## THE MORNING OREGONIAN, WEDNESDAY, JUNE 28, 1905.

# HENEY DWELLS UPON "EDUCATION OF TANNER" BY SENATOR MITCHELL

these be proper, do you think, or do any good in the premises? Of course if the form of this letter to the Honorable Commissioner herewith in. closed should not conform to your ideas of what it should be, you can write such a letter as you see fit.

Refers to Retainer.

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inw, if he was really maintaining a law beiness, didn't he take an interest in whom he take an interest in knowing that the jury. It was a great surprise to the mass of spectacors, packed into the and it had become his duty to present the facts involved in the case at taue and it had become his duty to present the facts involved in the case at taue as interest in knowing that "because the jury. It was a great surprise to the mass of spectacors, packed into the said it had become his duty to present to haracter of their business? Why, of course he did.
 Mitchell Examined the Books.
 When did he get here? On June 16, that letter was sent to him, and he got it about

DEFENSE CLOSES ITS CASE; DISTRICT ATTORNEY HENEY PRESENTS HIS OPENING ARGUMENT

\* Senator Mitchell would not take the stand in his own case and explain away the testimony of his former partner, Judge A. H. Tanner, and of his former private secretary, Harry C. Robertson. Only one witness had been put upon the stand at the opening of the morning session, before Judge Bennett announced that the de-fense would rest its case, and that the time for argument had come. The great crowd gathered in the courtroom

to listen to the expected testimony of the Senator had come in vain. Senator Thurston immediately asked permission of the court to present argument as to the instructions to given the jury by the court, and the jury was excused from the room while the matter was discussed. In the argument the last remaining hope of the Senator was set out by his attorneys. It was argued that the indictment had alleged specifically that the defendant had received money from Frederick A. Kribs. The defense urged that since this had been charged, the Government had failed in proof, for the reason that no showing had been made in support of the allegations made. It had been shown that checks had been paid by Kribs to the firm of Mitchell and Tanner, but not to Mitchell in person. The money paid to Mitchell had been the money of the firm, sent by Tanner to Mitchell, and was not the money of Kribs and had not been paid by Kribs to Mitchell, as charged in the indictment. For these reasons it was incumbent upon the court to instruct the jury that upleas they found by the evidence that it had been proved as alleged that Kribs himself paid the money to Mitchell, the

Senator Mitchell has made no defense, and has rested his case with the mass of the Government's evidence banging over him. These witnesses which he brought before the court all told stories along the same line, which testimony was stated by the court to be immaterial, though no objection was made to it by the prosecution. The stories were all to the effect that the witnesses had at some time or other in the past requested favors of the Senator in the accomplishment of which it was necessary for the defendant to appear before the departments, and In each case the Senator had refused the proffers of compensation made. In the afternoon United States District Attorney Hency presented the case of the prosecution to the jury in

in argument extending over two hours. He said it was an unpleasant task devolving upon him, but that it was his duty, as it was the duty of the members of the jury to decide the case upon its merits and upon the evidence. Irrespective of the age or the position in life of the defendant, disregarding the tears of grown men and the sophistry of the speeches made and to be made by the attorneys for the defense,

Throughout the argument the orator made no attacks upon the Senator, but followed the evidence as it had been presented, clarifying, explaining and gathering it together in order and asquence. He made no effort at declamation, but his remarks were forceful, clear and brought up in vivid<sup>e</sup>array the proof gathered by the Government, and upon which she prosecution bases its hopes of conviction.

