GOVERNMENT WITNESSES TELL OF MITCHELL'S ACTIVITY

matter of employment as to whether Senator Mitchell was to perform any service in the matter in Washington?

A. No, sir, except possibly the Senator's name might have been mentioned. I might have said to him that I could get the status of the claims by writing to the Senator for it, or something of that kind. But there was nothing said about employing the Senator, or any matter of that kind, except in that way.

Q. is that a carbon copy of a letter taken from your flies?

A. That seems to be a copy of a letter that I wrote to Mr. Kriba.

Q. Did you sign and mail the original of that to Mr. Kriba, at or about the date this bears?

Mr. Thurston: We object to this on the ground that it is irrelevant and immaterial, also that it is secondary evidence and that no proper foundation has been laid for its introduction. It is a letter to Mr. Kribs. Your Honor, and Kribs is a witness in this case.

Mr. Heney: It is directed merely toward the testimony of the witness in relation to his understanding brought out on the cross-examination, of what services were to be performed.

The objection is sustained.

Q. At the time that you made this

The objection is sustained.
Q. At the time that you made this agreement with Mr. Kribs you say that you did not intend to contract for the services of Senator Mitchel?
A. No. sir, I did not.
Q. Didn't you expect and intend, at that time, that Senator Mitchell would do what he could to expedite the claims? Objected to as incompetent, immaterial and asking for a mental operation of the witness. Objection sustained.

The Talk With Kribs.

Q. Did you say anything to Kribs at the time you were employed by him as to whether or not Senator Mitchell would do

something of that kind is all.

Q. The only transaction you had had with Kribs prior to the employment in these 50 timber claims involved a fee of 55 dig it not?

A. No, it was 50. Fifty dollars I think I have charged him for attending to that other matter. Q. That was the Coos County matter,

n't it?

urt: I do not see Mr. Heney that is at all material.

Heney: Very well.

I believe you testified that Mr. Robon assisted in sogregating the letters he time that Mr. Burns came there

at the time that Mr. Buris came there with a subpens?

A. Fes. sir, he did.

Q. Do you recall as to whether he was requested to do so or not?

A. Yes, I requested him. I knew he was a handy man with a pencil, and I asked him to take a list of the letters for the years, each year; they were taken out of the letter files for each year, and he was there and I asked him to make a list of the letters by the year, I think and also to prepare a receipt. I think I took a receipt for the letters. He did whatever he did there at my request.

The Court: There is no doubt about The Court: There is no doubt about

Checks Were Paid.

checked out the whole of them?

2. Including all that had been deposof that month?
A. Yes, sir. Unless there might be a
Yes, sir. Unless there might be a
something of that kind. Of course our
obe and the bank book did not always
ree within a dollar or two, or a few
its, but practically if was all checked
it at the end of each month.
2. Prior to the time that you had this
necessation with Senster Mitchell in Dember, when you met him on the train
Kalama, had you heard rumors that
ribs might be indicted?
A. Possibly I had. I don't recall now
out that. I know there was a lot of
lks about indictments, of various peobut I don't recall that I heard anying about indicting Kribs specially,
2. You don't recall as to whether or
tyou told Senstor Mitchell that?
A. No, I don't. I don't recall about
at.

before Senator Mitchell went before the grand jury, or afterwards, that you pre-pared this changed agreement?

When Agreement Was Changed.

is that this agreement matter was fixed up and understood between us before that.

Q. Did he tell you after he had been before the grand jury, and while he was here in December of 1894, as to whisther or not he had been asked about his business relations of the business relations with the firm with Kribs?

A. Yes, sir, I think he did. He said he had been questioned about that matter and told me in substance what he had lestified.

Q. What did he say he had testified to?
A. Weil, he said that he had testified that Kribs had never paid him any money, that he had never paid him any money, that he had never had any business transactions with Kribs, I think, or something to that effect.

Q. What did you mean by the words "Find if Harry prepared partnership agreement of March 21. 1807. Which agreement of March 21. 1807. Which agreement or the manufactured one?

A. I was referring to the agreement we had prepared when he was out here in December and trying to get from him an answer whether Robertson was going to corroborate us in that matter or not.

Mr. Heney: Take the witness, with the exception that I I would like to recall him after we have obtained that telegram.

Re-Cross Examination.

Re-Cross Examination.

When and where was the conversathat you claimed to have had about
big fee with Senator Mitchell?
That was at the office.
When?
Oh, I couldn't tell when. It was
at time when he was out here during
recess of Congress.
Who was present?
No one but he and myself.
What year was it?
I could not tell you that. It was

I could not tell you that. It was this matter was pending there, I

Unable to Flx Date.

