

PICKWICK IN COURT

(Continued from Page One.)

there in his part way on the witness stand," said Judge Bennett. "He had a hundred knives and he had a hundred places where he wanted to stick them into senator Mitchell. Every time he had a chance to say a mean thing about Mitchell he said it."

Admissions Cause Surprise.

Some of Judge Bennett's statements occasioned surprise, because seeming to be admissions dangerous to his own case. In the course of his argument he said: "It may be Tanner wrote letters that show that he was to divide up those fees with Mitchell. I don't deny that. It is not proved beyond a reasonable doubt."

The argument was not concluded at the morning session and was resumed at 2 o'clock this afternoon. Senator Thurston will make the closing argument for the defense, and Mr. Heney will conclude for the prosecution. Judge De Haven will then instruct on the verdict. It is expected that the case will reach the jury by tomorrow afternoon, although if Senator Thurston should speak at any length it may be Saturday before the jury is concluded.

Congressman Williamson, whose trial is to begin next Monday, was an interested listener to the proceedings today.

Judge Bennett said:

"If I please the court, and gentlemen of the jury: Wedged as I am in between two brilliant gentlemen, who are opposed to and associated with me in this case—the eloquent San Francisco lawyer, who has just poured out his burning eloquence on this issue, and that other of whom you have all heard so much and will appear before you later, and who has come from Washington, Portland to appear for his old friend and colleague, Senator Mitchell—wedged in between these two brilliant gentlemen, I feel very much, if you will permit the simile, like a pewter medal between two \$20 gold pieces. I do not know why I am in this case. I have never ceased to wonder why I am before you, from the wilds of eastern Oregon, from among the jackrabbits and the sagebrush; why I should be brought into this case, unless it is on the theory of the good housewife, who never spreads her table without putting on it a few pieces of plain bread."

"There is one thing I know, gentlemen—I know you people, I have lived among you all my life. I came to this country from the old Buckeye State when a boy, and I have lived here among you for more than 40 years, and I know your hearts, and I know how you feel, I think about things of this kind and about cases that come before you in general. And you know me; not personally, perhaps, but you know me as I am, and you will not expect great things of me. You will bear with me with toleration, and with kindness despite all my weaknesses, and you will listen to me as to a friend."

Unfairness.

"Now gentlemen, you have listened for five hours to what has really been one of the most unfair and disingenuous speeches I have ever heard in a court of justice in a criminal case; bitter, vituperative and full of unfairness. There are two kinds of unfairness in this world, gentlemen. One type of unfairness is that which cannot see both sides of a case, and that is his own. And generally that is the unfairness of an honest, although a narrow man. But there is another kind of unfairness—cunning, careful, ingenious, a deliberately planned unfairness that is far more dangerous than the first. I think I shall show to you, gentlemen, before I finish, that the argument you have just listened to belongs to this latter class."

Now, gentlemen, a few words: If we may, since the matter has been broached, about the importance of this case, it has been said to you that this case is one of vast importance, and it is. It has been said to you that the state of Oregon is on trial, and it is. But, gentlemen, when the learned attorney attempted to make you believe that you could vindicate the honor of the state of Oregon by disgracing all of its foremost statesmen and pulling them down, he took unto himself a far fetched conclusion. He wants you—he did not say it, but it is a necessity of his logic—he wants you to convict a senator, whether guilty or innocent, in order that you may show the world that there is a jury here in Oregon ready to pull down our foremost statesmen. I believe the evidence in this case shows that Williamson was one of the best, indeed, although I do not believe that the evidence in this case shows that Hermann has been indicted. If these men are the kind of men that Mr. Heney paints

Senator Mitchell to be, if they are men without any honest instincts, as Senator Mitchell has been shown to you by the prosecuting attorney, then, gentlemen, there is one of two things true, either the people of Oregon elected knaves to their highest offices because they like that type of men, or we are such a lot of dolts and slugs that we cannot tell an honest man when we see him, although we have lived by his side when he was in the blaze of public life for years, until some one from California comes to us and opens our eyes and shows us things which we, as neighbors, could never discover ourselves.

