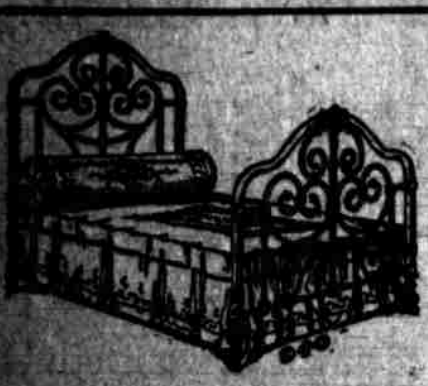


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**MAMMOTH SHIP-MENT IRON BEDS** just in—very latest things in brass and bronze. As a leader for this sale an extra heavy, durable one, of the latest style, in green and cream colors. Regular price \$13.50.

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Large lot, elegantly upholstered in velour, handsomely finished frames, new designs. Regular price \$14.

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**FILLED COTTON MATTRESS**

Full 80 lbs. weight, beautiful colored ticks—if they get out of shape we'll give you another free. Regular price \$13.50.

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**\$11.70**

These pictures give you an idea of our lines—we have all styles in each line and hundreds of lines not here shown.

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In weathered oak, upholstered in genuine Spanish leather or high grade fancy velour. Regular price \$4.75.

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RAPIDLY INCREASING BUSINESS MADE IT EVIDENT LONG AGO THAT OUR STORE MUST BE VASTLY ENLARGED. FOR WEEKS PAST THE BRICK AND MORTAR HAVE BEEN FLYING AND THE MUSIC OF HAMMER AND SAW HAS MINGLED WITH THE EJACULATIONS OF SURPRISE AND SATISFACTION FROM THE THROGS THAT DAILY VISIT OUR HOME-FURNISHING EMPORIUM.

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IT COSTS MONEY TO MOVE. WE'RE BOUND TO BE MONEY OUT. WE'D RATHER MOVE THE GOODS TO YOUR HOMES THAN TO OUR FRONT STREET ANNEX, HENCE THE COST OF MOVING WILL BE TAKEN FROM THE PRICE OF ALL GOODS IN OUR FIRST STREET STORE, OR ALL OF OUR PRESENT LARGE STOCK.

BUT THAT IS NOT ALL. NEW GOODS ARE DAILY ARRIVING TO FILL OUR GREATLY ENLARGED BUILDING. WE WANT YOU TO SEE OUR ENLARGED STORE AND STOCK AND LEARN HOW WE DO BUSINESS. NECESSITY MAKES US GIVE ONE REDUCTION AND WE'LL GIVE ANOTHER AT THIS TIME AS AN ADVERTISEMENT.

INSTEAD OF PAYING ALL OUR ADVERTISING MONEY TO THE PRINTER WE WILL SLASH ANOTHER GENEROUS HUNK FROM PRICES TO MAKE COMPLETE OUR GREAT ALTERATION SALE. READ THE SUGGESTIONS IN THE MARGIN, CONSIDER THEM AND LOSE NO TIME IN GETTING AROUND.

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## Rockers

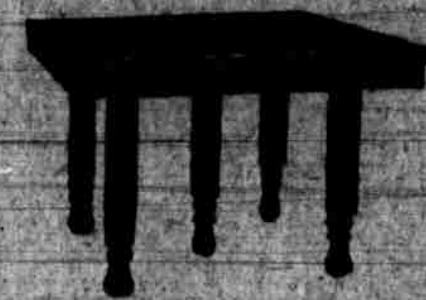
Solid golden oak or imitation mahogany, cobbler seat, strong, durable, highly polished. Regular price \$6.50.

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It costs something to move goods like these. You get that cost if you take them before we move them.



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We'll meet your tastes and circumstances on anything you need—both as to price and terms of payment.

Full line, extra heavy, quick-baking

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to be closed out at cost. A regular \$35 stove.

