# F. J. HENEY **ACCUSES** C.W.FULTON

## Charges Senator Is Unfit for High Office.

## "BETRAYS PUBLIC TRUST"

Presents Affidavits That Fulton Gave Bribe for Mitchell.

## HANDLED THE SACK IN 1897

Also Asserts That He Aided Land-Fraud Defendants.

SPEAKS TO BIG AUDIENCE

Special Prosecutor Accepts Challenge of Senator Fulton During Address on "Graft Versus Good Citizenship.'

## HENEY'S CHARGES AGAINST

That Charles W. Fulton was Senator Mitchell's sack-holder and disributer of funds during the legislature of 1807.

That Fulton used his influence as State Senator as attorney for the Astoria & Columbia River Railroad and corporations, as United States Senator to prevent enforcement of laws that he was sworn to uphold and to protect his friends from inetment and prosecution.

That he bought votes outright durthe "hold-up" Legislature

That in 1899 he did his utmost to defeat justice and prevent the enthe Hammond jumber interests.

That his connection with shady land deals continued after that time

particularly in 1902. That he agreed with Senator Mitchell to shield Brownell from prosecution by the reappointment of Hall as United States District At-

That he represents the interests of he railroads and blg corporations at Washington and not those of the

Before an audience that filled the First Congregational Church to its doors, Francis J. Heney, the Government's Special Prosecutor in the landfraud cases, last night picked up the gauntlet thrown down by Charles W Fulton, senior United States Senator from Oregon, and gave to the public for the first time his reasons for accusing Senator Fulton of unfitness for the high office he now holds.

Mr. Heney spoke on "Graft versus Good Citizenship," and attacked enemies of good government generally, se lecting Senator Fulton, as he told his audience, merely as a type of the pub He official who is recreant to duty and false to his trust. He devoted most of his time to exposing the alleged shortcomings of the Oregon Senator and, metaphorically speaking, flayed him alive after stripping him of his toga.

The charges which Mr. Heney had made by implication and innuendo against Senator Fulton were repeated without equivocation and in detail and backed up with a huge mass of doonmentary evidence, affidavits, letters and reports, such as a lawyer might use in proving a case before a jury. Referring to Senator Fulton's challenge to him to prove his charges or retract them, Mr. Hency said that he was prepared to take the former course, and proceeded to lay before his auditors the facts upon which his original charges were based.

## Still Betrays People.

That Senator Fulton had repeatedly betrayed the people of Oregon holding public office; that he had used his official position to shield violators of the Federal statutes; that he long

and even intimated that he entertained a doubt as to whether the success of

a government of the people, by and for the people had been proved, though he expressed the belief that the people would ultimately work out their own

Talking in this strain, Mr. Heney vehemently assailed the railroads and great corporations, which he alleged had squandered the Nation's heritage of natural resources, and expressed a fear that if the people did not soon awake to a sense of their wrongs the wealth of the entire country would at no distant day he centered in the hands of the few and the many reduced to

#### No Room for a King.

Referring to J. Pierpont Morgan, who has recently been called "the uncrowned king of finance," Mr. Hency evoked a remendous burst of applause by saying: There is no room in this country for a king, crowned or uncrowned,

During his address he frequently called attention to similarity of the operation of grafters in California, Oregon and else-



Francis J. Heney, Who Takes Up Gauntlet Thrown Down by Senator Fulton.

where. He made the point that the cities of America are confronted by the same problems and said the demand for special privileges had caused the widespread graft that is found in all to a greater or less degree. During the latter part of his speech, Mr. Heney went rather fully into the disclosures resulting from the graft

investigation in San Francisco. Robert Livingstone, a member of the Portland Municipal Association, under auspices the address was made, presided, while a number of members of that organization were seated on the Mr. Livingstone called attention briefly to the widespread demand atiover the country for better government, after which he introduced Mr. Heney. As the speaker stepped forward smiling the smile that has made him famous, he was greeted with prolonged applause.

## Perjury a Common Crime.

After giving a brief outline of how the land frauds originated in this state, through the counivance of Land Office officials and lax government prosecutors, Mr. Heney said perjury, the most comm crime in the calendar, had flourished to an alarming extent in Oregon. District Attorneys, he held, were equally guilty with conniving Land Office officials in permi ting thefts of public lands.

