



## MITCHELL GUILTY, VERDICT OF JURY

### Charges in Indictment Are Sustained.

### COURT ASKED TO SHOW MERCY

### Jurors Agree After Deliberating 7 1-2 Hours.

### DRAMATIC SCENE IN COURT

Senator Mitchell is Present to Hear the Verdict, and His Attorneys Immediately Move for a New Trial.

**THE VERDICT.**  
PORTLAND, July 3, 1905.—In the case of the United States against Senator John H. Mitchell, wa, the jury, find the defendant guilty as charged in the indictment and recommend him to the mercy of the court for leniency.  
G. STEINER, Foreman.

"Guilt."  
At 11 o'clock last night, with the din of exploding firecrackers almost drowning the words of Captain Sladen, Senator John H. Mitchell, who for 22 years has sat in the Senate of the United States, listened to the reading of the verdict that pronounced him guilty.  
Although hard hit, as a man must be under such awful conditions, Senator Mitchell retained his composure. Tears welled into his eyes and his voice shook, and as he stood by his seat, after the jury had been polled and court was adjourned, he tottered and for the brief spell of perhaps a minute the shocking force of the verdict seemed suddenly to unload upon his shoulders every one of those 70 years through which he has passed, and he became old, very old. With an effort which might be said to be still fighting, still not without hope, for ex-Senator Thurston as soon as the jury was polled had moved for a new trial, he straightened up his bent figure in a way that seemed to say, "there is yet another chance."

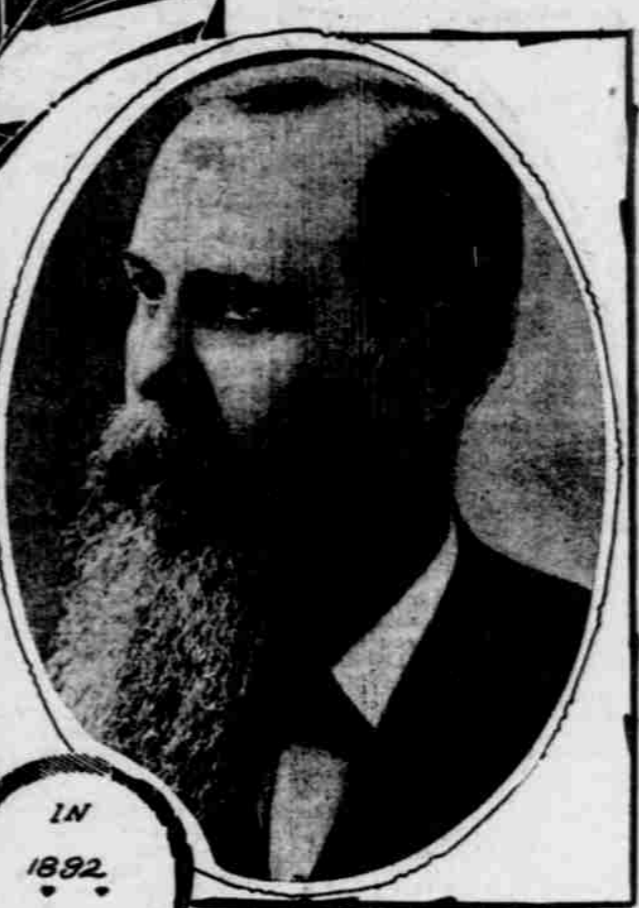
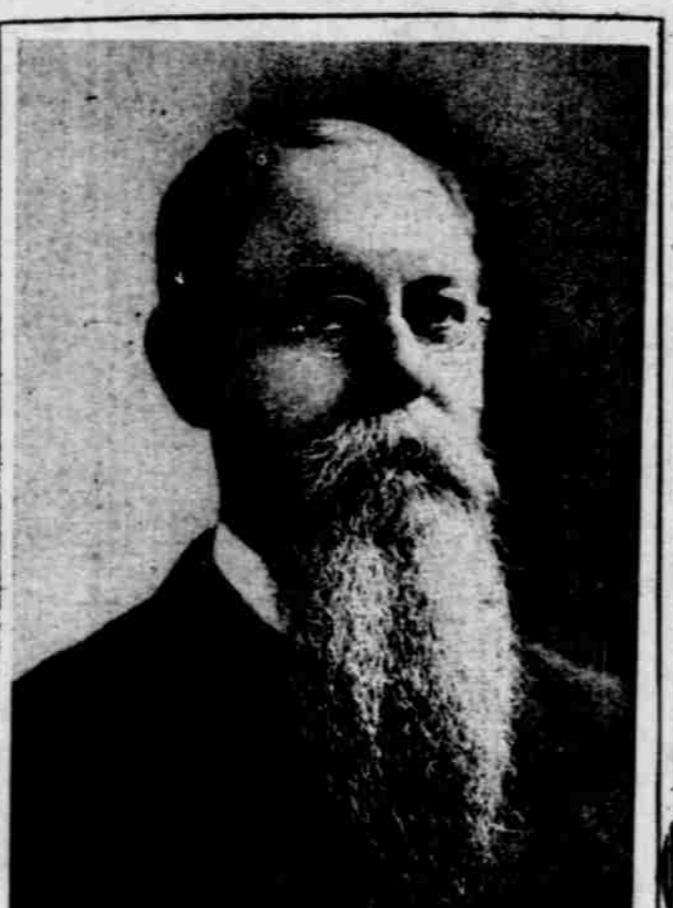
There was a breathless pause when the reading of the verdict was finished, and when Judge Bennett arose and asked that the jurors be polled, Senator Mitchell leaned a bit forward in his chair and eagerly scanned the faces of the jurors. The hand which held so tightly to his chin pressed tighter, the upper part of the hand covered the bearded lips as if to stifle an outburst. Steadily he watched the jurors and listened to their answers, as Clerk Sladen asked each if this was his verdict. He still hoped, perhaps, that among those 12 men, whose verdict had shorn him of honor and good name, there would be at least one voice among them that would answer in the negative. But no voice was raised in his behalf. It was the end of hope, at least until Monday next, when Judge De Haven will hear arguments for a new trial.

