

Packers' Lawyer Tells What Garfield Said.

ASSURED OF PROTECTION

Krauthoff Gives First Evidence in Support of Claim to Immunity Through Giving Information to Government.

CHICAGO, Jan. 29.—The trial of the immunity of the packers indicted for alleged conspiracy in restraint of trade was commenced today before Judge Humphrey in the Federal Court. Louis G. Krauthoff, formerly general counsel for Armour & Co., was the only witness examined during the day. He described in detail his interview with Commissioner Garfield, which prepared the way for the Commissioner's investigation of the packing industry, and during which, the packers alleged, he promised immunity to the packers, provided they would allow him to have access to their books.

His Talk With Garfield.

Mr. Krauthoff narrated his interview with Mr. Garfield at the Chicago Club, April 13, 1905, when the packers alleged, Mr. Garfield said certain things the import of which was that if he received the information for which he asked the packers should never be prosecuted criminally.

Judge Humphrey ruled that, if it were true that the packers had divulged evidence against themselves under pressure from the Government, it would be competent to show the nature of the legal advice under which the defendants were acting.

Mr. Morrison then asked the witness:

"Did you advise your clients as to the powers of the Commissioner to compel testimony?"

"I did, fully."

"Did you advise them to comply with his requirements in case he should call for testimony?"

"That was the principal subject on which I advised them."

The witness then described his meeting with Mr. Garfield as follows:

"Charles G. Dawes telephoned to me and said that Mr. Garfield was in the city, and asked if I desired to meet him. I said that I would, and in company with Dr. Samuel McKim."

"Dr. McKim went to the Chicago Club. I was introduced by Mr. Dawes to Mr. Garfield. After some remarks about other matters, Mr. Garfield opened the matter and it was discussed for nearly two hours."

Wanted Access to Books.

"Mr. Garfield stated in a formal way, apparently carefully of his language, substantially this: That the Martin resolution imposed upon him a duty of investigating the packing industry; that in order to do this he must have access to the books of the packers. His purpose in coming to Chicago was to gain this information. He said he had held a conference with the President and others in respect to the investigation, and that it was of very great importance. He said that he was particularly anxious that the investigation should be fair, exhaustive and thorough, so that the confidence of his countrymen might be shown."

"I knew the powers of his office and produced a pamphlet, a report of the Secretary of Commerce and Labor, and remarked that, of course, I knew of his power to get information."

"I said, in view of his determination to acquire this information, I felt it incumbent on me to advise him."

The witness turned to District Attorney Morrison and asked:

"Mr. Morrison, do you wish to object?"

"No, what you told him," said Judge Humphrey.

"My first remark was that I had had occasion to look into the law. He then said that he wished to make a success and not resort to detective methods, and wished to report to the President, so that he could report to Congress."

Promised Legal Protection.

"He again said that he spoke for the President and that, of course, we would have the protection necessary under the law creating the department. I told him that my clients were in a very delicate position and that the newspapers were full of matter pertaining to them. I told him that if the law was valid there was no doubt he would be compelled to inform. I told him that if the results of this submission to his requirements were to be further newspaper notoriety and litigation I would, of course, contest the law."

"He said that the letter of the law protected my clients. I called his attention to the question of the validity of the law. He answered that his department must necessarily be separate from the other departments, and particularly the Department of Justice, and that it was known that his department was affiliated with the Department of Justice, of course people would not give him any information. He then said that the Government was not entitled to which the Government would be doing; his special agents go to one house and begin the investigation."

What Would President Do?

"If then asked him," said Mr. Krauthoff, "whether we were to be protected in case of district special agents. He assured me of this, and said that we were protected by law, the source of his information being secret. I asked him about the source of his information, getting to the newspapers and even to the Department of Justice. He told me to have no apprehension on that subject. I then asked what use the President of the United States wished to make of the information. He answered with emphasis that of course the President of a great Nation would not allow anything to happen to which anyone could take exception. He further said that where figures and data came from unquestionable sources, the oath was not necessary, but if anything came up in regard to the oath he would let me know."

"On his assurance that all information would be kept inviolate in the Bureau of Corporations, I answered some questions regarding the price of cattle and similar matters. We talked something further, but I think that was the substance of it."

Mr. Krauthoff declared that, acting on the statements of Commissioner Garfield, he had advised Swift & Co., Nelson Morris & Co. and Armour & Co. to submit their books to the investigation.

LIFE RAFT WITH EIGHTEEN SURVIVORS OF STEAMER VALENCIA, WHICH PUT OFF FROM WRECK WHEN STEAMER QUEEN WAS SIGHTED. DESPITE FAILURE OF QUEEN TO LOWER BOATS, THE RAFT WITH ITS HEAVY BURDEN RODE THE WAVES IN SAFETY FOR HOURS, UNTIL FINALLY PICKED UP BY CITY OF TOPEKA



THE PICTURE SHOWS COMPARATIVELY SMOOTH SEA.—FROM A PHOTOGRAPH.

—Seattle Post-Intelligencer.

