

## TRIAL NEARING AN END

### Hermann Case Will Go to Jury Tuesday

### THIS IS BELIEF TODAY

### Heney's Efforts to Show Defendant Knew of Frauds of Franklin P. Mays Nullified by Decision of Judge Wolverton.

(Special to The Evening News)  
Portland, Jan. 22.—Colonel Worthington, counsel for Binger Hermann expressed the belief today that he would conclude the rebuttal evidence tending to exonerate his client from connection with the Oregon land frauds in one day during next week before the federal court. This will put the case in the hands of the jury on next Tuesday afternoon, as Prosecutor Heney made the statement at the conclusion of this morning's session of court that it would not require more than an additional day for the production of affirmative evidence intended to show that Mr. Hermann, as commissioner of the general land office, conspired with F. P. Mays, W. R. Jones and others for the fraudulent disposition of school lands in the Blue Mountain reserve. Heney's efforts to show Hermann knew of the frauds that he "tipped off" Franklin P. Mays when the secretary decided to withdraw the Strawberry Mountain reserve in 1902, by personal telegram, were to a degree nullified today when Judge Wolverton decided that the evidence introduced in the Hermann trial at Washington, D. C., was incompetent evidence to establish this point. Early next week will no doubt see the end of the Hermann trial.

Portland, Or., Jan. 22.—Heney had brought on Irwin Rittenhouse, stenographer for Binger Hermann part of the time he was commissioner of the general land office, and desired to prove that Hermann was familiar with the contents of the "Citizen" letter. Heney announced that his purpose in introducing that communication, as well as others signed by Colonel J. A. Zabriskie, of Tucson, Ariz., and J. H. Snyder, of San Francisco, was to fasten an intent upon the defendant, as well as to show that when the Blue Mountain Reserve was created he had knowledge that the government was being defrauded. Heney contended that with such knowledge Hermann was equally guilty if he failed to protect the government lands from the operations of the land frauders, as he would have been had he actually participated in the profits of the transactions.

Judge Wolverton ruled that it was proper for the jury to ascertain whether Commissioner Hermann had knowledge that the school lands were being purchased by private individuals in anticipation of the creation of a forest reserve, to ascertain next whether the commissioner possessed knowledge of the manner in which those lands were being procured in violation of the laws of the state and the United States, and as to whether he knew that the title was void to the school lands which the department was accepting under the operation of the lien land act.

**Letter Conveys Some Knowledge.**  
"The anonymous letter," said the court, "would probably not be evidence that the commissioner had such knowledge of the frauds being committed, but if shown by witnesses that its contents were brought to his attention it would convey some knowledge."

"Other letters which have been read to the court indicate that certain lands were being taken fraudulently in California and Oregon, and that such a practice was being carried out in the Cascade Forest Reserve. Mr. Hermann was a public officer, and, occupying such a position, it was his duty to take notice of even the smallest items of information which might indicate that the laws were being violated."

By the prosecution the decision is considered to be the turning point in the trial of the conspiracy charges. The government has shown that in 1901 the defendant was present at the office of Surveyor General Meldrum when F. P. Mays consulted with him concerning the formation of a new reserve in the Blue Mountains, and that a few days afterward Mr. Hermann advised Meldrum to purchase school lands in that district. At that time Mr. Hermann had been advised through the letter of "Citizen," as to what the plan of acquiring school land titles was and how it was being carried out in this state.

"We intend to bring home to Mr. Hermann the knowledge which we claim he possessed at the time he is charged with having entered into an agreement with Mays concerning the Blue Mountain Reserve," said Heney.

**Zabriskie Letters to be Read.**  
In doing that the government this morning will read to the jury several letters written in 1901, almost a year before the Blue Mountain Reserve was created, by Colonel Zabriskie, of Arizona. The Arizonaans unfolded the entire plan of operations and urged an investigation through inspectors who were not known personally to the men engaged in the conspiracy. The information, which was then communicated to the commissioner had been obtained from J.

## PLUNGED OVER BLUFF

### Train and Passengers Buried in River

### DEATH LIST REACH 50

### Many Are Seriously Injured in a Railroad Accident Today—One Hundred Passengers Were on Board.

(Special to The Evening News)  
Sault Ste Marie, Jan. 22.—Officials of the Soo branch of the Canadian Pacific railroad estimated today that twenty-five persons were killed in the wreck of the Montreal-Minneapolis passenger train which went over an embankment three miles west of Sudbury, Ontario, this morning. It will not be exactly known how many persons lost their lives until the divers make investigation of the submerged train, which lies at the bottom of the Spanish river. More than twenty persons were seriously injured.

