MITCHELL TO ROBERTSON: "ALLI GOT WAS SOME LITTLE CHECKS"

o do that? A. Certainly, it was his habit to answer A. Certainly, it was his habit to answer every letter.

Q. How many cases, do you suppose, he was requested to look after in the department in the course of a year?

A. Well, including pension cases, which were very numerous, and everything, I suppose that it would average five requests a day.

Q. Five requests a day?

A. Yes, sir.

Q. That would be 1890 or 1700 in a year?

Q. That would be 1800 or 1700 in a pear?
A. Yes.
Q. You were in Portland when the Senator appointed you as his private secretary in March 1901, were you not?
A. Yes, str. I was.
Q. How long did you remain here before going to Washington?
A. I remained here until the 2th of November, that year.
Q. Was the Senator here at that time?
A. Ho was not, no, str.
Q. Where was he, if you know?
A. The Senator left here on the 2d of March after his election and went to Washington, and my understanding is that he was sworn in on the 5th.
Q. How long was it before he returned to Portland?
A. He returned here, I think, the 12th of May, 1901.
Q. Then where was he up to the time of his leaving for Washington in the Fall?
Senator Mitchell's Health.

Senator Mitchell's Health.

A. He stayed here until the latter part of June, then he went to Europe. My recollection is that he salled from New York on the 17th of July, 1501. I don't recollect exactly how long he was in Europe, but he returned to Portland. I think, on the 15th or 16th of October, 1861.

1991.

Q. Then after he was elected Senator, the first part of March, 1991, he was only in Portland that year about a month, from May 27th to the latter part of June, until he returned from Europe, about the 15th or 16th of the following October. That is correct.

A. That is correct, yes, sir, as I remember it.

May, 19017
A. I don't think his health was any different than usual. It seemed to be the same at that time.
Q. Isn't it a fact that he brought a doctor with him on the way from Washington, to take care of him?
A. I believe he did. I believe Dr. Brown came with him, yes.
Q. Then you wouldn't say that was about his usual state of health, would you?

Well, when he got here he seemed be about the same as ever.

He hadn't been in good health for as time, had he?

I understood that he was sick le he was in Washington, between rch 9th and May 19th.

Now, during that month from May a to the letter part of June, when he here, did by give any attention what, to the office business sifairs of the firm of Mitchell & Tanner?

I don't think he did:

Did he, at that time, so far as you, we examine the books of entry of the

1901, that was? 1901. Not that I know of; not during the he was here in May and June.

Return From Europe. He returned from Europe about the or 16th of the following October,

Yes, sir, 1901. How long did he remain here, then? I think we left on the 8th of No-Q. Then he was only in Portland from the middle of October to about the 9th of November?

Yes, sir, that is all.
Then he went to Washington?
That is my recollection.
And you went with him?
Yes, sir.

Q. And you went with him?
A. Yes. sir.
Q. During that short stay in the city did he give any particular attention to the business of the law affairs of the firm of Mitchell & Tanner?
A. I don't know that he gave any particular attention. I know he was in the office. I remember the time.
Q. He found on his return a large accumulation of mail covering public matters, did he not?
A. I don't think there was very much of an accumulation. He had cleared it up in the East, himself—had a stenographer there. I understood.
Q. Wasn't there any here?
A. There, was some of course; always mail coming.
Q. Did he attend to that in the office?
A. Yes, sir, dictated some in the office.
Q. With your assistance?

With your assistance?

A. Weil. I remember distinctly seeing him and Tanner in the office, talking, and I remember distinctly the time that this first entry here, of the 18th of October, was made that he was there, and I remember distinctly seeing he and Mr. Kribs talkins together.

Q. Do you know what they said?

A. No. I don't know what their conversation was.

Q. Didn't overhear any of the conver-sation?

A. I didn't pay any stiention to it; I saw them in there talking.

Q. You saw Tanner call Kribs into Mitchells office and introduce him?

A. I didn't see Tanner take him in and introduce him.

June 1 see latter take that it and oduce him.

Don't you know that was the first.

Mitchell ever saw Kribs?

I don't know that it was.
And that Teuner introduced him?
No. sir. I don't know that?

No. sir.
All you know is you saw him go his office saw him in there?

Yes, sir.

Yes, sir,
Do you know how long he stayed?
No. 1 dq not.
Don't know anything about it?
Well, they were there a few minThat is all I know. 1 don't know.