Special Before Moving

**\$18.95**



## Couches

Handsomely upholstered in Veronia velour, extra well made, all patent wire—no ropes or strings—the best kind of a couch. Regular price \$21.

Special Before Moving **\$15.00**

## STARLES DEFENSE

(Continued From Page One.)

Senator Mitchell's attention, and this contention was further sustained by the fact that Mitchell sent for a copy of the firm's books in 1922, and repeatedly examined them in the two years following.

**Witnesses of Knowledge.**

Many circumstances were called to the attention of the jury as indicative of the character of Mitchell's part in the case of Kribs and Benson which he was seeking to have patented were tainted with fraud. Tanner's letters were cited as proof on this point, and especially his warning to Mitchell that the company of Kribs and Benson might acquire the land department if it were known that they were concerned in the claims which Mitchell was making.

Tanner's testimony that in fixing the fee which Kribs was to pay he did not include any compensation for the services to be rendered by Mitchell at Washington was described by Mr. Henry, and he showed that this statement could not have been true. He was still engaged in the discussion of the evidence when court adjourned for the day.

**Mitchell's Friends Attend Him.**

Both Senator Thurston and Judge Bennett left the courtroom during the latter part of Mr. Henry's address and were absent until the adjournment. Senator Mitchell was as usual surrounded by a number of his friends, several ladies being among them.

The case against Congressman J. N. Williamson, Dr. Van Geener and Marion H. Biagg, which was set for trial tomorrow morning, will evidently have to be postponed until Wednesday and possibly a little longer. Judge De Haven has not yet passed upon the request of the district attorney that a new panel be called for the Williamson case. If another panel is ordered probably a week must elapse before the case can be called, as time must be allowed for the notification of the men drawn on the venire.

In part Mr. Henry said: "I feel like congratulating you, as well as myself, for our labors are so nearly over. We have listened for two or three days to the argument for the defendant, the greater part of which it seems to me was an appeal to your prejudices in the first instance, and to your sympathies in the second. Very little time was devoted to the discussion of the evidence.

**"A Pitty Mitchell."**

"Now, I want to say that if I, in this case, had the power, and the duty, of sentencing this defendant upon a verdict of guilty at your hands, it would be one of the saddest duties in my life. I feel just as much sympathy for John H. Mitchell as I can, as one of the great mass of suffering humanity, who has gone wrong—as I think this evidence shows—as any member of this jury can possibly feel, or as either of the 2999 attorneys feel. But that can't be done in the duty I am to perform.

"Why, even Senator Thurston challenged me to answer why I had not shown my sworn duty as a prosecuting officer, brought in an additional indictment for subornation of perjury against

Senator Mitchell, which shows that he himself recognizes the fact that sympathy can have no place with you when, under your sworn oath as jurymen in this case, you shall determine whether the case has been proven, or with me as I, under my sworn duty as the prosecuting officer, shall prosecute whenever the evidence justifies it. President Roosevelt said the other day in a speech to the Harvard students, 'There never was a day in the history of this nation when it needed more than it does today, men who can become leaders, who have lofty ideals and who try to follow them and do not satisfy themselves by mere talking about them.'

**Why Not Jury's Verdict?**

"I shall undertake to show before I finish, why you ought to give no consideration to the suggestions which have been made to you in the way of appeal to your sympathies, and in the way of asking you to violate your oaths as jurors and permit the defendant in this case to go unconvicted because he has paid Oregon in advance for permission to violate the laws which he helped to make—because that is the sum and substance of the argument. Let us go back a moment to the evidence, and let us first determine if there is any doubt about the question whether the prosecution has proven beyond a reasonable doubt that John H. Mitchell did commit the crime with which he is charged. When we have determined this question to our satisfaction, I will then undertake to point out to you the reasons why I think your verdict ought not to be influenced by these other suggestions.

