FRANCIS J. HENEY ATTACKS SENATOR FULTON IN PUBLIC ADDRESS ON "GRAFT"

(Continued from First Page.)

you to render decisions as a member of the Supreme Court that are satisfactory to the railroad corporation or you will not be nominated next time." No man in Oregon can now say, "I want you to vote as United States Senator as the railroad desires, or you will not be elected by the next Legislature;" because under the direct primary and Statement No. 1 your United States Senators have their ears to the ground, watching to see what the people of the state want, whereas before you had the direct primary and Statement No. 1, they said, "The people be damned, what does the railroad want?" (Applause.)

But we will come back to that presently. There are other cheerful subjects I wanted to discuss tonight.

In the first place, I am an optimist in regard to the political affairs of this country. I believe that conditions have been improving morally in the country, in business as well as in politics, from the day that Theodore Roosevelt became your President. (Applause.) And I think they will continue to improve until Bill Taft goes out of office as President.

That may sound funny coming from an old line, old-time Democrat, but I can't help it if Theodore Roosevelt and Bill Taft have become Democrats in principle. (Laughter and applause.) I am not going to refuse to support them on that account.

Land Conscience-Hardened.

Now the fact is that when I came here in November of 1903, I found that in Oregon there existed what some magazine writer denominated the Land Conscience, and by that he meant that there was a prevailing sentiment throughout the State of Oregon that it was right, at least justifiable, to commit perjury, provided you commited perjury merely in securing a homestead under the homestead laws, or in securing a timber claim under the timber and stone act. Now as a matter of fact there was some such sort of sentiment prevailing to a considerable extent, to such an extent that I recollect hearing that a very prominent attorney of this city and state made a speech, I think it was at a prayer-meeting, at which he advocated some sort of an expression of public disapproval of the land-fraud prosecutions, upon the ground that the timber industry is one of the greatest industries of Oregon and that under the law as it stands at present it is not possible, or was not possible—I should not say as it stands at present, because the Supreme Court of the United States has decided the Williamson case (laughter); I should have said as it stood before that court got that new light on the subject—that it was impossible for a big lumber company to do business unless they violated the timber and stone act. There was no law under which they could acquire more than 160 acres of land, and that as the law did not authorize anybody to acquire more than 160 acres of land, and they could not build up a trust in the lumber business on 160 acres of land, therefore it must be right and proper to violate the law, even though that required the commission of wholesale perjury.

It seems singular that such a doctrine could be preached by a prominent lawyer in a church. The same doctrine had been preached by the same gentleman to me privately and by several others who were with him. Subsequently I discovered the interests of some of the others, because some of their associates, intimate associates, I found, were mixed up in these land-frauds, and they believed that it was not a good thing to prosecute them.

Registers and Receivers Corrupt.

That supposed Land Conscience now arose in this way: Your Registers and Receivers throughout this state were instructed to cross-examine every applicant for a homestead and find out whether he actually had lived upon the land during five years and made it his home to the exclusion of any other place. Our Government had adopted a beneficent policy of allowing each and every newcomer—and there have been 27,000 newcomers I understand in the State of Oregon during the past year—to take up a piece of land, and to acquire the ownership of it by merely living upon it, cultivating it and making it his actual bona fide home. If he was so poor that he had to go off to work and come back to it again, that was all right; we wanted to help him to make a home; we were willing to permit him to do that. But what was the consequence? That lumber companies wanting timber held out the inducement to employes, to any man who came along, that he could go into an immense forest where it would be impossible to think of such a thing as cultivating the land for farming purposes, put up a shack 16x12, visit it once in six months in the Summer time, go there perhaps and stay a couple of days for a fish, on a fishing expedition, if there was a stream near by. That was all. And then when five years had passed around go before a Register and Receiver and testify in answer to the question, "When did you first establish actual residence there?" such a date, the date that he put this cabin up. "Have you resided continuously upon the land?" "Yes." "If you have been off the land at any time, state when and explain why." "Never for more than six months at any one time, for the purpose of making a living." That is the stereotyped answer. Gotten up by whom? Gotten up by corrupt Registers and Receivers; gotten up by men put into these offices by the recommendation, aye, by the insistance of your United States Senators. Gradually as men would come in who had made some sort of a half-way residence upon the land and they would say, "Why, no, I was off the land for ever a year;" or, some man would say, having his wife with him and not wanting his wife to know that he would purjure himself for a miserable piece of land, "Why, no, I can't say that I lived on it continuously; I had my house in town. My wife was out there once or twice or three times or every six months with me, and slept in the cabin over night, but that is all that I made it my home." And the Register or Receiver, or his clerk would say, "Oh, you must not make that answer; you can't get the land if you make that answer. You should say, 'Yes' to that answer, 'I resided continuously upon the land.'" And the man would think (Here the electric lights went out and the speaker continued in the darkness), why, this officer who is authorized to swear me, to take my oath and take my testimony, certainly he must know what is right; it can't be that he would be advising me to commit perjury; although right on that very blank upon which the answers were being written was a printed requirement that the officer should advise the applicant that he would be prosecuted for perjury if he made a false statement to these questions, and although each and every Register and Receiver had in his possession special instructions insisting that he should cross-examine the applicant and his witnesses to make sure of the bona fides of his residence there.

I wonder if somebody told the light and power company that I intended to discuss public service corporations tonight. (Prolonged applause and laughter.) Never mind, when I reach that subject I will throw so much light on it that you won't need these lights here.

A member of the audience—I hope you hit the gas light company too.

Mr. Heney—What is that?

Same party—I hope you will hit the gas light company too.

Mr. Heney—Oh, we will take them all in. Now then, whose fault is it if there grew up among the people this feeling, this sense of security in the commission of crime, one of the worst crimes in the calendar, too, perjury—a crime that has become more common than any other that is committed in this country? I want to say, and say it with due deliberation, that in my experience as an attorney it is rarely that I have seen a case tried, either civil or criminal, in which there was not perjury committed upon one side or the other, and frequently upon both. That is a shocking statement to be compelled to make. It is high time we called a halt.