Q. During that period of time from the middle of October 1901, to the 5th of November, 1901, while Senator Mitchell was in this city, to your knowledge did he examine the books of entry of the firm?

A. I don't know that he did during that time. No, sir,
Q. You don't know whether he did or not?

A. No, sir.

Q. Then you cannot swear that he saw at that time, before he went to Washington, that entry of the first Kribs employment?

No.
No.
You went to Washington with him the 5th of November; how long did a remain there;
1. I remained there until the 5th of hy, 180.
2. How long did the Senator remain ere?

A. I remained there until the 5th of July, 1802.

Q. How long did the Senator remain there:

A. He remained there a couple of weeks longer than that; perhaps three.

Q. When did he next reach Portland:

A. I think he arrived in Portland either the first or end of August; about that time; I am not certain about it.

Q. Early in August?

A. Yes.

Q. And he also at that office, transacted with your assistance, his public business and correspondence from day to day?

A. I think he arrived in Portland either the first or end of August; about that time; I am not certain about it.

Q. Early in August?

A. Yes.

A. Certainly.

A. I think he remained here until about the 23d of August at that time.

Q. Where did he go then?

A. Went to 'Frisco on his way to Honoluiu.

Q. Then from 'Frisco, where did he go?

A. Honoluiu.

C. Heef for the Receive.

Honolulu, Did you go with him?

The Trip to Honolulu.

A. I don't know that he did. I don't know what they may have consulted him about.

A. I left here, I think, on the 38th or 19th, and wen't be Frisco and met him; we were thore a couple of days, and we sailed from Frisco for Henolulu on the 30th of August, 1902.

Q. Was that on public business, that trip?

A. Yes, sir. It was an investigating committee.

Q. The Senator was one member of a committee authorized by Congress to go it to the Hawaiian Islands, investigate and report?

A. Yes, sir.

Q. When did he return from that trip?

A. Yes, sir.

Q. When did he return from that trip?

A. We left Honeiulu on the 30th of September. I believe. We arrived in be give the books, so far as you know?

Gay or so inter, and I heat him there. I know.

Q. Then Senator Mitchell was only in Portland in the year 1992, on two occasions. Is that right, from early in August to the Elrd of August, the first time?

A. Yes, sir.

Q. That is right?

A. That is right.

Q. From the Elrh of October to the Eth of October?

A. That is about right, yes, sir.
Q. They were the only periods of time
n that year when he was personally in
'ortland'. Yes, sir.

Callers at Office.

Q. Now, during that first 18 or 20 days in August that he was here, do you know of his attending to any of the business affairs of the law firm of Mitchell & Tanner?

A. I know he was in the office and I know that there were callers.

Q. his used the office for the purpose of carrying on his public correspondence and business, didn't he?

A. He received every one who came, whether they were on public business or on private business.

Q. A great many people called on him.

A. Yes, air. Q. And occupied a large part of his dime?

A. Yes, sir.

Q. And you were always assisting him a his correspondence and his public matters during that time?

A. Yes, sir., and his private business

Q. Well, now, do you know as to whether or not he did anything at that time in connection with the law matters of Mitchell & Tanner?

A. I know he looked over the books that time. I. That is the time he looked over

Q. That is the time he looked over the books?
A. Yes, str.
Q. In that the first time you knew of his looking over the books?
A. Oh. he had looked over the books before when he was here, certainly.
Q. When?
A. Before he went to the Senate. He used to always look at the booke about Q. Before he went to the Senate? A. Yes, sir.

First Seen With Account Books.

Q. But I am asking you now from the time he went to the Senate. Was

Q. But I am asking you now from the time he went to the Senate. Was that the first time you saw him with the account hooks of the firm in his possession?

A. Yes, sir; that was in August. Q. That was in August. 190?

A. Yes, sir.
Q. And how long did he have the books in his possession?

A. I presume he was looking at that time for two or three hours. He left them on his desk and when callers would come he would not look at them for the time heing. When they went out he would resume his examination.

