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## MITCHELL STANDS AT BAY

### His Former Partner Testifies Against Him, and His Letters Introduced

Portland, Or., June 23.—Tanner resumed his direct testimony this morning. The court ruled out the oral testimony as to the contents of certain letters written to Mitchell. He admitted that Mitchell repeatedly warned him not to make agreements involving his services before the departments. Public sentiment condemns Tanner's whole course as a witness against Mitchell, but excuses him on the ground that his testimony is given to save his son. The court heard the argument on the admissibility of testimony as to other and similar facts showing knowledge, and sustained Heney. Tanner told of Krebs bringing a list of California lands December 3, 1903, and paying \$500. Also January 4, 1904, and showing the entries on the books. The court ruled that a senator or congressman had a right to present the petitions in a case of contest between individuals before the land office.

#### Thursday's Proceedings.

Portland, June 22.—Senator Mitchell wore a slightly troubled look on the morning of the third day of the trial. Tanner resumed trial and sprung sensation by showing entry id day book of Tanner & Mitchell which showed change from words "S. A. D. Pater" to "second lieu list." When the list was brought to the law office of Mitchell & Tanner to get their help in expediting patent is was headed by Pater. He corrected it to read "second lieu list" when Pater was put on trial. He feared it would involve their firm in the land fraud trials, as the whole list was not a Pater list. His name only headed the list. There was the usual payment of \$500 by Fred A. Krebs, endorsed "Mitchell & Tanner" in Tanner's hand.

Heney conducts his examination of witnesses very deliberately. He traces each transaction from the beginning of the application of Krebs for assistance to the firm, the entry on the daybook of the firm showing payment of the retaining fee, the monthly settlement of the receipts, the deposit of Senator Mitchell's share of the receipts, the letter notifying him, and his acknowledgment of receipt of the money, the original check paid by Krebs, and the check in which Turner paid Mitchell. In each case Tanner wrote a long letter to Mitchell, urging him to appear before Commissioner Hermann and use his influence to expedite the patents. Tanner also had influential friends of Hermann in Douglas county write to him on the subject of pushing through

the claims, reciting that all the claimants were Oregon people, and great injustice would result if the claims were held up longer. The letters all recite that there is no element of fraud or collusion in any of these claims, and that there was a report of a special agent in each case recommending that they be pushed on to a patent. "Heney the Fox," follows an awfully close trail. The whole forenoon was spent reading letters relating to land matters. Many telegrams are read that passed between Mitchell & Tanner. The letters and telegrams are all originals, from the files of the law office of Mitchell & Tanner. They were turned over as part of the confession of Judge Tanner, who, when he fell down, gave up everything. By referring to the matters that came out before the grand jury it is evident that the government had much of this information before Tanner gave it up. Defense objected to the introduction of nearly all the testimony, but nearly all objections are overruled. Judge DeHaven continues to give out the impression of perfect fairness. Salmon Brown, of this city, formerly of Salem, tells me that he knew DeHaven from the time he arrived in California with his parents from Missouri as a poor barefoot boy. Brown says DeHaven was befriended by Judge Wymann, of Eureka, and rose rapidly through several offices to his present position of federal judge. Brown says for spotless integrity of character, for unblemished fairness and justice under all circumstances DeHaven has no superior. He served as congressman from the first California district, and knows a great deal about the land business, from actual experience in congress and the land department. He also knows just what is allowable for a congressman or senator in practicing before the departments.

Adjournd to 2 p. m.

**Afternoon Session.**  
At 2 p. m. Tanner resumed. Heney was more circumstantial than ever. Reading from daybook: "Paid following bills by ck— check that means," interposed Heney. He read the letters c. k. plainly and plainly added "check that means." He does not mean that anything shall be misunderstood by the jury or court. He goes to great trouble to offer the face and back of each check in evidence separately, and when he reads the check he calls attention to the words that are printed and the words that are written. He notes important distinctions between "the check" and "a check," and reads the stubs and checks separately.

He reads, "N-o-v.—period one, in figure, 1901," instead of reading Nov. 1st, 1901. Then he adds, bank stamp paid in perforation, or blue ink, as the case may be. One damaging letter from Tanner asked Mitchell to "punch the matter up, as our fee depends on your getting these entries through." Most of the letter related to land business. A new check from Krebs was made payable to H. A. Tanner. Mitchell's work consisted mainly in getting the lists of filings made "special" in the land department. At 3:45 a great hitch took place. Heney undertook to read letters asking Mitchell to use his influence with Hermann's successor. This was objected to, as the indictment specifically charges receiving money expediting cases before Commissioner