We need a little bit of reform in our method of selecting officers, or the halt won't amount to much, because over and beyond the fact that these Registers and Receivers were willing to do this, and I am sorry that it may give it a personal tinge that John Hall happens to be on trial at the present time, but it is necessary to let you realize where I think the greatest blame lies; it is necessary to state the facts.

Need Honest District Attorney.

It seems to me that an aggressively honest District Attorney, either in your state or in your Federal Government, can come very near stopping the general commission of crime, and can set an example that will at least during his term of office keep crime from growing. (Applause.) These offenses of homesteads being taken up by the hundred and by the thousand—and I am advised that as a matter of fact outside of the State of Oregon where homesteads are being taken up today the proofs that are going through the General Land Office show the stereotyped answers in about 90 per cent of the homesteads that are passed today, showing that as a matter of fact the public land, or what little is left, is being gobbled up, not by bona fide homeseekers, not by the people whom you want to come to Oregon in order that Oregon may become more thickly populated, and in that way the business of this state grow, but by men who are taking this land up for the benefit of some corporation; I say that that could not have grown up except for the fact that there was a prosecuting officer who in his heart approved of it.

How does it happen that all throughout Wyoming, Montana, the Dakotas, Nevada, Idaho, Oregon, California, Government land has been fenced up by the thousands of acres? How does it happen that throughout all those states timbered claims are taken up by the hundred and by the thousand fraudulently? How does it happen that in all these states this same class of homestead proofs has become common?

The Case of John H. Hall.

I will tell you, my friends, how it happens. The District Attorney in each one of those places, the United States Attorney, is selected by political pull; the Senators and Congressmen are usually on the most intimate friendly terms with the corporations that are being benefited. The result is these District Attorneys have remained passive, have not taken any action, and, while they have known that these thousands of homestead proofs were being made in this way and perjury being committed by the wholesale, and these timber claims taken in the same way; while they have known that, they have failed to take action.

Just as in the case now on trial, it appears that the attention of Mr. Hall was called to the fact that in March of 1900 20,000 acres of land were under one fence in Wheeler County by the Butte Creek Land, Livestock & Lumber Company, and from March 24, 1900, down to October, 1903, complaint after complaint was made to Mr. Hall about that fence, and a complaint about every month was made to him, and the man who made the most of these complaints came down here and saw him and told him about it, and a map was sent to him outlining it to him, and so forth; yet nothing was done.

The small stockmen up there complained that they were not allowed to use that range. As a matter of course it was his duty to proceed. He didn't proceed. Why?

Not solely because he wanted to influence the vote of Steiwer for United States Senator, but largely because John Hall did not want to antagonize the cattle men of this state, who, throughout Eastern Oregon, were fencing up thousands of acres; largely because politicians of influence were interfering in prosecutions.

Senator Fulton and His Letter.

And that reminds me that Senator Fulton published a letter here not long ago in which he demanded that I should make good the insinuations which I have made against him. Well, I don't know whether you will think that I have made good or not when I have finished, but I think you will at least agree with me that Senator Fulton, when I have finished with him tonight, is in about the condition that the man was in who was in a railroad wreck. This man was in the Pullman car, and when he woke up and found he was in a wreck and that his car was turned over, he pulled on his trousers in a hurry and he got them on wrong side foremost and somebody finally helped him out through the window, and when they got him out there they crowded around him and asked: "Are you hurt much?" He looked himself over and he said: "No, I don't think I am hurt much, but I am darned badly twisted." (Applause.) Now, I am going to see if I can't twist Charles W. just a little bit, and I am going to confine my statements to facts, which I am prepared to prove by documents that are right here in this paper bag envelope. (The lights here came on.)

I am glad of that light, because I want to look you in the eye while I talk about it.

I won't take the time to read papers to you tonight, because I am afraid some of you will think you actually are attending religious services and you may go to sleep on me (laughter); so I will give you the substance of what is in these papers, and if Charles W. is not satisfied with the substance, he can have the letter.

Not Campaigning Against Fulton.

I am not making a campaign to defeat Fulton for the United States Senate, but I feel this way about it: While acting as your United States Attorney by virtue of appointment by the late Judge Bellinger, who was one of the finest men I ever met in my life (applause), a man of unswerving integrity and high principle—I say that while acting as United States Attorney, appointed by him to fill a vacancy, I came into possession of certain information in regard to Mr. Fulton. Mr. Fulton is a public servant of the people of Oregon. If Mr. Fulton had not challenged me to produce this evidence, it was still my intention to do so before I left Oregon for the last time, because I believe that the people of Oregon are entitled to know all that I learned while acting as your servant. (Applause.) If that defeats him for the United States Senate, I shall be glad of it (applause), because I don't want to see successful crime in public office. (Applause.) I don't want to see the man who prostitutes his public office continue to fool the people. I want to see the people turn him down if he is wrong, if he has committed crime. If he is morally a bad man, I want to see him turned down in this country as quickly and as readily as he is turned down in England. (Applause.)

And you all know that Charles Stewart Parnell, who was the greatest organizer that Ireland ever had, when he had just about accomplished the object of his ambition to have Ireland freed, was defeated, because it was shown that in a matter that had nothing to do with his public duty, a matter, however, that the English people insist, when once exposed, shall put a man out of public life, immorality it was, Charles Stewart Parnell lost his usefulness. If the English people, who have only a form of self-government, can insist that no man shall continue to hold public office who has disgraced them, then I say that surely this intelligent American people, this people that thinks it is the most intelligent in the matter of self-government on earth, cannot afford to let its public servant be re-elected when it knows that he has betrayed trust after trust, that he has done things as a public servant which are a disgrace to him and a disgrace to the people whom he represents. (Applause.)