Mitchell's Services.

"I do say that the interests of the state of Oregon are involved in this case. Besides all of that, gentlemen, besides all that, the interests and the liberty of an old man, who has lived among you for almost 50 years, and who has won, for himself and for you, honor, not only in the state of Oregon, but in the public halls of the nation—his honor, as well as his liberty, and his honor is more precious than his liberty, are on trial before you. Therefore, I agree gentlemen, that there never has been and never will be a case in Oregon of more importance than this one you are called upon to try."

"Now, gentlemen, having said this much in a preliminary way, I pass to this case, and in the first place, it is well agreed at the outset as to what we are trying. That is of the most importance. That is, gentlemen, besides the fact that you are to try, talked to you for five hours, talked to you about everything, and I believe there is not one of you after hearing his talk for five hours who knows what we are trying in this case. Judge Bennett has said: He spoke of the Benson case, but that is not in this trial. He referred to the Burke matter, but that is not on trial here. The learned gentleman has said himself for more than an hour to the question of whether or not Senator Mitchell was responsible for the change of this contract, and you might well think from the length of time devoted to this question that this act at least was one of the questions upon which the defendant is on trial; but no, he is not on trial for that. Then you might say, well, come down to the Kribs matter, that he is in perhaps, for receiving money from Kribs; for receiving fees from him amounting to \$3,500 in four years for work in relation to land matters. No, gentlemen, he is not on trial for that. That has not been the offense. If it be an offense at all—it is not the offense charged in this indictment."

The Offense Charged.

"The offense charged in this indictment—and I want you to fasten this in your minds, gentlemen, and to keep it with you as we go along through this case all of the time—the deed charged, and for which he is on trial, is that at the time stated in the indictment the Kribs money was received by the defendant, that his checks were received by the defendant for services rendered in appearing before and persuading Binger Hermann to do certain things. Now, this gentleman has charged the crime charged in this indictment. The crime charged in this indictment is not for Tanner taking money for appearing before the land departments in Oregon, getting up titles, abstracts, etc. None of these things is charged in this indictment. The question before you is whether or not the government has proved beyond a reasonable doubt that this money was taken for work done by Senator Mitchell before Binger Hermann, in Washington, and that he knew it was for that."

Changing the Contract.

Judge Bennett then took up discussion of the evidence with more detail. He spoke of the original contract, which gave to Mitchell the larger per cent of fees, and which was entered into at a time when he was not senator. At the time of his election in 1901 it became necessary to alter this contract, so as to give Tanner, who would do most of the work, half, and in altering it the attorney seemed to think that it would be quite natural for both the partners to overlook the point about Mitchell's practicing before the departments at Washington, at the point that they had in their minds to change was the division. Further in this connection the attorney argued that construction of this technical requirement of the law, as it appears in the statute, was open to a margin of variation."

When Judges of the supreme court divided on points of law, how could the jury be expected to convict a man if for a time he had been erroneous in his interpretation of this requirement, and some points of which the district attorney and the presiding judge had differed during the course of the trial?

The speaker also brought out with force the fact that the charges made against him were, in his mind, reasonable attorney's fees for the class of work that Tanner was doing. Many other aspects of the case were also dwelt upon with detail."

The Pickwick Case.

A little humor was injected into the case, the first that brought a broad general smile, when Judge Bennett read from the Pickwick case in which Bardell had brought an action against Pickwick. In this the ingenious barrister took the most innocent appearing letters, and twisted them so that the jury rendered a verdict against the defendant. Judge Bennett adapted them to the present case, with the pertinent injunction that Mr. Heney must have read up exhaustively on all such sophistry, as he had seemed to be a past master in the art in the Mitchell case. During this article of argument, Judge Bennett frequently spoke of Mr. Heney's statements as emanations of "judicious imagination," and referred to some of the theories of the government as possible only to a man with a "disordered mind," or with some one who "had it in" for the defendant, and had set out to convict him by gathering anything and everything that would cast a shadow of suspicion on him."