**Mitchell Enters the Courtroom.**  
The news that the jury had reached a verdict spread rapidly and the words were spoken, making the man who had represented the State of Oregon in the halls of Congress for so long, a criminal before the eyes of his fellow men, the courtroom was well filled. The verdict was reached shortly after 10:30. Bailiffs were dispatched to notify Senator Mitchell and the attorney, Judge De Haven, who at first announced that he would await the verdict until 9 o'clock, agreed to wait until 11. He was notified at once. Senator Mitchell was the first to reach the courtroom. He was accompanied by Judge Carey, who, until the Senator's counsel, Judge Bennett, appeared, sat with him at the lawyers' table. United States District Attorney Heney was not present, neither was ex-Senator Thurston, although the latter

**CASE WILL BE CARRIED TO SUPREME COURT.**  
Senator Mitchell will not rest under the verdict of the jury as returned last night, but will take the matter to the Supreme Court of the United States, if necessary. Senator Thurston, one of the counsel for the defense, when asked as to the future course of the defense, said:  
"On Monday next the court will hear a motion for a new trial on the part of the defense, and if that is denied, the matter will be taken to the Circuit Court of Appeals in San Francisco, and from there, if necessary, to the Supreme Court of the United States. Of course, other than that statement, I can have nothing to say as to what I think of the outcome of the trial."

reached the courtroom just as the clerk had finished reading the verdict. Judge De Haven reached his chambers at 10:25 and at once the bailiffs brought the jury into the courtroom. He inquired whether the jury had reached a verdict, and Foreman Steiner answered that they had. His Honor then called for the verdict, which was handed him. It was sealed in a plain white envelope. This was torn open, read over carefully by the court and was handed to Clerk Sladen.  
There was nothing in Judge De Ha-

## SENATOR MITCHELL AS HE APPEARED AT VARIOUS TIMES IN HIS CAREER



JOHN H. MITCHELL AT THE PRESENT TIME

## JURY ENDS ITS LONG LABORS

### Saddened, Sobered and Wearing by Responsibility of Its Grave Duty.

### ASKS NO PRAISE OR BLAME

### Shut Away From the World for Days, the Members Have Seriously and Sadly Fulfilled Their Obligations.

**HENEY CONGRATULATES OREGON.**  
United States District Attorney Heney was present in the courtroom at the time the verdict was rendered, having gone to the Exposition with a company of friends. Upon his return to the city, however, when asked for a statement concerning the trial, he said:  
"I congratulate Oregon upon the high standard of its citizenship as exemplified by the conduct and verdict of the trial jury which has just evidenced to the world that Oregon believes in the enforcement of the laws of our country, and that in Oregon no man is above the law. Every man who sits upon the jury is entitled to have his name emblazoned upon Oregon's perpetual roll of honor."

