is in my handwriting.

Q. Was it entered as on the date it bears, about the day of the date it bears, about the day of the date it bears.

A. Ics.

Q. And that was what date?

A. February II, 182.

Q. At the time it was entered, did it reed just as it does now?

A. No, Sir; it did not.

Q. What words have been changed in it?

Mr. Beansett: We would like to see the

Mr. Bennett: We would like to see the ntry before you proceed with that, Mr Heney.

Q What words, if any, have been changed in the entry since it was first entered? That is, what words as they appear now were not there?

A. To explain the matter—
Q. I think we can get at it quicker. Judge, if you will just answer the question direct; then you can explain fully.

The Original Entry.

The Original Entry.

A. The entry originally was "To cash retainer in S. A. D. Puter list land."

Q. But now it reads instead of S. A. D. Puter, second lieu?

A. Yes, sir.

Q. So that it reads "To cash retainer in second lieu list land." Now when were the words S. A. D. Puter changed to "second lieu," and by whom were they changed? A. Changed by me.

Q. When?

A. About the time Puter was being tried here in this court. I think in December or November. 1994.

Q. Now you may explain if you desire. Mr. Bennett: We move to strike out the testimony in relation to this change of entry as being incompetent and nothing for which Senator Mitchell is in any way responsible.

Motion denied; defendant excepts.

A. In order to explain the reason for that change, I would like to say that when this arrangement.

Mr. Thurston: We object to any statement on the part of the witness as to his reason for doing same. It is for the jury to determine on the statement of the facts.

to determine on the statement of the facts. The Court: I shall let the witness make

In response Mitchell had written stating that on account of the trouble over land frauds he did not know whether or not he could get the claims through quickly, but would do the best he could.

Kribs had then sent an affidavit which was brought out in evidence detailing that his claims were legal ones and that there was no reason why they should not be passed. Mitchell acknowledged this and promised to take the matter up with the department, but that it would be hard to get anything done.

This and the identification of a check for \$200 paid by Kribs seemed for the time to end the documentary flood of the prosecution. Mr. Hency introduced a telegram dated December 29, 1804, from Mitchell to Tanner, asking him to meet him at Kalama. This was objected to by the defense, and Mr. Hency took another tack. He asked Tanner if he had met the

Benator at Kalama.

Ex-Judge Tanner said he had met the Senator. Binger Hermann and Frank C. Baker at Kalama and had returned to Portland on the same train with them. The defense interrupted on the ground that Tanner was at that time Mitchell's attorney, and could not tell of what had taken place, but the court ruled otherwise, and the witness proceeded with his story.

He said that he had met the Senator on the train, and that after a general conversation with him he had had a private conversation. The Senator was very

The same is marked Government's exhibit 5 A.

Q. Were the receipts of the firm for the month of February, 1982, divided between you and Senator Mitchell?

A. Yes, sir.

Q. I will hand you the book and ask you to state when the receipts for that month were divided.

A. March 3, 1932.

Q. Was an entry of the division made in the books of the firm?

A. Yes sir.

Q. And that appears on page 148 of the daybook?

A. Yes, sir; page 165.

Q. And in whose handwriting is that entry?

continued to talk about the destruction of the books until he had promised to help him in any way possible, though it would be necessary for him to commit perfery to do so. He had then called perfery to do so. He had then called office?

A She was then an employe in the office?

A She was then a stenographer and healthcare in the employ of the firm. okkeeper in the employ of the firm.
2 Did you see that entry at or about a time it was made.

bears?
A. Yes, sir,
Mr. Heney: We will offer that entry
evidence.

Reading of the Entry.

Reading of the Entry.