**Was Guilt Been Shown?**

"But the first question is whether or not John H. Mitchell has been proven guilty of the charge in this indictment. Counsel complained that I had expressed an opinion to you as to the guilt of this defendant. I think if they will read carefully the argument which has been printed in extenso, they will find that I never expressed such an opinion, that I have been careful to express no opinion. I have been very careful for the reason that the prosecuting officer has no right to testify what his opinion may be, as to the guilt of the defendant. I was not authorized to say, neither is it for the attorneys for the defendant to testify. They have no right to testify what is their belief as to the guilt nor what their belief is as to whether witnesses have testified falsely, nor what their belief is as to the character of the defendant upon trial, whose character was never put in issue in this case by reason of the fact that no evidence was put in on the part of the defense to show that he has a good character. I say that the statements of Senator Thurston and Judge Bennett as to what they know about this defendant, were entirely improper and wrong.

**Defense Spared for Wind.**

"I say furthermore, that their statements about themselves, where Senator Thurston was born, how he acquired his education and as to how his father fell upon the battlefield, have no place in this case. I say it would have no purpose, except the hope that it might influence some one of this jury, and this jury is sworn to determine this case solely upon the evidence produced here upon the witness stand. When Judge Bennett was questioning the jurymen, and one stated that he came from Iowa, it was met with the prompt response from Bennett, 'Why, that is my state.' That is a species of puffing, which ought not to be indulged in. His statement could only be upon the theory that if you were from Iowa and if he were from Iowa, that might in some way influence your verdict. The same thing was repeated upon the argument. He

told you what sort of a lawyer he is, and that he did not claim to be smart. It is evident that he thought he was smarter than you are, because he sought to reach your prejudices without your knowing it. I don't believe that he was smart in that respect, because I do not think that he failed to reveal to a single man on this jury his object.

**What If I Am of California?**

"Reference was made to the fact that I came here from California. I want to know what purpose it was that a foreigner had come here and attempted to indict and convict some of our public men. And Mr. Bennett says that he knows an Oregon jury, and why? I tell you Mr. Bennett you do not know an Oregon jury as well as I know them, because I know from my knowledge of human nature that an Oregon jury has just as much integrity and manhood as any other American citizen, whether in the state of California or in the state of Alabama or New York, or any other part of the United States. When I meet any one of you in San Francisco or in New York or across the waters in Europe, all I care to know is if you are an American citizen, educated in the constitution of this country and its laws, I care not what state you came from, or what section of the United States you have been reared in. Those questions are buried, and today a prosecuting officer can appear before any jury in the United States, in the federal court, and be absolutely sure that if he is an American citizen, he will be received as a friend and neighbor, and what he says he will not be looked upon with suspicion, upon the theory that he has come into another state and violated his oath, becoming the low and despicable human being that I must be if I have attempted to do what they have charged here.

**Why Henry Came.**

"In the secrecy of the grand jury room, they charge that I have hatched out an indictment against your senator and two of your congressmen, when I was sent here by Mr. Hitchcock, they say—I do not know where this is obtained from the evidence in this case—investigate land frauds. Insofar as so much has been said on this subject, I think it is only fair for me to say that Mr. Hitchcock had nothing whatever to do about my coming here, and I do not know if he heard of me until long after my work here began. The only man on earth who had anything to do with my coming here, so far as I know, was the attorney-general, and the fact that he sent me here probably indicates his having met me and that he had some reason to think that I was a man of integrity, and could be trusted to do my duty wherever I might find it to be. I was not sent here to investigate land frauds. I came here on the simple employment to try one case, for which the indictment had already been found with the limited appointment for that purpose only; and while trying that case, I developed that the people in power were protecting other criminals, when great personal sacrifice to my own personal business, because I felt that it was a duty I owed to my country, I remained here and am still here, drawing a salary that would not pay my office expenses at home. And I am here because I believe in American manhood, and in American integrity. I am here because I believe, as has been demonstrated by an Oregon grand jury, that the standard of manhood and integrity in Oregon is so high that the question as to whether a man occupies a public office or not will cut no figure in the determination of a jury which is trying him. If I did not believe that, I would have gone home long ago.