The 12 men who were selected to decide upon the guilt or the innocence of Senator John H. Mitchell have passed into history. In the face of public opinion, which held that no man could convict a Senator of the United States in the State of Oregon, they have brought in a verdict declaring that Senator Mitchell has been guilty of the crime of accepting compensation for his services before the General Land Office, and have pleaded with the court that mercy be extended to him in his trouble.  
These men wish no praise or censure, laudation or blame for what they have done. They wish and hope that the state and the United States will accept their action as the expression of their duty as they saw it and did it. It was a sad duty and a serious one, they say, one that they would much rather had fallen to the lot of other men to fulfill, but having, in their obligations of citizenship undertaken the task, they have attempted to do what duty and justice demanded of them, sadly and soberly and unwillingly, but forced by the evidence adduced at the trial now ended.  
Nothing can be learned of what took place in the secrecy of the juryroom. Each man of the 12 is pledged to his fellows to retain until the end the memory of the eight hours spent wrestling with the fate of Oregon's senator in the United States Senate. It is said enough to have been forced to participate in the work without talking of the things done and said during that time, is the sentiment of all. All those things will be a story in 12 chapters, none of them to be told.

**Jury's Long Labors.**  
The jury throughout its incarceration during the trial, cut off from families and friends, without the news of the world or the conversation of their fellowmen, has been as cheerful and contented as might be under the conditions. The men have whittled away the time between sessions of the court as best they could, eating, sleeping, walking and reading the magazines allowed

them by the bailiffs and the orders of the court. Their deliberations were short, perhaps for the reason that throughout the weeks of the trial the points of the testimony have been ever before them for their pondering and their consideration.  
Yesterday afternoon when the case was given into their keeping at 3:03 o'clock at the conclusion of the charge by the court, the jury went direct to the little room across the hall which they were to christen by returning a verdict of guilty against a Senator of Oregon.  
Quietly the arbiters of Senator Mitchell's fate went to work at their eight-hour task. There was no noise and no hurry. The seriousness of the case and its importance demanded that haste be left out and calm consideration reign in its stead. Five o'clock came, and passed, and the jury sent out for dinner, which was carried to the room in big baskets and spread upon the long table, around which the 12 men were grouped in their effort to reach a verdict. Knowing that the struggle would be long and wearying the bailiff was asked to be careful about the coffee and to have it strong and black and hot.  
After the meal had been ended the dinner dishes were heaped in the baskets and piled in the corner of the room while the men went once more to their discussion. Again the bailiff was sent for and this time it was cigars that the jurors wanted, and a collection had been taken up for their purchase. In the haze and smudge from these the voting continued.  
Eight o'clock came and half past

**STATUTE UNDER WHICH SENATOR MITCHELL WAS TRIED AND PENALTY FOR ITS VIOLATION.**  
Senator Mitchell was indicted and tried under section 1782 of the Revised Statutes of the United States, which section relates to misdemeanors of certain officers of the Government arising in matters to which the United States is a party. The section as it reads upon the statute books, is as follows:  
"Section 1782. No Senator, Representative or Delegate, after his election and during his continuance in office, and no head of a department, or other officer or clerk in the employ of the Government, shall receive or agree to receive any compensation whatever, directly or indirectly, for any services rendered, or to be rendered, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any department, court, martial, bureau, officer, or any civil, military or naval commission whatever. Every person offending against this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years, and fined not more than \$10,000, and, moreover, by conviction therefor, be rendered forever thereafter incapable of holding any office of honor, trust or profit under the Government of the United States."

**WILL SINK THE PIRATE SHIP**  
Torpedo Craft Sent in Search of Battleship Potemkin.  
ODESSA, July 3.—(3:36 P. M.)—The fact that the Kniaz Potemkin remains on the high seas in charge of the mutineers is causing so much apprehension and uneasiness to the population of Odessa that the government has resolved to take the matter in hand, and to show no further hesitation, even though the measures adopted involve the loss of the battleship and one torpedo-boat destroyer here this afternoon to sink the Kniaz Potemkin on sight. The torpedo-boat destroyer now here was reinforced this afternoon by two torpedo-boats, and others are expected.

