

## CONVICTS MITCHELL

### JURY RECOMMENDS MERCY OF THE COURT.

#### Single Juror Who Held Out Capitulates On Condition That Jury Make Recommendation.

Senator John H. Mitchell was found guilty Monday. Summoned from his hotel to the federal court room at 11 o'clock Monday night the old man who for 40 years has played a conspicuous part in the affairs of Oregon, heard the verdict which convicts him of violating the laws of the country, says the Portland Journal.

"We the jury find the defendant guilty as charged in the indictment and recommend him to the mercy of the court for leniency."

In the breathless hush that succeeded the reading of the verdict Senator Mitchell sat dazed, rigid, the slow tears welling to his eyes. Once or twice with trembling hand he stroked his long white beard while the jury was polled and his attorneys gave notice of a motion for new trial. These formalities were soon over and with slow and feeble steps he walked toward the door, replying mechanically to the expressions of sympathy from the little group of friends who crowded about him.

Senator Thurston supported the tottering figure of his friend and client, and Mrs. Thurston, the only woman in the court room when the verdict was returned, laid a sympathizing hand on the old man's shoulder. Slowly and sadly the little company left the building.

For seven hours and a half the jury deliberated before reaching a verdict. Six ballots were taken and five times the vote stood 11 for conviction and one for acquittal. At last the one juror who had voted for acquittal yielded to the argument of his companions, stipulating only that the verdict should contain a recommendation for clemency. To this his fellows agreed.

It was five minutes after three o'clock in the afternoon when the jury retired after receiving the instructions of Judge De Haven. A throng of people waited about the corridors in the expectation that an early verdict might be rendered, but as the hours dragged by the numbers lessened. Judge De Haven first informed the marshal that unless the verdict was rendered by 9 o'clock he would not receive it until morning, but later he extended the time until 11 o'clock. At 6 o'clock dinner was sent into the jury, but there was no sign as to its progress toward a verdict. Finally at 10:35 word came from the locked and guarded room that the jury was ready to report. Judge De Haven was hastily notified and word was sent to Senator Mitchell and his counsel. United States District Attorney Heney, who had gone with friends to the fair grounds, could not be reached.

After the news that the verdict had been reached was given out Senator Mitchell was first to reach the court room. He was accompanied by Judge C. H. Carey, who sat beside him until the arrival of Judge Bennett. Almost on the stroke of 11 o'clock Judge De Haven entered from his chambers and the jury filed into their seats.

"Gentlemen have you agreed on a verdict?" asked the court.

"We have," responded the foreman, G. Steiner.

Silently the white envelope containing the verdict was passed to Judge De Haven, who read it over and then handed it to the clerk, Captain Sladen. Every ear was strained to catch the words as the clerk read the judgment of the jury, declaring John H. Mitchell guilty as charged, but recommending him to the clemency of the court.

"We desire to have the jury polled," said Judge Bennett.

One by one the jurors responded in the affirmative, as the clerk asked if the verdict was correct. The specific offense of which Senator Mitchell was found guilty was the accepting of fees from Frederick A. Kribs for services in expediting the patenting of timber claims in which Kribs was interested.

The measure of punishment to be inflicted rests entirely with the trial judge. Although the statute provides for both fine and imprisonment, it is discretionary with the judge to impose either or both. It has been the popular supposition that if convicted Senator Mitchell will necessarily be sentenced to imprisonment, but this is not the case.

"It is clearly established by repeated decisions," said District Attorney Heney in discussing this question, "that where the statute prescribes both fine and imprisonment the court need not impose both. The sentence may be fine alone or imprisonment alone, or it may be both fine and imprisonment."

Sentence will not be pronounced until after the determination of the appeal, which means a delay of months at least. If the case should be taken to the United States supreme court a final decision might not be rendered until next summer. If the verdict should then be affirmed, Senator Mitchell must then pay the penalty of his guilt.

Pending the appeal, the defendant

will continue to hold the office of United States senator, though under the rules of the state he cannot take his seat while under conviction. He will still draw his salary of \$5000, although unable to perform the duties of the office.

#### CAN'T ABUSE THE MAILS.

Supplements Not a Part of Newspaper Denied Second-Class Rate.

Third Assistant Postmaster Madden has issued an order intended to put a stop to the practice of some publishers of periodicals of using their publications as the vehicle or cover for transmission at second-class rates of sample paper to the detriment of the fourth-class.