What Senator Fulton Did.

Now, what did he do? Well, we will start back, in order to give him a good running, to 1897; and mark you, I only came to Oregon in November, 1903; the Lord knows what his history is back of '97. In 1897 they had what was known as the hold-up Legislature, and I regret that it is necessary to bring the name of John H. Mitchell into this at all, because, as we all know, he is no longer living; but he was a public man and a public official at the time, and it is impossible to tell the story and make it intelligent without naming him, and, therefore, I will name him without any squeamishness. That hold-up Legislature, you all know what it was; Mitchell was a candidate for the United States Senate; Fulton was there and was known—I mean Charles W. Fulton now—he was there as a member of the Legislature, and was known as Mitchell's sack-holder and distributer of funds; at least, I have the affidavits of four or five people in this envelope stating facts in relation to that matter. One of them—I don't think you can go to sleep with this light, so I am just going to read, not all of these papers, but just a little of them. (Laughter.)

Mr. Heney then read the following affidavit:

A. W. Mead's Affidavit.

State of Oregon, County of Multnomah:

Absolom W. Mead, a citizen of the United States, being first duly sworn, deposes and says:

I am 51 years of age. I was present in Salem during the session of the Legislature, which was known as the "hold up" Legislature for the reason that a great many of its members refused to take part in the organization of the Legislature, for the express purpose of preventing the re-election of John H. Mitchell as United States Senator.

It was generally understood that there were two organizations in the House, one of which recognized Representative Davis, of Umatilla County, as speaker, and the other recognized Frank W. Benson, of Douglas County, as speaker. Benson represented the Mitchell faction.

At that time I was employed at the Portland Flouring Company's mill at Salem, and the Chief of the City Police, Addison Dilly, offered me a position as special policeman, and I accepted it. I found that eight other men had been appointed by him to the same positions. The names are Tom McNary, Frank Farrell, James Perrine, Bert Savage, George Townsend, David Barrett, Ed Arnold and David Scott. We learned very soon after we had been sworn in and commenced work that we had been employed for the purpose of aiding the Mitchell wing to take and maintain possession of the House of Representatives of the Legislature, by force if necessary. We were so informed by the Chief of Police, and we were instructed to go there before the opening hour on a certain day and to prevent Davis from taking the Speaker's chair, by force if we could not accomplish this result in any other way. We all went to the House at the appointed time and when Davis attempted to take the chair we all got in his way, and Tom McNary and the sergeant-at-arms of the Benson faction, W. E. Murphy, stepped in front of Davis and told him that he would not be allowed to take the chair. Great excitement and considerable discussion followed. A pistol, which I had in my pocket, fell out on the floor in full view of members of the Davis faction and others who were standing around, and I picked it up and replaced it in my pocket.

All of our party were armed and most of them, to my knowledge had pistols, and some had both clubs and pistols. The discussion ended by Davis agreeing to adjourn for want of a quorum as soon as he took the chair, and to then permit the Mitchell faction to take possession and hold a meeting. We received instructions from Benson to permit Davis to go ahead, and we did so. Our party had been taken into the House before the hour for the meeting of the Legislature, and had been stationed around the Speaker's desk in such a manner that it was impossible for him to reach it without breaking through our party.

The day after this occurred we were informed by the Chief of Police that we must look to the Mitchell faction for our pay for our services, and that the City of Salem had nothing to do with it. We had heard this rumored for several days before we stopped Davis from taking the chair, the way I have stated, and we all understood at that time that we were really in the employ of the Mitchell faction and that we were to do all we could to help secure and maintain possession of the House for it.

After the Chief told us that we were to look to the Mitchell faction for our money, I went up to see Charles W. Fulton at the Mitchell headquarters to collect the pay for myself and several of the other boys. I went to Fulton because it was common rumor that he was managing Mitchell's campaign, and was handling the money, and I was told to go there. Before going there I had learned that McNary and Farrell had been paid $10 a day for holding possession of the session chamber of the Senate during the night between sessions, and Fulton wanted to pay us only $5 or $6 a day apiece, and I held out for $10 a day each, but he refused to pay that much, and finally paid me either $5 or $6 a day for myself and for each of the others for whom I was collecting.

ABSOLOM W. MEAD.

Fulton Bought Up Votes.

Now the only important point is that Mitchell and Fulton, and Fulton acting as his manager, were using the Chief of Police of Salem in this little mix-up in purchasing the Legislature, and that Fulton was handling the sack, paying out the money.

Now let us see if he was handling the sack for any other purpose, and in order that there may be no question about what my evidence is on the subject, I will read you one more affidavit which will show you that Fulton was handling the sack, purchasing the members of the Legislature to go in and vote for Mitchell. He may think that is not corrupt; I don't know; perhaps it is somewhat like the Land Conscience in Oregon; possibly they had been doing it so much at that time that Fulton got to think it was really all right, like the six months visits to the homesteads:

J. S. Smith's Affidavit.

"J. S. Smith, a citizen of the United States, being first duly sworn, hereby deposes:

"I am 40 years of age, have resided 13 years in the State of Oregon and am now occupying the position of Assistant Warden at the State Penitentiary at Salem, Or. In June, 1896, I was elected a member of the Oregon Legislature to represent Linn County. Out of a total vote of 4600 I received 1900 votes as the Populist candidate, there being two other candidates, one each on the Democratic and Republican tickets. The Legislature to which I was elected was known and is still called the 'hold-up Legislature,' for the reason that a great number of the members of that body persisted in holding out from attendance at the session, with the express purpose of preventing the re-election of John H. Mitchell as United States Senator. An organization was effected in the Senate by the election of Joseph Simon as President and a form of organization was attempted to be effected in the lower house by two rival bodies, one comprising the supporters of Senator Mitchell and the other consisting of his opponents. The latter body elected Representative Davis, of Umatilla County, as Speaker, and the former group chose H. L. Benson, of Douglas County, for Speaker.