I couldn't say about that, You don't know a thing about it? you claim it was said? I know the conversation was had, the case was talked of and the ques-of law involved was discussed to of law involved was discussed to extent. That wasn't any of these Kribs mat-that are mentioned in the indictment? No, it was another matter. Abother matter entirely?

Q. Now, after you were subpensed before the grand jury, and before you testified, you did not see Seaster Mitchell at all, did you?

A. No, sir, I did not.

Q. Or communicate with him in any way between the time you were subpensed and the time you testified?

A. No, I did not.

Q. He was then in Washington?

A. He was, yes, sir, I wrote him immediately after I had testified.

Q. Now, as a matter of fact, you were to supervise and direct in relation to the matter of all those affidavits that were to be taken in those claims, weren't you?

A. Yes, I was to advise Mt. Kribs and tell him what was to be done, and do whatever legal services were necessary in getting these entries perfected and passed to patch.

Looked Up Decisions.

Q. You looked up the decisions of the

A. Yes, sir.
Q. And advised him about them?
A. Yes, sir.
Q. Then when they came back again you consuited with him again about them as to whether they were sufficient or not?
A. Yes, I think we had a conference about them and looked over the affidavits.
Q. Bepeated conferences weren't there?
A. Oh, yes, he was in there frequently about it. Yes, air.
Q. Did you prepare the Pilisbury affidavit?
A. I did, yes, sir.

davit?
A. I did, yes, sir.
Q. (Re-direct.) Did you ever talk with Mitchell about Kribs while the Senator was out here?
A. Well, as I testified before, I introduced Mr. Kribs to the Senator, and told him in a general way that Mr. Kribs had retained me in his land matters, and was going to have considerable business. I thought, in land matters. There was general talk at that time.
Mr. Heney: I want to raise that question afterwards about the striking out of the testimony.

tion afterwards about the striking out of the testimony.

Mr. Thurston: If the court please, mere-by to perfect our record, and not with any view of changing the previous ruling of the court, I now move the court to strike out all of the testimony of the witnes Tanner, on the ground that it now stands as proven in this case, that he is disqual-ified as a witness in the courts of the United States under the statutes of the United States.

Court: The motion will be denied.

Defendant takes an exception.

Witness excused.

Court: The motion will be denied.

Defendant takes an exception.

Witness excused.

Mr. Heney: The court suggests that we take up this matter of my motion to reinstate portions of Judge Tanner's evidence that was stricken out yesterday. I suppose it is not necessary for Judge Tanner to remain, because the evidence has already been taken, and if Your Honor permits it to go into the record, it can be read in again.

Mr. Bennett: No, we make no question about that.

The Court: My recollection is that the ground upon which the testimony was stricken out was that it did not in any way tend to explain the letter; that the letter is self-explanatory. Of course, there is no doubt that if it is necessary to have the letter that Tanner sent to Mitchell inorder to understand it, you will be entitled to show it: but there is nothing in the matter stricken out, according to my recollection of it, that would be material.

Mr. Heney: I did not understand quite the theory upon which Your Honor struck it out, and was not sure that Your Honor understood the theory upon which I offered it.

The Court: Yes, I understood the the-

fered it.
The Court: Yes, I understood the the-

The Court: There is no doubt about that; you are entitled to show a fabricated defense; but the question is whether that testimony tends to show anything of the kind.

Tanner Letter Ruled Out.

Tanner Letter Ruled Out.

Mr. Hency: The testimony was that Tanner says: "I suggest that because of the fact that Kribs had given up the chocks, that this could be traced through the banks, and, consequently, that the change in the agreement would do us no good, and it would be necessary now for us do admit that, and I can let them see the books" (was the effect of it), "and we must explain that by saying that that you were to owe me the share of the Kribs matters which you got"; and then in reply comes back from Mitchell to that letter, saying, "You know the facts to be that you intended that that should be owedraft on my part which I should be an overdraft on my part which is should owe you for," which, standing vione, does not show a fabricated defense, but which standing with Tanner's suggestions as to the reasons why that was the light it should be put in, the two together, that conversation in writing, make out this fabricated defense.

Mr. Hency: We will now offer in evidence the House journal of the Twenty-first Legislative Assembly of the State of Orogsin, the regular session of 1961, at page 1694; "Hon. John H. Mitchell"—Mr. Bennett: Is it the election of United States Senator?

Mr. Hency: Yes.

Mr. H

Mr. Heney: I do not think the proof is

Q. In what department or in what devision?

A. I was employed until about April a year ago. April 1894, in a special service division. I am now employed in the public lands division.

Q. Does the special service division handle cash timber entries?

The Court: If the witness can do so, I suppose there is no objection to his taking the list, and from his examination be may be able to state whether such matters are pending, without going into all the details.