Severe criticism is being showered upon the Pacific Coast Steamship Company and Captain Cousins of the steamer Queen for the manner in which the attempt was made to rescue the survivors of the wrecked steamer Valencia. Captain Cousins, in turn, accuses the master of the tug Czar of turning about and running for shelter with the only craft that, in his opinion, could have reached the wreck, in whose rigging men, women and children were screaming for help. C. Allison, one of the survivors, says that those who reached shore in the first boat in the vicinity of the cliffs to which the wreck was within a few feet, did not display the proper spirit when they fled from the scene instead of making an endeavor to catch a line, of which there were plenty on board. A rope could have been made fast to the cliff, he says, and many could have been saved. His story is a most pathetic one. Allison was on the raft picked up by the City of Topeka.

Many canoes were turned on the ocean when the Topeka's boat put out in response to cries and signs for help from the raft carrying eighteen persons, and none of the pictures indicate an extraordinarily rough sea. The survivors had signaled the steamer Queen, but without avail, and Captain Cousins of that vessel has been denounced for not ordering one of his boats to the rescue.

Frank K. Bunker, who lost his wife and two children in the wreck, has made several ugly charges against the company, asserting that the life preservers were of tules instead of cork; that six members of the Valencia's crew landed at Cape Beale in one of the ship's boats, while no passengers were saved by that craft, and that the plugs in the bottom of lifeboats would not fit.

W. E. Pearce, manager of the Pacific Coast Steamship Company, has gone to Seattle from San Francisco to investigate these charges.

WOMEN SHOVED OUT OF THE WAY

(Continued From Page 1.)

her, and asked her to send news of the wreck to the outside world. She stated that some one had tried to converse with her from a boat.

This person was afterward found to be P. F. Bunker, who, on behalf of the wreck, was still clinging to the rigging.

Next morning they were informed by Mrs. Patterson that parties had started out from all directions, and that help would reach the Valencia and the party headed by Mr. Bunker. There was a heavy storm raging in the morning, however, and Mr. Bunker's party believed that all was up with the ship, and that she had probably gone to pieces. Witness then told of the journey to Bamfield lighthouse and going aboard the Salvor, lying in Bamfield Creek. This was on Tuesday night.

Salvor Stays in Safe Harbor.

"What did the Salvor do?" was asked McCarthy.

"She stayed there all night."

"Did her captain know where the wreck was?"

"Yes, sir, but Captain Troup saw there was a heavy sea on and it was then very dark. We also thought that the Valencia had probably broken up by that time."

Going back to the launching of the boats from the wreck, some of the most important of McCarthy's testimony was brought out.

"Was it not the intention of Captain Johnson to lower the boats only to the saloon rail and lash them there?" was asked the witness.

"Yes, sir."

"If the boats had been held at the saloon deck rail would there have been any hope of getting them off through the breakers at the proper time?"

"I think so, sir."

Could Have Made the Shore.

"Could lifeboats holding forty people have gotten through the surf next morning with twenty souls aboard?"

"Yes, sir; if well manned."

"If there had been a lifesaving station there, or even there, could lives have been saved?"

"I think so, sir."

It was then that the witness swore that a properly rigged surfboat from shore would probably have saved all the lives aboard the Valencia.

HEROISM OF AN ATHLETE

Carman Tried to Save Society Girl and Declined to Take to Raft.

VICTORIA, B. C., Jan. 29.—The Canadian government has begun arrangements for an investigation to be held in Victoria. Captain Baudin, Agent of Marine, Captain J. G. Cox, Lloyd's agent, and Captain Newcomb, of the Canadian cruiser Kestrel, being appointed as the commission. There are few survivors remaining in the jurisdiction, others who were being taken to prevent any possible looting by the Indians. The Collector of Customs having appointed the lightkeepers at Carmanah and Cape Beale as his agents to take charge of any wreckage coming ashore to be held pending instructions, and as there are large quantities of liquor coming ashore

it is probable that this will be destroyed to prevent it falling into the hands of the Indians.

Crows and seagulls are accumulating, brought by the scent of the corpses, and the bodies found have been covered with sand by the searching parties, to prevent the birds from getting at them.

Survivors tell of the heroism of G. H. Jesse, who was a prominent British Columbia seaman, in refusing to take a place on the raft on which Carman and Long escaped, that he might remain to assist Miss Laura Van Wyck, a San Francisco society girl. George Long said:

"He (Jesse) was on board when I left, and he was one of the gamiest of all. Tuesday night he not only held himself in the rigging, but also supported Miss Van Wyck. I did not know who she was at the time, but have recognized her and Jesse from pictures in the papers. Miss Van Wyck broke down at times, and it was then that Jesse showed his great determination. He was still clinging to the rigging, but was still clinging to the rigging when I left, and he was one of the gamiest of all. Tuesday night he not only held himself in the rigging, but also supported Miss Van Wyck. I did not know who she was at the time, but have recognized her and Jesse from pictures in the papers. Miss Van Wyck broke down at times, and it was then that Jesse showed his great determination. He was still clinging to the rigging, but was still clinging to the rigging when I left, and he was one of the gamiest of all. Tuesday night he not only held himself in the rigging, but also supported Miss Van Wyck. 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