10

THE MORNING OREGONIAN, WEDNESDAY, JUNE 28, 1905.

DISTRICT ATTORNEY MAKES HIS OPENING ADDRESS TO THE JURY

SENATOR MITCHELL AND OTHERS, SKETCHED BY HARRY MURPHY AS THEY LISTENED

und From First Page.)

Field Company, and that matter ruled out of evidence; we were not lited to go into that. Bo that, as lo and every matter which I an-ed in that opening statement the mment would attempt to prove, we e that we have proven beyond any nable doubt.

Line of Defense,

Now, what was promised you on the part of the defendant? They made many promises. Have they carried out a sin-gle one of them? As you listened to the opening statement of the attorney for the gue one of them? As you inscend to the opening statement of the attorney for the defense, you might have believed that this prosecution is the result purely of vin-dictiveness and bitterness upon the part of the prosecuting officer. If you think that you have seen any evidence in the trial of this case, of any such feeling, of any such motive in this prosecution. I am gliad to have you take that into considera-tion in reaching a verdict. If on the oth-er hand, you have reached the conclusion, after we have been working together for seven or eight days how, where you have had an opportunity to observe closely what may be the purpose and motive of the prosecuting officer, that I have been actuated only by a desire to do what I consider to be my duty, and an unpleas-ant one at that, in this case, I shall ex-ped you to discard from consideration all insinuations in regard to the purpose of this pronecution, and to consider this evi-dence just as you would consider the sta-tore case that might be brought be. fore you.

dence just as you would consider it in any other case that might be brought be. The you. Now, then, what is the evidence upon which the Government relies? It is ad-mitted particularly, it is not disputed, it was not disputed in the opening state-ferm of Mitchell & Tanner was employed by Frederick A. Kribs. That a payment of Mitchell & Tanner, that the beginning of the next month it was divided and of the secondary, that on the lifth of the successful of the arms of Mitchell & Tanner. Tor the mervices that had been for expediting about 6 timber claims, and of the successful month. John H. Mitchell is descue not disputed by any eri-dividence in the share thereof. It is ad-mitted because not disputed by any eri-mitted because not disputed by any eri-mitted because not disputed by any eri-mitted because not disputed by any eri-mining to 39 additional claims, was made to the firm of Mitchell & Tanner. That is the the credit of the firm of Mitchell A Tanner. And that, on the second or bist that you ha divident is based by the firm of Mitchell & Tanner. That is the the credit of the firm of Mitchell A Tanner. And that, on the second or bist the succeeding month, of the for-bistic divident is and that on the second or bistic divident is the firm of Mitchell & the second or bistic divident is the firm of the firm of Mitchell A Tanner. And that, on the second or bistic divident is the more was divided and that John H. Mitchell got his hast

Payment Was Made.

It is evident, because not disputed, that I October of 1904 a further payment of 56 was made by Frederick A. Kribs to be firm of Mitchell & Tanner by check; nat that money went into the Merchants ational Bank to the credit of that firm, nd that the first of the following month, he second of the following month. that oney was divided and John H. Mitchell, be detendant in this case, got his share bereof.



SEN -THURSTON,

<text>

<text><text><text><text><text><text> in the departs i schell to these i

<text><text><text>

<text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text>