Following a more thorough search made this afternoon of the wreck of the Canadian Pacific's Montreal-Minneapolis express, which plunged over the embankment into the Spanish river, it is estimated that between 35 and 40 persons lost their lives. The records show that when the train left the rails there were about 100 persons aboard. Of this number it is now learned 22 were seriously injured, while practically none escaped unharmed. Many of the injured ones are in a precarious condition, and it is predicted by the attending physicians that the death list may reach fifty.

## TOM TAGGART WILL LOSE HIS EYE

### (Special to The Evening News.)

Indianapolis, Jan. 22.—In spite of the assurances of the physicians that they could save Tom Taggart's right eye, word was received this afternoon from Fayette, where the democratic national committeeman was shot while hunting, that the shot had pierced the eyeball, causing partial blindness. Mr. Taggart received a full load of bird shot in the face, right shoulder and chest from a shotgun in the hands of Secretary S. W. Morton who fired at a band of quail. Mr. Morton is grief stricken on account of the accident.

## RESCUES TWO FROM BURNING BUILDING

### (Special to The Evening News.)

Bellingham, Wash., Jan. 22.—Fighting his way through choking clouds of smoke in a burning residence today, Captain Hector Hawley groped through the bedroom to where his daughter, Jessie, aged 18 years, was lying and found the senseless girl and bore her to a place of safety. After this heroic act he again faced the blazing room and struggled to the upper story and found his aged father-in-law and led the old man to a place of safety.

## GET THE GOODS.

### Smooth Couple Fleeces Several Eugene Parties.

Eugene, Ore., Jan. 22.—Some time since there came to Eugene from Ottawa, Kan., a smooth, complaisant individual who answered to the name of J. E. Edgeworth, and who organized the Oregon Electrical Engineering company, "Everything Electrical," and advertised himself as a practical electrician and machinist. By some means or other he was able to buy a quantity of electrical apparatus and fittings from the M. J. Walsh company of Portland on credit. He also ingratiated himself upon the people by taking a leading part in the functions (both spiritual and social) of one of the leading churches of the city, and his suave manners made friends for him rapidly. He had the most expensive signs painted, worked the job offices for neat stationery and advertised liberally, but paid few if any bills. A few days ago he sold out his entire stock to two worthy young men of the city, Messrs. Murphy and Briggs, for \$400 cash, the young men obtaining the cash on a loan at considerable sacrifice. It is said Edgeworth had taken the trouble to forge the receipts to his invoice from the Walsh company to show his purchasers that his stock was all paid for, when as a matter of fact, according to information, not a cent had been paid on any of them. The new firm was greatly surprised a day or two since when a representative of the Walsh company came up and claimed all the stock and se-

turned to the jury room. After they had departed the court began preparations for discharging the jury, but the jurors supposed they were to be confined until a verdict was returned. A compromise was reached, it is understood, by convicting two of the defendants and acquitting the others. Hyde and Snyder were the victims.

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## JUST A HINT.

The Roseburg Commercial club has taken a hint from the Grants Pass Commercial Club and are this year taking the necessary steps to establish closer relations between the business men of Roseburg and the business men of other towns in Douglas County. The Grants Pass Commercial Club in June of last year made a pilgrimage to nearly all parts of Josephine county, each excursion being participated in by forty to fifty business men of the town. These trips were in every way a great success and it is the opinion of the members of the club that such visits must be hereafter a prominent feature of club work.—Grants Pass Courier.

## HOLD-UP RECOGNIZED

### Attempts to "Hold Up" W. N. Crouch, of Oakland.

### IS FRIGHTENED AWAY

Complaint is Filed Before Grand Jury and an Indictment Expected—Oakland Parties Summoned as Witnesses.

W. N. Crouch, of Oakland, employed in the soft drink emporium conducted by his brother, J. W. Crouch, arrived in the city last evening, and this morning filed a complaint with the grand jury charging a well known Oakland young man with the crime of "attempted hold-up."

When interviewed by a News representative this morning Mr. Crouch said that he was returning home after closing his place of business shortly before 12 o'clock Monday evening when he was suddenly confronted by a young man, his face partially covered by a mask, who demanded that he throw up his hands and pass over what money and valuables he possessed.

Recognizing the voice Mr. Crouch paid little heed to the command, but on the contrary, said: "Buck, what in h— do you want to hold me up for. I have a notion to have you pinched." Undoubtedly realizing that his identity was known the hold-up man made no further effort to accomplish his desire, but without hesitation took to his heels and ran. Aside from Mr. Crouch, the prosecuting witness, several other Oakland people have been summoned to appear before the grand jury and reveal what they know regarding the affair.

