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ALL OREGON HAS EYES ON MITCHELL CASE

HENEY'S CHARGES IN DETAIL

Audience Visibly Affected When Defendants Attorney Spoke of the Senator's Years of Service and Present Poverty

The charge against Senator Mitchell does not involve moral turpitude or crime on the part of the perpetrators, yet conviction on the counts of the indictment means confinement in the penitentiary for not more than two years, and a maximum fine of \$10,000.

Portland, June 21.—Second day's trial of cases of U. S. versus John H. Mitchell opened with intense interest, and all standing room taken. District Attorney Heney opened the case for the government in a clear and impressive statement to the jury. He reviewed the indictment against Mitchell, and said the senator was accused of having made money out of his office by using his influence, and for having taken fees received for services performed before department of interior while a U. S. senator in a matter in which United States had an interest. Statute provides that a senator or congressman shall not receive or agree to receive any fee or compensation, directly or indirectly, by a firm or partnership, for services performed by himself, or by any other for any services before any department of the government, and that the law provided as penalty imprisonment for not over two years or fine of not over \$10,000, and prohibited from holding office forever.

It was a serious matter, Mr. Heney said, to accuse any man of wronging the government and the people by using a public office for private gain. The government realized it is a very serious matter. He must be convicted beyond a reasonable doubt, and they would not take conviction if they did not prove. Heney went into circumstantial detail in his accusations before the jury, evidently seeking to make a first ineradicable impression. October 15, 1901, Mitchell & Tanner made an agreement with Fred A. Krebs to expedite 40 timber claims that were awaiting patents, and were to receive \$1000. He charged that Krebs talked with Mitchell about it. Mitchell wrote a letter to the commissioner, and personally saw Herman, and used his best efforts. February 13, 1902, Krebs made another contract with Mitchell & Tanner to expedite the Puter claims for a fee of \$1000. A contract was made with Benson, of California, for \$1500. On May 29, 1902, Mitchell & Tanner got \$500 from W. E. Burke for expediting claims under the forest land act in Oregon. A fee of

\$500 was charged for services to the Cooke's Inlet Coal Field Co. A fee of \$300 was paid November 16, 1903, by a Chinese benevolent society. Also a fee of \$200 by Lee S. Lee, to permit his wife and daughter to land.

In November, 1902, the firm was employed by the Booth-Kelly Lumber Co. to make lieu land selections in the Cascade reserve, and that Mitchell was a stockholder in the company. He charged that Mitchell appeared before the grand jury in November, 1904, and denied all these things. On the way Tanner went to meet Mitchell, and was upbraided by Mitchell for having kept the books in such a way. Tanner objected to this, and Mitchell asked that a new agreement be drawn up, so as to turn over all fees received by the firm to Tanner. Tanner went before the grand jury and produced the new agreement, which was written with a black ribbon on Eden bond paper. Nothing new was developed as to the testimony of Private Secretary Robertson, and he closed his statement in 45 minutes, and made a marked impression.

Judge Bennett reviewed the case from the standpoint of the defendant, from the time of his coming to Oregon in 1856, his election to the senate, his service on important committees, his retirement for four years, when he practiced law with Mr. Tanner and had a contract with him as to fees. He made a deep impression when he referred to Mitchell's great poverty, and his being a careless business man. He left everything to his partner, Tanner. He must not be judged from the standpoint of being a careful, prudent business man. He was essentially careless about business matters. He was overruled with public work and his devotion to every detail of the needs of his constituents was proverbial.

District Attorney Hall had secured the indictments against Puter, McKinley, Tarpley and Mrs. Watson, and without parade and newspaper fireworks. To help Hall, the land department had appointed Mr. Heney and one Frost of bad odor and repute.

Heney: "I object to this statement going to the jury, as outside of the case."

Sustained by the court after discussion.

The first altercation between counsel in this case was a victory for Judge Bennett.

Bennett: "Tanner will testify different in this case from what he has testified heretofore."

Heney: "Have you heard him?"

Bennett: "No, only as it was printed in the newspapers, where you had all the stuff published."

Bennett's reply sent a ripple of laughter over the bystanders.