"The Mitchell supporters attempted to hold daily sessions by having roll-calls, which were responded to by the Mitchell adherents in both houses. It required 46 votes to elect Mitchell, but the crowd headed by Benson were never able to muster that many members at any roll-call, and the session ended without any result whatever, insofar as the election of a United States Senator was concerned. The most desperate efforts were made by the Mitchell men to secure the requisite number of votes, offers of money and positions being the commonest means employed to accomplish this purpose. The present United States Senator from Oregon, Charles W. Fulton, was the leading manager of the Mitchell forces and personally, assisted by Mitchell himself, offered various sums of money in order to induce the legislators who belonged to the Davis wing of the lower house to attend sessions of the Legislature and vote for the election of John H. Mitchell for United States Senator.

Mitchell Had a Sack.

"It was currently reported at the time and, in fact, was regarded as an undisputed circumstance, that Senator Mitchell had at his disposal $35,000 with which to secure his re-election; furthermore, it was apparent to everyone who had anything to do with this so-called 'hold-up Legislature,' that Charles W. Fulton was the leading distributer of money for Senator Mitchell.

"At a point which I fix as about the middle of the legislative session, one James Powell, of Albany, Or., came to me while I was seated in the session chamber of the House of Representatives and introduced himself to me as a Linn County Republican who had voted for my election as Representative. We had a short conversation, which was renewed when I left the house at the noon hour to go to lunch at the Salem Hotel. Powell accompanied me to the hotel and on the way there informed me very frankly that he had been sent for by Senator Mitchell and the latter's lieutenants and commissioned to induce me to attend the legislative session and vote for Mitchell.

Fulton Offered Smith Bribe.

"Powell mentioned the fact to me that Mitchell and his managers had plenty of money to give to those who would assist in breaking up the 'hold-up' by attending the sessions and voting for Mitchell. He also stated that Mitchell himself desired to see me personally at the Willamette Hotel, which was the Mitchell headquarters. Powell added that there was something in it for him if he could get me to do what I have outlined above. I arranged to meet Powell that same evening and did so. He accompanied me to the Willamette Hotel, where I was met in the large reception room where Mitchell and Fulton held forth. As soon as I entered the room Mitchell and Fulton invited me into an adjoining smaller room, where they urged upon me the inducement that I owed it to my own future career to attend the legislative sessions and stand with them. Fulton said to me, in Mitchell's hearing and presence: 'I will give you $3000 and pay you $1500 of that amount down right now if you will go into the House tomorrow and make a speech explaining that you think there has been enough of this delay and urge that the members take action and vote for Mitchell for United States Senator.' (Prior to this interview I had conferred with the leaders of the anti-Mitchell legislative wing, namely with Jonathan Bourne, John C. Young of Baker City, state chairman of the Populist party; Frank Williams, of Portland, Or., then member of the executive committee of the Populist party, and with various other of my fellow members of the Legislature, including H. L. Barkley, Republican Representative from Marion County and now bishop of the United Brethren for the Pacific Northwest, on that same day, and subsequent to the talk the aforesaid James Powell had had with me; and I had declared my intention to my political associates of accepting the proposed bribe in order to furnish a clear case of the methods that Mitchell and Fulton were pursuing to procure the re-election of Mitchell.)

"Mitchell added his assurance to that of Fulton. I remarked, 'Well, you have this man Powell here who has already talked to me and you can arrange the paying over of the money with him.'

SALIENT STATEMENTS MADE BY MR. HENEY.

That John H. Hall and Edwin Mays failed to prosecute the Claude Thayer land-fraud case.

That Pierce Mays was in the employ of Claude Thayer.

That the indictment of Burke and Gosslin was in the interests of the Northern Pacific Railroad.

That Senator McBride interested himself in Burke and Gosslin's behalf at the request of C. W. Fulton.

That the cause of municipal corruption lies in special privilege.

That public-service corporations go into politics to get special favors.

That the people will have corrupt government until they get the public-service corporations by the throat and make them keep out of politics.

Money Is Paid Over.

"Mitchell and Fulton acceded to this and I left their headquarters and went down stairs to the lobby of the hotel, where I was joined in a few minutes by James Powell, who took me aside and handed me two packages of greenbacks, one containing $1000 and the other containing $500. I had hardly got through with Powell when Mitchell, who had followed him down stairs, came up to me and took me by the arm and said: 'We have $35,000 and the boys who are training with you can have all of it if they will do as you are doing and come in and vote; the cab out here is at your disposal to get them here tonight and see us; we want them to vote right tomorrow morning.'

Fulton Demands Money Back.

"The next morning, in place of attending the session, I stayed around in the lobby of the Statehouse in company with my political associates of the Davis group. When the rollcall had progressed to the point where the reading clerk called 'Smith, of Linn,' he had to repeat the call, but without result. I was not there to respond. Charles W. Fulton rushed out from the House into the lobby and approached me in a hurried manner. Fulton said to me, 'Aren't you going in this morning?' I answered, 'Going in where?' Fulton said, 'Into the session this morning.' I replied, 'Not on your life.' Fulton then exclaimed, 'You give back that money then.' I said, 'I will never give back a cent of it.' Fulton then became threatening in his manner and gesticulated forcibly. He said, in quite a loud tone, 'Then look out for yourself personally.' Fulton's manner was such that it attracted the attention of a number of legislators and others in the lobby (among them being Walter Lyons, afterwards private secretary of Governor T. T. Geer and now editor of the Independence, Oregon, Enterprise, and H. L. Barkley). Fulton noticed that a crowd was gathering and began to retreat towards the House session chamber. I followed him up to the door and proposed to him that he and I, in order to settle the matter, should sign a joint statement setting forth nothing but the actual facts of the bribery attempt, and publish same in the Salem Journal. Of course he would not agree to my proposition.