Q. Were you in there that time?

A. Some of the time; yes, sir.

Q. Callers coming in and out?

A. In and out, yes, sir.

Q. Do you know how carefully he examined the accounts?

A. I don't know exactly how carefully; I know he looked over them.

Q. Looked over the hooks? Callers coming in and going out?

A. I should say as much as that may-

A. I should say as much as that, maybe longer, Q. Was that the only occasion, in Au-gust, 1992, when he called for it, you saw him have in his possession the books? A. I don't think he called for them but Q. During his stay in Portland, on his second return in October. from October 12 to October 28, did he have the same general character of visitors, political and otherwise at his office?"

Character of Visitors

Certainly, the same character of fork, so far as I know. His time was very well occupied a people coming to see him and talk-over matters?

A. Certainly.

Q. He also during that time transacted here his correspondence and public husiness with your assistance?

A. Yes, sir.

Q. During those fourteen days he was here do you know of his giving attention to any of the business affairs of the law firm of Mitchell & Tanner?

A. I couldn't awent that he did, no, sir.

A. I couldn't awear that be did, no, sir.

Q. Out of that time he made a trip to the seashore for three or four days, didn't he?

A. I don't remember.
Q. He may have done so?
A. He may have done so.
Q. At that time do you recollect his having the books in his possession or examining them?

A. I do not, no, sir.
Q. So up to the end of 1800 or from the time he first went to the senate, left here to go to the senate in October, or early in November, 1801, down to the end of 1802, you only know of his having those books in his possession at one time, and that was in August of 1802?

A. Yes, sir, I remember it distinctly. I know when it was.
Q. That is the only time you know of up to that date?

A. That is the only time I know of, yes, sir.
Recess taken until 2 P. M.

Cross-Examination Continues.

Afternoon session, 2:00 o'clock, P. M. Cross-examination of Mr. Robertson resumed:
Q. Mr. Robertson, after Senator Mitchell went to Washington, as you have testified, in Occtober, 1992, how long did he remain away from Portland?
A. He came back here about the middle of May. 1991.
Q. How long did he remain here at that time?

Q. How long did he remain here at that time?
A. Until the 7th of September.
Q. Then where did he go?
A. He went East.
Q. So that the only period of time in 18th during which he was in Portland, from the middle of May until early in September, was that period?
A. I think it was.
Q. During that time, was he at the office of Mitchell & Tanner much of the time?
A. Part of the time: yes sir.
Q. And during that period of time, did the same conditions exist, of his having a great many calls from his constituents and others?
A. Yes, sir.

A. I don't know that he did. I don't know what they may have consulted him about.

'Prisco on the 6th of October. I think I arrived in Portland on the 10th of October.

Q. When did the Senator reach Portland?

A. On the 12th of October.
Q. How long did he remain here at that time?

A. I think he left here on the 25th of October.
Q. To go where?
A. I think he left here on the 25th of October.
Q. Did he go to Washington?
A. I think he went by way of New York first.
Q. His ultimate destination was Washington?
A. Yes, sir. I heat him there—I left a day or so later, and I heat him there.
I know.

A. Yes, sir. I heat him there—I left a day or so later, and I heat him there.
I know.

land?
A. I think he came back here on the list of July, 1904.
Q. How long did he remain then?
A. And he remained until the lith of last November. Inspected the Books.

constitutents and transacting his public business here?
A Yes, sir.
Q During that time, so far as your knowledge goes, did he inspect the books of the firm?
A. Tes, sir; during the month of October, he inspected them countderably. He called on me, I should think, as many as four or five different times, to bring the books to him.
Q Do you remember what dates in October?
A. Well, in the latter part of the month, while he and Tanner were talking of making up this new agreement, or some new deal between them.
Q, But it was after the 8th of October, 1997
A. Yes, sir, I should say it was after the 20th.

Q. During that time, did the same gen-eral condition continue as to his seeing

enment waited on you, up to tout time.

A. No, str.
Q. You were not under any duress or

A. I was not.

Q. You were not taken to that office?

A. I was of my own free will.

Q. You went of your own free will?

A. Yes, sir.

Q. Why didn't you go and deliver the letter to Tanner first?

Did Not Want to Perjure Himself.

Did Not Want to Perjure Himself.

A. For this reason. Senator Thurston, I knew from what Senator Mitchell had told me that the Senator and Tanner had gotten up this false agreement. I knew that if I went to Tanner, he would make a strong appeal to me to atand in with them and perjure myself, and I was afraid I was not strong enough to resist him, and I made up my mind that I would go first and give my testimony.