Mr. Heney: He has examined them out-

the details.

Mr. Heney: He has examined them outside: I had bim do it to save time.

Q. I will ask you to state whether each of the entries described in Government Exhibit I were pending in the General Land Office from October, 1981, to June.

Mr. Bennetis. We do not desire to in-terpose any objection that will take up time, but we want this all covered by our general objection of variance, etc. The Court: Yes. A. Yes, sir. Q. Do you know the signature of Bin-ger Hermann?

Do you are
Hermann?
Yes, sir.
I is it on that paper?
I ves.
Ar. Heney: We will offer that paper
evidence. That shows that they were
miling in October, 1900, in reply to one
the letters already in evidence.
Mr. Bennett: We object to that as in-

Mr. Bennett: We object to that as incompetent.
Mr. Henoy: It is a reply by the Commissioner of the General Land Office to
Senator Mitchell, to a letter asking for
their status, stating their status, and
where they are pending, and which diviation they are in.
Mr. Thurston: We make the formal
objection that the testimony is incompetent, and take our exception.
Objection everruled. Defendant excepts.
The letter was received in evidence as
Government's Exhibit St. The letter is
from Binges Hermann to John H. Mitchell, in answer to a letter asking to be
advised as to the present status of certain timber and stone cash entries in the
Roseburg, Gregon, land district. Mr.
Hermann answers:

Hermann Answers.

getting these entries perfected and passed to patcht.

Q. You consulted with him and looked up the law, despair.

A. Yes, and I called his attention to the decisions of the department with regard to it.

The entries in question are now in the Special Service Division of this office pending investigation by a special agent. He has not yet had time to report, but when he does, I shall promptly advise you.

you.

Q. I will ask you if the paper you now hold it your hand. Government Exhibit 1, is a part of the record of the General Land Office?

2. Is that a part of the records of the General Land Office?
A. Yes, sir.
Q. Were the entries that are mentioned in that paper, each and all of them, pending in the General Land Office from October, 1981, until June, 1982?
A. Yes, sir.
Q. Do you know the signature upon the paper now handed you?
A. Yes.
Q. Whose is it?
A. John H. Mitchell'h.
Q. Will you examine the endorsements upon that paper and state whether or not it is a part of the records of the General Land Office?
A. Yes, it is.

Yes, it is.
When was it received there?
February I7, 1862.
Heney: We will offer that letter

Mitchell Urges Expedition.

Washington, D. C., February 14, 1992.—
Hon. Binger Hermann, Commissioner Land Office, Washington, D. C.—Sir: The inclosed letter from Hon. A. H. Tanner, Portland, Oregon, explains itself. I will be obliged if you can advise me as to the status of the various timber entries made at the Roseburg land office specified in Judge Tanner's letter. I have had several letters from different persons in regard to these matters, and I will be much gratified if they can be expedited as speedily as possible, looking to a final conclusion of these cases.—
I have written you before in regard to these matters and if I remember rightly, my last information, some months ago, was that they had been referred to Mr. Stratford, special agent, to investigate, I desire to know if his report has been received.

My recollection is that there are no adverse claimants in any of these cases. It is simply a question of the good faith of the entrymen, and I respectfully submit, in view of the authorities, if there is nothing in the cases to indicate bad faith except the mere fact of early sales or mortgares by the entrymen, that that is not sufficient ground either for candellation or for ordering a centest. I am, very respectfully.

Q I hand you Government Exhibit 4. Is that a part of the records of the General Land Office?

A. Yee.

Q. When was it received there; can Mitchell Urges Expedition.

Whose signature does it bear?
John H. Mitchell's.
Is that a part of the records of the
ral Land Office? A. Yes, sir. Mr. Heney: We will offer this letter

The same was received and marked overnment's Exhibit M, and read as fol-The same was received and marked Government's Exhibit S, and read as follows:

Committee on Coast Defenses, United States Senate, Washington, D. C., February 29, 1992.—Hon. Binger Hermann, Commissioner Land Office, Washington, D. C.—Sir. I beg to hand you herewith the inclosed letter of Hon. A. H. Tanner, Portland, Oregon, containing a list of names and entries of timber, I believe, in the Roseburg land district. Kindly advise me as to the status of each of these cases respectively, and I will be personally obliged if investigation is made, and the cases pushed as rapidly as possible to a final conclusion. Respectfully.

Q. Were the entries that are enumerated and described in Government Exhibit 4 pending from October, 1991, to June, 1992, in the General Land Office, each and all of them?

A. Yes, sir; all of them.

personal recollection?
Yes, str.
Did you mail them?
I sealed them in envelopes and put
in the basket and they were mailed
se messenger in the office.
It was your personal act, then?
I placed them in the mailing basket
it yes, str.