Bennett made a strong case of sympathy for his client, who will be 70 years old June 22d. He would not paint Mitchell as a God, or an angel, or a man, not subject to the frailties of human nature. But they would show that

Yes, it is very warm in the city now, and

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Is a resort that is always cool, and with the cooling capacity of our new fountain, we can make drinks to please you. Lemon ice today.

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he was above the average in clean habits of politics, in fact a cleaner man than nine tenths of public men.

Fred Krebs, first witness for United States. Testified that he had talk with Tanner & Mitchell, made contract with them to expedite 40 land claims in Roseburg district for \$1000. Paid half down. Letters were introduced showing that the list of lands was expedited. Government introduced and proved same. Court adjourned to 2 p. m.

Afternoon Session.

The afternoon was consumed at first by continuing Frederick Krebs on the stand, relating to his transactions with Mitchell & Tanner, and correspondence connected therewith. Heney reads all the long lists of quarter sections and descriptions, even down to the initials of the stenographer.

In February, 1902, Krebs took a third list of timber claims to Mitchell & Tanner, and contract made. Heney again reads long lists of names, descriptions of each piece, printing on presentation letterhead, letterhead size, figure at head of page, catch line at top, kind of paper, column headings, filings, endorsements, etc., etc., until the poor stenographers went nearly crazy taking them down.

The lists of names are almost a census roll of some of the timber counties of Oregon, including the names of many enterprising ladies. Many good persons who are passed beyond have their whimsical cognomens on this troubled earth preserved, not in marble, but in the notes of the most remarkable land fraud trial in history. Each time after identifying a list of lands by the witness, reading the list and accompanying letter, Mr. Heney introduced the corresponding check for \$500, reading the check, but not reading the endorsements on the back. Those endorsements will be relied on by the defense as a strong card in their behalf.

To all the testimony of Krebs the defense made objections, and the judge overruled, to which defense notes objections. Judge DeHaven seems to allow Heney the widest latitude in presenting letters, checks and lists of lands. He seems to want to let it all come out. The cross-examination of Krebs by Thurston was the star performance of Wednesday afternoon. He admitted having been promised immunity by the government. He had not been indicted or prosecuted. The Pillsbury, C. A. Smith, C. J. Johnson, of Minnesota, were his backers. Tried to get hold of large tracts of Oregon timber lands, but failed.

A. H. Tanner was next witness. Before being sworn Judge Thurston objected to witness being sworn on the grounds that he was indicted, and had pleaded guilty to perjury. He said it was unworthy of any fair prosecution on earth to hold up sentence in order to use a perjured witness in this case. Bennett said a special act of congress had been passed to disqualify just such a witness as Tanner.

Heney replied that until sentence was entered the person charged was as competent to testify as anyone. Until judgment was entered the plea of guilty might be withdrawn.

Court ordered witness to be sworn. He was born in 1855, had been in Oregon 45 years, was once municipal judge, became partner of Mitchell in 1891. Contracts covering 24 years of law partnership were introduced and later ones read to jury. Offered letter to Mitchell but defense resisted production of same. After argument letter was read. Witness was asked as to Frederick A. Krebs and dealings with him. Related to timber lands. Krebs employed him to look after his interests. Said entries were held up. Told Krebs if there was any collusion with witnesses he could not take his business. Offered to take his business on being assured there was no fraud in the matter. He said his claims had been held up over a year, and he wanted to get them patented. Asked him \$1000. There were 40 claims. Asked Senator Mitchell to ascertain the status of these claims. Introduced Krebs to the senator, and told him he (witness) had been retained by Krebs.

Mitchell wrote Commissioner Hermann about the list. "Told Mitchell I had been retained." This greatly excited Heney, who began to ask leading questions, and defense went up into the air. Here Heney went away back and got the lists Krebs had sworn. He asked witness questions to restore the partnership.

Introduced daybook for 1901, and offered entry for February 16th, in evidence. Objected to and overruled. Entry read by Heney. Other entries read. At end of each month nett earnings of law firm were divided, and he

drew a check payable to himself and deposited it to the credit of "John H. Mitchell, trustee." Didn't know who he was trustee for.