Q. Then you did not go to see Tanner and deliver that confidential letter because you thought Tanner was the kind of man who would ask you to perjure yourself? Is that h?

A. I thought, from what Senator Mitchell had told me, he would certainly do so.

Q. You had been with him a long time?

A. Yez, sir.

Q. Do you mean to say you thought Tanner would ask you to perjure yourself if you went and delivered that letter to him?

A. I have no doubt of it, from the con-

If you went and delivered that letter to him?

A. I have no doubt of it, from the conversation I had, and Judge Tanner has told me also that he expected to.

G. You had no doubt of it?

A. No, sir.

G. Then you did not go and deliver that letter to Tanner because you was afraid he would ask you to perjure yourself?

A. Yes, sir.

G. And you also were afraid you could not resist the request?

A. I knew he would make a strong ap-

Q. Hadn't he been very much under the

Q. Hadn't he been very much under the weather for asme time?

A. Not to my knewledge; m, sir.

Q. When was it he was so seriously ill in Washington before that?

A. He was seriously ill in Washington in January and February of 1901.

Q. Hew was his health after that?

A. His health seemed to be about as usual for the last several years.

Q. Is it not a fact that in 1904 he was so seriously ill that his friends were very much alarmed about his condition?

A. When?

Q. In 1904; were very much alarmed about a fatal termination of his disease?

A. No, not in 1904; that was in 1901.

Q. It is a fact, is it not, that the Senator has been in impaired health most or all of the time since his last election to the Senate?

A. No, it cannot say that he has. He has been indisposed at times, but I think a good deal of it was his own fault. He was seriously ill in 1909 and he was also seriously ill in 1901 and he was his own fault.

He was seriously ill in 1901 and he was also seriously ill in 1901 and he was also seriously ill in 1901 and he was also seriously ill in 1901 and he was his own fault.

He was seriously ill in 1901 and he was also seriously ill in 1901 an

when he went East. I way not with him.

Q. When you had your conversation with him at his roome, after you had been subpensed to come to Portland, do you remember the date?

A. That was the night of the 2rd of February, the day I was subpensed.

Q. The night of the 2rd of February?

A. Yes, sir, the day I was subpensed.

Q. At that time he told you what Tanner had testified to before the grand jury?

A. He told me Tanner had been before A. He told me Tanner had been before the grand judy with a copy of their agreement of 1981. Q. I am not asking you what he said; but he told you at that time Tanner had been before the grand jury and tea-

tified?
A. Yes, sir.
Q. Do you know when Mr. Tanner did go before the grand jury?
A. No, sir; I don't know the date.

HARRY C. ROBERTSON GIVES DAMAGING TESTIMONY.

The end of the Mitchell trial is in sight, and one more day may perhaps send the case to the jury. The Government has rested in its efforts, and has now given way to the defense, which began yesterday afternoon to offer evidence in rebuttal to the mass of documents and the seemingly damning testimony of Tanner and H. C. Robertson. Tanner has passed out of the history of the case and his testimony, enmeshing as it was, paled by the side of the story told by the former private secretary to Senator Mitchell, which stands out as the barrier against the defendant's acquittal.

morning session of the court opened with the call of Judge De Haven for the cases remaining docket. He announced that the demurrer in the cases of Williamson, Van Gesner and Marion Biggs, and in that of Williamson, E. P. Mays et al., would be overruled. Mr. Hency desired that the case of the United States against Williamson, Genner and Biggs be the next called, and by order of the court the case was set down for Monday next, while the court announced that all of the cases yet remaining on the land-fraud calendar would be set for hearing on Friday next. The jurors who had been excused were called and excused again until Monday next, when they will be needed for the Williamson trial,

These preliminaries out of the way, the proceedings in the Mitchell trial were taken up, and Arthur W. Orton, a bookkeeper in the Merchants' National Bank of this city, was questioned as to a copy of the bank accounts of Mitchell and Tanner and of John H. Mitchell, trustee, after which the copies were introduced in evidence. Judge Tanner was called for a short time to identify some checks paid by Kribu and indorsed by Mitchell. J. T. Bridges, of the Roseburg Land Office, testified that the Kribs claims had been open for entry on the books of the office, and then Harry C. Robertson was called by the Government.

