

DAMAGING EVIDENCE

Callahan's Testimony Implicates Hermann

WITNESS AN ATTORNEY

Today's Testimony is First That Has Directly Implicated Defendant with the Blue Mountain Conspiracy.

(Special to The Evening News)

Portland, Or., Jan. 26.—For the first time in the history of the trial Binger Hermann was today directly connected with the Mays and Jones activities in securing school lands in the Blue Mountain Forest Reserve, and that the defendant had full knowledge of the deal was set forth in the testimony of Emmett Callahan, a Baker City attorney, whose evidence was taken this morning.

"Callahan, why bother about it?" Hermann is quoted as having said during a conference at Washington concerning the Blue Mountain reserve. "It is only a matter of some 200,000 acres, and the state will benefit by the transaction, as well as a few men, and these men are all our friends and Oregonians." This in substance is the conversation that Hermann had with Callahan, as told by the Baker City attorney on the witness stand today. Callahan continued by saying that Hermann had mentioned Mays and Odell as being the two Oregon men who would benefit by the creation of the reserve.

Portland, Jan. 26.—So far as could be learned from Attorney Heney last night, the only material witness remaining to be examined by the Prosecution is Professor Roth. Mr. Roth was chief clerk of the department of forestry under Hermann in 1901-2, while Hermann was commissioner of the general land office. He is relied upon by the government to identify three important but unsigned letters relating to the creation of the Blue Mountain reserve, which were mailed from the commissioner's office in September, 1901. It is contended by Attorney Heney that Hermann neglected to sign these communications purposely.

Letters Introduced. In introducing an evidence several letters which passed between Binger Hermann and Senator Mitchell in 1901-1902, Attorney Heney, for the government, yesterday aimed to show that at the very time Hermann was receiving letters from Colonel Zabriski, exposing and denouncing as fraudulent the operations of Hyde and Benson in school lands, Hermann was giving his personal attention to application of F. A. Hyde for the exchange of a large area of school land within forest reserves for valuable land outside the reservations.

The introduction of this correspondence was resisted stubbornly by Attorney Worthington for the defense, but Judge Wolverton ruled that the letters were competent as alleged to connect the defendant with the alleged unlawful scheme.

Defense Objected. "I object to the introduction of these letters," said Attorney Worthington when the first communication was offered by Attorney Heney. "There is nothing in these letters to show that the lands offered by Hyde for exchange had been acquired irregularly. These letters refer altogether to another transaction and I insist that the prosecution should not be allowed to drag into the trial of this defendant the operations of Hyde and Benson or those of any other persons. It appears to be an attempt on the part of the government at the last stage of its case to drag the Hyde and Benson trial into this case. It is practically an admission on the part of the government that it has no case against the defendant. It is not material in the case on trial whether Hermann acted honestly or dishonestly in connection with the Hyde and Benson transactions. They have nothing whatever to do with the case on trial. There should be some limit to which the government may be allowed to go in conducting the prosecution of the defendant."

"By the introduction of these letters," answered Attorney Heney, "the government will show that from October 9, 1901, when this correspondence began, until late in June, 1902, or just before the lands in the Blue Mountain reserve were withdrawn, Hermann, the defendant, at the request of Senator Mitchell, was giving his personal attention to numerous applications of F. A. Hyde and doing all in his power to expedite the exchange of school lands within the reserves for land without and at the same time was in correspondence with Zabriski, who had informed him of the fraudulent operations of Hyde and Benson. These letters from Zabriski to Hermann were written in April, May, June and July, 1902. We will also show by this correspondence that Hermann purposely deferred acquainting Secretary Hitchcock of the frauds being committed by Hyde and Benson and others, of which he had knowledge, through the exchange of school lands within reserves for more valuable lands out-

side. It will also be apparent that the reason he did not convey this information to the secretary of the interior was because he feared that if he did, it might interfere with the creation of the Blue Mountain Forest Reserve, which he would recommend in the interest of his friends.

Objections Overruled. "From the beginning of this trial," said Judge Wolverton, in overruling the objection of the defense, "the court has exercised the discretion of allowing the prosecution to put in such evidence as was deemed best and valuable for the government. For that reason the prosecution has not been required to establish the alleged conspiracy at the outset of the trial. These letters appear to be only another step in connection with the Zabriski letters which were offered for the purpose of showing that many frauds were being promoted by many people for the purpose of acquiring school lands on that basis. The letters show that Hermann had before him applications for such selections and was acting upon them. There is no attempt on the part of the government to retry the Hyde and Benson case. The letters will be admitted for the purpose intended and the defense will be allowed an exception."