Judge Bennett turned on Heney with much emotion and said: "That was a mean attempt to create prejudice in this case. I say, 'whame on you, Mr. Heney. You cannot get a charge that would detract from your manhood, but if you have a bit of warm, human blood in your veins, let the flush of shame come to your cheeks.' At this stage of the court rapped for order and said to the attorney that such a style of argument would not be permitted in the case. The speaker

continued along a slightly different line, with the words:

"That you should have taken an advantage, you are young and strong, in the prime of life and on the top of the wave of prosperity, take such an advantage of an old man down in the slough of despondency, battling the battle of his life for his sacred honor."

Getting down to discussion of Judge Tanner, the attorney said:

As to Judge Tanner.

"In the first place Judge Tanner was very much interested, naturally, in relieving from his own shoulders as far as possible the opprobrium of that offense (referring to the change of the contract and suggestions of perjury.) And he was also interested in the next place, because of his liberty and his honor. He was going to satisfy Mr. Heney. Mr. Heney held him and still holds him, in the hollow of the palm of his hand. I am not sure that Judge Tanner's name is like a rat in a trap."

The speaker told a story of catching beavers, and that they would gnaw off a limb if they were caught, so they would be driven when trapped."

"This has taught me," said the attorney, "the desperation of all animals when trapped, including man. Tanner is a rat in a trap. I do not know who is most to blame for the change of the contract; you do not know. And you will never know who is most to blame in relation to this matter. Tanner says it was Mitchell, who suggested the change. It may be true."

But according to his own story, he is the one who suggested the perjury in relation to it. When Judge Tanner comes here and says that he deliberately made up the story because Senator Mitchell wanted him to, because Senator Mitchell asked him to, that he deliberately made up his mind to commit perjury, and he then went and dragged his boy into the case, and made up a new contract, intending to make him commit perjury, unnecessary perjury, when he says that he had perjury in his mind when he went to that boy, I cannot believe, will you believe, that Tanner tells you the facts as they are? I cannot believe that any man for such a small cause, would drag his boy into a matter of this kind."

The speaker referred to the case with which the matter could have been accomplished otherwise, suggesting that if the contract was deemed necessary to be changed, it could have been done elsewhere, but that he does not know anything about the case, and that he would never have developed Judge Tanner was dismissed with this sentence:

"When you come to go into the jury-room to consider and make up your minds, remember that the only proof of this perjury is from the mouth of Tanner. While I do not want to say one word in relation to him, yet I submit to you whether it is not true that over that man who will swear to what is false and cause his son to swear falsely, won't that same man swear falsely again to save himself, and his son, who is in danger of being nearer to him than any pardon could be."

Comparatively little time was given to Harry C. Robertson. He was spoken of as the senator's secretary, whom the latter had clothed and fed, and raised from the lowly position of clerk to that of a hundred places where he could use them on the senator, showing that he was actuated by malice and was doing all that he could to destroy his son. Robertson's connection with the case were cited and many inferences drawn. The speaker was reviewing this aspect of the testimony when the noon adjournment was taken."

Witness Mitchell to Ople.

Mr. Heney's terrible arraignment of Senator Mitchell was concluded at 3 o'clock yesterday afternoon. Altogether the prosecuting attorney had consumed five hours in his address to the jury. For the most part he devoted himself to a close review of the testimony that had been given, but from time to time he turned loose a torrent of merciless denunciation of the defendant.

"The great Lord Clive," said Heney in one of these bursts of invective, "when he was being prosecuted in England, having been governor-general of India, and having been the conquering hero of the wars there, upon investigation for having taken money, he ought not to have taken, when he returned to England, after having portrayed to the committee the opportunities that he had—the bankers who were crawling in to him, the money that he had captured one of the cities—wound up by saying: 'By God, Mr. Chairman, as I contemplate the opportunities that I had, I marvel at my own moderation.' So the defendant in this case, when he had taken these checks, which were as large in proportion to his opportunities, almost says to your teeth, 'By God, gentlemen of the jury, as I reflect upon the opportunities I had to take larger sums of money, I marvel at my own moderation. I got nothing but a few small checks, after all.'"