Robertson was a good witness for the prosecution, clever, shifty, and not to be trapped. He told his story, with all its aspersions of crime, glibly and confidently, and though the defense tried hard in cross-examination to shake what he had said, it was unable to do so, and only succeeded in introducing a denial of some of Robertson's statements by T. O. Abbott, a Seattle lawyer, who was alleged to have had a conversation with the witness in which he expressed the hellef that the Senator was innocent of the charges made against him.

Robertson told of his association with Senator Mitchell and of the trouble arising from the land-fraud inves The Senator had maintained that he knew nothing of Kribs in any way, nor did he remember the old clause in the partnership agreement by which he was to receive money for services before the departments. At the time Robertson was subpensed to appear before the grand jury, Mitchell had told him that Tanner and he had fixed up the articles and that the witness should go to Tamer as soon as he reached Portland, look over the agreement and hear what he was to testify from Tanter. The witness had given the letter intrusted to him by Mitchell for Tanner to the Government only upon compulsion. He had told Mitchell that the Government had sent a detective to The Dalles to meet him, and that he had been escorted to the grand jury room by an officer,

The witness had tried to get out of coming to Portland, but was told by Mitchell to come and testify according to Tanner's directions. Upon the return of the witness to Washington the Senator grew very angry at him, said he was in a conspiracy with Tanner to ruin him, and swore at the Government officials interested in the land frauds. The Senator had cried and said they should not prosecute him for the Kriba business, because he had only received a few small checks.

In the afternoon Robertson underwent a severe cross-examination by ex-Senator Thurston, but the defense could not shake his testimony. The Government rested its case at 2:6 o'clock, Robertson being the last witness. The defense opened its case by calling T. O. Abbutt, of Seattle; W. H. Odell, of Salem; J. P. Fullerton, of Roseburg; A. D. Stillman, of Pendleton; W. D. Wheelwright, of Pertland, and T. R. Wilcox, of this city, all of whom testified to having received assistance from the defendant before various departments, in each case of which the Senator had refused to accept compensation. The case of the defense will be continued and perhaps finished to-

day, it being the opinion that Senator Mitchell will take the stand in his own behalf,

In Washington, D. C.

Q. Prior to that time, had you been interviewed by any of the Secret Service men or other officers of the Govern-ment? ment?
A. About two or three days before that there mus a gentleman came to see me at the Dewey Hotel who said his name was Taylor.
Q. What did he say his position was?
A. He told me he was a Secret Service Officer.

A. He told me he was a Secret Service Officer.

Q. You had a talk with him?

A. He wanted to talk with me in reference to land frauds, he said.

Q. In reference to what?

A. In reference to land frauds. I told him I did not care to talk to him, and he insisted, and I said I would listen to what he had to say.

Q. Did you make any statement to him at that time?

A. I was just going to say that. He asked me if I had not been in the employ of Senator Mitchell a long time? I told him I had. He also asked me if I had not been in the employ of Mitchell & Tantier a long time. I told him I had. Then he produced a typewritten statement of questions and passed them to me and asked me if I would answer those. There were five or six questions to the effect had I been a bookkeeper for Mitchell & Tanner.

Q. Well, did you answer them?

A. I did not. I told him I considered it an impertinence on his part and that I would not answer those questions, and our interview reased there.

Q. Did you make any statement to him?

A. I made no statement to him further

Q. Did you make any statement to him?

A. I made no statement to him further than I had been in their employ.

Q. Did you communicate to Senator Mitchell the fact that that Special Agent of the Government had called upon you and propounded those inquiries?

A. I did not sir.

Q. So that up to the time you left for Portland, Senator Mitchell did not know that you had been approached by the Secret Service Officers of the Government.

Mitchell Knew of Subpena.

Mitchell Knew of Subpena.

A. Not so far as I know. I thought he had troubles enough at that time, I did not care to bother him, as long as I had not given them any information. Q. Senator Mitchell knew you were going to Portland in answer to the subpena?

A. Yes, sir.

Q. And efter those ofgiversations you had with him, that you have testified in, he intrusted to you as a confidential messenger, the envelope that you have identified, containing the inclosures you have identified?

A. He sent it to me by Max Pracht.
Q. You understood it was his wish that you should convey that to Portland and deliver it to Mr. A. H. Tamner?

A. I did, sir.
Q. When did you arrive in Portland?

A. I cirrived in Portland on the morning of February B.

Q. Und anybody meet you at the train?

A. There did not.
Q. Where did you go?

A. I went to the Portland Hotel.
Q. What did you do?

the 8th of October, 1904, he made no examination of the books of the firm?