Hermann, and no one else. Judge Bennett called Heney down, and was sustained by the court. After an argument Heney confessed to having been taken by surprise. The letters were not read, as they would have involved Richards. Heney went back and took up a new line of testimony. This is believed to be a serious defect in the indictment. The name of A. H. Tanner, Jr., was introduced into the trial today for the first time. Judge Tanner's son must have suffered an awful humiliation when he was compelled to listen to the testimony of his father and afterwards the confession of his perjury and his plea of guilty thereto. It is one of the saddest and most pathetic situations in the whole case—Mitchell's law partner, the star witness of the prosecution, and his furnishing all the confidential correspondence between two men who were associated in politics, partners in business, personal friends, and in fact Tanner was picked up out of poverty and obscurity by Mitchell. Asked if he was not acting as attorney for Senator Mitchell when he met him at Kalama, he said it was not until Mitchell was indicted in the Pater case, and wrote him from Chicago to act as his attorney. Admitted Mitchell wired him to go and see Hall and Heney, and get permission to have Mitchell appear before grand jury. Judge DeHaven ruled telegram was not employment of witness as an attorney. Tanner went on to relate their talk from Kalama to Portland, about the Krebs business. Tanner told him he was employed by Krebs, and Mitchell shook his head, and said he was afraid of it. Went to office next day and looked over books. Mitchell said the ways those books were kept would indict and convict him. It would not do to have those books get into court. Wanted them burned. Asked him to rewrite the books, and leave those entries for department services out. Witness declined to do so, as clerk kept them. Advised Mitchell to make a clean breast of it. Mitchell declared they had done nothing morally wrong. Hitchcock was using his power to ruin him. Tanner refused to destroy the books, as partnership agreement showed he was to receive half the fees. Tanner admitted making new contract for partnership, providing that Tanner should get all the fees. During this part of Tanner's testimony there was the deepest silence in the court room. Senator Mitchell appeared deeply concerned, as did his counsel. It was his 70th birthday. Several cartoonists were drawing sketches of him. His cheeks flushed, his eyes flashed, and it would not have been safe for Tanner to have been in the same room with him alone. The changed contract is dated back to March 1, 1891. At this point Bennett objected to letters and telegrams that were introduced to implicate Mitchell, and DeHaven sustained him. Heney now introduced the fatal letters on which the government relies to convict Mitchell. A nice play was made at this point. Heney started to read the original letter and stumbled, when Senator Mitchell pulled out a Portland Journal with printed copy of the letter, ending with the words "burn this without fail." The keenest public prosecutor was thrown off his guard for a moment by the senator's action. The letter was read, and the court adjourned until Friday at 10 a. m. Senator Mitchell passed through the terrible ordeal without flinching, and seems able to endure to the end of the trial, which may take a week.

**Notice from Norway.**  
Washington, D. C., June 23.—The American consul general at Christiania has transmitted a note from the Norwegian minister informing him of the creation of the new nation of Norway. No action looking toward its recognition has been taken at Washington.

**May Indict Beef Trust.**  
Chicago, June 23.—The federal grand jury investigating the beef trust adjourned this morning until Monday. No indictments have been returned, the jury expecting to complete the work next week. It is believed a number of true bills will be found.

**Will Irrigate Some Now.**  
Portland, June 23.—The congressional irrigation committee arrived this morning for a two-days' visit at the exposition. They will leave Saturday night for Tacoma.

**Raising More Troops.**  
Moscow, June 23.—The governor has posted notices of the forthcoming mobilization of troops and exhorting the people to be calm. The mobilization is expected to take place June 29.

**Too Young to Marry.**  
Boston, June 23.—General Miles today denied the report that he was to marry Mrs. Hildekoper, a wealthy Philadelphia widow.

## MAINTAIN FLYING SQUADRON

### Emperor William Will Send Fleet of Fast Cruisers to the Pacific

Berlin, June 23.—Official announcement is made that Germany intends to maintain a permanent flying squadron of powerful fast cruisers in the Pacific, similar to the squadron in the Indian ocean. The intention of Germany is to increase her prestige in these waters.

## HOLDING AN INQUEST

Cleveland, Ohio, June 23.—Coroner S. C. Gelstina today began an investigation of the Mentor wreck. The hearing of testimony will commence Monday. The coroner of Lake county, in which Mentor is situated, will take charge of the inquest on those who died at the scene of the wreck. Rudolph Corda, of Brooklyn, and Fireman Gorham are the only victims of the accident who remain in the Cleveland hospitals that will recover.

## JEROME GETS IN

New York, June 23.—District Attorney Jerome appeared before Recorder Goff this morning and made a motion that the June term of the court, which ends next Thursday, be continued indefinitely, in order that the public prosecutor might have the aid of the court in connection with the proposed investigation of the Equitable affairs. Jerome stated he had arranged with Justice Davy, of Rochester, to continue the June term of the criminal branch of the supreme court for similar reasons. Jerome said he was not in a position to say whether a crime had been committed, but, in view of the fact that the people of the entire world were affected by the Equitable trouble, he felt it imperative to make a full investigation. The motion was granted.

