

GOOD EVENING.

The Weather. Partly cloudy tonight and Wednesday; northwest winds.

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PORTLAND, OREGON, TUESDAY EVENING, JUNE 13, 1905.—FOURTEEN PAGES.

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MITCHELL'S INDICTMENT VALID, SAYS JUDGE DE HAVEN, THEN SETS THE SENATOR'S TRIAL FOR NEXT TUESDAY

NOT GUILTY HIS PLEA

Mitchell Arraigned After the Overruling of His Objection.

EXCEPTION TAKEN BY ATTORNEY THURSTON

Court Declares That the Defense Raises Merely Technical Objections — Panel of Two Hundred Names Drawn.

Senator John H. Mitchell must face trial next Tuesday. His demurrer to the indictment, his last hope of escaping trial, was overruled this morning by Judge De Haven. At the request of the district attorney the panel was immediately drawn, from which will be chosen the jury that is to determine the question of Senator Mitchell's guilt or innocence.

In a few words Judge De Haven swept aside the technical objections which defendant's counsel had raised to the validity of the indictment and declared his belief that the offense was sufficiently charged.

The demurrer was accordingly overruled. Through his counsel Senator Mitchell entered a plea of not guilty and the case was set for Tuesday, June 20. A panel of 200 names was then drawn by the clerk of the court.

The charge which Senator Mitchell must now face is that he entered into an agreement with Frederick A. Kerbe whereby Mitchell, then senator, was to prosecute certain timber claims owned by Kerbe and pending before the land department, for which services he was to receive certain fees, and that he did prosecute these claims and received therefor certain fees. These acts are contrary to the federal statutes.

Basis of Objection. The defendant's demurrer to the indictment was on the grounds that the indictment was indefinite and defective in that it failed to specify with exactness the special claims for the expedition at this time. The objections to the description of the claims were defective in that abbreviations were used; and that the indictment was too uncertain to form a bar to a future second indictment for the same offense. All of these objections were declared by Judge De Haven this morning to be purely technical and to go only to the form and not the substance of the indictment.

Senator Mitchell was not in the courtroom when the court convened this morning, but Senator Thurston, his attorney, and District Attorney F. J. Henny were present and a crowd of interested on-lookers filled the lobby. In a low voice Judge De Haven announced his decision.

In the case of the United States vs. Mitchell, in which demurrer to the indictment was argued yesterday, I am prepared to decide the matter at this time. The objections urged by the defense against the indictment are, in my opinion, merely technical and as to form the indictment is open to criticism—yes, to severe criticism. Yet I think it substantially charges the offense. It appears, therefore, from the indictment that the defendant, Mitchell, rendered services before a department at Washington in a matter in which the government was interested, that he received compensation for such services and that he was at that time a United States senator. The demurrer is, therefore, overruled.

The indictment thus criticized, but sustained was drawn by Oliver E. Paquin, Thurston's associate, Mitchell pleads.

The silence was broken by Senator Thurston.

"Will the court please note an exception?"

Judge De Haven assented and asked what plea the defendant wished to make.

"The defendant waives the reading of the indictment and pleads not guilty," said Senator Thurston.

"Is the defendant in court?" asked Mr. Henny.

"That is unnecessary as the charge is merely a misdemeanor," said Judge De Haven.

"I ask then that the case be set for Tuesday," said the district attorney, "and that the panel be drawn."

In answer to the court's inquiry as to how long the panel should be, Mr. Henny replied:



California Promotion Committee on the Grand Staircase at the Exposition Grounds.—Photograph by Kiser Photographic Company.

MURDERER SENT TO CELL BY SON

Jury Finds Andrew Ingram Guilty of Slaying William Dunlap for Twelve Dollars Three Years Ago—Crime Betrayed to Authorities by Guilty Man's Offspring.

(Special Dispatch to The Journal.) Grants Pass, Or., June 13.—The jury in the circuit court before Judge Hanna this morning returned a verdict of murder in the second degree against Andy Ingram, a well known character of Douglas and Josephine counties, for the murder of William Dunlap.

Dunlap was an old-time miner who lived alone in a cabin at Louse creek, eight miles north of this place. In September, 1902, he was found dead near his cabin, shot with a rifle. The cabin was turned topsy-turvy.

Six weeks ago Lloyd Ingram, the 17-year-old son of Andy Ingram, telephoned Sheriff Lewis from Monumental, California, that he could tell who killed Dunlap. He was told to come here and did so. He said that he had heard his father and Dodson plan the deed the night before. The father came to town the next day and Dodson went hunting. The boy followed Dodson and witnessed the deed. That night the three

went and searched the cabin securing about \$12 in money.

Dodson Pleaded Guilty. Monday Dodson pleaded guilty and Thursday Ingram was placed on trial. Some difficulty was experienced in securing a jury. The case was given to the jury last night about 9 p. m. and this morning brought in a verdict as stated above.