A. You mean during the year 1907?
Q. I es.
A. So far as I know, no sir: I think it was after the 26th when he examined them.
Q. During your service with the Senator as his private secretary, Mr. Robertwon, your relations were very friendly and confidential, were they not?
A. They were, sir.
Q. You had charge of his office files, correspondence, etc.?
A. Yes, sir. I was.
Q. Why didn't you send that letter to Mr. Tanner without going there?
A. I can't say that I had charge of all his papers?
A. I can't say that I had charge of all his papers?
A. I can't say that I had charge of all his papers?
A. I can't say that I had charge of all his papers?
A. I can't say that I had charge of all his papers?
A. I am not aware how they got their information. I know this much about it: I was examined up until the noon recess. At the noon recess the District Attorney invited me into his office. He asked me everal of the same questions that had been asked me if I had not met a Mr. Barrs. I told him I had not. He the examination.

Q. How did the officers of the Government at the Courthove know that you had such a letter?

A. I am not aware how they got their information. I know this much about it: I was examined up until the moon recess. At the moon recess the District Attorney invited me into his office. He asked me accreal of the same questions that had been asked me in the grand jury room, and I gave him the same auswers. Among them, he asked me if I had not met a Mr. Burns. I told him I had not. He asked me if I had not he seemed to be under the impression that I was lying to him about it. He repeated his questions, if I was certain I had not reen Tanner. And before I belhought what I was doing. I said. "No, I am going to see him now: I have got a letter I misend to deliver to him."

Q. Then the first suggestion that you had a letter came from you?

A. I don't know; they seemed to know a great deal more about it than I did.

Q. But as you have stated—
A. So far as I know, yes.

Q. You made the first statement?

A. I did not suggest it: I told him. I told him I was going to deliver it to him.

Q. Then they asked you to produce it, and you produced it?

Hency Demanded Letter.

Heney Demanded Letter.

Hency Demanded Letter.

A. No, sir: I insisted that I was going to do it, and Mr. Hency told me that he would call me back that they were going to take that away from me. I told him I did not think they had any right to take it down to Tanner. Among the questions he asked me, he asked if I had the letter with me. I told him no, that the letter with me. I told him no, that the letter with me. I told him no, that the letter with me. I told him no, that the letter with me. I told him no, that the letter was at the hotel in my grip.

Q. That is what you told Hency?

A. Yes sir.

Q. Well, was it?

A. It was, and I again told him I was going up and get it and take it to Tanner now; that I was no longer afraid to tak to Tanner. He said to me this: "You can go to the hotel and get your lunch, if you want to, but I will send an officer to escort you back to the courtroom, as I intend to take that away from you," and I was escorted back.

Q. When you wrote the parinership agreement of March & 18st, you say Judge Tanner dictated it?

A. Yes, sir.

Q. Was Mitchell present?

A. He was not.

Q. As a matter of fact, didn't you have before you, given to you by Judge Tanner, the former strictes of co-parinership, and you were asked to copy them except as to one or two new clauses which Mr. Tanner dictated?

A. No, sir: my recollection is that Judge Tanner dictated the whole agreement to me.

Q. Didn't he dictate it then, from a copy of the old articles which he had with him?

A. No, sir: my recollection be that Judge Tanner dictated the whole agreement to me.

Q. Didn't he dictate it then, from a copy of the old articles which he had with him?

A. I don't know whether he did or not; I presume he did.

Q. Couldn't you tell whether he was No. I would not remember that. Couldn't you tell whether he was ling or dictating from a former agree-t?

No. I could not.
You can't remember about that?
No. I presume he did, though.
After you were subpensed at Washsa, you went to see Senator Mitch-Yes, sir.
Told him you had been subpensed?
Yes sir.
What was the condition of the Sen's health at that time? Now, Mr. Rorbertson, in that interwhen you told Senator Mitchell
you were going to Purtland to ana subpena and neked him what you
ild say, it is not true that he told
to tell the truth?

Said it?

A. I remember I had a conversation,
but I did not make that statement.
Q. You would remember it if you had
made it?
A. Yes, sir.
Q. You cannot be mistaken?

swer a subpens and asked him want you should say, it is not true that he told you to tell the truth?

