TESTIMONY IS NOT CONCLUSIVE BURDEN OF BENNETT'S ARGUMENT

Gentlemen of the jury. I pass to another proposition in this case, a collateral proposition before I come back to the real question involved. I pass to the changing of this contract, the darkest page for everybody concerned that there is in this case. It is all the case against Senator Mitchell; they have no proof of the crime they charge in the indictment; they proved him not guilty of that crime out of the mouths of their own witnesses; but they have smirched him in reisition to this other matter, and I want to say to you gentlemen, that I am not going to apolegize for Senator Mitchell in that matter. As I told you in my opening statement, I am not going to good that a magning to apolegize for Senator Mitchell in that matter. As I told you in my opening statement, I am not going to justify it, nor say that he did right; I am going to team that to you asking you all the time to keep in mind that that is not what he is on trial for. I am going to talk to you about that a few moments, not because it is the thing that is charged against the Senator, and I don't want you to get that into your head, but I want to talk about it because I think It has been made the theme of the most unjust abuse and vilincation of Senator Mitchell. In the first place, Judge Tanner is very much interested naturally in relleving from his own shoulders as much as possible the opprobrium of that offense; and in the next place because somewhere along the line he has got to earn his lib-

Tanner Like Rat in a Trap.

He has got to satisfy Mr. Hency: Mr. Hency holds him and his sen in the holds with the holds of his hand. I am not going to criticise Judge Tanner severely: he is like a rat in a trap. I remember, years ago, when I was a boy living on Gaie Creek, in Washington County, there were many beaver in the creek, and I liked to earn an honest dollar when dollars were scarcer than they are now, and tised to set my trup and sometimes catch a beaver. I always found if it was not set so that the heaver would drown I would find in the morning he had out off his leg and was gone. It taught me the desperation of any animal, and what it would do when it is caught in the trap. I don't know who was the scure place, or he could have gone to San Francisco and got somebody to change it, and no one in all the world would know how or by whom or where it was done. But it was not necessary to change it at all. All they had to do was to destroy the contract, who it out of existence nitogether. But they say Mr. Robertson might have notes of the contract, or a copy of it. They had evidently forgotten that he had a copy if they know that Robertson wrote it at all, and it was unlikely that he would have his notes of it, because stenographers in offices do not retain that sogt of thing. because stenographers in retain that sort of thing.

Says Tanner's Voice Changed.

Says Tanner's Voice Changed.

But if he had it, they had to take their chances on Robertson anyway, if they changed the contract; so why, if they made up their minds to commit perjury, why drag the boy into it? Why net destryp it outright? I will tell you my own idea about it is, they had not reached the point of perjury at that time. I believe right there is where Mr. Tanner is carring his liberty. It seems to me there was a change in his voice when he passed from the main facts about which he was telling, to that matter. I tell you, gentlemen, when you go to your jury-room and come to consider whether they had made up their minds to commit perjury at that time, and Senator Mitchell was asking that perjury be committed remember that the only proof of that in the world is from the mouth of Mr. Tanner. While I don't want to say one unkind word unnecessarily in relation to him, yet I submit to you, gentlemen, whether it is not true the world over that the man who will swear to what is faire deliberately for the purpose of saving his purrier, and cause his own son to swear false, won't swear to what is false deliberately for the purpose of saving his purrier, and cause his own son to swear false, won't swear to what is false deliberately for the purpose of saving his purrier, and cause his own son to swear false, won't swear to what is false deliberately for the purpose of saving his purrier, and cause his own son to swear false, won't swear to what is false deliberately for the purpose of saving his purrier, and cause his own son to swear false, won't swear to what is false deliberately for the purpose of saving his purrier, and cause his own son to swear false, won't swear to what is false deliberately for the purpose of saving his purrier, and cause his own son to swear false, won't swear to what is false deliberately for the purpose.

· Earning His Liberty.

Earning His Liberty.

They will say to you that the stipulation was that Tanner was to tell the truth. Yes, the stipulation was that he was to tell the truth. Yes, the stipulation was that he was to tell the truth; but truth according to whom? Who was to be the judge of whether he told the truth? Theye sits the judge in relation to that matter (pointing to Mr. Henery, who holds him in the hollow of his hend and be must tell the truth satisfactorily to him. The fact is that he knows sometime that its poison against Senator Mitchell, he must tell the truth according to Mr. Heney—according to St. Francis. And here is where Tanner, in my judgment, was carning his liberty and the liberty of his son. When a man is in that position that he will aswer in what is take, and comes before you with a motive like that, you cannot depend upon a thing that he says against the defendant. You cannot know whether it is true or faire. You may not blame him; you may know that he was a rel in a trap, that he could not help himself; your sympathy may go out to him as mips does, but at the same time, so far as his testimony in court is concerned it is absolutely worthless against this defendant, because they atmad there almost with the power of life and death over him, and be must settisfy Mr. Heney in relation to the matter.

