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KLAMATH FALLS, SATURDAY, JULY 10, 1909.

BIG SCANDAL HID IN ARCHIVES.

(Concluded From First Page.)

The other bundles remained sealed until doomsday. Only an inkling of the contents of the first bundle—that containing the record in the case of E. B. Perrin of Williams, Ariz.—has leaked out. After that leak, Mr. Wickersham restored the seal and all further access to the confidential files of his office has been denied. And, without the consent of the Attorney-General, there appears to be no means of prying into the innermost secrets of the land-fraud and other prosecutions conducted by the Attorney-General and his assistants, in co-operation with Secretary Hitchcock and the Interior Department.

Could the packages sealed by Mr. Bonaparte be laid bare to inspection, unwritten pages in the history of the land-fraud prosecutions in Oregon, in Idaho, in California, and elsewhere would be given to the public for the first time. There has always been much which the government has never said about these prosecutions; much that has never been explained. The missing link is not found in the open records of the Department of Justice; it must exist in these packages which Mr. Bonaparte sealed before he retired.

Not all of the contents of the Perrin package was uncovered by Mr. Wickersham. The lid, however, was raised high enough to satisfy a committee of inquisitive senators that the methods pursued by the Department of Justice, under Mr. Bonaparte, were not methods expected in a free republic, but rather the meth-

ods that might be resorted to by the Russian government in the pursuit of anarchists. The little that was ascertained showed conclusively that the courts were being misused; that government agents were resorting to practices not countenanced by the law, and that marked men were being started for the penitentiary, even in the absence of evidence justifying conviction. If such a thing were done in one case, asked the senatorial committee, is it not reasonable to presume it was done in others? That question can only be answered by breaking the seals of Mr. Bonaparte, and it is evidently the purpose of Mr. Wickersham to protect those seals even against the demands of the United States Senate.

Early in the special session of Congress, President Taft sent to the Senate the re-nomination of R. T. Devlin as United States District Attorney for the Second District of California. The nomination was referred to the committee on judiciary. Immediately telegrams were received by the chairman of the committee stating that protests were to be filed against Mr. Devlin's confirmation. Accordingly, action was suspended. In due time the charges arrived. Then the Devlin nomination, together with the charges, was turned over to a subcommittee consisting of Senators Piles of Washington (chairman), Borah of Idaho and Overman of North Carolina.

The subcommittee found that reputable citizens of San Francisco charged Mr. Devlin with using perjured testimony in securing the conviction of Perrin on a charge of

fraudulently acquiring timber land in California. The protestants informed the committee that evidence to this effect could be found in a report made to Mr. Bonaparte by William R. Harr, special assistant to the Attorney-General, who had been sent to San Francisco to make specific inquiry into the manner of conducting the prosecution of Perrin. Witnesses against Mr. Devlin came on to Washington; so, also, did Perrin, accompanied by his attorneys. Perrin brought with him the records of his trial. Through his attorneys he asked that the Harr report be laid before the committee, asserting that that report not only exonerated him, but showed up the injustice of his prosecution and the unfairness of his indictment. Perrin's sentence, prior to the re-nomination of Mr. Devlin, had been reversed and remanded by the Circuit Court of Appeals, and a new trial ordered on the ground that perjured testimony had been admitted at the first trial.

The subcommittee became satisfied that the Harr report was important, and addressed a letter to the Attorney-General asking that it be submitted to them. The Attorney-General replied that the report was in the confidential files and could not be sent, but he offered to submit it for inspection to the members of the subcommittee if they would agree not to make public its contents.

That report proved to be all that had been claimed for it. Not only did it show that Mr. Devlin, in prosecuting Perrin, had used testimony known to be perjured, but it threw important light on the manner in which Perrin had been indicted. As heretofore stated in The Oregonian, the report showed that when the grand jury was investigating the Perrin case and before it had reached any conclusion, W. J. Burns, then a secret service employee of the government detailed to land-fraud work, went before the grand jury, said that he had just come from Oyster Bay, where he had had a conference with President Roosevelt, and informed the jury that the President wanted Perrin indicted. From the Harr report it appears that the indictment of Perrin was largely attributable to the influence of the statement made by Burns.

When Burns' part in the indictment was uncovered, inquiry was made to see whether the committee could in any way reach him, but the Attorney-General informed them that Burns is no longer in the government employ. Had he been on the federal payroll it is probable the committee would have demanded his immediate dismissal. Whether Perrin has any redress against Burns because of Burns' course before the grand jury is a question with which the committee cannot deal.

Having learned from the Harr report that Perrin had been convicted on perjured testimony, it devolved upon the committee to ascertain whether responsibility for the use of such testimony rested upon Mr. Devlin or upon his superior, the Attorney-General. Senator Borah, for one, said he was not willing to refuse confirmation to Mr. Devlin when the Harr report clearly indicated that the prosecution of Perrin, in a sense at least, was being directed by the Department of Justice. What he wanted to know, and what the subcommittee later asked, was whether Mr. Devlin, of his own volition, employed perjured testimony to convict Perrin, or whether Mr. Devlin was instructed by Mr. Bonaparte to use such testimony in order to obtain a conviction. Mr. Borah suggested that this evidence could only be obtained from the correspondence that passed between Mr. Bonaparte and Mr. Devlin. This correspondence the Attorney-General declined to furnish, even in confidence, to the subcommittee.