A. He did not?
A. He did not?
A. He told me this—
Q. I am not asking you what he told you, you have been over that.
A. He didn't mention the word truth.
Q. He did not tell you to tell the truth?
A. No, sir.
Q. Did not advise you in tell the truth?
A. No, sir.
Q. You are positive about that?
A. I am very positive about that.
Q. You came out here and testified?
A. I did.
Q. And went back?
A. I did.
Q. And had the other conversation with Senator Mitchell you have narrated?
A. Yes, sir.
Q. Remained in his employ after that?
A. I tendered my resignation that night.
Q. I am not asking about that. You

at your hotel in Washington, he simply called to ascertain as to the state of your health, did he not?

A. He had sent his grandson the day before with one of the indictments and asked me to copy it, and I was confined to my bed at the time the Senator called on Friday sevening. I had sent for my dinner, and was in bed eating it when he came up.

Q. He called on you to see how you were?

A. I don't know what he came for.
Q. Had no conversation?
A. We did,
Q. What was said?

Did Not Betray Me.

A Among other things, he referred to the fact that he wanted me to copy this indictment as soon as I was able, make him several copies of it. He also referred to the fact that he wanted a statement from me as to what had occurred while I was out here. He also said this: He said: "I have come to the conclusion that you did not betray me when you were out there, and that you can size if you want to." And I did not say if you want to." And I did not say whether I wanted to or not.

Q. You did not tell him what you had done or said or testified to in Fortland, did you?

A. I did not tell him, no, sir. I told him same things.

A. I did not tell him, no, sir. I told him same things.
Q. Although he requested information?
A. Yes, sir.
Q. Didn't you tell Senator Mitchell, after you returned to Washington, that the Government detectives had met you at The Dolles, and compelled you to give up that letter?
A. I told Senator Mitchell this:
Q. Didn't you tell him that?
A. I did not.
Q. In substance, what did you tell him?

him?

A. I told him this: There were newspaper articles to that very effect, and he
asked me that question. I told him that
they had sent an officer of the Government to meet me; I also told him that
I was escorted to the grand jury room;
and I also told him the letter was taken
away from me in the grand jury room. and I also told him the letter was taken away from me in the grand jury roun, which were the facts. He could draw his own inference.

Q. Then you intended to convey to him the understanding that the officers of the Government did meet you at The Dalles and took charge of you and compelled you to produce that letter?

No. str.
That was your statement?
No. str; I let him draw his own in-A. No, sir; I set him draw an officer to ference.
Q. You told him they sent an officer to The Dalles to meet you?
A. I did not tell him an officer met me; I told him they sent one.
Q. Sent one to meet you?
A. Yes.
Q. And that when you got to Portland the officer took you to the grand have you.

I told him I was escorted. Were you?

were your
I was yes sir.
Where from?
From the Portland Hetel for the
examination just as Mr. Heney

A. From the Portland Histel for the next examination, just as Mr. Heney told me.

Q. But you went to the District Attorney's office without an excert?

A. Yes, I did the first time.

Q. Do you know Mr. T. O. Abbott?

A. I know Mr. Abbott, yes.

Q. A lawyer in the Alaska building at Seattle?

A. Yes, sir.

Q. Don you have a conversation with him at his office early in April, 1965?

A. I did, Mr.

Q. Was toat conversation of this general substance and effect: After greeting each other, the conversation turned on Senator Mitchell's indictment. Did not Abbott then and there state to you that he did not care how many times Mitchell was indicted and convicted. It would not make him believe that Mitchell was guilty of any intentional wrongdoing, as he knew him too long and too well?

A. I don't remember whether he mide that statement or not; perhaps he did.

Q. You don't know whether he did or not?

A. No; he may have.

not?
A. No; he may have,
Q. Didn't you, in reply to that, state in substance and effect that you felt the same way, and while there were some things which might have a bad look to people who did not know the real facts, you were entirely satisfied that the Senator had never knowingly or intentionally been guilty of any dishonest or unlawful act?

act?
A. No, sir; I never made that state-Q. You did not make that statement to him?

into trouble. He said he could not see how it would get me into trouble. I took him that he knew what my oash was before the grand jury, and that I could not make a statement about that matter. I took him it would involve a breach of my outh. He told me that he did not believe that I took any such oath; he said they had not make him take any such oath; he said they had not make him take any such oath; he said they had not make him take any such oath; he said they had not make him to break my oath in that regard. He then modified his demand, and demanded that I make a statement of every one of the conversations and whom I had seen all the time, with the exception of just while I was in the grand jury room. He asked me If I could make that statement. I told him I could, but I did not do so.