Then he got down to what everyone was waiting for, the flaying of Senator C W. Fulton. He referred to the Fulton letter, which demanded that he make good his threats. He said he proposed to do so and started in by giving proofs of charges. He said that he was not engaged in any campaign against Fulton. but believed him recreant and unworthy of re-election. He then referred to the legislative hold-up of 1897, when charged that Fulton was the official custodian of a Mitchell corruption fund of \$35,000 and used it to debauch legislators. To support his statement, he read a number of affidavits, one made by Represer tative Smith, of Linn County, who said under oath he had been offered \$2000 if he would vote for Senator Mitchell at that time. The offer was said to have been made by Fulton in the presence of and with the approval of Mitchell. an evidence of good faith, Smith said he was given 31300 in greenbacks as a first payment on his vote.

## Electrifies His Audience.

This part of Mr. Heney's speech was of the most sensational character and the large audience was electrified by this first public recital of what Mr. Heney unwritten political history.

But this was not the only shot Mr. Heney had in his locker for Senator Fulton. He charged that in 1889 Senator Fulton, as attorney for the As toria & Columbia River Railroad and the other Hammond interests, took an active part in stopping the prosecution of a number of persons who had been secured by the Hammond people to file illegally on valuable timber lands in Tillamook County. The Brownell incident and his, Brownell's, protection indictment and prosecution through the appointment of John H. Hall as District Attorney, as disclosed during the case now on trial

Fully 1400 people heard Mr. Heney's speech and almost as many more were turned away at the doors of the church. Following is Mr. Heney's

in the Federal Court, was also brought

## Mr. Heney's Speech.

of the Federal statistics; that he long had been, and still was, the tool of the railroads at the National capital, and that he had even descended to debauching and bribing an Oregon Legislature to elect the late John H. Mitchell to the United States Senate, were among the charges boldly made by the graft prosecutor.

In course of his speech, Mr. Heney reiterated the statements he recently made in a published interview, to the effect that there is too much protecting of lawbreakers by men in high office, and even intimated that he entertained a doubt as to whether the success of the Continued on Page Years and Continued on Page Years Years and Continued on Page Years Years Years and Continued on Page Years Years and Continued on Page Years Years and Continued on Page Years Years Years and Years and Years Years Years and Year Oregon leads the United States today in

# TAXES UPON TITLED HUSBANDS

Representative M'Gavin Utters Tirade.

## WHAT IS IT ALL COMING TO?

Bitter Words for Women Who Marry Titles.

#### PLACE TARIFF ON DUKES

ome Doubt as to Classification, but Geese Might Do-Every Day a Bargain Day in New York for Anything Desired.

WASHINGTON, Jan. 28 .- (Special.)-Representative McGavin, of Illinois, in the House today attacked the custom of American girls marrying titled foreigners. He said he had no particular person in view, but went on to say that vomen are sacrificing their souls and their honor on the altar of snobbery and vice." He maintained that every day is a bargain day in New York, where you can buy anything, from a yard of ribbon to a pound of flesh."

Mr. McGavin was speaking on the bill to tax dowrles and titled husbands. His remarks were made under the license of general debate and at times they provoked laughter and applause.

"What Are Things Coming To?"

The House, he said, was in committee of the whole on the state of the Union, but he wanted to know what the state of the Union was and what it was coming to in view of these international unions between American heiresses and alleged nobilities from abroad. He wondered what the early pioneers would say and think if from their graves they could look back and see so many of the women of this country "sacrificing their souls and honor upon the sitar of snobbery and vice." He expressly stated that he had reference to no particular American girl nor had he prejudice against all titled men, but he referred "only to those who have a monocle in their eyes and an idiotic look upon their facesthose who have neither the disposition to do good nor the ability to do harm."

## Tariff on Dukes.

Mr. McGavin said his curiosity had een aroused to know the right committee to which the bill should have gone, but he had found it properly had to the committee on ways and means because it sought to levy a tax. And then he said he was "curious to tnow whether the present tariff schedule included dukes, earls, lords and counts, and finding that these things vere not mentioned, I thought it might be proper for the customs officials to lassify them like frog-legs, as poultry, for it is a general opinion among

Americans that they are a species of

Mr. McGavin said the United States triumphantly had referred to the fact that as between it and other nations the balance of trade was in its favor, "but," he said, "nowhere in the summary can be found a reference to such trade in which solled and frayed nobility is exchanged for a few million American dollars wrung from the lambs of Wall street with a woman thrown in to

#### Every Day Bargain Day.

Every day, he declared, seemed to be a bargain day in New York City, "whether it be for a yard of ribbon, or a pound of flesh; whether it be upon the retail counter on Broadway, or the

auction block of Fifth avenue. "In these days," he said, "wealthy American girls traveling abroad, when they see some remnant of royalty, en-thusiastically exclaim, 'Oh, mamma, buy me that.' An interpreter then is se-



Chairman of the House Committee on Banking and Currency, Who Praises Morgan as Banker-Patriot,

cured, a bargain is made, the money is produced and the girl is gone, soon to return, a sadder, but a wiser one." In conclusion, Mr. McGavin said:

"While I have engaged in some critcism of those particular ones who have made a mockery of the most sacred relations of life-of those not satisfied with any other name but 'Countess Spaghetti, or 'Countess Macaroni,' 1 want to say one word in tribute to those true American women who have spurned the wiles of earls, lords and counts for the love of His Majesty—an American citizen."