**PREPARE TO SINK REBEL WARSHIP**  
Russian Volunteers Start in Pursuit With Torpedo-Boats.  
SHE SAILS FROM KUSTENJI  
Refused Shelter at Roumanian Port. She is Returning in Desperate Plight to Odessa—Surrender of Pobledonosteff.  
BUCHAREST, July 3.—The Kniaz Potemkin left Kustenji this afternoon. It is stated that she is returning to Odessa.  
ST. PETERSBURG, July 4.—(4:25 A. M.)—According to a dispatch received by an official agency, the torpedo-boat destroyer Smeltov, with a volunteer crew, has sailed from Odessa with the intention of sinking the Kniaz Potemkin.  
With Kustenji and other unprotected ports of Roumania, Bulgaria and Turkey at the mercy of the battleship's guns and with the inability of Vice-Admiral Kruger's squadron to interfere with her career tacitly admitted by removing them from commission, the desperate expedition was seized upon to prevent international complications in the Black Sea from being caused by the mutineers.  
This problem for a single destroyer, which is difficult and dangerous enough at best, as she will have to encounter both the Kniaz Potemkin and her attendant torpedo-boat, is now complicated by the departure of the battleship from Kustenji and ignorance as to where she will next turn up; but the dispatch from Kustenji throws a great amount of hope on the dark situation by intimating that a considerable number of her crew are anxious to desert their leaders and to escape the consequences of their mutinous actions.  
The Admiralty, however, does not admit the Smeltov has gone on such an errand, though the officials say frankly that the Kniaz Potemkin must in law be regarded as a pirate.  
As much as Russia as a matter of principle would like to see the provisions of the treaty of Paris closing the Danubian straits, the Foreign Office would oppose the passage of foreign warships as a temporary expedient, declaring the occasion did not warrant such a measure.  
Foreign Minister Lamsdorff told several Ambassadors who called upon him to inquire as to the safety of foreigners that the situation was far less grave than pictured in some of the dispatches.

**OTHER SHIPS MAY REVOLT TOO**  
Admiral Fears They Would Not Fire on Potemkin.  
ODESSA, July 3.—(11:10 P. M.)—Interest here today centers in the whereabouts and doings of the Kniaz Potemkin and what course the Russian authorities will pursue toward her. It seems to be incredible that the authorities will permit her to cruise freely in the Black Sea indefinitely. It is reported on good authority that she will be sunk, if good opportunity offers.  
The naval authorities are of the opinion that the best way to deal with the mutinous battleship would be by sending torpedo-boats against her, especially as such craft could be operated by a comparatively small number of men, who could probably

**WITNESSES PINNED DOWN**  
Government Has Verbatim Report of Evidence Taken by Grand Jury—Could Have Indicted Within Ten Days.  
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Motions to quash the indictments—the first trust indictments ever drawn. Efforts to get an injunction from Judge Grosscup against prosecution under the indictments.  
Habeas corpus actions for the release of the indicted men to be brought before the Supreme Court.  
Attacks on alleged illegalities in drafting and impounding of Federal grand jury.  
Will Give Bail on Wednesday.  
Bonds for the 25 indicted packers, traffic officials and corporations will be furnished Wednesday noon, before either Judge Betha or Judge Landis, when all the defendants under the bill will be arraigned. Most of the indicted persons will be present in court.  
Federal Attorney Fagin told for the first time of a coup by the jury in securing in the grand jury room practically all the evidence that will be required for the trials in court.  
"It was a remarkable and unprecedented accomplishment," said Mr. Fagin today. "We have heard practically every witness who will be called at the trials. The jury had sufficient evidence to indict ten days after it started to hear testimony. It was then a question if the wise way would not be to return bills at once. After some consideration it was decided to hear all the evidence that will be required in a court trial."  
Has Witnesses Down Pat.  
"The Government was fortunately situated for this work. Some time before the investigation began, A. W. Godman, an expert stenographer as well as a lawyer, was appointed an assistant United States attorney. A stenographer would not have been permitted in the grand juryroom, but any member of the Federal attorney's staff is admitted by law. Mr. Godman, being a stenographer, was able to make an exact transcript of the evidence taken before the jury. There will be no chance for witnesses to deviate from their first stories."