Q. It was your personal act then?
A. I placed them in the mailing basket myhelf, yes, sir.
Mr. Thurston: We have no objection except the general one which we have to this character of testimoty.
Mr. Heney: I won't take time to read the certificate; it is by the Acting Commissioner of the General Land Office, with seal. The first letter refers to two of these claims. I will ask a question in regard to it?
Q. I will call your attention to the first letter containing two of the claims described in the indictment. Was the original of that letter mailed to the party addressed at about the date it bears?
A. I did not write this letter, and had nothing to do with it.
Q. Whose initials are those?
A. E. E. Clementz.
Mr. Thurston: We will make no objection that you have not laid the foundation; it may go in also.
Mr. Hency: Very well, we will offer this letter in evidence with the others.
The letters cantained in the package under the certificate were thereupon received and read in evidence as Government's Exhibit St. These letters all are answers to Senator Mitchell's requests for action or information regarding land entries mentioned in the indictment.
Also included are the following letters from Binger Hermann:
Special, Honorable Commissioner, Department of the interior, General Land Office, Washington, D. C. May S. 1902.—Hon. John H. Mitchell United States Senate, Washington, D. C.—Sir: Under date of October 22, 1904, you wrote to this office with reference to the following timber and stone entries in townships 21 and 25 S., R. 7 W., in the Roseburg, Oregon, land district:

(Here follows list of names.)
On February 14, 1902, you also asked to

rict:
(Here follows list of names.)
On February 14, 1902, you also asked to
be advised as to the status of the following, in T. 14 S., R. 2, 3 and 4 E., in the ame district: (Here follows another list of names,

same district:

(Here follows another list of names, with numbers.)
And on February 20, 1802, you asked for similar information relative to the following timber and stone entries in T. 14 S., R. 2, 1 and 4 E.:
No. 858, Stephen A. D. Puter.
(Here follows another list of names.)
You requested that early action be taken on said entries, and were advised that they were suspended pending investigation by a special agent.
The agent's reports were received, and under instructions from the Secretary were referred to him for consideration in connection with a report made to the department by a special inspector.
I am now in receipt of a communication from the department directing that all of said entries be relieved from suspension. They will, therefore, be passed to patent at an arry date, if found regular in other respects.

BINGER HERMANN.
Commissioner.

Department of the Interior, General Land Office, Washington, D. C., Pebruary S. 1802.—Hon. John H. Mitchell, United States Senate, Washington, D. C.—Sir: I save the honor to acknowledge receipt of cour communication of February 39, 1802, meioaing letter dated February 12, 1802, from Hon. A. H. Tanner, of Portland, Or., inquiring as to the status of a number of imber and stone entries in the Roseburg, Or., land district.

The entries in question were all referred

Or., land district.

The entries in question were all referred to Special Agent E. D. Stratford, of this office, for the investigation of certain charges of traud alleged against the entrymen.

Mr. Stratford's reports have recently been received, and the cases will be taken up for consideration at an early date.

Very respectfully.

BINGER HERMANN,

Commissioner.

Department of the Interior, General Land Office, Washington, D. C., February S., 1892.—Hou. John H. Mitcheil, United States Senate, Washington, D. C.—Sir: I have the honor to acknowledge receipt of your communication of February M. 1892. Instead of the Government, testified as follows:

Direct Examination:

By Mr. Heney:

Q. Where are you employed?

A. In the General Land Office, Washington, D. C., inquiring as to the status of 21 timber and stone cash entries in the Roseburg, Or., land district. The entries referred to are all in T. 14 S., R. 2. I and 4 E., and were made in August or October, 1892.

As I have hereofore advised you, these entries were referred to Special Agent E. D. Stratford for investigation. His reports have recently been received in all of said cases, and they will probably be taken up for considerating during the present month. Very respectfully.

BINGER HERMANN.

Commissioner.

Department of the Interior, General Land Office, Washington, D. C., October 39. 1861.—Hon. John H. Mitcheil, Portland, Or.—Sir: I have received your letter of the Commissioner of the General Land Office, I wish you would examine it and state whether or not that letter and the letter of two sheets attached to it, dated December 29, 1892, and addressed to John H. Mitcheil, signed A. H. Tanner, was a part of the records of the Land Office?

A. The same as a lot of others received in the present status of the following timber and stone cash entries in question are now in the special service division of this office, pensang investigation by a special agent. He has not yet had time to report, but when he does, I shall gromptly advise you. Very respectfully.

BINGER HERMANN.

Q. I call your attention to the first letter?

A. Is succeed the commissioner.

Q. I call your attention to the first letter of two sheets attached to it, dated by the commissioner of the General Land Office?