The entry reads as follows:

"Fald the following bills by cash: Bancroft Whitney court check No. 35, 14.75. Pacific Monthly, No. 785, 13; Edward Thompson Company, No. 785, 13; Edward Thompson Company, No. 786, 13; Edward Thompson Company, No. 786, 14; Edward Thompson Company, No. 786, 15; A. Graft & Company, No. 786, 180; Wycoff, S. & B. Pebruary and March installment, 181, 120; Guide Publishing Company, No. 786, 120; Pacific States Telephone Company, No. 786, 181; Title Guarantee & Trust Company, rent, No. 784, 180; A. G. Metger, to sainary for February, No. 786, 185; total, Rill. 7. Total receipts, 1809; Total disbursements, 181-76. Net cash for division, 1806. T. A. H. Tanner, check No. 786, 10 one-balf net cash, 1888. 12; expense, 11.76, less amount drawn during the month, 18, 1803. John H. Mitchell, to one-half cash, 1888. 12; expense, 11.76, less amount drawn during the month, 18, 1803. John H. Mitchell, to one-half cash, 1888. 12; expense, 11.76, less amount drawn during the month, 18, 1803. John H. Mitchell, to one-half cash, 1888. 12; expense, 11.76, less amount drawn during the month of February?

Q. I will ask you to look at the book, Judge Tanner, for the month of February; 1802, and state when the first entry commenced that was included in the division for the month of February?

A. That would be the entry under February 4, 1802.

Q. What are the entries which make up the 1991 of total cash receipts of that month?

A. Well, that would be the entries—of course, I—

Q. It would be sufficient to nak the witness whether that check of 1800 was included in the cash that was divided.

Q. Was the check of 850 included in the sum total of 1604 of net receipts for that month which was divided, or is the sum total of 1805. 25 of the cash receipts for that month which were divided?

A. Yes, sir, it was,

Q. In what way was the 1868. Charged to John H. Mitchell, the one-half of the net cash receipts in what way to here a larged to him?

A. That was paid by a check drawn payable to my orde

Payment of Money.

Q. How was the thousand dollars to be paid-all at once of when?

A. I think it was to be paid affect once.

A. No, sir; I do not.



A GLIMPSE OF JUDGE TANNER AND SOME OF THE JURYMEN AT THE MITCHELL TRIAL

Mr. Heney: We will offer this in evi-

The same was received in evidence as Government exhibit No. 22, and read as follows: On the printed letterhead of the Committee on Coast Detention, United States Senate, Washington, Dr. C. John H. Mitchell, of Gregon, Chairman, March 19, 1862, Honorable A. H. Tanner, Atterney-at-law, Commercial Block, Portland, Or.

"My Dear Judge: I beg to acknowledge receipt of yours of March 4, inclosing dupileate deposit tag on the Merchants' National Bank, to my credit, for 1983. being my share of the proceeds of our business for the mouth of Pebruary, for which accept my thanks, Sincerely yours, JOHN M. MITCHELL."

Q. I hand you Government exhibit No. 4. Whose signature does that bear?

A. That is my signature.

Q. Did you dictate that letter?

A. I did: yea, sir.

Q. What did you do with it thereafter?

A. Well, I mailed it to Senator

after? Well, I mailed it to Senator At about the Jate it bears?

A GLIMPSE OF JUDGE TANNER AND SOME OF THE JURYMEN AT THE MITCHELL TRIAL

Is named the entry to the form in white the entry to the entry to the form in white the entry to the form in white the entry to the entry

or very shortly after the entrymen proved up, in order to satisf himself. I presume, that there was no fraud or collusion between them and Mr. Kribs. The affidavits taken will show that there was no such collusion, or fraud, but that he bought the lands in the due course of business after the parties had proved up, he being engaged in acquiring large bodies of land in Southern Oregon.

Having these three liets before you, you can make the same general statement to the Honorable Commissioner as to all of them, and urge upon him the injustice that would result in the cancellation of the entries and show him, on the authorities and show him, on the authorities cited in my letter of Feb. 8, that the bare fact that the deeds were made on the day or shortly after that the entrymen proved up, is not sufficient to justify the cancellation of the entries. We want to bring to pressure all the influence we can to prevent any such action and to get these lands passed for patent, not only because it means \$1300 more of a fee to me, but also because the entrymen, as well as Mr. Kribs, are all Oregon people, and it would be an injustice to all of them to hold up these entries or to refuse to pass them to pass them to passed.