Upon this state of facts the subcommittee was unable to reach any agreement, and therefore reported back to the full judiciary committee as to all its findings, but with no recommendation. Then the full committee made formal request upon Mr. Wickersham for the Bonaparte-Devlin correspondence. Again Mr. Wickersham refused, although the committee had pledged itself to treat the matter as confidential. Mr. Wickersham stated that it would be inexpedient to produce this correspondence because it related to a case then pending in the courts—the Perrin case awaiting retrial.

The Senate has no power to compel the Attorney-General or any official to furnish it with confidential matter from his files, and there appears to be no way in which the sealed correspondence between Mr. Bonaparte and Mr. Devlin can be obtained. In the absence of this correspondence which it is believed, will fix the responsibility for the use of perjured testimony upon either Mr. Bonaparte or Mr. Devlin, the judiciary committee declined to take any action upon the nomination of Mr. Devlin and he continues to serve under his original appointment. It is assumed that the President will give him a recess appointment as soon as Congress adjourns, and will again send in his nomination when the regular session opens next December.

The Holdup Man in Mexico.
Now, as a matter of fact, life and property are as safe in Mexico as in Chicago, and one's life is a great deal safer. Mexico has her pickpockets and her sneak thieves, and burglars are not unknown, but the holdup man is an individual with whom the police are not well acquainted. This cannot be said of Chicago, Kansas City, St. Louis or New York. It may be because the criminal element in Mexico lacks the bravery necessary for following the holdup's profession, or it may be because the city is extraordinarily well guarded by police. It certainly is well guarded by the police; but, it matters not what the reason is, the fact is that the man who robbes you of your money in Mexico does so in the manner calculated to cause you the least inconvenience.—Mexico Record.

There Was a Limit in Liking.
Little Victor had been naughty and his father had seen fit to administer a spanking. A few minutes later, when his papa had left the room and the little fellow was alone with mamma, he exclaimed between his sobs, "I don't like papa." His mother, of course, told him that was very wrong and that he would have to be punished again if he talked like that. "Well," he added, looking up quickly, "I like papa all right, but I don't like his acts."—Delineator.

Cause For Hate.
"Wot are you breathin' so hard for, Dusty?"
"A shoemaker run me out o' town for meet a mile."
"Wot 'died him?"
"He runs a quick repair shop, an' he got mad 'cause I handed him a couple of boot heels an' a shoestrapping an' told him I'd call for do shoes in half 'n hour."—Cleveland Plain Dealer.

He Went Early That Night.
He (calling)—I'm here promptly, Miss Fannie. She—Yes, Mr. Staylate. He—I never like to keep people waiting. She (significantly)—Waiting for you to come you mean, of course.—Washington Post.

No Need of a Bargain.
Soggar—Kind sir, give me a penny for my two children. Kind Sir—That isn't dear, certainly, but I don't think I'll take them. I have four already at home.—Stray Stories.

Counts Up.
"My dear," he said in a mildly reproachful tone, "I have no doubt at all that you are a good bargain hunter and that you always get really excellent bargains, but you get too many of them."—Chicago Post.

No Reason.
She—I think you might stop smoking when you heard me say I don't like it. He—That's no reason. I heard you say you didn't like to be kissed.—Boston Transcript.

The Fighting Maria.
Some 230 Maria were shut up in trenches at a place called Orakaw Without food except a few raw potatoes, without water, pounded at by artillery and under a hail of rifle bullets and hand grenades, unsuccessfully assaulted no less than five times, they held out for three days, completely surrounded. General Cameron humanely sent a flag of truce, inviting them to surrender honorably. To this they made the ever famous reply: "Enough! We fight right on forever!" Then the general offered to let the women come out, and the answer was, "The women will fight as we." At length on the afternoon of the third day the garrison in a body charged at quick march right through the English lines, fairly jumping over the heads of the men of the Fortieth regiment as they lay behind a bank. Half of them fell; the remainder got clear away. The earthworks and the victory remained with us, but the glory was theirs.—"The Long White Cloud," by W. P. Reeves.

Forget Himself.
Absentminded persons are not infrequently met among the medical profession, who of all men should at ways have their wits about them. It was related that a well known doctor was once present in a public place when an accident occurred and, seeing a wounded man, went about calling: "A doctor! A doctor! Somebody do and fetch a doctor!" A friend who was by his side ventured to inquire, "Well, what about yourself?" "Oh, dear," answered the doctor, suddenly recalling the fact that he belonged to the medical profession, "I didn't think of that!"

To Ferment.
"You know, Elsie, that 'ferment' means 'to work,'" said the teacher. "Now you may write a sentence on the blackboard containing the word 'ferment'." After a moment's thought Elsie wrote as follows: "In summer I love to ferment among the flowers in our garden."—Chicago News.

The Real Object.
Indulgent papa—Why, my dear, you had a party last month. How often do you wish to entertain your friends? She—This one is not to entertain my friends, papa, but to snub my enemies.—Life.

No Struggles in Vain.
The cynical bachelor rises to remark that when a girl makes up her mind to marry a struggling young man all his struggles are useless.—Philadelphia Record.

Man must always in some sense cling to the belief that the unknowable is knowable.—Goethe.

A Light Touch.
Wickwire—I like Timmins' stories. He has such a light touch. Stimmins—Yes; that's one thing in Timmins' favor. He rarely strikes one for more than two or three dollars.—Indianapolis Journal.

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