A. The same as a lot of others received there.

Q. You have seen it frequently, have you have seen it frequently, have you have seen it freque

Q. I call your attention to the first Government's Exhibit 1, and ask you whether or not those claims were made special? In whose handwriting is this last sheet attached to that paper?

A. Binger Hermann's, who was Commissioner at that time.

Q. In whose handwriting is the red penciling on the sheet fixelf?

A. That is in Mr. Hermann's handwriting. writing.
Mr. Heney: We will offer in evidence this last sheet that is fastened to the

this last sheet that is fastened to the letter.

The same was read in evidence as follows: "To Division P: As soon as special agent makes report on these cases advise Senator John H. Mitchell (that report has been) "and then those words are stricken out—"of the progress made in disposing of those cases. B. H. Commissioner."

Q. Were these cases made special?

A. I don't remember exactly what action was taken when that letter was written. The agent's reports had not been received at this time, I believe. When those reports came in we took them up for action, I think.

Q. Do you know when that was?

A. When the reports were received?

Q. Yes.

A. I don't remember the exact time; no sir.

Q. And has no reference to the— A. That is written on every letter that omes in.
Q. That has no reference to these claims then, as to whether they were expedited or not?
A. No, that would be written on in any case; no matter what the matter referred

Cross-Examination.

By Mr. Thurston:

By Mr. Thurston:

Og Mr. Ogden, have you in court the original papers relating to these several entries you testify to?

A. I haven't them: no, sir.

Q. But are they here?

A. They are here: yes, sir.

Q. Have you compared them with the lists you have testified about, as to correctness, number and description?

A. No, sir.

Q. Then how are you able to say that the lists you have testified to are the identical numbers and descriptions of the cases that were pending in the department at the time you have stated?

A. I recognize the letters and marks made on them in my handwriting.

Q. When a case is made special, Mr. Ogden, does that mean anything more than it is to be taken up and considered earlier than it otherwise would have been?

A. That is all.

Of it does not mean that there shall.

been?
A That is all.
Q. It does not mean that there shall be any different rule applied to its consideration?
A. No, sir.
Q. Or that any different action shall be taken upon it when considered, than would have been taken upon it when considered if it had not been made special?
A No sir.

day at which it is taken up for consideration?

A. That is all.

Q. Are you able to state from any records in your possession or from your own recollection, that any one of these cases described in these three lists was made special at any time, except as you state, upon call from the Secretary of the Interior?

terior?

A. That is all, yes, sir, so far as I remember, except Mr. Thurston, as the notes made on the letters by Mr. Hermann would indicate.

Q. Are you able to state that any different action was taken with respect to these claims? That they were considered in any different manner, or that any favoritism was shown them over what was the common action on similar cases of their kind?

common account the common account to the com Many Cases Made Special.

Q. You have a great many cases in that General Land Office made special, have you not?

A. Yes, quite a number, I believe.
Q. Upon frequent requests from different Senators and members of Congress?

A. That is done where sufficient reason is shown.

A. That is gone where sufficient reason is shown.
Q. It is a common thing that Senators and Representatives do make that request is it not?
A. Yes I believe it is.
Q. And whether it is compiled with depends upon the special condition or showing in each case?
A. Yes, sir.

Re-Direct Examination. Q. There is a rule, is there not, in regard to when cases will be made special and when not?

A. Yes, sir.
Q. Do you know what the rule is?
Mr. Thurston: We object to that as not the best evidence.
The Court: I do not see that it makes any difference whether there is or is not a rule.

James F. Casey Testifies.

you?

Mr. Heney: We will offer this letter in evidence, a copy of the other one being already in evidence.

The same was received and marked Government's Exhibit 88, and read as follows:

Asks Cases Be Made Special.

Asks Cases Be Made Special.

Washington, D. C., January 5, 1803. Hon-Binger Hermann, Commissioner of the General Land Office, Washington, D. C. Sir.—I beg to hand you the inclosed affidavit of Fred A. Kribs, together with list of lieu land selections in reference to which he is manager for the estate of J. S. Pillsbury, decreased, it seems the estate of Pilisbury is interested either directly or by assignment in all these selections, that the settlement has been delayed by reason of the unsettled condition of these lands. I sincerely hope you may feel justified on the affidavit enclosed in making these cases special and moving them along to speedy adjustment; I also enclose a copy of the list of selections and Judge Tanner requests if you will be kind enough to have the name placed opposite the selections and return the same to me to be returned to him. Please advise me of action taken.

Very respectfully.

JOHN H. MITCHELL.

Portland, Oregon, Dec. 29, 1992. Hon-

beer received at this time, I believe, when those reports came in we took beer received at this time, I believe, when that was?

