



GLOOM IS CAST

Seventieth Birthday of Senator Mitchell Today

FACES STERN JUDGES

Jury Composed of Men Who Were Once His Admirers and Applauded Utterances.

TRIAL BEGINS IN EARNEST

Aged Statesman Presents Pitiable Spectacle When Arraigned by Heney. Defense Scores Good Point in Objection But is Overruled by Judge.

Portland, June 21.—The trial of United States Senator Mitchell was begun in earnest today. Most of the morning was devoted to the opening arguments of the attorneys. District Attorney Francis J. Heney severely arraigned Senator Mitchell, but the argument contained nothing not heretofore made public through the indictment.

Judge Bennett, of the defendant, denied the allegations of the indictment, setting forth Senator Mitchell's innocence and asserting that his only mistake was in changing the agreement between him and Judge Tanner.

Senator Mitchell presented a most pitiable spectacle. For the first time in his long and illustrious career he faced his peers, twelve men composing the jury who are to decide his guilt or innocence; men who have, on more than one occasion, cheered his utterances, and who have elected and re-elected legislators who were the support of the aged senator. His predicament could not help but arouse sympathy from among the people who crowded the courtroom, because his birthday occurs tomorrow when he will attain the age of seventy years.

The celebration of this event will be indeed lugubrious. Senator Mitchell has reached the age when most people turn their thoughts from this world to the next and prepare to meet their creator; he is facing a stern tribunal and bringing every force of his keen mind to clear his name of the stigma of the land frauds.

Shortly before the noon hour the examination of witnesses was begun. Fredrick A. Kribs, whom the government charges with having bribed Senator Mitchell, was the first witness.

He testified that he employed the law firm of Mitchell & Tanner to expedite three groups of claims, one group of forty claims for which he had paid \$600 when it passed to a patent, a second group of 30 claims, for which he paid \$1,000 for having it expedited to patent, and a third group for which he also paid \$1,000.

Kribs testified on cross examination that he had no agreement about fees with Senator Mitchell, but had arranged that matter with Judge Tanner. He also testified that he was purchasing the timber for ex-Governor Pillsbury, of Minnesota, connected with whom, in the timber business, were C. A. Smith, C. J. Johnson and other Minneapolis lumbermen. Judge Tanner was then called to the stand.

At this point the one sensational moment of the day occurred. Senator Thurston objected to an admission in Judge Tanner's evidence on the ground that Tanner had pleaded guilty to perjury, and contended that under the federal statutes, a man guilty of perjury was disqualified in testifying in a Federal court. Heney opposed the view, asserting that until sentenced a man who pleads guilty may withdraw his plea and demand a trial, and that in effect, until the sentence was passed, no conviction really existed. The court ruled

that Tanner's testimony be admitted. Tanner testified as to the length of time he was associated with Senator Mitchell in business an d told of the introducing of Kribs to Mitchell.

He also identified several checks of Kribs payable to Mitchell & Tanner and explained the manner of handling the firm's accounts, by which he deposited half of the net proceeds to the account of Senator Mitchell, as trustee. Tanner had not concluded his testimony when court was adjourned until tomorrow.

FIERCE BATTLE MAY BE RAGING

St. Petersburg, June 21.—The public which has no idea of the negotiations for an armistice on foot, believes a great battle in Manchuria is now beginning and official dispatches from both sides bear out the idea that the Japanese have commenced a advance, though, as yet, there have been no heavy collisions. The Japanese, following the checking of a movement to the west, are now pushing forward in force along the railroad and the Mandarin and Mainakai roads. The Russians have reduced their advanced positions with a serious resistance and are evidently retiring to the first line of entrenchments, which is believed to cross the railroad at Sipinghai. Linevitch has evidently imposed an embargo on press messages, indicating that hostilities have entered a serious phase.

WAS MADE OFFER

Bowen Alleges Attempt Made to Bribe Him.

CAME FROM A HIGH SOURCE

Ousted Former Minister to Venezuela Makes Serious Comment in Letter Replying to Roosevelt. Declares That "Loomis Scandal" Permeated Caracas.