## CENSUS EXUMERATOR.

### Will Hold Tests for Various Counties on February 5.

In a circular sent out by R. J. Hendricks, census supervisor for the first district, with headquarters at Salem,

## OHIO SUFFERING FROM BLIZZARDS

### (Special to The Evening News.)

Cleveland, Ohio, Jan. 22.—Reports of the fatalities and accidents are beginning to be received here this afternoon from all parts of Ohio following the wake of the severe blizzard which has been sweeping all parts of the state today. Authentic reports are delayed on account of the interruption of the wire service.

## SECOND INDICTMENT QUASHED

### (Special to The Evening News.)

New York, Jan. 22.—Judge Hough of the United States Circuit Court, today quashed the second indictment against F. Augustus Heinze, charging him with manipulating the funds of the Mercantile National Bank. Prosecutor Wiese has announced he will present another case to the grand jury.

## COURT ORDERS.

No. 437, Tabitha J. Fordney piff vs Peter A. Hall def.; action for damages; J. A. Buchanan for piff; R. W. Marsters for def. Judgment for plaintiff.

No. 443, James F. Daugherty piff vs Isaac Jones def.; suit to reform deed; Fullerton & Orcutt for piff; Claude W. Devore and Coshow & Rice for def. Continued.

No. 458, Margaret Bangert piff vs Henry Bangert def.; divorce; Geo. Neuner Jr and Coshow & Rice for def. Submitted.

No. 462, A. B. Chadbourne piff vs Mrs. Mary J. Perkins def.; suit in equity; Coshow & Rice for piff; — & Watson for def. Referred and continued.

The divorce case of Marguerite Bangert vs. Henry Bangert came up for hearing before Judge J. W. Havelton in the circuit court this afternoon. Several witnesses were examined on behalf of the plaintiff, among them being John McGinnis, of Starvout who is 95 years of age. This aged gentleman was probably the most important witness, testifying to the effect that Bangert had mistreated his wife continually, regardless of her protests. After listening to the evidence Judge Havelton granted the decree. The plaintiff was also allowed the costs of the prosecution as well as the custody of the minor children.

## WHAT IS THE CHEAPEST PHOTO MADE?

### THE BEST.

The same applies to enlarging, copying, frame making, kodak finishing. Clark's Studio for the best. Roseburg National Bank building.

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the supervisor states that applications of census takers must reach his office not later than January 31. Those wishing to make application can secure the necessary blanks by addressing Mr. Hendricks at Salem, Oregon. On February 5 examinations will be held in this county at Roseburg, Riddle, Oakland, Drain and Gardiner.

## THIRTY PERSONS PERISH IN FLOODS

### (Special to The Evening News.)

Paris, Jan. 22.—Thirty persons are dead as the result of floods that have swept southeastern France during the past three days, according to today's advices. News from the stricken districts is very meagre and it is feared the casualties greatly exceed the number above stated. Although the swollen rivers are still rising there is hope that the high water mark will be reached before tomorrow.

## INCOME TAX MAY BE VOID.

### Attorney General of Opinion Law is Repealed by Implication.

Salem, Ore., Jan. 22.—Attorney General Crawford has written the state treasurer's office that decisions of the courts indicate that the law passed in 1907 providing for the levying of a two per cent gross income tax on the earnings of corporations was repealed by implication of chapter 2 of section 28 of the laws of 1909, which provides that in fixing the valuation of the property of corporations the franchises shall be taken into consideration.

## STOLE "GOLDEN" EGG.

### Orpington Hen Prize Egg Takes Wings.

Scranton, Pa., Jan. 22.—There was consternation yesterday at the Scranton poultry show when it was discovered that an egg laid by the \$1200 prize-winning Orpington hen, Lady Washington, had been stolen from the coop in which she was kept. It had been laid only a short time before. F. O. Mearns, owner of the hen, has offered a large reward for the return of the egg.

**1/4**

**OFF** DON'T DELAY BUYING ONE OF THOSE GOOD HARTH'S TOGGERY SUITS.

\$15.00 Suit or Overcoat	\$11.25
\$18.00 Suit or Overcoat	\$13.50
\$20.00 Suit or Overcoat	\$15.00
\$22.50 Suit or Overcoat	\$16.85
\$25.00 Suit or Overcoat	\$18.75

**NEW YORK CITY**

**This Winter - Weight Regal Style Has The New York Custom Tag**

The original of this identical Regal style is now on display in one of the most exclusive and highest-price custom shoe shops in New York — and is now being worn by the best-dressed New Yorkers. This Regal style is made of heavy Oil-grain leather, especially for winter wear.

**REGAL SHOES**

give the same perfect fit and comfort as custom-built shoes—because they are made in quarter-sizes. We would like you to compare our latest Regal models with any other shoes in town—for we know that Regals will gain by the comparison.

**Harth's Toggery**

**\$350**  
**\$400**  
**\$500**