Q. Do you know when that was?

Q. What was the reports were received?

Q. Yes.

G. What was the condition of the office in regard to timber and stone entries, with reference to the time that you were behind on current business at that time, do you know?

We took the cases up in the order of their importance, as a rule, in that division. In the other divisions of the office they took them up in the order of their coming is, in their chronological order, coming is, in their chronological order.

Q. That is where there was an investing a time the investigation. Division.

Q. That is where there was an investing a time the investigation. Division.

Q. Then from your division they would be taken up in their order.

Q. Then from your division they would be taken up in their order.

Q. Then from your division they would be made special?

A. There they would be taken up in their order.

Q. Then from your division they would of regular order, or taken up at once.

Q. Regardless of how many might have been filed ahead of them?

A. There they would be taken up in their order.

Q. They would you Government's Exhibit it 2. Can you say whether or not the leading a described in Government's Exhibit it 2. Can you say whether or not the claims described in Government's Exhibit it 2. Can you say whether or not the claims described in Government's Exhibit it 2. Can you say whether or not the claims described in Government's Exhibit it 2. Can you say whether or not the claims described in Government's Exhibit it 2. Can you say whether or not the claims described in Government's Exhibit it 2. Can you say whether or not the claims described in Government's Exhibit it 2. Can you say whether or not the claims described in Government's Exhibit it 2. Can you say whether or not the claims described in Government's Exhibitit 3. Which goes with Government's Exhibitit 3. Which goes with Government's Exhibitit 3. W

General Land Office?

A. It is.
Q. That is Kribs' affidavit of that date.
Do you know whether or not it is the affidavit referred to in that letter?
A. I do, yes, sir.
Q. And is it?
A. Yes.
Q. Can you state whether or not the lieu selections which are described in this affidavit, each and all of them, were pending in the General Land Office in January, 1902, until and during the whole of the years 1962 and 1963?
A. Some of them were proved up in 1963. I believe, and patented.
Q. In April, 1963?
A. Yes.
Q. Up to that date, were each and all pending?
A. Yes sir.

pending?
A. Yes, sir.
Q. Can you state whether or not they were in townships 14, 24, 25, 27, 39, 21 and 22 south, and ranges 2, 3, 4, 13 and 14 east, and 7, 8, 9, 9, 11, 12, 13 and 14 east, Williamette meridian, in which the Roseburg Land Office bad jurisdiction?
A. Yes, sir.

Land Office had jurisdiction?

A. Yes, sir.

Q. I hand you Government Exhibit 57, addressed to Tanner by John H. Mitchell, January 5, 1903, which reads as follows:

"Am just in receipt of yours of 28th ult., enclosing affidavit Fred A. Kribs. I will confer with the Commissioner and endeavor to have these cases made special."

Do you know whether or not Senator Mitchell conferred with Mr. Hermann about that matter?

A. I do not, str.

Q. Do you know whether or not any effort was made at about that time to make those cases special?

Mr. Thurston: Any effort by whom?

Mr. Heney: By the Commissioner of the General Land Office?

A. Yes, sir,

Mr. Thurston: I object to that.
Q. What did he do about it?
A. When the letter was received, in the usual course of action it was given to me to consult with the Commissioner. I went down to see him—
Mr. Thurston: I did not catch that,
A. The latter was received in the office in the usual course of business and given to me to consult with him to see wheiher the cases should be made special. I went down and saw him, and he told me to prepare a letter making them special, which I did. I submitted it without my initials, because I did not think the showing was proper—
Mr. Bennett: I wish the witness would speak a little more distinctly and not so

Mr. Beanett: I wish the witness would speak a little more distinctly and not so fast. It is hard for me to hear.

A. I conferred with the Commissioner and he directed that they be made special. I prepared a letter in accordance with his instructions. I submitted it to the chief of our division in the regular course of business without my initials; he submitted it without recommendation. He was sent for and consulted with the Commissioner-

sioner—Mr. Bennett: Were you there when he was sent for and consulted?
A. No, sir.
Mr. Bennett: Then I object to that.
Q. Only state what you know. What happened after that?

Refused by Commissioner. A. The letter was returned to me. I was directed by my chief to prepare a letter refusing to make them special, which I did, and forwarded it— Mr. Bennett: I don't think this matter

Mr. Semant.

Is proper.

The Court: I do not see that it has any bearing at all en the case.

Mr. Heney: The bearing upon it is that the employment was to secure the cases to be made special. That is the testi-

the employment was to secure the cases to be made apecial. That is the testimony.

The Court: Have you any evidence to show that the defendant did anything towards it?

Mr. Hency: Yes, sir.

Mr. Hency: Yes, sir.

The Court: That is all you can prove. It does not make any difference whether he was successful or not.

Mr. Hency: Well that is very true.