Did not recall that anything was said to Mitchell about receiving the money from Krebs. Letter Tanner to Mitchell read, that he use his influence to get patents issued. Court adjourned to Thursday.

Portland, June 22.—The third day of the trial opened with increasing interest. So far nothing has developed against Senator Mitchell but what he has done openly and publicly for 25 years, and what has been common practice of senators and congressmen. Tanner resumed his testimony and admitted changing the entry in the firm's book from "S. A. D. Puter list" to "second lieu list." Many letters were read relating to the land business. Heney had all the original Tanner and Mitchell letters. Influences were brought to bear from Minnesota, Wisconsin and New York.

Court adjourned to 2 o'clock. The Tanner testimony may consume all the afternoon. The betting is about even.

ANOTHER BAD WRECK

Grand Junction, Colo., June 22.—The second section of No. 5, westbound, on the Denver, Salt Lake, Rio Grande & Western, a passenger train, was wrecked at 3 o'clock this morning at Pinto, 64 miles west of here. Five coaches were derailed. The loss of life is not reported. Among the dead are Engineer Schrader, of this city. It is known many persons were injured. A relief train has gone to the scene.

The injured are: R. Reynolds, Salt Lake; Matilda Jensen, Brigham City; Jacob Ferguson, Salt Lake; John Gudgeon, Emil Richard, A. Richard, Ottomar Richard, Provo; Mrs. C. Ford, R. Orr, Salt Lake; H. Holthed, Orchard, Idaho; Mrs. A. Jacobson, Davis Jacobson, Helen Jacobson, H. Jacobson, Gove, Utah; William Lazenby, Wayne, Utah; Christiana Harrison, Pocatello; Mary Ostragard, Meadow, Utah; Mrs. M. M. Robertson, Salt Lake; Roy C. Sommer, Provo; Mrs. Anna Carlson, Logan, Utah; Mrs. Mary C. Sampson, Mercer, Utah; Mrs. J. Ough, Dubuque, Colo.; Mrs. M. C. Kennedy, Santa Ana, Cal.; Mrs. Lucy Trindell, Provo. None fatally.

The Wisconsin Grafters.
Milwaukee, Wis., June 22.—Otto Seidel, Jr., who resigned as register of deeds, with the promise to tell all he knows of grafting in county affairs, was a witness before the grand jury today. Edward F. Strauss, who was convicted, testified. District Attorney McGovern promises 50 indictments as a result of Seidel's testimony.

Commencement at Michigan.
Ann Arbor, Mich., June 22.—The sixty-first annual commencement of the University of Michigan was held today and attracted a host of visitors from any parts of the country. The graduates formed in line on the campus, and in cap and gown, marched to University hall, where the exercises were held. President Henry S. Pritchett, of the Massachusetts Institute of Technology, delivered the address to the graduates, after which the degrees were conferred by President Angell.

Young People's Conference.
The Dalles, June 22.—The sixth annual convention of the Y. P. C. U. of the U. B. church of the Oregon conference, met at The Dalles, with G. E. McDonald, president, in the chair. The morning was devoted to reports from the different societies, which are encouraging, both spiritual and financially.

Chicago Markets.
Chicago, June 22.—Wheat 89 1/2 @ 90 1/2; corn 54 1/2 @ 54 3/4; oats 31 1/2 @ 32.

SALEM CONTRACTORS GET THERE
Uncle Sam Awards Them a \$75,000 Contract.

Erb & Van Patton last evening received a telegram that they had been awarded the contract for the government barracks and officers' quarters to be built soon at Fort Wright, near Spokane. The bid was made some time ago, and the men had little hopes of the job, hence they feel very good over the results. This will mean a good summer's job for many Salem mechanics.