New York, June 21.—Herbert W. Bowen, former minister to Venezuela, today made public a long statement in reply to President Roosevelt's letter dismissing him from the diplomatic service, as a result of the investigation by Secretary Taft in to the controversy between Bowen and Francis D. Loomis, first assistant secretary of state.

Bowen declares "the Venezuelan scandal constitutes a National disgrace." He asserts that the "Loomis scandal" permeated Caracas and constantly "grew worse and worse." Bowen says that shortly after he called the matter to the attention of the department of state, he received a cable offer from Washington for diplomatic promotion that would remove him from Caracas.

"I admit," he declared, "that I regarded the offer as an attempt to bribe me, veiled under the offer of a higher position and inspired by Loomis. I have no doubt that the course of the recent inquiry has been sufficiently plain and I do not think Loomis is an honest man and I do not believe that his conduct as Minister to Venezuela was honorable."

PULLMAN COMPANY EXEMPT

Topeka, Kan., June 21.—The Board of Railroad Commissioners has decided that it has no jurisdiction over the Pullman Car Company so far as rates are concerned. It decided that the Pullman company is not a common carrier and that the board has no power to regulate the various overcharges such, it is alleged, as are being made in Kansas.

WAR IS RAGED

Tenderloin Dance Halls Are Closed by Sheriff.

FIGHT IS DETERMINED

District Attorney Returns Four Indictments Against Dive Keepers.

ON CHARGE OF NUISANCE

Battle For Clean City Continues. Sheriff Persistent, Brother Proprietors Obdurates. Rumor That Saloons of Under World Will Be Closed Sundays.

After being forced to issue licenses to the Astor street dive keepers Tuesday night, Sheriff Linville not only re-arrested them upon the charge of maintaining public nuisances, but closed all of these establishments, taking possession of the Waldorf and placing a deputy in charge.

The fight now remains about the same, both sides avering that they are in the right. Sheriff Linville is confident he is acting within his prerogatives and is determined to enforce the law. There seems to be little question as to his right to do this, except among the people he is fighting. A persistent rumor is to the effect if the fight continues much longer, an order will be issued ordering all saloons to remain closed from Saturday night until Monday.

Yesterday four indictments were returned by District Attorney Allen in the circuit court, two against Charles Wise and two against John Stephenson. Both men are charged with maintaining dance halls in the city.

The indictments are of the same tenor and allege the following:

"The said John Stephenson and Charles Wise, willfully committed an act, which grossly disturbs the public peace and openly outrages public decency and is injurious to public morals, and that they did at the time aforesaid, unlawfully and willfully and wrongfully keep and maintain a certain common, ill-governed and disorderly house for public dancing and music in said house for his own use, lucre and gain did then and there cause and procure divers persons as well as men and women of evil name and fame, and of dishonest conversation to frequent and come together and the said men and women then and there to be and remain continually together, drinking, tippling, dancing and cursing and otherwise misbehaving themselves to the great damage and common nuisance of the public, contrary to the statutes in such cases made and provided and against the peace and dig-

nity of the State of Oregon.

The defendants appeared in court by their attorneys, F. J. Taylor, J. M. Smith and George Noland, the state of Oregon being represented by District Attorney Harrison Allen. The defendants waived the reading of the indictments and entered a plea of "not guilty."

Attorney Taylor stated that they desired an early trial of the cases, as the sheriff had unlawfully closed their places of business, without proper authority, and that the defendants had a right to protect their property, even against the sheriff, but being law-abiding citizens they did not desire to violate the law or to take it into their own hands, that they were running a dance hall under a license issued by order of the county court.

The district attorney stated that it was not a question whether they were running a dance hall under a license, but whether they were conducting a nuisance, and that the indictment was brought under section 1930 of the Laws of Oregon which provides as follows:

Sec. 1930. If any person shall willfully and wrongfully commit any act which grossly injures the person or property of another, or which grossly disturbs the public peace or health, or which openly outrages the public decency, and is injurious to public morals, such person, if no punishment is expressly prescribed therefore by this code upon conviction thereof, shall be punished by imprisonment in the county jail of not less than one month nor more than six months.