If there is any danger of a change in the office of the Commissioner of the General Land Office, we want, by all

SALIENT FEATURES OF THE TESTIMONY AT THE MITCHELL TRIAL

partner, Judge A. H. Tanner, who was upon the stand throughout the session, and still remaining, with his story

documentary evidence which had been begun the day preceding. The latter part of the afternoon, however, was as sensational as the forenoon had been dull.

checks paid and received and agreements made between himself. Kribs and Mitchell, but when the afternoon had half passed. District Attorney Hency began to question him as to his trip to meet Senator Mitchell in December last,

when the Senator was returning to Portland a short time prior to his first indictment.

Judge Tanner told of having received a telegram from the Senator asking him to come as far as Kalama, Wash.

page. According to the testimony of the Judge, Mitchell expressed surprise at the way the entries had been made, and demanded that the old books be destroyed, saying the entries in regard to the Kribs transactions would not

Tanner, so he testified, had told the Senator that though it would necessitate perjury, and that he had ; done such a thing in his life, he would stand by his partner and do what he could to help him. He had agreed to de-

stroy the books, if necessary, and had called the Senator's attention to the clause in the partnership agreements by which the Senator was to receive all the fees for work done before the departments. He had changed this, and the new agreements had been dated back to March 1, 1901, the same as the original, and had been signed by both.

The subsequent letters passing between the two men were also offered in evidence as tending to show still further

only indict but would convict him if they fell into the hands of the Government,

meet him. The Judge had taken the trip and had met the Senator on the train with Binger Hermann, and Frank Baker, chairman of the Republican State Central Committee. The Senator was very anxious about the landfraud news and saked if there was any danger of the Government agents having had access to the books of the firm. He expressed deep concern about the entries and the transactions he had had with Kribs, and wanted to see

The morning session was devoid of interest, as the prosecution continued in the chronological introduction of

Judge Tanner had been occupied throughout the day with identifying letters, telegrams, office book entries of

Penrose, Pa.; James P. Tailaferro, Fla.; Charles H. Dietrich, Neb.; Alto exander S. Clay, Ga.; George L. William of the Meastern of the States Senate, Washington, D. C., Feb., Tallaferro, I. Committee on Coast Defenses, United Everything moving as rapidly as we could expect in all cases in which you are interested. I spect favorable action in Burke matter in day or two. Timber land entries I think will in saint time come through all right. They have to pass through the hands of several divisions, and it recuires time. Conferred with the Commissioner of Land Office, ascertain status, and hurry along to patent as rapidly as possible. I will give the matter my attention and advise you from time to time as to action taken. It may do some good if you can get some influential friend of Hermann's to write him urging favorable action.

I had already written the Commissioner able action.

I had already written the Commissioner about that a scope of a letter that I mailed to the Senator about that a scope of a letter that I mailed to the Senator about that a scope of a letter that I mailed to the Senator about that a scope of a letter that I mailed to the Senator about that a scope of a letter that I mailed to the Senator about that a scope of a letter that I mailed to the Senator about that a scope of a letter that I mailed to the Senator about that a scope of a letter that I mailed to the Senator about that a scope of a letter that I mailed to the Senator about that a scope of a letter that I mailed to the Senator about that a scope of a letter that I mailed to the Senator about that a scope of a letter that I mailed to the Senator about that a scope of a

Hermann's to write him urging favorable action.

I had already written the Commissioner in regard to list No. 2, forwarded in your letter of February 8, and have simply had an acknowledgment of the receipt of my letter, with a promise to advise me further soon. Hastily and sincerely.

JOHN H. MITCHELL.

Q. To your letter of March 28, 1902, did you receive a reply?

A. Yee, sir; that is the reply to it.
Q. Whose signature does it bear?

A. That is the signature of Senator Mitchell.

Air. Hedey: Of this letter we want only the hast paragraph.