Judge Bennett and Senator Thurston will present the arguments for the defense today.

the grasp of the aged man before the bar. The task of the District Attorney, the By his act he chose to face alone and un-supported the great mass of the Govern-ment's evidence, and to wait for a verdict with no other assistance than the words

of his attorneys. The only witness of the day, J. A. Martin, testified in similar vein to the others who have been brought before the court by the defense. He stated that about eight years ago he had wished to build a wharf in Portland, but had found that the harbor lines were not deter-mined. Upon advice he had written to Senator Mitchell and had asked him to take the question op with the War De-partment and secure action. The Senator had done this and the wilness had been able to follow out his plans to his own great benefit. When he had asked the Senator what fee he expected for the work done, the defendant had extended

The task of the District Attorney, the speaker continued, was soon to be ended, though the work of the jury, already be-gun, would be at its height. He was sat-isiled, and almost knew, that the mem-bers of the jury would not allow them-neives to be swerved from their duty by the tears of grown meo, whether from the heart or from the eyes of at actor. The approval of his conscience was dearer to him than the approval of man, and if, after having finished the trial, the mem-bers of the jury could search their con-aciences and be satisfied, then they had done their duty.

Inition in his charge to the effect that the refusal of the defendant to testify should not be taken as tending to show guit.
Ar. Hency answered the arguments of the four weak one the fact had not been the fact had not been the fact that a check was not recognized to the knowledge of the Senator. If it could be abown that the Senator is different had stated spectro for the instance, as compensation for the Government had and of the spariner were of the Senator and by the shown that this money had goes direct in Washington lest the fees be base and it was argued that from there the fact had been the fact had been for the fact and the the senator and of his partner were by base of the Senator and of the spariner were by base and the was argued that from there the senator and by weak needed. The dury of the jury was a simple ore, the fact had been for the fact had been for the fact and the was argued that from there the senator. The dury of the jury was a simple ore, the facts had been for the fact had been for the fact had been for the fact. The dury of the jury was a simple ore, the fact had been for the fact had been for the fact had been for the fact. The dury of the jury was a simple ore, the fact had been for the fact had been for the fact. The dury of the jury was a simple ore, the fact had been for the fact had been for the fact had been for the fact. The dury of the jury was a simple ore, the fact had been for th Closing Arguments in Alternoon. The closing arguments to the jury wree-commenced in the afternoon, Mr. Heney presenting the case of the Government in an address extending over more than two hours. His remarks were clear, forceful and direct, summing up the mass of the Government's evidence in an orderly and easily understood sequence. He made no effort at orniory, but presented his facts so easily and at the same time so readily and briefly that they had great effect and power.

compete with American labor, while Chi-nese immigration has long been estab-lished in the Philippines. These points the Chinese regard as es-sential, but it is thought unlikely that they will be conceded by the American Government. With a view of facilitating a settlement, China yesterday proposed to send a special mission to Washing-ton, but American Minister Rockhill de-clined to entertain the idea. The Chinese deplore the risking of American good will, but claim to have genuine, legiti-mate grievances.

In the meantime, the boycott of goods from the United States continues, and the anti-American campaign is increasing is vigor. The American Minister has ap-plied to the Board of Foreign Affairs to check the movement, and Viceroy Yuan, of Chill Province, has issued a proclamaton on the subject, but its efficacy is considered doubtful.

### Whirled Around Shaft.

ASHLAND, Or., June 27.-The 19-year-eld daughter of L. G. Brannon, a brick manufacturer of this city, had a miracu-lous escape from an instant and horrible brick death this foremoon. She was playing around the engine in her fathers factory when her clothing caught in the big beit and she was whirled about the shaft until her clothes were torn from her body. It was thought at first that she was killed, but after being restored to consciousness it was found that no bones were broken, although abs suffered some fearful brukes on the body and injuries to her head, the serious to be determined, of which are yet

AT THE HOTELS.

Mrs. J. P. Guerrier, Diama Gifford, Charrest University, Ontazio; E. F. Perriset and wife, M. A. Baker, Oversilia: L. C. Martta and wife, J. Brown and wife, San Prancisco; J. O. Builer, Binher: Z. Husser, Erhor; A. C. Woodcock, Rugens; James S. Ramage and wife, Union; Charles Uninfreet, Synacops; L. P. Wagner, Shebeyran, E. K. Davis, Miss. Rose R. Davis, E. F. Mayer, Atlanta.