"I became an applicant for the position of Warden of the State Penitentiary of Salem, Or., immediately after the election of the present Governor, George E. Chamberlain. My application was indorsed by such men as John B. Waldo, ex-Chief Justice of the Supreme Court of Oregon, Jonathan Bourne, State Senator W. R. Bilyeu, Hon. J. K. Weatherford, Bishop Barclay and many others, and I was appointed under date July 1, 1903. Charles W. Fulton had been elected United States Senator in February, 1903, and attempted to prevent my appointment by representing the before described fact of attempted bribery in a false light to Governor Chamberlain. The result was that Governor Chamberlain made a personal investigation of the matter, inquiring as to the facts of Jonathan Bourne, John C. Young, Frank Williams, W. S. U'Ren, of Oregon City, Or., and others. The Governor stated, in summing up his view of the matter after completing the investigation, that I had been guilty of no moral turpitude and was worthy of receiving the appointment asked for. I was accordingly appointed.

(Signed) "J. S. SMITH.

"Subscribed and sworn to before me this 23d day of January, 1906.

"Thomas B. Neuhausen, Special Inspector, Department of the Interior."

Bishop Barclay's Affidavit.

Mr. Heney then read the affidavit of H. S. Barclay:

"H. L. Barclay sworn, on oath says: I am Bishop of the United Brethren for the Pacific Northwest (my diocease comprising Oregon, California, Utah, Idaho, Washington, Montana and part of British Columbia) and reside at 403 Prescott street, Portland, Or.

"I was a member of the Oregon Legislature which convened in January, 1897, at Salem, Or., and I am personally acquainted with J. S. Smith, who represented a portion of Linn County, Oregon, in that Legislature. I was chairman of the Committee on Credentials of the House and in that capacity rendered every aid possible, in conjunction with 25 or more other members with whom I affiliated, to defeat the re-election of United States Senator John H. Mitchell. The latter was aided by the present United States Senator, Charles W. Fulton, acting as his lieutenant and manager, in his efforts to induce the body of Legislators with whom I was associated to organize the House for the purpose of his re-election. This I and my colleagues strenuously opposed. After the so-called "holdup," lasting about 50 days or more, the Legislature adjourned without electing a United States Senator, thus accomplishing the defeat of Mitchell.

"During the course of the Legislature session above mentioned Charles W. Fulton and Senator Mitchell both, according to well-founded report at the time, sought to bribe the voters of certain members of the Legislature, among them being the before-mentioned J. S. Smith. I recall distinctly the fact that said J. S. Smith told me during the course of the session that Fulton was offering money for votes, and that he intended to 'call his bluff.' I advised Smith not to engage in his proposed undertaking, but he gave me to understand that he intended to go ahead with it. A day or two thereafter Smith informed me that he had been paid $1500 or thereabouts by Charles W. Fulton, with the understanding that he (Smith) should go into the House and declare himself for Mitchell.

"I was a witness to the altercation which ensued between said Smith and Charles W. Fulton when Fulton demanded the return of the money which he had paid Smith, on Smith's refusal to go into the House and declare himself in favor of the re-election of United States Senator Mitchell.

H. L. BARCLAY.

Governor Chamberlain's Statement.

Governor Chamberlain I have talked with about this matter. He has not made an affidavit, but I suppose his word will go without swearing to it, and here is what he told me:

"Some time after I had assumed the duties of the office of Governor in January, 1903, and while I was considering the question of appointing J. S. Smith, of Linn County, Oregon, as one of the officers of the State Penitentiary, Senator Charles W. Fulton came to me during the session of the Legislature of that year, and entered a protest against the appointment of J. S. Smith. Fulton urged as ground for my declining to appoint Smith, that he (Fulton) had been present at an interview between Senator John H. Mitchell and J. S. Smith in Salem, Or., during the Legislative session of 1897, and that at that interview Smith had been paid $1000 or thereabout (or was paid such a sum immediately after that interview). This sum, according to Senator Fulton, was paid with the mutual understanding that Smith, who was a member of the Legislature at the time and opposed to the re-election of United States Senator Mitchell, should attend the session and break the "hold up" by helping to make a quorum and declaring himself in favor of Mitchell's re-election. The particular point that Senator Fulton, curiously enough, made with me in regard to this transaction was, that Smith was absolutely unreliable because he had agreed to be bought and had refused to 'stay bought.'

Fulton to Blame.

"I told Senator Fulton that it looked to me as though the entire affair reflected very little credit upon any party to the transaction and that, if anything, the participation of Senator Fulton and Senator Mitchell in the deal was considerably more subject to criticism than that of J. S. Smith. I had instituted an inquiry in order to determine just what part J. S. Smith had had in the matter, and determined to my satisfaction that he had done nothing which should cause me to decline to appoint him to office. I inquired of Frank Williams, John C. Young, and other leaders of the People's Party familiar with the entire facts bearing upon the affair and ascertained that they suspected that money was being used by Mitchell and his friends to corrupt the Legislature and that J. S. Smith had stated to certain of his party associates, prior to his going to the Mitchell-Fulton headquarters in the hotel at Salem, Oregon, that he intended to find out whether this was a fact and to help deprive the Mitchell hosts of the 'sinews of war' by himself accepting a 'piece of their money.'

"When I questioned J. S. Smith himself about the matter, after Senator Fulton had protested against his appointment, Smith was perfectly frank in relating all the circumstances to me and I formed the opinion, which I still have, that his action in taking the money was regarded by him and by the persons with whom he advised prior to taking same, more as a piece of political tactics than anything else, and I did not understand that the money was to be retained by Smith himself, but to be used by Smith's party associates for defeating the purposes for which it was paid.