During the closing hour of his argument the district attorney devoted himself to an analysis of the letter which Mitchell sent to Tanner by Harry Robertson. Sentence by sentence he laid it before the jury, illustrating what he asserted was the writer's real meaning. He dwelt with scorn on the utter selfishness of the man who could demand of his friend the terrible sacrifice which Mitchell exacted from Tanner, and declared that this letter alone was enough to prove Mitchell's guilt. Although it was not until 11 o'clock that the defendant's counsel might not be interrupted by an over-night adjournment."

TO MOBILIZE TROOPS.

Russia to Bring Big Force of Men to St. Petersburg District.

(Journal Special Service.) Washington, June 29.—Ambassador Meyer has informed the state department that the Russian government is about to promulgate an order for the mobilization of troops in the district of St. Petersburg, Moscow and Kiev. The ostensible purpose is the strengthening of the forces in Manchuria. The order will involve 200,000 men.

British Residents Safe.

(Journal Special Service.) London, June 29.—A dispatch to Lloyds from Odessa this morning says: "Serious riots are in progress here. Hundreds have been shot and the port is early being closed. Martial law has been declared. British residents are safe."

Hogrowers Will Meet.

(Special Dispatch to The Journal.) Grand Rapids, Mich., June 29.—The Hogrowers' union will meet in Grand Rapids next Saturday for the purpose of forming a hogrowers' union. Among the speakers will be Conrad Krebs of Salem.

Preferred Stock Canned Goods.

Allan & Lewis' Best Brand.

Gamblers still busy at Condon

CIVIL WAR IN ODESSA

(Continued from Page One.)

lutions wishing success to "our naval brothers." The third attempt within 24 hours to assassinate Chief of Police Caenstochau was made last night, when a bomb was thrown at the chief's carriage. The horses were blown to pieces, the vehicle wrecked and the coachman badly injured, but the chief escaped.

That the revolt is widespread and revolution is ripe throughout Russia is shown by the discovery of a conspiracy among the officers of the Russian guards and regiments at St. Petersburg. The officers planned to kill the Grand Duke Vladimir, who is held largely responsible for the reactionary policy of the grand dukes. Many of the officers proposed to be in the plot have been arrested.

NEWS IS SUPPRESSED.

Government Exercising Strict Censorship Over Remarks Transpiring.

(Journal Special Service.) St. Petersburg, June 29.—But little news is permitted to come through from Odessa and southern Russia today, and many are still in ignorance concerning the seizure of the battleship at Odessa by mutineers, all St. Petersburg papers having suppressed the story.

Much anxiety is felt in official circles over the events transpiring at Odessa and the fate of the Black sea squadron. It is rumored that the sailors and crews of the other battleships have also mutinied, while another dispatch states that the crews have not yet appeared at Odessa, where they are due today.

The fleet is under the command of Admiral Kruger and consists of the battleships George Pobedonostzev (George the Victorious), Tri Sviatitsa, Rostislav and Ekaterina II, with two cruisers. Should the fleet enter the harbor a regular naval battle is in prospect, though great fear is entertained that the crews of the squadron will refuse to serve against the Kniaz Potemkin.

All Poland is in a state of ferment, and the attempted mobilization of an army of 200,000 is like adding fuel to the flames. Disorder was reported from many sections, where the drafting of men met with violent resistance.

It is claimed by many that the seizure of the battleship was the result of a plot by the officers who were secret-revolutionists. The vessels have been admirably handled since, which shows that officers who understand the captaincy of a warship are in command.

QUAYS ARE DESTROYED.

Flames Set by Incendiaries Raze All Night—Now Mutiny Started.

(Journal Special Service.) Odessa, June 29.—The whole of the quays and the buildings along the harbor as well as much shipping have been destroyed by fire. The flames raged all night and were spread by mobs of incendiaries who prevented the fire brigades from working. The quai station, 12 stores, a score of large warehouses are among the buildings destroyed by flames. It is rumored here that a revolt has taken place on four of the largest armored ships of the Black sea fleet, which were proceeding here from Sevastopol.