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## MITCHELL CASE GOES TO JURY

### District Attorney Ends His Argument.

### HENEY ANSWERS DEFENSE

### Declares in Four Years Senator Spent \$72,000.

### COURT GIVES THE CHARGE

Trial is Ended in the Afternoon, When Judge De Haven Places the Case in the Hands of the Jury.

**THE MITCHELL JURY.**  
G. Steiner, merchant, Salem, Marion County.  
H. Cleveland, farmer, Salem, Marion County.  
Ed Daily, farmer, Kerby, Josephine County.  
R. L. Oliver, grocer, Pendleton, Umatilla County.  
Bert Leabo, farmer, McMinnville, Yamhill County.  
J. A. Baxter, farmer, Dallas, Polk County.  
J. P. Clauson, farmer, River-ton, Coos County.  
S. T. Hobart, farmer, Silver-ton, Marion County.  
E. A. Carlson, farmer, Weilen, Jackson County.  
B. F. Grant, farmer, Harlan, Lincoln County.  
Frank Warren, farmer, Warrenton, Clatsop County.  
W. H. Lewis, farmer, Jewell, Clatsop County.

When the trial of Senator Mitchell began yesterday morning before Judge De Haven, United States District Attorney Heney resumed his closing argument for the Government. A day's rest seemed to have lessened the strain of the past week and he renewed his attack upon the arguments made by counsel for the defense with a vehemence that was crushing in its forensic force. The District Attorney began his argument where he left off on Saturday afternoon. In a few moments he was fairly launched in his argument and from 10 o'clock until 2:35, save for the two hours taken out for the noon recess, the courtroom was ringing with his voice. Passing back and forth from the testimony actually given in the case, to the arguments made by counsel for the defense, the Government prosecutor aimed at the minds of the jury. He was there to convince the jury that Senator Mitchell had knowledge and that there was intent. He ridiculed Senator Thurston's plea for sympathy. He put to scorn the picture that the gifted Nebraska drew of the Senator and his 1624 room in Washington, of his lonely walks while other Senators drove in their carriages, of the bank statement, showing the Senator's private account and declared that in four years Senator Mitchell had spent in the neighborhood of \$72,000.

**Asserts Mitchell's Knowledge.**  
District Attorney Heney was emphatic in his declaration that Senator Mitchell knew where the money that the law firm of Tanner & Mitchell was coming from. He stated that the daybook, which had such an important figure in the testimony produced by the Government, showed that, prior to October 2, the firm's earnings were very small and he argued that the sudden increase in the business done by the firm must have attracted his attention. The speaker dwelt to considerable length on this point and contended that if the defendant was as poor financially as he had been pictured by ex-Senator Thurston it was all the more reason he would have noted the increase in his share of the firm's business, and as a natural consequence, he would have made inquiry, if he had not already known that it was Kribs' money that had increased his share of the profits. Passing from this point, Mr. Heney recalled to the minds of the jurors the letter which Judge Tanner wrote to the defendant in October, 1901, regarding the John A. Benson claims, a letter in which Tanner calls attention to the \$1500 fee which Benson promised the firm. He declared that the Senator must have known his share of his money was to come to him for using his influence with Binger Hermann.  
What Mr. Heney called the defendant's moral principles were severely taken to task. He said the fact that Kribs had talked with Senator Mitchell regarding those 40 claims he wanted expedited was a badge of fraud that should have put the Senator on his guard. Mr. Heney took up ex-Senator Thurston's statement that there was no moral turpitude in this case and then compared the defendant to a lawyer who would accept fees from both sides of a case. He said that this was

**Has Witnesses Down Pat.**  
"The Government was fortunately situated for this work. Some time before the investigation began, A. W. Godman, an expert stenographer as well as a lawyer, was appointed an assistant United States attorney. A stenographer would not have been permitted in the grand juryroom, but any member of the Federal attorney's staff is admitted by law. Mr. Godman, being a stenographer, was able to make an exact transcript of the evidence taken before the jury. There will be no chance for witnesses to deviate from their first stories."

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