"It was furthermore made perfectly clear to me that Smith positively declined to carry out the conditions which were imposed upon him by Mitchell in Fulton's presence when the deal concerning the payment of the money was made with Smith. It was this very declination on Smith's part that formed the basis of Senator Fulton's protest against Smith's appointment as an office of the Oregon State Penitentiary. Having convinced myself that J. S. Smith had done nothing in the transaction mentioned to merit my refusal to appoint him to state office, I accordingly appointed him Assistant Warden of the State Penitentiary, a position which he still occupies."

Now that was in 1903, and I started in 1897. Of course that transaction, the first part of it, occurred in 1897. It seems that Fulton in effect admitted that he was there, handling the sack of Mitchell; he admits to Chamberlain that he was present. We have the affidavit of Smith and of several of the others. I won't stop to read them to you, because they are all to the same effect. There is one from U'Ren stating that he knew about it at the time, and one from H. L. Barclay, who was bishop of the United Brethren for the Pacific Northwest.

Fulton as Hammond's Attorney.

Now 1896, 1897, 1898, 1899; in 1899, as we have just shown in the case on trial, Fulton was attorney for the Astoria Railroad Company, A. B. Hammond, principal owner, and for some of Hammond's other companies, and a man by the name of W. E. Burke, somewhat of a politician himself (I won't say according to the definition just given), but Burke and a man named Gosslin, who was secretary of the Astoria Railroad Company and of other corporations of Hammond, were wanting to file on some lands at Oregon City, over in the Tillamook country, about the same time Thayer had gotten hold of his claims there or was getting them, which some of you may know about.

So when they got up there they found Moulton representing the Northern Pacific, for which Carey & Mays were attorneys; and curiously enough, Ed Mays was the Assistant United States District Attorney; and curiously enough also, the District Attorney's office took action in this case, though it did not take action in any similar one very promptly, but the action it took in this case did not last very long either; only lasted long enough to accomplish the purpose of the Northern Pacific and of the Mayses.

Burke, in order to make sure of getting this land, came down and got some bums out of the North End—that was at the time when you had faro banks running here, as referred to by your chairman of the evening—20 of them, to go up to Oregon City and file on these timber claims, in order to get in ahead of the scripping that was going to be done by the Northern Pacific on this particular timber. Burke admits that and Gosslin admits it; they both admitted it at the time, and Burke went before the grand jury at the time and the grand jury indicted them. These 20 men did file, each one swearing that he was taking up the land for himself and had made no agreement of any kind or nature by which anybody else was to be benefited by it. Burke knew that was false, because he had agreed to pay them $2 apiece to go and make those affidavits in order to cover this land. Gosslin knew it was false, because he was there when Burke brought them up and knew what the transaction was, as he admits.

Burke and Gosslin Indicted.

But what happened? Moulton comes on down here and he sees that the Northern Pacific is getting cut out of this land that he thought he had a cinch on, and suddenly we find activity in the United States Attorney's office. Pierce Mays now is attorney for the Northern Pacific and Ed. Mays is Deputy in Hall's office. First these men are arrested and taken before Ed. Deady as Commissioner, and Hall and Fulton appear before Ed. Deady, and the men are bound over. They waive examination. Two of the bums are arrested, also. Fulton goes and gets Henry McGinn to have his brother-in-law and another man furnish the bond for the bums, the only two of the 20 they had found.

Fulton Uses His Influence.

Then Fulton at once starts at work to do what? To see that the laws of your country are not enforced. This was late in 1899. We find him knocking at the door of the United States District Attorney's office from that time on down to the present time, every time a friend of his was threatened with indictment; using his influence as a State Senator, using his influence as an attorney for this railroad and corporations, using his influence as United States Senator, to prevent the enforcement of the laws that he has sworn to uphold. (Applause.) And so after Burke's indictment and Gosslin's indictment, relinquishments to all this land are filed, and the Northern Pacific gets what it wants. Then there seems to be no necessity for any further prosecution. The prosecution seems to have effected its real object.

Now Hall commences to move toward a dismissal of the indictment. With the absolute evidence in his possession, with a letter from Charles Morris, giving him the names of the 20 applicants, with their notice of proofs published in a newspaper at Forest Grove by Colonel Eddy, and paid for by Burke and Gosslin out of the money of A. B. Hammond's companies, represented by Fulton Bros., attorneys, a move was made on Binger Hermann. Fulton and Hall telegraphed and wrote Hermann, Hall at Fulton's request, within a week or two after the arrest, asking Hermann to recommend or authorize Hall to accept a compromise by having the relinquishment filed. Compromise by having the relinquishment filed? Why, there was not one of those bums there to show up to make final proof, and what would he make final proof on, unless the Hammond companies furnished the $2.50 an acre to make it with, and Burke did not dare go there and carry it out any further, and if they did not show up at the time set for final proof the entries were canceled.

Compromise! Compromise what? Why, that reminds me of the compromise that the monkey made with the cat, when he got hold of the cat's piece of meet. He said, "I will compromise this by keeping it all." Why, the Government had the land; they had no possibility of getting it, and it would be clear and free at the end of 60 days when they did not show up to make their final proofs. Hall knew that perfectly well. Asking Binger Hermann! Fulton and Hall writing and wiring him to allow Hall to act when he seeks to violate his duty as a sworn officer of the law! Seeking something that he could crawl behind! The Interior Department had nothing to do with the United States Attorney's office in prosecutions. I would like to see the Secretary of the Interior or even the President that would stop me from going ahead with a prosecution if I believed a man guilty (great applause). And so they started in October, 1899, and Binger Hermann, the sly (laughter), said, "I have no power in this; you can't pass the duck to me (laughter). I suggest that you apply to the Attorney-General."

Fulton Writes McBride.

And then Fulton promptly writes to Senator McBride, who was here in Portland, and urges the United States Senator to take it up with the Attorney-General, and of course, to accommodate the active Mr. Fulton, who is always in the Legislature, to assist in electing United States Senators, up to the time he got there himself, he takes it up with the Attorney-General, and the latter, as properly he should, says, "I know nothing about this," and referred it back to Hall for Hall to do his duty, and how did he get it?