SEVENTY MILES TO DEATH

Flyer Leaps From Track and Plunges Into Freight House

Cleveland, O., June 22.—Nineteen lives were lost, according to late reports, in the wreck of the Twentieth Century Limited on the Lake Shore at Mentor at 9:20 last night, and more than a score were injured. The record-breaking train was traveling 70 miles an hour when it struck an open switch in front of the Mentor station, and plunged, with frightful momentum, into the freight house, several hundred feet distant. It was transformed into a mass of wreckage, which caught fire. Few people in the forward combination car escaped death or injury. The rescuers fought the flames to recover the dead, and succor the injured. The latter were taken to Cleveland on a special train, and removed to the hospitals. Railway officials say the switch was misplaced by some miscreant, with the deliberate intention of wrecking the limited. The dead are: Thomas R. Morgan, Cleveland; James H. Gibson, Chicago; Ray L. Rogers, New York; H. H. Wright, Chicago; J. R. Bennett, New York; — Earbaugh, Milwaukee; M. Walters, baggage man, Hamburg, N. Y.; W. D. Mickey, porter, Chicago; Henry T. Rines, barber, buffet car; F. J. Brant, train man, Toledo; J. A. Bradley, Akron; Archibald P. Head, London; Charles H. Wellman, Cleveland; Alcea Tyler, engineer; A. A. Gorman, fireman, Norwalk; Arthur L.

Keith's theatre, Cleveland, unaccounted for. Two bodies at the morgue are so badly burned it is impossible to determine their sex. J. H. Langdon, of Chicago, is in a critical condition, and may die.

The question is asked, "was the limited traveling so fast it left the track of its momentum?" Fireman Gorman told General Manager Marshall that both he and the engineer saw the white light on the switch. Railroad men say it is impossible for a switch to show a white light, and be turned at the same time. The railroad officials have begun an investigation. There is a possibility that the 18-hour train will be discontinued.

The body of H. C. Meckling, president of the Wheeling Corrugated Iron Co., of New York, was identified at the morgue by his eye-glasses. L. M. Eyrick, of Cleveland, Ohio, has also been identified, and E. E. Naugle, of Chicago, president of the Railway Supply House. Three unidentified bodies are now in the morgue.

Chicago, June 22.—Vice-President Brown today announced the arrest of a person suspected of being in the plot, which he declares resulted in the

(Continued on Page Six.)

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If you want the best returns for your money

Barnes' Cash Store

Sells the most reliable merchandise on a smaller margin of profit than is offered by "regular stores." We can afford to sell at lower prices because our store expenses are very light, and our spot cash plan prevents losses from bad accounts.

The fact that our business continues to grow is proof that our customers find every article satisfactory. Another large shipment of the

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Just in. They are the most serviceable gloves on the market, and always remain soft and pliable. We have them in light, medium and extra heavy weights at the same price, \$1.75.

Jos. Meyers & Sons
SALEM'S GREATEST STORE
THE WHITE CORNER

Sale of Black Silks

Silk Bargains that are interesting news to every economical woman. A bargain feast to which you are all invited to share. Such a reduction in prices of silks is sure to create a great rush for these values, so come early to get the best.

85c black silk 20 inches wide	69c
\$1.00 black silk 18 inches wide	58c
\$1.00 bonnet French silk 19 inches wide	79c
\$1.00 black silk 27 inches wide	73c
\$1.25 black silk 27 inches wide	83c
\$1.35 black silk 23 inches wide	83c
\$1.50 black silk 27 inches wide	\$1.05
\$1.50 black silk 36 inches wide	\$1.05
\$1.75 black silk 36 inches wide	\$1.19
\$2.00 Waterette silk 36 inches wide	\$1.28
\$2.00 Taffeta Silk 36 inches wide	\$1.28
\$2.25 Thread dye silk 23 inches wide	\$1.38

Ladies' Suits Reduced One-Half

This season's styles in Ladies' mohair suits, representing the best styles and assortment to be found in this city at

HALF PRICE.
\$35.00 VALUES \$17.50
\$50.00 VALUES 15.00
\$25.00 VALUES 12.50
\$20.00 VALUES 10.00

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New models for the warm weather. Come in and select from our large assortment. Values can't be equalled in Oregon. We start them at

HALF PRICE.

And go on up the price scale until we come to the GENUINE PAN-AMAS. \$5, \$7.50 and \$10



REMNANTS

All short lengths and remnants from both floors are on display and sale for tomorrow only at

Half Price