Censure for Robertson.

* Censure for Robertson.

Now I come to the testimony of Robertson, and right here I want to say that it is not true that we are going to fault any man because he tells the truth. I don't care whether he is a private secretary or an atterney, or whether he is in a position of confidential relation or quasi-centric from the confidential relation or aussi-centric fault Mr. Robertson because he tells the truth. But, gentlemen, as long as there is a virtue of gratitude it will be true that when a man is called into a sourt of tustice he must effer hold up his hand to tell the truth or he must get his hand in

Mitchell about there being any fraud in the master, but, on the contrary, ansured him that they were honest and straight. Mitchell was back there in Washington. He did not know when these men came and said they had siled on timber land in Roseburg district that the was not true. What means the hardword finding out in publican to that make they were not true. What means the hardword finding out in publican to the master of the man hardword in the master. It was the wrong of carelessness. He may have been careless, but that is the most anybody could say under this evidence.

Before the Department.

New, gentiemen, when they find the fact that he had gone before the department at the request of Tanner and tried to get these matters expedited, the gentleman grows eloquent and says, "ten, trying to gobble up the public lands, trying to be given by the countries in before the little homesteader and the little hand claimant who was waiting for his land. Mitchell was not charged with anything of that kind in this indicated to the trying to be did not know we went to the was not of the purpose of prejudicing you, because in that particular instance Senator Mitchell had actively in the was too the was too the way to do this for the purpose of prejudicing you, because in that particular instance Senator Mitchell had actively in the gentlemen, that was a mean at a bit of good, warm, manity blood in you man to man he should have said "You go and see Tanner," and he would have sell group to take advantage and to create the point of the purpose of prejudicing you, because that would go and see Tanner, and he would have said "You go and see Tanner," The idea that a man so cautious as they say of him he would have said "You go and see Tanner and he will tell you what to swear to." Altogo of argument.

Mr. Hennett: You will refrain from that take of advantage, you who was a good of the care and he will tell you what to swear to. I don't believe the dot of argument.

Mr. Hennett: That you should have taken the advantage, you who

More Sarcasm for Witness.

Bobertson says he came out here, went to the hotel and got his breakfast, then reported to the grand jury. He says the reason he did not go to Tanner was because he was afraid Tanner wanted him to commit perjury and that he could not resist. A man 13 years of age, in the full maturity of his powers, admitted to the boar as a inweet, tells you that his regard for the trath was so little he was afraid to trust himself to see Tanner. I wonder how often he has those spells! I wonder if he ever had them when he was around Mr. Burns and these other detectives? Then he goes up to the grand jury room and is not asked a thing about that letter, but at the noon intermission he goes into the room with Mr. Heney and there proceeds to blurt out unitentionally. "I have got a letter to Tanner." He, a lawyer, a man of affairs for is or it years, proceeds to blurt out that he has a letter to Tanner from Sensitive Mitchell, and then what happens! He goes to the hotel, a man with him, he says he told Senator Mitchell, and says it was the truth that that letter was taken away from him in the grand jury room; yet he says that when he went before the grand jury the letter was in the hotel. He was so afraid that they would get that letter that he went to the grand jury room to take away a letter from a man that would go to the hotel and get it he letter for the purpose of having it taken away from him, and then go to the grand jury room and go through it taken away from him, and then go to the proformance of having it taken away from him. Robertson says he came out here, went

Accuses Robertson of Lying.

Then he went back to Senator Mitchell in Washington, traveling back with the secret service men and what does he tell Senator Mitchell? He says, "No. I didn't lie about it: but I told him that they had sent a detective to The Dalles to meet me." What did he mean by that? What did he mean by that? What did he intend Senator Mitchell should understand by that? And he says, "They took me in custody and i was escoried to the grand lury room." What did he intend Senator Mitchell to understand by that? And he says, "They took the letter away from me up there." What did he mean Senator Mitchell to understand by that? Was he or was he not lying to relation to that matter? Is it true that a man can only lie when he tells a thing in words that are directly false? Is it true that a deaf and dumb man cannot lie? Is it true that Robertson did not lie when he said what he did say when he intentionally conveyed a false idea to Senator Mitchell? Then he went back to Senator Mitchell could have gone to some obor he could have gone to San
or he could have gone to San
ind got somebody to change it,
in all the world would know
whom or where it was done,
not persease to change it at

capable of calling the old man a har to his face.

Cails Him a Spy.