## MONEY FOR PANAMA CANAL

Debate Between Johnson and Tawney Over Previous Bond Issue.

WASHINGTON, Jan. 28.—When the urgency deficiency bill was taken up by the House committee on ways and means today, Mr. Johnson, of South Carolina, attacked the Panama bond issue and declared that the money did not go for the nurrous of construction of the canal. the purpose of construction of the canal.
Mr. Tawney took issue with him and said it was the duty of the Secretary to issue the bonds for the reason that expenditures already made exceeded by al-

of the previous bond sale.
"What did he do with the money?"
asked Mr. Johnson. "Did he turn it into

e Treasury?"
"He reimbursed the Treasury for expenditures previously made." interjected Mr. Tawne 'No, he has not yet reported it as

THE OLD DOCTOR GETS BUSY AGAIN

(Continued on Page 3.)

# REVISION OUTSIDE POLITICS

## Commercial Bodies Unite to Urge It.

## SEND COMMITTEE TO CAPITAL

Propose Congress Appoint a Commission Now.

#### REPORT TO NEXT CONGRESS

President, Speaker and Committees of Both Houses to Receive Visits-Get Ready to Revise After Election.

CHICAGO: Jan. 28.-A most influential and representative committee organized by the Chicago Association of Commerce will assemble on February 2 in Washington for the purpose of urging tariff re vision without the interference of politics after the next Presidential election Besides the Chicago Association of Commerce, the following organization will be represented; National Associa-tion of Manufacturers, Millers' National Federation, Chicago Board of Trade Baltimore Board of Trade, Minneapolis Chamber of Commerce, American Meat Packers' Association, National Live stock Association, Cottonseed Crushers' Association and others.

The programme of the committee in calls upon President Roosevelt, Speaker Cannon, the ways and means committee of the House and the finance ommittee of the Senate. The commit tee will urge the formation of a nonpartisasn commission of experts, whose duty it will be to investigate alleged inequitable tariff schedules and report upon them to Congress.

It is said that there is no political in fluence of any kind behind the committee, which includes both Democrats and

## RECIPROCITY WITH FRANCE

Important Tariff Concessions Obtained at Slight Cost.

It America concedes a 20 per cent abateling wines imported into this country, and France confirms the minimum tariff rate now accorded American products. Other important provisions are made, including the greation of a commission to consider in field in San Francisco and Portland. the creation of a commission to consider possible amendments to trade regulations between France and America.

Accompanying the proclamation is the text of an agreement signed today, the feature of which, in addition to the statement of new duties on champagne, is found in article 1, by which France grants

THERE IS HOPE!

CONSULT THE KIND OLD DOCTOR; HE'LL CURE YOU, OR KILL YOU - WHICH IS THING.

## to the United States and Porto Rico th dinum duty imposed on coffee, cocoa, colate, vanilla and other products sub-to the French colonial products tariff, except sugar and its by-products and tobacco products. The lowest duty is also to apply to mineral oil from the United States to France and Algeria.

United States to France and Algeria. France reserves the right to withdraw these concessions whenever the United States imposes on French commerce additional duties which France deems unjust. The two commissions of experts, three from each country, are to ascertain fully the existing conditions in each country as bearing on the necessity of the regulations affecting the trade of the other country and as bearing upon the practicability of reciprocal tariff concessions.

Under the reciprocity agreement of 1992 France suspended the duty on American coffee, nearly all from Porto Rico, for one year. At that time France sought reduced duties on champagne, but these were denied, though the United States promised that, if such reductions were made on the champagne of any other nation, France should have the same concession. France has delayed the application of the higher duties on Porto Rican



Miss Eunice Jeffers, Who Will Marry Mayor Taylor of San Francis \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

coffee for over four years and has re-sisted the demand of French olive-grow-ers for maximum duties on American ottonseed oil and the demands of her ally, Russia, for higher duties on Ameri-can petroleum; also demands for higher duties on American shoes and other manufactures.

But when Germany was granted a re-duction of 20 per cent in duties on cham-pagne and sparkling wines, France claimed the fuilillment of the promise and the result is the present agreement.