The Kniaz Potemkin is the most powerful ship in the Black sea squadron. She is heavily armed, carries a crew of 625 men, and has a displacement of 13,480 tons, having a speed of 17 knots. Her armament consists of four 12-inch guns, 16 6-inch guns and 14 3-inch guns and 20 smaller rapid-fire guns. She carries a crew of 625 men.

The news of the mutiny has given great encouragement to the spirit of revolution, and throughout the city tumult and disorder reign, while the boom-boom of large guns rings in the constant rattle of smaller weapons.

The revolt on the Kniaz Potemkin is said to have started by the brutal murder of a sailor named Omilchuk, who was shot about the neck by the officers. The crew then arose, slew the ship's murdered all but eight officers, who joined the mutineers.

BLUE JACKETS LAND.

Sailors From Captured Warship Aiding Rioters With the Ship's Machine Guns.

(Journal Special Service.) Odessa, June 29.—The fire which was started by the rioters is still burning in various sections of the city at evening, and thick clouds of smoke hang over the city. Mobs have looted many warehouses and large quantities of valuable goods have been stolen. Casualties among the soldiers are reported at 65.

Many of the dead bodies are still lying in the streets in the vicinity of the quays, where the fighting was very fierce. The principal massacre last night occurred in the vicinity of Nikolaiyevskiy boulevard, near the coal docks. A number of sailors from the Kniaz Potemkin have landed and joined the strikers, fighting the troops. Authorities have taken special care to guard foreigners.

The inhabitants are panic stricken and are huddled together in houses, while the streets are filled with frenzied workmen fighting the troops. Blue jackets with machine guns have landed from the Kniaz Potemkin and are fighting with the strikers, behind barricades, against the troops. Hundreds have been killed.

It is reported that the battleship Pobedonostzeff and cruiser Griden are on the way from Sevastopol to suppress the revolt of the sailors.

DISHWASHER FALLS HEIR TO BRAZILIAN FORTUNE

(Special Dispatch to The Journal.) Butte, Mont., June 29.—Samuel Begovich, yesterday a poor dishwasher in Gerald's cafe, is today worth \$20,000, without any one to obstruct his right to the money. It was two months ago that a letter was sent to Begovich, by the Austrian consul at Pernambuco, Brazil, but it was only today that he received the notification in Butte, the letter having been misaddressed and having passed through the hands of the consular deputies all over the country.

Begovich's uncle, Nicholas Begovich, a shipping master, died several months ago and left a fortune of about \$150,000, to be divided among six persons. The estate is much more valuable than the figures given but they represent the actual cash left behind by the uncle of the Butte dishwasher.

The wealthy restaurant employe has been in Butte about one month, having come here from San Francisco where he worked at 125 East street.

On June 29, 29 and 30 the Chicago & Northwestern railway will sell tickets to Baltimore, Maryland, at rates of \$37.75 for the round trip, with choice of routes and liberal stopover privileges, good for 30 days, and Saturday sale. For further information call on or address W. A. Cox, general agent, 153 Third street, Portland, Oregon.

CHILD FALLS OUT OF TRAIN WITHOUT HARM

Little One Tumbles From Window of Flying Express Car Escaping Injury.

(Journal Special Service.) Denver, June 29.—Falling from the window of a Burlington express train thundering along at a speed of 48 miles an hour, 3-year-old Helen Margaret Bales of 1244 Humboldt street escaped death as if by a miracle yesterday afternoon, between Barr and Keene stations. Backing up, the train crew, instead of finding the little one dead as all expected, found her sitting in the sand beside the track crying as if her heart would break.

"I want mamma," she cried, as Conductor P. P. McFessan rushed back to pick up the little figure. In white. "There is not a bone broken," was the remarkable declaration of Dr. H. Tully of Philadelphia and Dr. Henry Sewall of Denver, who were on the train and made an immediate examination of the little one.