That fellow was not afraid by any means, who sat there on the stand? Why did he do what he did? I will tell you why. He was a apy. That is the reason he did it. Of course he had to make a tender of his resignation, but at the same time he was telling Senator Mitchell a story which would, perhaps, make him believe, as he maily did make him believe, that he had not betrayed him, and that he was compelled to do what he did, and that he could not help doing what he did as an housest man, and therefore was excussable lie was telling that story for the purpose of retaining his employment. He was telling that story for the purpose of retaining his employment. He was telling that story for the purpose of getting something clae that he could communicate to Mr. Heney, as he had communicated to him what took place between Senator Mitchell and him after he got back there at that time—that is what he said took place between them, I don't tare how near or dear a man's friend is, when he goes upon the stand he has got to tell the truth. But your friend doesn't have to go bunting up the District Autorney's office or the secret service man on the outside and tell things when he lim't sworn, and this man knew that according to his own story. Because he says to you that three or four days before he was subpensed a scoret service man came and talked with him, wanting to know about his affairs out bree with Senator Mitchell and the firm relations with Kribs, and that he refused to answer, told him that it was an impertinence to ask it. Yet he never communicated one word of that to Senator Mitchell was an old man and had trouble enough of his own. Trouble enough he had, lodged gentlemen of the jury; but how it would have cheered him to have been told by Robertson. "They tried to interview me, but I told them that I did not want any of their impertinence." But, gentlemen, that was one man faithful to him; how it would have cheered him to have been told by Robertson.

relation to the books that I want to call your attention to that be content to the books that I want to call your attention to and that is the content to the books that I want to call your attention to and that is the content to the books that I want to call your attention to and that is the content to the books that I want to call your attention to and that is not credit.

Brings Neighbors as Argument.

Gantieren, Mr. Leben. When he matter that is not the matter that is not the matter that is not the matter that is not trial before you at all. You may think Senator Mitchell acted so had not think it was material, and the court that he beness and straight that all receipts. There was some attempt to make proof in relation to that, but we did not think it was material, and the court think it was material, and the court that is most expressed in the intentionally committed a strong for the form were amail, and if you think that is material in any to estimate closely about what the receipts of the firm were amail, and if you think that is material in any to estimate closely about what the receipts of the firm was for its business for city for the form were amail, and if you think that is material in any to estimate closely about what the receipts of the firm were amail, and if you think that is material in any to estimate closely about what the receipts of the firm was for its business for the form were were the form of the firm were amail, and if you think that is material in any to estimate closely about what the receipts of the firm were amail, and it you think that is material in any to estimate closely about what the receipts of the firm were amail, and it you think that is made the world that the world that is man that would tell an untruth. The firm were amail, and it you think that is man that the world that the world that the world that is any of the firm were amail, and it you think that is made the world the world

They had the books all the time, they

to the boot and got the contract as to the boot and got th

Gentlemen, don't you know neighbors, everyone of you, you. Mr. Oliver, Mr. Steiner, Mr. Lebeau, whom you have known so long and so well and always known to be honeat and straight that all the verdicts of all the jurger in the world with not make you believe that that neighbor had intentionally committed a wrung? There tan't a man in the world that has not the same feeting towards some of his neighbors of if there is he is a poor neighbor and a bad man, and therefore, having wrong in his own heart, he distructs the heart of everyone eise. I expect if it is true that that feeling on the part of Mr. Abbott makes Mr. Abbott a perjurer, that Ed out of every 100 men in the State of Oregon are perjurers today. I tell you, gentlemen, it does not make him a man that would tell an untruth, and he stands here with no such stories in his mouth as Harry Robertson has told; he does not stand here a confessed faisiffer to his employer, as Robertson does, he does not stand here in the confitten of a man who went to the hotel and got a paper and took it to the grand jury room to have it taken away from him and then goes back and tells his employer virtually that he was escorted from The Dalles to the grand jury room to have it taken away from him and then goes back and tells his employer virtually that he was escorted from The Dalles to the grand jury room to have ut taken away from him and then goes back and tells his employer virtually that he was escorted from The Dalles to the grand jury room and the paper taken out of his possession. This young man had been fed and warmed and taken care of by Senator Mitchell for all these long years.

One of the very first things I read when

Evil Follows Evil.

What is the proof in relation to that matter, for after all, those other matters are only indirect? Let us come to the direct penof. What is it? It is the evidence of the state's own witnesses. Mr. Tanner, for whose credit they vouch, and they cannot say now that what he said is not true, for they have said in you that here is a witness whom you can believe, here is a witness whom you can believe, here is a witness upon whose testimony partly we ask you to convict a man, upon which we ask you to convict a man, upon which we ask you to disprace a man for all time and disqualify him from holding office, a man who has been an homorable man and is now well advanced in the journey of life—what does Tanner say in relation to this vital point? I don't know how he came to say it. I suppose Mr. Heney could not have known or realized the importance of it; I cannot believe he would have admitted it had he understood its importance to

Now, when Kribs came there, Tanner

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