Mr. Allen contended that the county had no authority to issue a license contrary to the provisions of that section and the sheriff had a right to arrest them for a violation of the law notwithstanding the license.

Judge McBride stated that the sheriff had no right to close their places of business, but he did have a right to arrest them as often as they violated the law, if the law was being violated. He stated that he did not believe he had a right to try the cases, that there were questions of fact involved that should be submitted to a jury. An order was made that William Chance summon 18 jurors in the circuit court Thursday morning at 9:30 o'clock to try the cases.

GASKELL FRAUD RESULTS IN BANK FAILURE

Philadelphia, June 21.—City Trust and Safe Deposit Company for years rated among the most reliable institutions in the country, today closed its doors and Albert L. Taber, state bank examiner, was appointed temporary receiver.

The company will liquidate and J. Hampton Moore, its president will probably be appointed receiver. A belief is manifest among the board of directors that all depositors will be paid in full. This, however, must be determined by the permanent receiver. The failure of the company is the direct issue of the forgeries of the late Benjamin H. Gaskell.

20TH CENTURY LIMITED KILLS FIVE IN WRECK

Mentor, Ohio, June 21.—Running at a rate of fifty miles an hour, the "20th Century Limited," on the Lake Shore Railway dashed into an open switch at a passenger station here, shortly before ten o'clock tonight. Five persons were killed and 12 or 15 badly injured.

The combination baggage and smoking buffet car and the coach behind it caught fire and were destroyed.

The train was east bound, having left Cleveland about 9 o'clock and as it does not stop here it was running at great speed.

The engineer did not notice the open switch until the train had struck it. The engine left the rails and plowed into the ground, tearing up the track for yards. Two coaches following jammed into the engine with great force and were crushed. Fire from the engine set them ablaze.

Fortunately most of the occupants of the two coaches were rescued before

the fire reached them. Among the killed is the engineer, the other dead being passengers who were in the smoking car. The fireman is so badly hurt he will die.

Lake Shore officials at once summoned all doctors within reach. A number are coming from Cleveland. The dead and injured taken care of were sent on a special train to Cleveland where they were placed in hospitals.

Those in the rear coaches were not injured and they set about at once to rescue those pinioned in the burning cars. The fire spread with great rapidity, and it was with much difficulty that the passengers in the two coaches behind the engine were pulled from the debris.

Road officials have not determined who is to blame for the accident, but it is believed that the switch was left open by a freight crew, whose train occupied the siding a short time before the limited came along.

TOPIC IS ROADS

Delegates Gather at Lewis and Clark Fair.

ENTHUSIASM REIGNS

National Good Roads' Association Convention Opened Auspiciously.

MANY SPEAKERS HEARD

Huge Auditorium at Exposition Filled to Overflowing. Many Prominent Men Present. Visiting Advocates for Permanent Highways Welcomed.

Portland, Or., June 22.—The Fifth annual convention of the National Good Roads Association, the first of the gatherings of national importance to meet in Portland this year, at 2 o'clock this afternoon, began its first session in Festival Hall at the Lewis and Clark exposition grounds.

The number of delegates was large and their enthusiasm unbounded. The great hall was filled to overflowing with accredited delegates to the convention and interested spectators, among the latter of whom, being a large sprinkling of ladies whose bright hued gowns lent beauty to the elaborate decorations of the auditorium.

Promptly on the hour, President W. H. Moore, of the association, mounted the speakers platform and took his place with the important personages in the Good Roads movement, Oregon's principal officials and Portland's prominent business men surrounding him.

When the opening selection of the Administration band had been finished, Col. Moore formally called the organization to order.

This act was hardly accomplished when the proceedings were interrupted by the arrival of D. B. Huss, dust begrimed from travel, who had just reached the Lewis and Clark grounds in an automobile after completing the much talked of trans-continental endurance run. He carried a letter from Melville E. Stone, manager of the Associated Press, to President H. W. Goode, of the exposition, which was read amid great enthusiasm.