Q. Do you know when Binger Hermann went out of office?

A. I could not tell exactly, no sir.

Q. About when?

A. I could not tell exactly, no sir.

Mr. Hency: He went out of office February I, 1800. The record may show that.

Witness excused.

Mr. Hetney: I did not anticipate we would get this far along, and I have no other witness ready, but I can close the case for the Government Monday forenoon, I think.

Wherespon the court gave the jury the usual admonition, and adjourned until 10 o'clock A. M., Monday, June 28.

Mr. Rufus Toung, of Kannss City, is spending some time with her sister, Mrs. H. H. Marcan, in West Highlands. Mrs. Young is en route to the Lewis and Clark Exposition at Portland.

Miss Martha and Miss Audrey Shortlidge.

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CALIFORNIANS WHO WILL ATTEND FAIR

A. D. and Miss Bertha Cooper have left Mr. and Mrs. T. B. Bondell have gone from

Mr. and Mrs. T. B. Honnell have gone from Sania Monica to Portland. E. R. Ramsdale has gone from Santa Ans to Portland for a brief stay. Mr. and Mrs. Charies L. Heartwell have left Long Beach for a trip to Portland. Colones and Mrs. Dodge, of San Diego, are at Portland; also Mrs. Sumner and family.

Howard Richman, of Appleton, Wis., is

Captain James M. Kennedy, assistant sur-geon, left the general hospital in San Fran-claco for Portland.

Mrs. E. R. Brainerd and son, of Los An-geles, have gone to Portland, where they will spend six weeks. Mrs. Sydney Hockbridge has left Redlands for an extended vielt at Seattle and the

Mrs. J. E. Palmer has gone from Vallejo to San Francisco, from which city she sailed Saturday for Portland. Thomas and John Kelser, of Lordsburg, have left for the Exposition at Portland, to remain several weeks. Irving Jackson, of Hellywood, who has been attending Armour Institute, Chicago, has gone to Portland.

has gone to Portland.

Mrs. M. E. Chapman has departed from Oakland for Portland, in company with her daughter, Miss Bertha.

A. M. Pearce and Anna Lembeck were married at Dixon and are passing their honeymoon at Portland.

Mrs. Charles A. Brazes, of Wilmington, left Friday night for Portland to visit the Lewis and Clark Exposition.

Miss. Extelle. Curries, and Carriets. William Miss Estelle Currier and Captain William Madge, of Vallejo, were married and are taking the trail to Portland.

H. C. Godfrey and Gertrude Lane, who were married at Vallejo Thursday, are honeymoon tripping to Portland.

Frank Rubles and Land. Frank Rubles and James Malcolm, of Broken Bow, Neb., are touring Southern California, en route to Portland,

California, en route to Portland,
Mr. and Mrs. J. B. Pararsette and daughter,
of imperial, are an route to Portland to
spend the Summer with relatives.

Frank Baum and family will leave Annheim in a few days on a trip to the Portland Fair, to be absent three months.

General Francis Moore, U. S. A., retired,
will remain in-San Francisco a few days
longer, then go to Portland for a trip. longer, then go to Fortland for a trip.

Mr. and Mrs. Sidney Smith and their and and daughter left San Francisco Monday for Portland, where they will spend a week.

Arthur McHenry and Winifred Wickenden departed from San Luis Obispo last night for an extended visit to the Portland Fair.

Lee Crebassa and Jerry R. Callshan, of Oroville, will go to Portland and probably remain there during the continuance of the Expensition.

Louis G. Davis, ex-Assistant County Clerk
and member from Pima County of the last
Legislature in Arizona, has started from
Tucson for Portland.

Miss Erma Gaskill, of San Diego, and P.

W. Preston, of Waltsburg, Wash., who have just been married at San Diego, have gone to visit the Exposition. Mesdames Ed Anderson and W. E. Bonsall left San Pedro on the steamer Roanoke for Portland, where they will attend the Expo-sition and visit relatives. Nicholas C. Joyal, of San Diego, has de-

parted for the Portland Exposition, where he has a position awaiting him. He will return to San Disgo in the Pail.

turn to San Diego in the Fail.

Professor Ernest Baicheider, of Panadena, will go to Portland to look after the Throopeducational exhibit and after that he will make a short tour of Europe.

Mr. and Mrs. J. B. Rapp left Hollywood during the week for an extended trip to Portland and Alaska, planning to be absent the greater part of the Summer.

Conrad S. Taylor, of Denver, and Miss Florence Hovey, of Pasadena, were wedded Monday and have gone to Portland to spand the early days of their honeymoon.

Robert Promifton and Carl Houth have gone from Pasadena to San Francisco, going by boat. After stopping there the young men will go to Portland and Seattle.