This is accomplished by printing advertisements upon the sheets of the paper to which the advertisements relate and attaching them as advertising pages to the periodical. After declaring the practice to be an abuse of the second-class mailing privileges, the order states that publishers will be given until September 1 to discontinue it and after that anyone found disregarding the order will be charged fourth-class rates for his periodicals.

Postmasters are cautioned, however, not to misapply the rule in cases where papers of different color or grade are used for the sole purpose of improving the appearance of advertisements.

#### Lewis and Clark Rates.

The O. R. & N. Co. announces the following rates from Athena to Portland for the Lewis and Clark fair: Individual tickets will be sold daily from May 29 to October 15, inclusive, continuous passage in each direction; final return limit 30 days from date of sale, but in no case later than October 31, 1905, for one and one-third fare, amounting to \$9.90.

Party tickets—that is ten or more persons—will be sold from May 29 to October 15 inclusive; passage in each direction; 10-day limit from date of sale, at one single fare per capita for round trip, amounting to \$7.40. Children one half fare age at half fare of the above rates. For further particulars call on M. W. Smith, O. R. & N. agent, Athena.

#### Notice.

Notice is hereby given that a certain number of notes payable to E. L. Barnett and Edward Taft together with certificates embracing 152,812 shares of stock collectively held by E. L. Barnett, of 409, Yamhill street, Portland, Oregon, in the Golconda Consolidated Mining Co., Union Gold Mining Co., Grant Mining Co., Standard Consolidated Mining Co., Buffalo Monitor Mining Co., Springdale Copper Mining Co., and South Pole Gold Mining Co., are missing, having been either lost or stolen. All persons are hereby warned that the above shares of stock and notes have not been endorsed and any transfer will be illegal.

Dated at Athena, Oregon, June 23, 1905.  
E. L. Barnett.

#### Administrator's Notice of Final Settlement.

Notice is hereby given that on the 24th day of June, 1905, William McBride, the duly appointed, qualified and acting administrator of the estate of Mary E. Rainville, deceased, filed his final account in the county court of the state of Oregon, for Umatilla county, in the matter of the said estate and all persons interested in the said estate are hereby notified that they must appear in said court and file their objections or exceptions to the said final account on or before the 5th day of August, 1905, at the hour of 2 o'clock p. m. of said day, and that there will be a hearing upon the said final account on the said hour of said day at the county court house, in Pendleton, Umatilla county, State of Oregon.  
William McBride,  
Administrator.

## BLACKSMITH AND REPAIRING SHOP

A. H. LUNA, Proprietor,

Shop West of King's Barn, Athena.

PROMPT & RELIABLE SERVICE

A. L. JONES

WANTS ALL KINDS OF HAULING

Goods taken best care of and carefully handled. Phone 13 for Express and Baggage.

THE  
**ST. NICHOLS HOTEL**  
J. E. FROOME, PROP.

Only First-class Hotel in the City.

THE ST. NICHOLS

Is the only one that can accommodate commercial travelers.

Can be recommended for its clean and well ventilated rooms.

COR. MAIN AND THIRD, ATHENA, OR.

## New York Restaurant

Good Meals 25 cents.

## Noodles

Every night 15 cts. per Bowl

MAIN STREET, ATHENA, ORE.

## THE WRIGHT LIVERY AND FEED STABLE



GOOD HORSES AND RIGS. REASONABLE PRICES  
DRIVER FURNISHED WHEN DESIRED.

Horses boarded by the day, week or month  
Stables on 2nd street, South of Main street  
J. F. Wright, Proprietor

## Troy Laundry

Walla Walla, Wash.

Elmer Lane, Agent in Athena

## Work Guaranteed

Washings are called for each Tuesday and are returned Friday morning

## MILLINERY

The Latest Modes and Fashions in Street and Dress Hats.

LA HUE MILLINERY CO.  
Third Street, Athena.

Foley's Honey and Tar  
for children, safe, sure. No opiates.

## Painting

Paper Hanging, Wall Tinting, Sign Writing, etc., satisfaction guaranteed by  
L. J. Robinson.  
Shop, corner 3rd and Jefferson, Streets, Athena, Oregon.