**I Pursue My Senator Mitchell, It Is**

charged, and let land thieves go. How many men were indicted by the grand jury? In round numbers, 50, and you know the character of men included in those indictments. Does that look as if a grand jury is seeking a victim in the person of Senator Mitchell? But Kribs, 'the billy goat, the biggest thief of them all,' is let go. 'And,' says the attorney for the defendant, 'answer, Mr. Henry, as to that, why you let him go, and centered upon Senator Mitchell, on a mere technical, statutory offense?'

"I think that I can answer that without going outside of the records in this case. Let us try to answer it from the indictment itself. The indictment says that Kribs was engaged in the business of procuring divers persons to make applications to purchase timber lands. To put it in more simple form, that they were taking up these timber lands themselves and paying for them, and when they got title they turned them over to Kribs. Who were these acts but subornation of perjury? That was the offense Kribs committed. They were the lands for which he employed this firm of Mitchell & Tanner to expedite patent. When did he commit subornation of perjury? Every one of these entries was made in the year 1900 or in the year 1901. When did the grand jury first meet which took up these matters, which resulted in the indictment of these 50 people, including Senator Mitchell? It was in December, 1904. At that time there was not one of these subornations of perjury that was not barred by the statute of limitations. Why didn't I indict him? Because the face of the indictment, if I had told the facts, would have shown that the indictment was void. Kribs has been asking himself this same question, and until he reads my argument in the newspapers in the morning, if he reads the newspaper, he will see that the statute of limitations had begun to apply at the time he was seeking to get me to tell him what I was going to do. He will tell you that he got no promise whatever that he would not be prosecuted, or that civil suit would not be brought to get back from him the 20,000 acres of land he obtained by these fraudulent means. I think, gentlemen of the jury, that you can trust me to do my duty in the matter of getting back these lands; in fact, that you can say, now that this man Kribs has testified and the statute of limitations has run against his crime, that very little time will be lost in bringing that civil suit. Does that answer it?"

**Mr. Henry devoted a short time to further elaboration of this point, in answer to the defendant's attorneys, and spoke of the trip here of Stratford. The time all of this was going on exceeded three years prior to the meeting of the grand jury which returned the land fraud indictments. Closing this subject, the government's attorney said:**

**Why Kribs Testified.**

"Had Mr. Kribs known it was possible that he could not be prosecuted because of the statute of limitations, we would not have got these Mitchell checks from him. Had Kribs known this was possible, we would not have got any evidence out of him.

"Why was not an indictment brought against Senator Mitchell for subornation of perjury after Tanner confessed? The evidence shows that the grand jury adjourned the day after the confession. It met again for one week, and then it expired by operation of law when the new term of court commenced. In that week many indictments were returned, and inasmuch as Senator Thurston has asked the question, I will say that there were several indictments found, which were not returned, and amongst them an indictment was found against this defendant, but was not returned owing to the limited time."