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Mrs. E. F. Smith Helemai, H. Francil, Lewis-ton, C. P. Young, Cak Point.
The Oregon-Sallie Lyan, Fred C. Fultse, Alan C. Fulton, Antoria, C. C. Powell and offs, Kennewick, F. M. Burks, Wallas Walls, Mrs. C. P. Smith, Wilneipeg, H. S. Bruning, San Francelson, J. L. Hisoper, Detrobult: A. L. James and with George Page, P. W. Petty-grove, San Francelson, E. T. Farrell, Helena, Mint. F. A. Harmesh, Tacoma, Kate Lin-oola, Chicago, James A. Emery, Ulymes R. Kerd, Richard Muir, San Francisco, Mrs. J. Burrwall, Chico, Cai, William M. Munesa, Washington, D. C. P. E. Dolaney and with, Burts, Mont., A. L. Casnie Quincy, H.; Cap-lain Rose, Tacoma, L. J. Johnson, Denver, J. B. Woodruff, W. C. Green, Three Lakes, Washi, D. NauSzenie, Portland, Mrs. M. E. Walers, Chicago, M. L. Reid San Francisco, Dr. W. H. Drake, A. Flemming, Mrs. Adams, Cap-ada with Cheptandi, Mrs. M. E. Walers, Chicago, M. L. Reid, San Francisco, Dr. M. Mocherlie, Ghen McOrekle, Knarville, M. Mocherlie, Ban Francisco, Dr. F. E. Duman, Reinsmithe, Fa.

Tacoma Hotel, Tacoma American plan. Raics. 13 and up.

Hotel Dennelly, Tacona.



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Senator what fee he expected for the work done, the defendant had extended his hand to him and stated that if he would give his friendship nothing more would be expected. Senator Thurston asked permission to

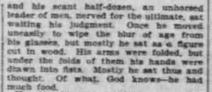
Senator Thurston asked permission to present arguments as to the instructions to be given the jury by the court and the jury was excused while the questions were being argued. It was argued by Mr. Thurston that the indictment against the Senator alleged specifically that he had received money from Frederick A. Kribs as compensation for work done be-fore the departments at Washington. The Covernment had not followed this alle-gation with proof, and it was the wish of the defense that the jury be instructed of the defense that the jury be instructed to return a verdict of acquittal if such were, in the estimation of the court, to be the case. It had been alleged that were, in the estimation of the court, to be the case. It had been alleged that Kribs had paid the money while the evi-dence showed that the Kribs transactions had always been settled by check paid to Tanner and by him deposited in the bank to the firm account. It was, therefore, the money of the firm, drawn from the firm account by Tanner and paid to Mitchell by checks which had been given as payment of the firm dividends. These checks gave no inkling to the defendant as to the source of the money, he had no knowledge of the transactions and was, therefore, not guilty as charged. Neither had the prosecution, said Mr. Thurston, made good in the allegations of their in-dictment. It would be necessary for the Government to have traced the money from Kribs pocket to that of Mitchell to have substantiated the indictment. This fault in the indictment or in the milega-tions was not the fault of the defendant from Kribs' pocket to that of Mitchell to have substantiated the indictment. This fault in the indictment or in the milega-tions was not the fault of the defense, but it was binding, and the court was asked to consider it. The court was also requested to incorporate the usual admo-

By A. A. G.

Senator Mitchell Sits Watching CLOSING HOURS OF THE TRIAL DRAMATIC IN THEIR INTENSITY

To the proper value of man, and if, after having finalshed the trial, the members of the jury could search their consciences and be astisfied, then they have for the defendant, the case might have been point in the construction of the defendant, the case might have been point in the construction of the defendant, the case might have been points and been kept the board and the first the constructions of the case of the defendant. The case might have been points statement the prosecution would show have been points statement the the development would prove the board cated that the development would prove the the detail that the dovernment would prove the the detail that the dovernment would prove the hyse case can be leader to the stated that the prosecution would show have charged of the defendance. But notes that the prove category with knowledge, that the prove-the board case down with the dovernment would prove they the distant that the dovernment would prove they the distant that the down the state direct distant that the down the state direct distant.
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