A That is a copy of a letter that I mailed to the Senator about that date. April 14, 1902.

Mr. Heney: We will offer this last paragraph of the letter in evidence.

The same was received in evidence as Government's exhibit 31, and read as follows:

follows:

Hon, John H. Mitchell, United States Senate, Wanhington, D. C.

Dear Senator—I want to thank you for your dispatch of April 19, in which you give me assurance that the land matters in which I am interested are moving along all right. Very truly yours.

Mr. Hennett: What signature was supposed to be to that? Was it supposed to be signed by Mr. Tanner?

Mr. Heney: Yes.

The witness: Yes. sir: the original was signed.

The witness: Yes, sir: the original was signed.

Q. I will ask you to examine papers now handed you and state whether that is a carbon copy of a letter taken from your office files?

A. Yes, it is.

Q. Was the original of that letter mailed by you to Senator Mitchell at about the date this copy bears?

A. Yes, it was.

Q. And signed by you?

A. Yes.

Mr. Heney: We will offer this in evidence.

dence.
Same was received as Government's Exhibit No. E, as follows:

Warned About Mays and Puter.

Warned About Mays and Puter.

Hon, John H. Mitchell, United States Senate. Washington, D. C.:

Dear Senator—in regard to lists 1, 2 and 1 involving timber entries of which I have been heretofore writing you. I wish to draw your attention to the fact that one S. A. D. Puter is in some way interested in list No. I; he has no connection with the other two lists. He has heretofore had some contract with the people I represent to procure redwood lands in California, and has gotten into some controversy with them on account of his failure to comply with his agreement, and I fear is disposed, unless he can force them to a settlement satisfartory to him in regard to the California lands, to make trouble with the list No. I referred to, and with this end in view. I am informed that he has started East taking with him F. P. Mays, who will shortly turn up in Washington and endeavor to prevent list No. I from being passed for paient, unless he can force the settlement out of the people he had the contract with in regard to the redwood lands in California, and try and get the list remanded for hearing in the local office, so as to hold it over our people as a citch to try and force a settlement of the other matter.

You probably know something of Mr. Puter, and I do not need to warn you as to the character of the man. Mr. Mays does not represent our people, but is coming there in the interest of Mr. Puter to make trouble unless they can force this settlement referred to.

I explain this altastion to you so that if they should come there asking your assistance in the matter, you will understead of the and has it am interested in having passed for patent for the reasons which I have already explained to you. If Mr. Puter attempts anything of the kind, the fact that he and his wife are entrymen in the list should be sufficient to silence in the list should be sufficient to silence

bim from complaining that there is anything wrong in connection with them, and indeed there is nothing wrong with them, and the main purpose he would have in getting a delay and a hearing in the local office is, as I have already stated, to use it as a club on account of the other matter. I am in hopes that the matter in controversy between this made the people I represent may be adjusted in which case. I presume, he would have no opposition to make to list No. I, and would be anxious to have the list passed for patent; but I should think it would be better for him to let the matter alone entirely, as a man of his reputation interfering might at once arouse the gravest suspicions as to the character of the cutries.

Kindly let me know if either he or Mr. Mays attempts to do anything with reference to these lands, or either of them, and greatly oblige. Yours truly.

Q. I hand you two Western Union Telegraph blanks bearing date April 22, 1962, and evidently constituting but one writing. In whose handwriting are those papers?

A. That is a copy of a dispatch sent that date. It is in my own handwriting.

Mr. Heney: We will offer that in

Ing.

Mr. Heney: We will offer that in evidence the whole of it.

Mr. Bennett I would like to ask a question or two of the wilness.

Mr. Heney: I will offer the other part of it, then separately, so you can get your objection in shape.

Puter and Mays Hostile.