T. L. TERHUNE,  
CONTRACTOR & BUILDER  
Estimates Furnished and Satisfaction Guaranteed. Residence on  
Hunt Ave. - - - Athena

## Pianos of Worth.

We sell the kind of Pianos that those who are critics, buy.  
They are Reed & Sons, noted for strength and volume of tone.  
The Henry F. Miller, Boston's oldest and sweetest toned make.  
The Steger, musically equal to the best, and the popular Singer.

## Whitman College

purchased pianos of us last year valued at \$4,000, and all were of the above makes. The College buys only the highest grade pianos. We buy direct from factory and can save you money. Pianos delivered on ten days trial free. It will pay you to get our prices and easy terms.

Dwelle Herrick Music Co.,  
51 East Main Street  
4 Doors Above Bridge,  
Walla Walla, Washington

## ED. BARRETT, CONTRACTOR & BUILDER

Estimates furnished on all kinds of buildings. Satisfaction Guaranteed.

Office at New Lumber Yard, Athena.

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## COMMERCIAL

LIVERY, FEED and SALE STABLE.

Best Turnouts In Eastern Oregon

Stock Boarded by the Day, Week or Month

KING BROTHERS Prop

## PARKER & LANE'S Barber Shop.

Shaving, Haircutting, Shampooing, Massage for Face and Scalp.

## HOT BATHS.

Shop North Side Main Street, Athena, Ore.

## O. R. & N. OREGON SHORT LINE

### AND UNION PACIFIC TWO TRAINS EAST DAILY

Through Pullman standard and sleeping cars daily to Omaha, Chicago; tourist sleeping car daily to Kansas City; through Pullman tourist sleeping cars, personally conducted, weekly to Chicago, with free reclining chair cars, seats free, to the east daily from Pendleton.

DEPART Daily.	TIME SCHEDULES ATHENA, ORE.	ARRIVE Daily.
4:53 p. m.	Past Mail for Pendleton, LaGrande, Baker City, and all points east via Huntington, Ore. Also for Umatilla, Heppner, The Dalles, Portland, Astoria, Willamette Valley Point, California, Tacoma, Seattle, all Sound Points.	9:57 a. m.
9:42 a. m.	Walla Walla, Dayton, Pomeroy, Lewiston, Colfax, Pullman, Moscow, the Couer d'Alene district, Spokane and all points north.	4:58 p. m.
7:05 p. m.	Mixed train Walla Walla and intermediate points.	12:20 p. m.
12:20 p. m.	Mixed, for Pendleton and intermediate points.	7:05 p. m.

Water Routes.  
SAN FRANCISCO-PORTLAND ROUTE.  
Steamer sails from Portland 8 p. m. every 5 days.  
Snake River Route.  
Steamers leave Riparia daily except Saturday returning at 4:30 a. m. leave Lewiston daily except Friday, at 7 a. m.  
M. W. Smith, Agent, Athena

# PNEUMONIA

follows a cold, but never follows the use of

# FOLEY'S HONEY AND TAR

It stops the cough and heals the lungs and prevents a cold from settling on your lungs and resulting in Pneumonia, Pleurisy, or Consumption.

You are in no danger of serious results if FOLEY'S HONEY AND TAR is taken, as it soothes and heals the inflamed air passages and the cough disappears.

Be sure and get FOLEY'S HONEY AND TAR, as preparations containing opiates stop the cough temporarily by paralyzing the nerves in the throat and leave the germs of serious lung trouble and you get one cold on another because the first one was not cured perfectly.

Saved Her Life From Pneumonia.  
"My wife had a severe attack of Pneumonia which followed a severe attack of La Grippe and I believe that FOLEY'S HONEY AND TAR saved her life," writes James Coffee, of Raymond, Missouri.

Cured When Very Low With Pneumonia.  
J. W. Bryan, of Lowder, Ill., writes: "My little boy was very low with Pneumonia. Unknown to the doctor we gave him FOLEY'S HONEY AND TAR. The result was magical and puzzled the doctor, as it immediately stopped the racking cough and he quickly recovered."

Dr. C. J. Bishop, Agnew, Mich., writes: "I have used FOLEY'S HONEY AND TAR in three very severe cases of Pneumonia with good results in every case."

Three Sizes, 25c, 50c and \$1.00

The 50-cent size contains 2 1-2 times as much as the small size, and the \$1.00 size almost 6 times as much.