The first letter from Mitchell to Hermann was dated October 9, 1901, and included applications, principally from Hyde, for the selection of open lands outside of reserves in exchange for several thousand acres of school lands he had acquired within the reserves. In his letter Mitchell advised Hermann that the applications were those of "friends." He expressed the wish that Hermann would give the applications his personal attention and have them marked "special" so as to insure their immediate consideration. Two other letters from Mitchell to Hermann, dated January 25 and June 3, 1902, both including additional applications for open land selection, were also read.

Hermann Offers Assistance. The replies of Hermann to Mitchell's letters were also read. The commissioner assured the senator that the applications had been received and in every instance the status of each selection designated in the original application furnished by Hyde was furnished. On one or two occasions, Hermann supplemented his formal reply with a personal note to Mitchell. Appended to one of Hermann's answers was the notation in his own hand writing: "Applications have received my personal attention and will go forward at once to completion." In another letter, Hermann notified Mitchell that the applications would receive immediate consideration and probably would be advanced to patent "very soon." The dates of Hermann's letters replying to Mitchell, were: October 10, 1901; January 30 and June 9, 1902.

LOCAL NEWS.

S. J. Jones was a visitor at Dilard on Monday.

Rev. Short, the Baptist minister at Melroe, is holding a series of evangelistic services. He was assisted on Monday and Tuesday evenings by Rev. E. N. Eaton of this city.

Clyde Catching, of Independence, Oregon, arrived in the city this morning to spend ten days visiting friends. Mr. Catching resided in this city several years ago, having been employed as driver for the local stage company.

Word was received in the city this morning to the effect that Hon. J. O. Booth, of Grants Pass, passed away last evening, death resulting from an attack of pneumonia poisoning. The deceased was 62 years of age and was well known in this locality where he resided for nearly a quarter of a century prior to his removal to Grants Pass about 12 years ago. At one time he served the people of Douglas county as county judge and was also for a number of years superintendent of the county poor farm. Aside from a wife he leaves a son and daughter, father and mother, Robert Booth and wife, of Salem; three brothers, J. H. Booth, of Roseburg; R. A. Booth, of Eugene, and W. A. Booth, of Prineville, and seven sisters, Mrs. Keyes, of Salem; Mrs. Belknap, of Benton county; Mrs. Beckett, of Lane county; Mrs. Peterson, of Grants Pass; Mrs. Mee, of Ashland; Mrs. Edward Singleton, of Roseburg; and Mrs. Tony, of Eastern Oregon. The funeral will be held at Grants Pass tomorrow afternoon. All of the relatives from this city expect to attend, leaving for the southern city this evening.

Francis Marlon Strickland, a pioneer resident of Douglas county, passed away at his home at Looking Glass at a late hour last evening, after a lingering illness, death being caused by a complication of diseases. The deceased was born near White Hall, Green county, Ill., on May 19, 1822. In the year 1849 he went to Iowa where he resided until the spring of 1851, when he crossed the plains, locating in Jackson county, Oregon. At the outbreak of the Rogue River Indian war he enlisted as a private under Captain T. J. Gardiner of Company G, Ninth Oregon regiment, remaining in the service until the close of the war. He was married in the year 1870 to Mrs. Mary A. Miller and has since resided in Looking Glass valley. A man of unquestioned integrity, he was highly respected and esteemed by all who knew him. He leaves an aged wife and two children, Mrs. Mark Montgomery, of Junction City, and Alfred Strickland, of Looking Glass; also three stepchildren, John H. Miller, of Portland; Wiley E. Miller, of Looking Glass, and Mrs. R. M. ranfill, of Umpqua.

GRAND JURY ADJOURNS

Recommend that County Books Be Experted Immediately

FIND IRREGULARITIES

Jury Also Recommends That County Purchase a Poor Farm Near Roseburg—Several Sealed Indictments Returned.

After a very busy session lasting nearly eight days the grand jury took a recess late last evening until some future date. On account of the discharge of the circuit court jury early in the term most of the indictments returned by the body were sealed, this delaying the hearing of those charged with the various crimes until the regular May term of the circuit court. It is said that eight indictments were returned by the grand jury during the closing days of the session. Following is the final report submitted by the grand jury prior to adjournment:

In the Circuit Court for Douglas County, Oregon.—To the Honorable J. W. Hamilton, Judge.