The one part of the writing was re-The one part of the writing was received as Government Exhibit 33, and read as follows:

April 22, 1902. Hon, John H Mitchell, Washington, D. C.: Puter and Mays there soon: about lists number three timber entries. They are hostile to the interests of my clients. Do nothing for them in matter. Mailed you letter on subject April 23 explaining situation.

A. H. TANNER.

Q. There are some words below the

ietter on subject April 23 explaining situation.

A. H. TANNER.

Q. There are some words below the telegram. In whose handwriting are those words?

A. That is my handwriting.

Q. When was that written on there with reference to the date of sending the telegram?

A. At the same time, I suppose.

Mr. Heney: We will offer that part in evidence now. First, however, I will ask the witness another question.

Q. Was the money paid for the sending of this telegram entered in any book by you as a charge?

A. I don't know: I don't think it was; I don't remember about that, but I can explain that, I think.

Q. Does the telegraph company render a bill every month? That is, your telegrams are charged?

A. Yes, sir, they rendered monthly bills. I simply indicated to them to charge it to the account.

Q. This, then, was a direction to the telegraph company?

A. Yes, it did not go in the dispatch at all, but simply was direction to the telegraph company to charge it to our account.

Q. The original, which was sent to

at all, but simply was direction to the telegraph company to charge it to our account.

Q. The original, which was sent to the Telegraph company, bore the same words, did it?

A I presume it did, yes, sir, though I do not remember about it, but that would be the usual course of business.

The Court: That is evidently no part of the telegram, and it is not admissable in evidence. The witness may testify to the fact.

Q. By whom was the cost of this telegram paid?

A I could not say from memory I am sure. I suppose from that entry it would be charged to the firm account and paid at the end of the month, but I have no recollection about it.

Q. There was a bill of the Western Union paid at the end of the month or on May 5 for the month of April, was there not, as shown by the book on page 154—the daybook?

A. Tes.

Q. The amount of the bill was how

and belief. I did; yes.

Mr. Heney; We will offer this in evidence.

Same was read in evidence as Government's exhibit 29, as follows:

PORTLAND, Oregon, April 9, 1902.

Hon, John H. Mitchell, U. S. Senate, Washington, D. C.: Referring to lists 1, 2 and 2 will aid suggested my jetter March 25 be any use? Party now in Washington can arrange for same if desired. Can you tell what Hermann going to do? Answer.

A. H. TANNER,
Q. To that telegram did you receive a reply?

A. Yes. I did. This is the reply to it. Q. You vreceived that about the date it bears or on that date?

A. Yes, I think so.

Mr. Heney: I will offer in evidence the reply.

It is received in evidence as Government's exhibit 30, as follows:

It is received in evidence as Government's exhibit 30, as follows:

"No Outside Help Needed."

A Yes.

O. Did you receive that jelegram at there not, as shown by the Book on page 154—the daybook?

A Yes.

Q. Form your books and from the copy of the telegram which you kept in your file, what can you say as to your best belief as to whether that telegram was charged to you present to you present to prove that it was paid for by the firm of Mitchell & Tanner, and the witness can testify to it.

Mr. Heney: As to that particular telegram if don't think I can bring the specific knowledge of that to the defendant, so I will withdraw the question.

Q. I hand you a paper written on the "Received" printed heading of the Western Inlon. Is that paper taken from your files?

A Yes.

Hermann Makes Report.

The same was read in evidence as Government's exhibit 34, as follows:
Washington, D. C., April 20, 1892.—Hon. A. H. Tanner, Attorney-at-Law, Commercial Block, Portland: On Saturday last Hermann reported to Secretary of Interior, I think, on all Roseburg land and stone cases in which you are interested, with a recommendation that they be ordered to patent. The cases will be taken up before the Secretary of Interior immediately and considered.

Q. I hand you two sheets of paper and ask you if they are carbon copies of letters taken from your office files?

A. Yes, sir.

Q. Were the originals of those two letters mailed by you to Senator Mitchell at about the date they bear?

A. Yes, sir.

Q. And signed by you?

A. Yes, sir.

Wr. Heney: We will offer this in evisame was received as Government's exhibits 55 and 33A, and read as follow:

Sends Kribs' List No. 4.