Mrs. Margaret Bales, the child's mother, had little Helen standing in her lap when the train gave a sudden lurch and the little one went flying through the open window.

DISOWNED ELOPERS MAY BE AT FAIR

(Journal Special Service.) Chicago, June 29.—Stung by what he terms his daughter's perfidy, William Cleaver Wilkinson, professor of literature and criticism in the university of Chicago, known the country over as the author of a "Chautauqua series of text books," has disowned his daughter Evelyn because of her marriage to Nathan W. Stowell, a Los Angeles millionaire. The action was due to a romance which resulted in Stowell, who is 33 years old, divorcing his companion of eight years and marrying 22-year-old Evelyn. The story told by the father is as follows:

"When we were in Los Angeles with Evelyn, we were called home suddenly and left her as she had been ill. Mrs. Stowell came forward out of the goodness of her loyal heart and invited my daughter to be her guest at her beautiful residence. As the invitation came from Mrs. Stowell, it was accepted. That was 14 months ago. For a month my daughter stayed under Mrs. Stowell's roof and partook of her most generous hospitality. Then she came back to us. Unknown to us she received letters from Stowell. Then he went to El Paso to take up a pretended residence there so as to be able to obtain a divorce. They were married June 12 and are at present at the Portland fair."

RAILROAD BOND ISSUE OF FIFTY-FIVE MILLIONS

(Journal Special Service.) Chicago, Ill., June 29.—The directors' proposition to make a new issue of bonds amounting to \$55,000,000 was submitted to the stockholders of the Chicago & Eastern Illinois railroad at a special meeting today and it is expected favorable action will be taken. Of the proposed bonds \$34,620,000 will be used to retire the existing indebtedness in bonds by mortgages to run 10 years at 4 per cent. The remainder of the funds will be used for improvements, including a new double-tracked line between Chicago and St. Louis.

WHOLESALE GROCERS IN ANNUAL MEETING

(Journal Special Service.) Milwaukee, Wis., June 29.—Wholesale grocers from all parts of the country, members of the Wholesale Grocers' association of the United States, assembled here in annual convention today. During the two days the gathering will be in session steps will be taken to increase the membership and influence of the association and many questions of interest and importance to the trade will be discussed.

WARSHIPS ENGAGE IN FOUR DAYS' MANEUVERS

(Journal Special Service.) New York, June 29.—The battleships Kentucky and Kearsarge, the cruiser Minneapolis, and other warships that have been undergoing a general overhaul at the New York navy yard, sailed today for the drilling grounds off Provincetown, Massachusetts, where there will be four days of maneuvers. The battleships Alabama, Illinois, Iowa and Massachusetts, constituting the second division of battleships of the north Atlantic fleet, will also take part.

Wear Good Clothes

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WHOLESALE GROCERS IN ANNUAL MEETING

WARSHIPS ENGAGE IN FOUR DAYS' MANEUVERS

Fair Bulletin No. 22

June 30, 1905

LIBERTY AND HIS BAND.
Wagon Suffrage Convention—
Women's Day—Handball Championship—
Yacht Races, Vancouver, Chehalis and Centralia Day.



Diamond Solitaire Rings

When buying a diamond ring the question of quality is of the greatest importance. The responsibility of selecting these precious gems with expert attention to color and brilliancy, no matter how small, can be justly represented and one may feel the safety of his investment. Aky stone diamond desired can be found here at low prices, which is a result of our favorable buying facilities.

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(On Saturday, July 15th)

A Handsome Weathered Oak Dining Room Set Worth One Hundred Dollars

It goes to one of the people who patronize OUR GREAT PRE-INVENTORY COUPON SALE. Just to keep things moving at this season, we've decided to cut prices before stock-taking instead of waiting for the aftermath of inventory. We've gone all through our big stock and made profit-killing cuts in every department. Every article marked down bears a special tag with a numbered coupon attached. Whoever buys the article gets the coupon, and the number is registered in the office. On Saturday, July 15, the lucky number will be announced. Whoever has that coupon gets the Dining Room Set. Better buy household needs now—there's \$100 waiting for you if you're lucky.

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