HELEN N. LOSS WOULD BE FREE FROM C. E. LOSS.

Married Eight Years Ago-Complaint Alleges Desertion-Loss Prominent in Portland Circles.

SAN FRANCISCO, Jan. 28 .- (Special.)-Or. The complaint charges desertion. The Losses were married in Grand Rapids, Mich., in 1999. They lived happily for five years and then separated. Mrs. Loss recently took apartments at the St. Francis Hotel in this city. She is a woman of great beauty and her handsome gowns have made her one of the most talked of women in local society.

Loss has the contract here for the con-

struction of the Ocean Shore Railway. He has just submitted a bid to construct a \$5,000,000 sewer system for the city. In Portland he has been identified with large traction interests.

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# IS OVERRULED

Judge Hunt Declines to Instruct Jury.

#### HALL TRIAL MUST GO ON

Defense Argues That Conspiracy Is Not Proved.

#### MAYS INDICTMENT

Court Rules That in Cases of Conspiracy, a Continuity of Omission to Act May Become Affirmance of Unlawful Acts.

## JUDGE HUNT'S RULING ON MO-

TION FOR DIRECTED VERDICT. is not sufficient evidence to go to the jury; nor can the Court say that only one inference could be drawn from the whole evidence by reasonable men deliberating upon it. And I proceed upon the premise that so far as the law is concerned. I take it that it must be the law that in cases of conspiracy a continuity of omission to act and the intent to accomplish an unlawful purpose, may become the affirmance of the unlawful acts when done, and co-peration with those who do them-Such, succinctly stated, I take it to be a principle that must pervade the law. I think the case must go to the jury and that it would not be proper for the Court now at this time to undertake to say only one legal view could be attained from this evidence. The motion for the directed verdict will be denied and the exception of the defendant

Judge Hunt yesterday denied the motion of Judge Webster, attorney for John H. Hall, for a directed verdict of acquittal. When Heney closed the case for the Government, shortly noon yesterday, he caused the indictment to be dismissed as against Edwin 🥞 Mays, Hall's co-defendant, explaining that he did not consider the prosecuion had sufficient evidence against Mays to warrant submitting his case to the jury. It was then that Judge Webster announced his desire to submit a motion in behalf of his client, Hall, and court adjourned until afternoon to enable him to prepare the motion. The entire afternoon session was occupied in arguing the question, and

adjourning for the day.

In concluding the Government's case, Heney completed his threatened implication of Senator Fulton as legal counsel in connection with the indictment of W. E. Burke and William G. Goslin for conspiracy to defraud the Government by subornation of perjury, by introducing letters from Fulton to either Hall, Hermann, Senator G. Bride or Attorney-General Griggs, in which Fulton used his efforts to have quashed the indictment against Burks and Goslin. Documentary evidence was submitted showing that the indictment was finally dismissed on March 2, 1900, without the formality of a trial, The testimony for the Government in the Hall case consists of 1237 pages of typewritten copy and 118 exhibits, consisting principally of correspondence that passed between some of the principals in the case and prominent politicians, residents of Wheeler County or Special Agents connected with the Interior Department.

The introduction of testimony for the defense will begin this morning. It is not known how many witnesses Hall has subpensed, but Judge Webster has said that not more than two days will be required to present the case of his client. Mr. Hall has also declared that ne will take the stand in his own behalf, and it is more than probable he will take the stand some time today, While the Government will contend that the alleged conspiracy with which Hall is charged was formed at the time of the conversations between Hall and Hendricks and Stelwer early in the year 1900, it will be the contention of the prosecution that the failure of Hall as a public official charged with the enforcement of the laws is the equivalent of a participation in the con-spiracy that was allowed to exist and carry out its unlawful agreement through the inaction of Hall as the Gov-

ernment's prosecuting officer. At the opening of the afternoon session Judge Webster presented his motion asking for a directed verdict on the following grounds:

lowing grounds:

First—That the indictment herein does not comply with the constitutional requirement of article 6 of the amendments to the Constitution of the United States in that it does not inform him of the nature and cause of the accusation against him as is more fully set forth in the objections hereinbefare filed.

On the ground that there is not sufficient evidence to be submitted to a jury in this:

(a) That there is no evidence from which the jury could find that said defendant was connected as a co-conspirator with a conspiracy of the kind charged in the indictment, or any kind of conspiracy.

(b) That there is no evidence tending to connect the said defendant as a co-conspirator with a conspiracy of the kind charged in the indictment within three years prior to the filing of the said indictment, towit within three years prior to October 10, 1905.

In support of his motion, Judge Wob-

In support of his motion, Judge Web-(Concluded on Page 7.)

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