Q. Did you decline to do so?

A. I did not do it. I have not spoken to the Senator sincet we have not had any conversation. I thought they were doing it for the evident purpose of trying to make me break my oath, and I would not do it.

Q. Who was the Williamson that you mentioned that Senator Mitchell wanted you to meet with him?

A. That was J. N. Williamson, member of Congress.

Q. Had he been indicted at that time,

of Congress.
Q. Had he been indicted at that time.

Mitchell's employ after you got back to Washington?

Objected to as calling for the mental operation of the witness mind and not for any fact. Objection sastained.

Q. I hand you Government's Exhibit.

Is that the agreement to which you referred in your testimony as having been made out about the time that Senator Mitchell looked at the books in October, 1993. When he called for them four or five time? four or five timen?

A. Yes, sir; that is the supplemental agreement that was made at that time.

RE-CROSS EXAMINATION.

Q. What representative of the Government went with you from Portland East after you had testified before the grand Rittenhouse. I believe they were on the same train.
Q. Burns is a Secret Service man?
A. Yes sir.
Q. I believe you are sa attorney and counselor at law, Mr. Robertson?
A. I have been admitted to the bar, yes, sir.

RE-DIRECT EXAMINATION.

Q. Did you return to Washington as soon as you got through here at the grand jury?

A. I returned immediately after my discharge. I was discharged Monday afternoon and I went and immediately settled up with the Marshal, went down and secured a berth and my ticket and went back on the morning train.

Q. Did the going of these other parties have anything to do with your going? ing?

A. No, sir. In fact, I did not know they were going the next morning. If you will take the trouble to look at the newspapers you will find a statement to the effect that the grand jury expected to hold over that day even. I went as quickly as I could get back.

RECROSS-EXAMINATION.

Mr. Thurston: I want to ask about a matter I neglected to ask before.

Q. When was it, if you know, that the books, papers and correspondence of Mitchell & Tunner's office were taken in charge by the special agents of the United Swites?

A. I think it was on Monday, the 13th of February: it may have been Satur-

A I think it was on Mooday, the lith of February: it may have been Saturday, I am not positive as to that. Q. Was that why you were out here before the grand jury?

A. Yes, sir.
Q. Did you assist in that matter?
A. I was in the office talking to Judge Tanner when Mr. Burns came in with the subpens. Mr. Burns demanded certain things.
Q. Hain't you had any arrangement with Burns or other detectives of the Government.

A. No. siz.

Q. That you would be there?

A. I did not no, sir, I went there at my own account to see Judge Tanter.

Q. That is the only way you happened to be there?

A. That is all.

Q. You had nothing to do with that matter of the setsure of those books and papers by the officers of the Government?

A. It had nothing whatever to do with that, any more than I happened to be there at that time. Excused.

and it?

A. I remember I had a conversation, but I did not make that statement.

Q. You would remember it if you had made it?

A. I remember I had a conversation, but I did not make that statement.

Q. You would remember it if you had made it?

A. Yes, sir.

Q. You cannot be mistaken?

A. No, sir.

Q. Then, if Mr. Abbott testifies you so said, he will be telling what is not true?

A. Yes, sir: or mistaken. I would not want to call him a liar.

Q. Did not Abbott Immediately and partly respond by saying in substance and effect to you that your statement gave him great satisfaction or that it gave him great satisfaction at hearing you make the statement, as it came officially and from one who ought to know all the facts, and more especially, because you had been discharged from Mitchell's service?

A. I don't remember that: no, sir. I choose a lind and another in the department; and that the integram because he had been recalled before the grand Jury and informed that its testified that a view to ascertaining how many were on the subject of land matters, and that he facts, and more especially, because you had been discharged from Mitchell's service?

A. I don't remember?

A. No, sir. I don't.

Q. You don't remember?

A. I don't remember that: no, sir. I remember I had a conversation with Mr.

A. Dootot. Government Rests Its Case.

A And had the other conversation with A. Yos. St. I don't not have been a properly as the conversation of the proper active to the conversation of the proper active to the conversation with Mr. As the conversation with