Attorney-General Mayer began preparations today to bring suits against the officers of the Equitable for the recovery of profits alleged wrongfully acquired by reason of their position. It is understood the inquiries of the mayor will not be confined to the Hyde period, but the new Ryan regime will be asked to explain its future business policy.

**Went Over the Bluff.**  
Salinas, Cal., June 23.—News has been received of an accident on the Carmel grade, in which Mrs. A. Housotoff and eight children were injured. Mrs. Housotoff is thought to be fatally injured.

Mrs. Housotoff, who lives with her husband on the Gorge ranch, in Carmel valley, was returning home with her children in a buggy. The horse took fright and backed off the road. The horse and buggy, with its occupants, plunged over a steep bluff about 200 feet high. The injured woman and children were discovered by people passing, and given assistance. The horse was killed and the buggy demolished. It is thought that Mrs. Housotoff's spinal column is broken.

**Japs Have a Small Scrap.**  
Tokio, June 23.—Oyama reports that the Japanese repulsed 1000 Russians in the vicinity of Wankautskanu June 21, with heavy loss. An attack by a Russian detachment on the heights of Nanchendzy, the same day, was also repulsed, and the enemy pursued otherwise the situation is unchanged.

**Plenty of Jewels.**  
Cleveland, June 23.—A bag containing jewels valued at \$25,000, the property of S. C. Beckwith, of New York, killed in the wreck, was found in the debris today. It was supposed to have been stolen.

**My Dear Alfonso.**  
Madrid, June 23.—King Alfonso has approved the cabinet formed by Premier Monteros. General Weyler will be minister of war. Senor Sanchez Roman, minister of foreign affairs and Senor Urvaig, of finance.

## LIBERTY OR TRADE

Washington, June 23.—General Agent Rehnle, of Hong Kong, representing great flour exporting firms of Seattle, Tacoma, and other ports of the Northwest, cabled Roosevelt today that unless something was done speedily to counteract the effect of the recent vigorous enforcement of the Chinese exclusion law, a general boycott would surely be declared in China against American flour. The subject was discussed at the cabinet meeting today.

At the close of the cabinet meeting Secretary Taft, referring to the Chinese retaliation, said it was beginning to look like a serious situation. The cabinet reached no conclusion, but thought something should be done. It is suggested that the government be more careful in arresting Chinese emigrants.

## STEAMER GO DOWN

Detroit, June 23.—The steamers City of Rome and Lincoln collided on the St. Clair river, opposite Tashmoor Park, this morning, and both sank. Two members of the crew of the Lincoln, the cook and his wife, were drowned.

## New Mexican Land Frauds.

Roswell, N. M., June 23.—James N. Talmadge, of Chicago, of the Talmadge Southwestern Land Company, was arrested here today on a United States warrant charging subornation of perjury in connection with land deals in New Mexico. It is claimed big frauds will be unearthed in the territory, equaling those of Montana and Oregon, and that many arrests will follow.

**Japs Take It Easy.**  
Gunshu Pass, June 23.—The fact that the Japanese are no longer pressing the Russians south is believed to indicate a big battle is imminent, or else it is a diplomatic maneuver in the belief that the early conclusion of peace is weakening.

## FRANCE GETTING UNEASY

### Fears That Moroccan Situation Will Finally Result in War

Paris, June 23.—Reports from the frontier continue to show marked military activity and a feeling of unrest among the people living along the border. The influential press, evidently in accordance with the wishes of the government, refrains from discussing the military aspect, asserting that the negotiations, while in a delicate stage, continue normal.

The gloomy sentiment increased during the afternoon. On the Bourse rentes suffered an unusual decline of 40 centimes. Much excitement accompanied the trading. One of the alarmist reports was that Prince Von Radolin, the German ambassador, had left Paris for Berlin, the intimation being that his departure was due to the unsatisfactory nature of the French note.

A diplomat who lunched with Prince Von Radolin at noon today informed the press that the report was absurd, as not the slightest word had yet been received concerning the attitude which the German government intended to take. The evening papers sought to allay public uneasiness. The semi-official Temps expressed the government view that the exchange of notes would serve to remove false impressions and produce a durable agreement if Germany was prepared to reciprocate the conciliatory advances of M. Rouvier.

Premier Rouvier, in the lobby of the chamber, replying to several deputies, who expressed anxiety regarding the cause of weakness on the Bourse, said that pessimistic reports relating to the foreign situation were absolutely unfounded, and that the Franco-German negotiations were pursuing a normal course. It is considered probable that the French note forwarded to Germany will be semi-officially communicated to the powers signatory to the Madrid convention.

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