Sends Kribs' List No. 4. Government's Exhibit No. 35: April 36, 1992.—Hon. John H. Mitchell. U. S. Senate, Washington, D. C.—Dear Sanator: I was glad to receive your dispatch of April 29, in which you say that Hermann has reported to the Secretary of the Interior the timber entries in the Roseburg land district with the recommendation that they be passed for patent, and that the cases will be taken up by the Secretary of the Interior immediately for consideration. I presume they will be passed for patent in due course, without any further delay. I want to thank you for your consideration in this matter.

will be passed for patent in due course, without any further delay. I want to thank you for your consideration in this matter.

I enclose you herewith a separate letter relating to other lands in the Roseburg land district which have been selected in lieu of forest reserve lands under the act of June 4, 187. I am to get a fee for getting the information desired in these cases. I would like to get the present status of the cases, and also have them made special, so that you may be notified of any steps taken therein and of any defects or omissions which we may have to correct or to supply. I enclose you also a copy of this list and have marked it "Kribs No. 4." so that in our subsequent correspondence you will know the list referred to, by that name and number. Very truly yours.

Government Exhibit 25a.

April 10, 1902.—Hon. John H. Mitcaell, U. S. Senate. Washington, D. C. Dear Senator—Please find enclosed herewith list of lands selected in lieu of forest reserve lands in the Roseburg land district, under the act of June 4, 1897. My clients have informed me that these hits were forwarded by the local land Office about two years ago, and that they have not heard snything from them since that time and are getting anxious to know whether the selections are all right and will be approved, or whether there is something wrong in regard to them. A reason for having the selection made special, if you can do so, is that the estate of the late Governor Pilisbury, of Minnesots, is interested in these lands, and in order to settle up the estate it is necessary to get these selections patented as soon as it can be done in the due course of business. Would you, therefore, please call upon the Honorable Commissioner of the General Land Office for a statement of the present status of these selections, and if possible have him make them special so that we may be advised of action taken from time to time in reference to them. By doing so you will greatly oblige the parties interested, as well as your numble servant.

the knowledge of the defendant that he had been violating the law. During the recital of Judge Tauner, the defendant sat pale and agitated, his fingers clasping and unclasping the edge of the table, while the veins of his forehead stood out swollen and black.

Yes, sir.
and mailed with the other one?
Yet, sir.
To Senator Mitchell?

books, the entry of February 13, 1902, as the S. A. D. Puter list?

A. Yes, sir.

Mr. Heney: The jury has already heard this read as it is in evidence. We can get letter from some friends of Mr. Hermann's around Roseburg to him urging him to allow these entries to pass to patent and assuring him that there is the witness is Stephen A. D. Puter.

Q. Was that list arcompanied by any other letter?

A. Yes, sir: it was accompanied by a letter of which this is a carbon copy which you handed me.

Q. Was the original signed by you:

A. Yes, sir: it was accompanied by a letter of which this is a carbon copy which you handed me.

Q. Was the original signed by you:

A. Yes, sir: it carbon copy which you can write such a letter as you see fit, including in it the proper data, as to the first one. of course, if the form of this letter to the Honorable Commissioner herewith inclosed should not conform to your ideas of what it should be, you can write such a letter as you see fit, including in it the proper data as to the date of entry, names of entrymen and description of lands. Very truly yours.

P. S.-If on receipt of this you have not already written the Honorable Commissioner for the information as to list

Mr. Henny: We will offer this letter Mr. Heney: No.

The letter was read in evidence (except the portion referring to political matters) as Government's exhibit 28, as

Committee on Coast Defenses.

United States Senate.

Washington, D. C., April 4, 1992.

Hon. A. H. Tanner, Attorney-at-Law.

Commercial Block, Portland, Or.

My Dear Judge: I write to acknowledge receipt of yours of March 28th. resturning Hermann's letter of March 20th