J. F. Wetherby and family soon will leave

Miss Gertrude Russell, of San Francisco, will leave the middle of this mouth for "Buckhorn Lodge," the Draper's country home in Oregon, where she will visit for a foringht. fortnight.

Frederick Greenwood, who arrived in San
Francisco from Mexico about ten days ago,
left the latter part of the week for Portland,
where he will spend a week or two taking
in the Fair.

Ethel and Sdna Miller, the comely Ven-tura twins, have departed for Portland, where for three months the young ladies will enjoy life as the guest of their maternal C. E. Sumner, of the Home Telephone Company, has returned to San Diego from a visit north, having spent the most of his time at Portland. He was there on the

opening day.

Mrs. Rufus Young, of Kansas City, is spending some time with her sister, Mrs. H. H. Marean, in West Highlands, Mrs. Young is en route to the Lewis and Clark Exposition at Portland.

Miss Martha and Miss Audrey Shortlidge, of San Francisco, who are visiting the Drapers at their Summer home in Oregon, will remain with them during July and will then visit the Portland Fair.

Agent Henry Newell of the Santa Fe has gone from Rediands with his family for Portland to attend the Fair. Later they will go to their old home in Minnesota to spend the Summer months.

Miss Gertrude Veronica Lane, daughter of

California honeymoon couples.

J. C. Cooper, accompanied by his mother, has left Riverside for a trip of several weeks in the north. He will visit San Francisco and the Portland Exposition and spend some time at his old home at The Dalles, Or.

Librarian Greene, of Oakland, will leave for the Portland Exposition on June 24, He will spend a week seeing the Fair and then will attend the meeting of the American Library Association, which meets in that city.

Miss Elste Sperry, of San Francisco,

ansa fills Sperry, of San Francisco, who is planning a visit to the Portland Fair eralong, expects to stop over at the Draper's home in Southern Oregon on her way and will probably spend the month of July at Buckhorn Lodge. A party of 2T prominent business men, state officers, politicians and writers from Kansas are now touring Southern California, en route to Portland and the Exposition. The party visited Los Angeles, Santa Mon-ica and Santa Harbara, and are now heading northward.

ica and Santa Barbara, and are now near northward.

Percival Hagerman has returned to San Bernardino from Occidental College and will apend the vacation with home folks. In July he goes to Portland to represent South-ern California at the oratorical debate, in which he will meet the champions of the northern colleges.

Castain J. J. Bradley, Fourteenth Infantry.

captain 3 A. Brancis, volutions in this work as assistant to Major Henry M. Morrow in the Judge-Advocate's office, will be Judge-Advocate of the court which is trying Captain A. P. Berry, Tenth Infantry, at Vancouver Barracks. Miss Mabet Prentise, Librarian of the Po-mona Public Library, has Seen granted leave of absence of three weeks to attend the Na-tional Convention of the American Library Association to be held at Portland during the latter part of this month. The board of trustees of the library will give Miss Prentise the trip in recognition of her service.

Captain J. J. Bradley, Fourteenth Infantry,

Oakland Lodge No. 123, Fraternal Brother-Oakiand Lodge No. 123. Fraternal prother-hood, gave an informal farewell reception to Mr. and Mrs. W. J. Hancock, who are going to Portland, where Mr. Hancock is to have charge of the Fraternal Brotherhood work. During the course of the meeting a silver set was presented to them by the lodge as a token of the esteem in which they we had.

Francisco are arranging for a pilgrimage to the Lewis and Clark Exposition at Portland next month. An organization to that end has been effected with Eminent Sir O. F. Westphal, California Commandery, as chair-man, Eminent Sir R. W. Meck, Oakland Commandery, as vice-chairman, and Sr. W. L. Growall as secretary.

Among the many society folk from Cakland Among the many society folk from Cakland who are planning to visit the Portland Exposition this Summer are Mr. and Mrs. Frank Brown and Miss Katherine Brown. They will leave for the Fair very shortly, and espect to spend the next several months there. Mr. and Mrs. Lou Crellin will also visit the Exposition. Among the others who will enjoy the attractions of the Fair are Miss Bessle Reed, Miss Lillie Reed and Benjamin Reed. Among former Oaklanders who also contemplate a visit to the Exposition are Charles Holt and daughters, Miss Grace and Miss Edith Holt. Mr. and Mrs. Charles Snock will also view the attractions at Portland. land.

National Home for Eagles. HELENA, Mont., June 24.—A committee of the state aerie of the Order of Eagles including Senator T. H. Carter, today secured an option upon the Broadwater hotwater springs and hotel here, with a view of purchasing the property for a National home for the Eagles. The committee of the Carter Acris at Danmittee will urge the Grand Aerie at Denver in August to make the purchase,



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