Hall Gets His Annual Pass.

Just about the time that they came back, Hall writes Fulton a letter, and says, "By the way, I have not yet received an annual pass over your road," and Fulton writes back and says, "I have requested Mr. Goslin" (this man under indictment) "to try to get Smith, the secretary of the railroad company, to see that you get your annual pass, and if he overlooks it, let me know, and the next time I go to Portland I will attend to it myself."

Oh, yes, it is a small matter, this getting an annual pass over the railroad, but think of the position of the prosecuting officer, who under those conditions existing, would apply to Fulton for such a thing; and in March Hall dismisses the indictment, though I think he makes a contention that he got some sort of a communication from the Attorney-General consenting to it. I do not care if he did, though I don't think he did because the records do not show it. But if he did, the Attorney-General could know nothing about it, and would have to act solely and purely upon Hall's representation, and I tell you that the time has come for United States Senators to keep their hands off of criminal prosecutions in this country and permit men to do their duty (great applause). And so a clear case was dismissed.

Then Comes Thayer Case.

And then along about the same time came the Thayer case. Claude Thayer, the son of Governor Thayer, was getting over a hundred claims over there, and Leach and Handley came over and Leach was willing to tell the whole thing, and told it to Pierce Mays, employed by Thayer, and Hall promised faithfully he would take care of the matter before the grand jury. Instead of doing so he put Ed Mays in there to do it, while Pierce Mays was drawing down the money of Thayer. This man Leach, who confessed the whole thing and told the whole scheme, was never put before the grand jury, but sat there cooling his feet outside the door all the time. That happened in 1902; another case. Then following on down, in 1900 commenced this complaint about the fence case of the Butte Creek Company, of which Steiwer was at the head; which shows these men took up fraudulent claims a mile in length for six miles to run a fence on, while homesteads were taken up by the girl who waited on the table at the hotel, and by a widow lady who ran the hotel, and a widow woman, who was doing washing in the town, and by a man named Sellers, who drove the stage from Fossil and who never saw the land in his life, and by Mrs. Hammond, who says she never saw her claim, and Mrs. Wick, who worked in the hotel and who said she was out there once or twice on the land and rode around it, and which was proved up before Hendricks, United States Commissioner, attorney at law and secretary of the company.

Thayer comes back in 1902; these cases I have just spoken to you about were in 1899. Is it any wonder that people like Puter and McKinley grew to think that there was no danger of prosecution, and that they might as well go ahead acquiring lands fraudulently in Oregon, bringing disgrace upon your state, as it finally did?

George C. Brownell's Letter.

Now, there are a dozen of those cases, and I am not going to take up your time with them. I have told you enough about them to illustrate what I am talking about. Now, we come to another matter mixed up in this, George C. Brownell's letter, and when I finish with that I am going to quit the discussion of Fulton and talk to you about some other things. George C. Brownell made Mitchell's election possible. Brownell made Fulton's election in 1903 possible. Without him Fulton could not have been elected to the United States Senate in that section. Before his election Fulton had agreed to make Brownell United States Attorney for the district of Oregon. Hall's term had expired in January, 1902, and this election took place in 1903, so that he had really been holding over for a year. Hall was present and agreed that Brownell was to have his place, and a special agent named A. R. Greene was here. Greene did not like Hall, to commence with, but finally got so he and Hall were so thick that he helped Hall at the time I came here, and helped to keep me from getting knowledge of facts that I should have known before I knew them. He was helping Hall to get reappointed. He did help him to such an extent, and they fooled me to such an extent that I am responsible for the fact that he was re-appointed, and I had him re-appointed. We will come to that in a moment.

Now, while I did not know about it when I came up here in 1903, Hall had already, after Fulton's election in the early part of 1903 with the aid of Greene secured the evidence that Brownell was supposed to have taken the acknowledgement of some forged signatures on some public surveys in Henry Meldrum's office, which, it turns out, as a matter of fact, Brownell did not sign—I am satisfied to that myself, having examined them very closely and compared them with genuine signatures of Brownell, and evidently Meldrum tells the truth when he says he forged Brownell's signature and somebody else forged the other signatures. Now, at that time, however, Brownell thought he had signed these things because he had been in the habit of taking acknowledgments of some of those people, and he thought that at some time Meldrum had brought up some papers and suggested that it was all right, and that he thereupon put his acknowledgment upon them. It seems that Brownell had formerly had a partner named J. U. Campbell, and he did the same thing.

Hall Threatens Brownell.

Now Hall sent for Brownell and said to him—of course he did not come out and say "If you don't withdraw from this race I'll indict you," but he intimated to him and insinuated that unless Brownell got out of that race that he could not possibly get the office because Greene would make a report on him that he had made these acknowledgments to these forgeries and could not possibly be appointed, practically saying to him, "You get out of here and help me, and I will see that you are protected, George." Now George concluded that he would play a little of the same game himself and so he told Hall that he was out of it, and as soon as he got hold of Fulton, who came out here that Summer with Mitchell, he told Mitchell all about it, and told Fulton that Hall was threatening him, and that he, Brownell, wanted Mitchell and Fulton to support Campbell and to put Campbell in Hall's place.

Brownell Gets Double Cross.

Brownell did not know that Greene had the same thing on Campbell, and could prevent his appointment, and so he selected Campbell and told Fulton that Campbell was going to divide the fees of the office with him and that he, Brownell, would stay up in Clackamas County and do politics for the old crowd, and Fulton agreed to that and Mitchell agreed to it. Then along in the Fall of 1903 Brownell had told somebody about it, although George says that Hall told him that Fulton told Hall—in other words, that Fulton was giving George the double cross.