According to the boy's story, in the summer of 1902 his father was with his stepmother living on Louse creek about three miles from Dunlap's cabin. During that time Dodson lived with them and they frequently talked over the possibility of Dunlap being possessed of considerable gold about his cabin, because he had been mining there for many years, and deliberately planned his murder to get his gold.

The day before they made their plans in the boy's hearing, it being understood that Dodson was to do the killing and Ingram would come to Grants Pass. The next morning the boy, when he saw Dodson take his rifle and start toward Dunlap's, followed him, keeping out of sight. He saw Dodson go to the edge of the woods and hide behind a log.

Killed in Cold Blood. Dunlap came out of the house and, after standing in front of the house a few moments, went to pick up some wood, and while in the act Dodson took his aim and fired, and William Dunlap fell dead where he had been standing. Dodson fled up the canyon and after waiting a quarter of an hour young Ingram went over to where Dunlap lay and saw he was dead, and received a shock that has preyed upon his mind continually ever since.

That evening Dodson asked the boy to take a walk, and on the way the boy intimated to him what he knew of the murder and Dodson threatened him with death if he ever told. The father did the same thing that night.

Defaulter Dead. (Journal Special Service.) Mobile, June 13.—News is received of the death at Honduras of Major E. A. Burke, ex-state treasurer of Louisiana, promoter of the Cotton States exposition, whose defalcations forced him to take refuge at Honduras several years ago.

SCHOOL CHILDREN WILL HONOR FLAG

Juveniles to Have Lesson in Patriotism Taught Them Tomorrow Afternoon.

MANY HUNDREDS WILL FORM BEAUTIFUL BANNER

Music, Speeches and Drill Under Auspices of Daughters of American Revolution.

All children under the age of 12 years will be admitted to the Lewis and Clark fair grounds free tomorrow, and tomorrow only. The public should also understand that admission to the athletic field will be through the fair grounds and the return to the grounds is included in the one price. The regular gate used by baseball patrons will be closed.

Five hundred children will take part in the flag day exercises at the Lewis and Clark fair June 14, when a special program will be rendered under the auspices of the Daughters of the American Revolution. At 1:30 o'clock in the afternoon they will march to the exposition-athletic field, where, under the direction of Robert Krohn, physical instructor of the Portland public schools, they will form a huge flag. Then Mrs. Rosemary Gloss Whitney will sing the "Star-Spangled Banner," and the children will join in the chorus, accompanied by the Administration band. After the drill a special program will be observed, called "The ceremony for salute to the flag." All present will rise and remain standing, the band will play the "Star-Spangled Banner" during which the flagbearer, attended by others, will bear the flag from the rear of the hall to the platform, and hold it there until the exercise ends. At the close of the number, the audience still standing, will point to the flag and repeat slowly: "I pledge my allegiance to my flag, whose stars and stripes stand for bravery, purity, truth and union. I pledge my life, my heart, and my sacred honor"

KANSAS SENT HUSES OVER OLD OREGON

Distinguished Party From Sunflower State Is Deeply Impressed by Beauties Here—Home State Is Prosperous and Many of Its Sons Are Coming to See the Exposition.

From our rolling prairies of corn and grain, where the eye hunts the horizon in vain for relief, to the grand scenery of the Pacific coast, is a change which we assure you is appreciated. We have enjoyed our trip more than any other we ever took. Your mountains are grand, your valleys beautiful, your scenery unsurpassed anywhere. Americans need not hunt beauties beyond their own country. Your fair is beautiful, and will be heavily attended from the east. We speak more especially in this respect for Kansas, for there will be a large number of parties made up there to visit the coast and come to the fair. Kansas is rich this year. We have had four years of great prosperity, the people have money and they are ready to visit the west.

Such were the words of one of the most distinguished eastern parties that has visited the city this year so far. It is composed largely of Kansas state officials. The delegation reached Portland this morning, after a trip to southern California, the southern coast, San Francisco and way points. Everybody in the party was delighted with what he was seeing.

The party is made up of the following officials and citizens: J. R. Burrow, secretary of state, with his wife and child; T. T. Kelly, state treasurer, with his wife and daughter; C. H. Lulling, superintendent of insurance, with his wife; I. L. Davhoff, superintendent of public instruction, with his wife and son; Captain J. S. McDowell, regent of the state agricultural college, with his wife; W. T. Allen, a banker of Erie, Kansas, with his wife; Charles Semken of the Kansas City Journal, with his wife; J. S. Leach of the Kansas City Star, with his wife; Z. G. Hopkins of the Topeka Herald, with his wife, and D. O. McCray, special correspondent for eastern papers, with his wife.