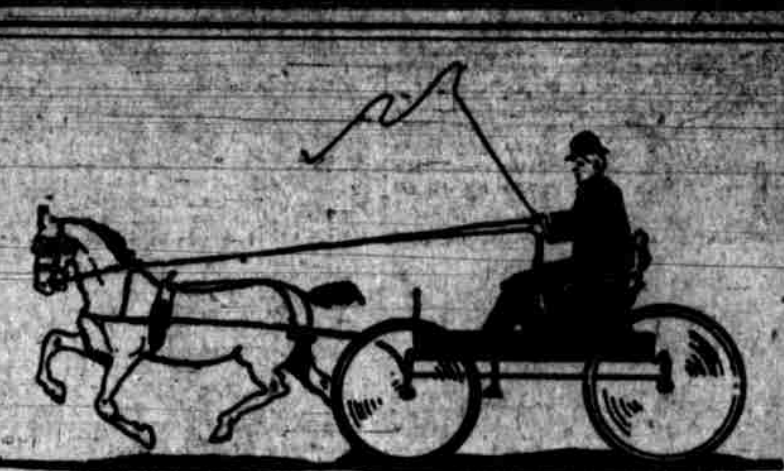
answer to challenges. The district attorney proceeded to discussion of the evidence, taking such points as he thought seemed to establish beyond doubt the fact that Senator Mitchell had knowledge of receipt of money from the land cases which he was expediting before the department at Washington. In this argument he insisted that Kribs had been introduced to Mitchell as a timber speculator, that Tanner had frequently written of the cases taken for Kribs and had confessed in these letters that they required senatorial influence and adroit handling to prevent suspicion being aroused in the department. In this analysis Mr. Henry reread the letters and telegrams introduced in evidence, showing that the fact of payment of considerable sums of money was communicated to Senator Mitchell immediately before the monthly division of firm receipts, which showed unusual savings, was made. These things, the attorney held, showed that the senator knew beyond all possibility of doubt of the unusual dividends came, and further, that he was being charged with Kribs and the other land speculators were nearly entirely for the influence the senator would exert, rather than for professional services to be performed by Tanner or the firm at home. When John A. Benson came from San Francisco to Portland to employ the firm in behalf of some of his land cases, Benson, the attorney held, was a speculator in timber lands, this fact being charged against Kribs and the other land speculators were nearly entirely for the influence the senator would exert, rather than for professional services to be performed by Tanner or the firm at home. When John A. Benson came from San Francisco to Portland to employ the firm in behalf of some of his land cases, Benson, the attorney held, was a speculator in timber lands, this fact being charged against Kribs and the other land speculators were nearly entirely for the influence the senator would exert, rather than for professional services to be performed by Tanner or the firm at home.

**Tanner Is Misled.**

Judge Tanner's statements on the witness stand that he did not understand that he was getting a fee for Senator Mitchell's services before the department was ridiculed. The district attorney produced the letter in which Judge Tanner wrote regarding the Benson matter, in which he urged the senator to make it appear to the commissioner of the general land office that the work was for local clients for Oregon people, and advised the senator to use great caution. "And yet he says that he did not understand that Mitchell's services were to be used." In this same connection the attorney noted that Tanner had never appeared before the departments at Washington, as the records prove, but always it was Senator Mitchell looking after that end. It was said that no letter had ever been written by Judge Tanner in regard to any of this business. Mr. Henry concluded that this evidence alone proved conclusively that Senator Mitchell had full knowledge of the character of the fees received, and knew so when he took them.

**A Strange Salary Account.**

But if there is any doubt in this respect, the district attorney said that equally positive proof was had in the books of the firm. While handling this part of his topic, he took occasion to turn a point that had been made by the defense to advantage. Taking the totals for a few months, the attorneys for Senator Mitchell had argued that the firm receipts for the period of four years would be about \$20,000 from all outside sources and \$5,000 from the land cases. Mr. Henry took some of the months which had been admitted as evidence and read the items of the book accounts. In this he noted that about the first of each month there was a payment of \$500 as a firm salary, from whom not being indicated. This continued until 1905, and was then \$350 a month. He asked the jury to consider that the aggregate of this salary payment alone for four years would be about \$20,000—adding to this the \$5,000 received for land cases would bring the total to about \$25,000, or very close to the entire firm receipts. When this salary was divided at the end of a month and the small amount of firm business



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In addition, the sum would usually range but little above \$250, argued the government's attorney. When such was the rule and Senator Mitchell received some of the months that he was helping Judge Tanner in the land cases, dividends of \$500 and \$700, and these payments following close upon announcement to his partner that he had succeeded in getting through some of the claims, seemed conclusive evidence to the district attorney that Senator Mitchell must have known whence the enlarged sums came. District Attorney Egan was engaged in this type of argument when Judge De Haven adjourned the court until Monday morning at 10 o'clock.