Hall found out in some way, at any rate, that as a matter of fact Campbell was to be appointed and that George was behind it, and so he sent for George again, and on October 20, 1903, he got from George a letter in which George released Fulton from his pledge and asked him to support Hall.

Now, at that time, October, 1903, the first case against Puter and McKinley was put before the grand jury. That case actually involved Pierce Mays, who was subsequently, after I got charge, indicted in the same manner; but he was not only not indicted, but he was the attorney for Puter at the time. Puter went up to his office in October, just before he was indicted, and there he saw this letter from Brownell to Fulton and expressed his amazement and regret that Brownell was going to get out of the race, because he considered that Brownell would be friendly to him if he was appointed, and that he would not be in any danger; but Mays told him it would be all right anyhow if Hall remained in; but Puter did not think so, and Puter was indicted.

He was to be made the scape-goat, he and McKinley, for the crowd; just as they would like us down in San Francisco to make poor old Lonergan and a few of the other Supervisors, those miserable ignorant fellows who were put in there and used by men of brains and money, they wanted us to make them the scape-goats while the higher-ups could continue to wear their silk hats and broadcloth and belong to business clubs and go in the best society. (Applause.)

Hall Agrees to Protect Brownell.

Now, about that time Hall concluded that he would go East and he went to Washington and there he saw Mitchell and Fulton and they agreed to support him for reappointment in consideration of his protecting Brownell and Campbell from indictment. Hall had held up George Brownell; Mitchell and Fulton knew it, as this correspondence shows, and I won't take time to read any of it to you, but refer you to The Oregonian where it has been published. If you read those letters you can reach but one conclusion, and that is that Fulton and Mitchell knew about it. Fulton says Mitchell did not show him those letters, or tell him what was in them, but if you will hark back to 1897 and think of the relations between Mitchell and Fulton when they could go together into a room and agree to pay a man $3000 for his vote, you will be satisfied that Fulton knew just as well as Mitchell did about the deal by which Hall was threatening to prosecute Brownell unless Brownell withdrew in his favor. I say those letters show that to my mind most conclusively, and I think you will agree with me that it shows it to your mind, and therefore I will not take any further time on that. Now what difference does that make if Fulton did agree with Mitchell to support Hall for reappointment if he would not prosecute Brownell? Do you stop to realize that we are living in a country where our property rights and our liberty must depend upon the faithful enforcement of the laws? Do you stop to realize that if the office of Prosecuting Attorney can be bartered away in this manner, and a man appointed because he has agreed that he will violate his oath of office, that he will not properly prosecute men who have been guilty of crime?

Do you stop to realize that if that can be done by men who have been honored by you with the highest office that is within your gift as citizens of this state, that the time must come when this government must fall to pieces—this Republic cannot endure with such corruption? You are polluting the very foundations of justice when you permit such a thing to occur, and you cannot place the stamp of approval upon any men who have been connected with such a transaction. (Applause.)

The Fight for Liberty.

Now, let me say a little about generalities. After all that is what I am more interested in. The putting of a few men in jail is not the good that we have accomplished in Oregon, nor the good that we hope to accomplish in San Francisco. If that was all that I could look forward to as the fruit of my work here and there, I would feel that my time had been utterly wasted. The fact is that in 1600, about 1665, people commenced coming here from England looking for greater liberty to worship; they wanted more religious freedom; they wanted the right to worship in such form as the individual conscience dictated. Upon their arrival here they in turn became narrow and each different community was at different times inclined to persecute those who did not agree with them. Gradually an understanding of what is really meant by liberty commenced to spread throughout France, England and the United States, and by 1776, at the time of the Revolutionary War, the 3,000,000 people who occupied that narrow strip of land along the Atlantic Coast who were known as the colonists of England, had grown to realize that the highest and best thing on earth that human beings can struggle for is liberty of conscience, liberty of action and equal opportunity in this world. And so, believing as they did in self-government, believing that they were capable of exercising self-government, they demanded and insisted that they should have representation in the English Parliament, and when finally the ships landed in Boston with tea and the Revolutionary fathers went on board and threw that tea overboard, when it was said that the tax was small, they said, "No, it is a principle for which we are fighting, and taxation without representation is tyranny." (Applause.) You heard nothing at that time that we can learn of now about it hurting business. Those 3,000,000 of people went into a long struggle with the mother country and for eight years they suffered privation, they were risking their fortunes, they risked their lives, for what? When a President of the United States now attempts to get the people of this Nation to realize that there is something better than mere money-making and that we must have a higher standard of morality in business and political life, you hear the Tories of today crying, "It hurts business." During the Revolutionary War they had their Tories who were opposed to this fight for human liberty, who preferred to remain under England and let her tyrannize over this country, provided only they were not interfered with in their money-making. (Applause.) And so in 1860 to 1865, when that great fight was made for human liberty under the leadership of Abraham Lincoln, (great applause) you found your Tories—those who were not able to take advantage of the war and make money out of the people, crying "it hurts business." They wanted to stop that great fight for the perpetuity of the Union and the liberty of the slave because forsooth, it was hurting business.

"It Hurts Business."

And so now in Oregon, when I started here in 1904 you found the cry going up, you found men talking in the church, "Stop these prosecutions, it is hurting business, the timber business of Oregon. (Applause.) And so when I got back to San Francisco and when we took the lid off that stink-pot down there and showed what has been going on you hear the cry going up the moment we commence to interfere with the men who are really responsible for these corrupt conditions, "this sort of thing should be stopped; these prosecutions have gone too far, they are hurting business;" and so when Theodore Roosevelt says, "The railroad corporations of this country have gone too far, they have robbed the people all we intend to let them rob them; they shall no longer discriminate in favor of one man and against another; that is unequal taxation, taxation without representation, which is tyranny, and we do not propose to be tyrannized over by Harriman or any other railroad magnate." (applause) I say when he does that you find that same class of men crying out, "it is hurting business and ought to be stopped."

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