The party has a private Pullman, which it occupies continuously. From Topeka the car was taken to Los Angeles by way of the Grand Canyon over the Santa Fe and Southern Pacific and from Los Angeles to Portland via San Francisco. They will spend several days here during which time they will visit the fair and make an excursion to the Columbia to view Oneonta gorge. They will then depart for Puget sound and go as far as Victoria, B. C., after which they will tour the Yellowstone park district and return home.

This is the finest trip to be had on the American continent," said Messrs. Lulling and McCray, after arriving. "We regret that we entered Oregon just before nightfall and arrived here early in the morning, but we have seen some of your beauties, and are charmed with your city and adjacent country. You have enough to charm any visitor seeking the fair. The railroads are commencing to advertise the country and the fair in excellent manner, and you are assured many big parties from Kansas. When we return you may rest assured that we will have many good words to say."

While in San Francisco the party was one day the guest of General Frederick Funston of Kansas. The party also found throngs of Kansans throughout the west in a prosperous condition, but all of the visitors agreed

(Continued on Page Six.)

THREE MORE WARSHIPS SUNK BY FORT GUNS

(Journal Special Service.) Washington, June 13.—A telephone message from Fort Monroe says that at 2 o'clock this morning a battleship and two other vessels of Admiral Dickens' fleet appeared off the fort and were "sunk" by the vigorous fire of coast artillery guns. According to the report the smaller vessels of the fleet were sent up the Potomac as scouts, the heavier vessels making a demonstration against Fort Monroe. At 19 o'clock this morning a small naval vessel was sighted from Fort Hunt, but it quickly disappeared. The day is bright and clear and artillery officers are of the opinion that it would be almost suicidal for Admiral Dickens to attack until dusk, although they are prepared for any contingency.

FORMALLY ACCEPTED

Ambassador Meyers Cables Russia's Acceptance of Proposal.

WITTE WILL COME TO AMERICA IMMEDIATELY

Functions of Proposed Representative Assembly Decided Upon — Jews Will Be Entirely Excluded.

(Journal Special Service.) Washington, June 13.—The president has received Ambassador Meyers' cable dispatch conveying the formal acceptance by the Russian government of Roosevelt's peace proposition and confirming the oral communication made by Ambassador Cassini yesterday.

A report from St. Petersburg states that M. Witte, president of the council of ministers, will leave immediately for Washington in connection with the peace negotiations.

The time and place of the meeting of the plenipotentiaries is not definitely settled. It is stated that Washington has not been decided upon by either of the belligerents. Official assurance is given that the response made by both Japan and Russia will be made public when both have been received. Negotiations are in progress and final arrangements for the peace conference in its essential details will be settled within the next 24 hours and an armistice agreed upon.

St. Petersburg advices state that M. Witte will have full power to negotiate for his government and will be vested with genuine plenipotentiary powers to conduct binding negotiations.

Both Count Cassini and Minister Takahira visited the president today, though what was talked of at the conference is not known. It is understood that Marquis Ito will probably be selected by Japan as plenipotentiary in the peace negotiations. In high official circles it is understood that the Hague is likely to be the compromise location of the meeting of Japanese and Russian plenipotentiaries. While nearly every other location suggested has been unfavorably regarded by one of the belligerent powers, the Hague has a sentimental claim upon the entire world as the meeting place for a peace tribunal. The naming of plenipotentiaries probably will be simultaneous with the fixing of a time and place of meeting.

The president received the warmest congratulations upon his achievement in the direction of peace from cabinet members at the cabinet meeting today.

JEWS ARE EXCLUDED.

Emperor Approves Calling of Representative Assembly Next September.

(Journal Special Service.) St. Petersburg, June 13.—The emperor has approved the calling of a Russian imperial duma with the powers of a parliament to meet in September. The functions of the proposed representative assembly have been definitely decided upon. Jews will be entirely excluded from taking a part in the election of representatives, who will be selected through the zemstvos.

Jews Are Killed.

(Journal Special Service.) Warsaw, June 13.—It is reported that altogether 24 persons were killed and 38 more seriously wounded in the rioting yesterday at Brestlitovsk. The greater number were Jews. The Jewish quarters were devastated and many buildings wrecked. Martial law has been declared.

Russians Repulsed.

(Journal Special Service.) Tokyo, June 13.—Oyama reports that on June 11 some mixed columns of Russian troops attacked the Japanese in the vicinity of Yanching, Eshihpa, Shuang Tai and that all attacks were repulsed.

British Steamer Sunk.

(Journal Special Service.) London, June 13.—It is reported that the British steamer "St. Kilda," which sailed from Kutchinotzu for Hongkong on May 22, was sunk six days later in the Straits of Malacca by a Russian cruiser.

CHINESE GUILDS BOYCOTT AMERICAN-MADE GOODS

(Journal Special Service.) Tien Tsun, June 13.—Chinese guilds have quietly determined to carry out the plan of boycotting American goods. The situation is daily becoming more gloomy for American manufacturers. Native businessmen are refusing advertisements of American firms.