As the gathering quieted again the program of the day was resumed with the delivery of the impressive invocation by Dr. Stephen S. Wise, Rabbi of the Temple Beth Israel, of this city.

A. M. Crawford, attorney general of Oregon, in the absence of Governor Chamberlain, fittingly welcomed the visitors to Oregon, as did Col. James Jackson, U. S. A. (retired) on behalf of the commercial interests.

William D. Wheelwright for the Chamber of Commerce, of which he is president, heartily welcomed the visiting delegates and eulogized the great work to be accomplished by them. Mr. Wheelwright said:

"It is fitting that the state, the city and the commercial bodies, should join in a welcome to the good roads convention, seeing that state, civic and commercial interests are so indissolubly bound together as to be identical. It is fitting also that we should sit at the feet of these learned doctors of the road and learn; for the impression prevails very generally in sparsely settled communities like this, that the coming of the railroad means the passing of the of the highway. We walk or drive over the Julier Pass in Southeastern Switzerland, and are told that the road was constructed in the year 52, B. C., and we say that it is all very well for B. C., but that A. D., and especially A. D. 1905, calls for something faster and smoother, and alas! less picturesque

and beautiful than this. And although it is more with utility than with beauty that this convention has to do, I cannot but feel that the country is to be congratulated on the existence of the National Good Roads Association, from the esthetic points of view as well, and that its influence will be constantly and increasingly felt in this direction. It is becoming that we take the receptive attitude, beginning with a sincere expression of gratefulness to these public spirited men who have come out of the distances of this great republic moved by a patriotic impulse, to direct us into new and pleasant paths, and that we apply ourselves diligently to learn what they have come to teach.

Continuing he said: "Ninety-five per cent of every load by railroad, steamship or express must be carried in a wagon or truck over a highway; it costs the farmers of the United States nearly three times more than those of Europe to market an equal tonnage of farm products over primary roads.

Is this not a new light to you, my fellow citizens? I grant it is to me, and I am impressed with the duty that we owe to this convention and to our community to spread this knowledge and stimulate improvement of our highways to the point that our farmers shall not be at a disadvantage as compared with any farmers in the world. The motive of our visitors is to improve the conditions of living and they will find in this state, I believe, as good an opportunity for improvement in their particular line as they will find anywhere in the country.

The building of good roads is generally the product of a country's later civilization. Great Britain has called herself civilized for many centuries, but the reader of all earlier English novels—the novel itself being a product of modern times—the reader of Fielding, of Madame Darblay and of Oliver Goldsmith, will perceive that most of the roads of England in those days were bogs, and will learn that, with the English as with the Romans, scientific roadbuilding came only as the nation approached the zenith of its prosperity and enlightenment.

He said in conclusion: "This is the kind of welcome that they want, to be (Continued on Page Four.)"

TELEGRAPHIC BRIEFS

Today's Weather.
Portland, June 21.—Western Oregon and Western Washington; Thursday fair and warmer; except near Coast. Eastern Oregon; unsettled and threatening weather, possibly with thunder showers and cooler.

Japanese Operations.
New York, June 21.—Three Japanese columns are moving parallel to the coast of Northeast Korea and are apparently converging on Possiet bay, about sixty miles southwest of Vladivostok according to a Times dispatch from St. Petersburg. A large fleet of transports has sailed from Gensan for Vladivostok.

California Editors Coming.
San Francisco, June 21.—Some fifty members of the California Press Association, accompanied by their families, departed tonight on an excursion to the Lewis and Clark Exposition at Portland.

REPUBLICANS WIN IN HAWAII

Honolulu, June 21.—A. M. Brown, the republican nominee, was elected sheriff of Oahu county in which this city is included, by a vote of about 2200 to 1650 received by the home rule candidate, A. Poepe, and 830 received by William Henry, the present incumbent and an independent candidate. The closing of the campaign was the most bitter in the history of local politics. Governor Carter made an active fight against Brown in favor of Henry. The republicans have elected all their ticket except two supervisors and possibly treasurer.