We, the Grand Jury of Douglas County, Oregon, beg to report as follows:

We have visited the several county officers and have been courteously treated by the several officers in charge; also the county jail. We find the jail in an unsanitary condition. We also find that the occupants of the jail are well fed. We have not been able to visit the county poor farm, it being seventeen miles from the county seat over a bad road.

We have carefully looked into and examined into the several crimes that have been reported to us. We have brought some indictments and have exonerated others for insufficiency of proof.

We find that the desk room of the sheriff's office is inadequate and recommend that there be a larger and more commodious table furnished that office.

We recommend that the county jail be put in a more sanitary condition.

Touching upon the several county officers as regards to their duties, we find some irregularities, and we recommend that the county financial record be immediately expeted, beginning July 1, 1908, when they were expeted by Alex. Rae.

Touching upon the care and keeping of the poor, it is the opinion of the grand jury that the poor house is too far from the county seat to render it possible to give those unfortunate people proper care and medical care; therefore your grand jury recommend that the county court purchase a tract of land near the county seat and take steps to build a county home for the poor.

Physicians must make their reports as required by law to the county health officer.

Having completed our labors we ask to take a recess to some future date. Respectfully submitted,

GRANT LERENS, foreman.
R. S. JONES,
G. W. DIMMICK,
A. B. MELVIN,
L. H. MORGAN,
B. C. ARNOLD,
E. H. ATTINGER.

PARIS IN DANGER FROM HIGH WATER

Paris, Jan. 26.—This afternoon the chamber of deputies went into a special "calamity" session, following the reports that the city was face to face with a terrible catastrophe, which it is feared will result during the night from the constantly rising water. The towns of Nugent and St. Maur are completely inundated, and the cabinet this evening estimates the loss throughout France from the great floods now devastating the country at \$180,000,000, with a strong probability that the damage to property will reach at least \$250,000,000. The Seine is roaring and its fury increasing hourly by the great weight of water that is coming down from above Paris tonight, and grave fears are entertained that it will burst all barriers and send its floods sweeping through the city.

CONTROLLED BY BANKERS.

New Paper at Klamath Falls Starts With Capital of \$8,000.

Articles of incorporation were filed this morning with the county clerk by the Klamath Publishing company, says the Evening Herald. The incorporators are: George T. Baldwin, Levi F. Willits, Fred Melhase and Alex. Martin, Jr. The capital stock of the concern is \$8,000 and is divided into 800 shares at \$10 each. If it were not that the capital stock were so small it would lead one to believe that it was the incorporation of a new bank. Baldwin is the president of the First Trust and Savings Bank, Willits, president of the First National; Melhase, president of the American Bank and Trust Company; and Martin, cashier and active head of the Klamath County bank. That is a pretty hard combination for the Herald to run up against. But then,

OFF FOR PORTLAND.

The following well known Roseburg citizens leave for Portland on train No. 16 this evening, where they will attend the closing arguments in the celebrated Binger Hermann trial, now attracting the attention of Judge Wolverton in the Federal court. The party will travel by special car—a standard Pullman especially equipped for the occasion:

K. L. Miller, physician; J. F. Barker, manager J. F. Barker & Company Implement Store; J. A. Buchanan, attorney at law; J. O. Watson, attorney at law; A. N. Orcutt, attorney at law; John T. Long, attorney at law; Joe Micelli, secretary and treasurer Roseburg Brewing & Ice Company; Frank G. McNeill, attorney at law; George M. Brown, district attorney; H. Marks, retired merchant; A. Creason, capitalist; D. R. Shambrook, member Farmers' Real Estate Company; H. T. McClallen, proprietor McClallen hotel; M. C. Miller, cattle buyer; E. L. Parrott, cattle buyer; J. W. Perkins, secretary Douglas Development company; B. W. Bates, editor News; F. E. Alroy, land attorney; Frank B. Walte, capitalist; W. H. Fisher, cashier Douglas County bank; C. J. Denning, retired merchant; W. J. Moon, agent New York Life insurance company; J. B. Zurcher, member Commercial Abstract company; W. C. Harding, manager Harding Land Company; W. R. Vinson, farmer; Frank Conn, retired farmer; Dr. George E. Houck, physician.

The special car chartered for the occasion will be at the disposal of the party any time after 9 o'clock this evening, being stationed on a side track near the depot.

we had our choice. We might have supported the interests of the banks, but as we refused, we suppose we will have to take our medicine. We would advise the incorporators not to neglect their banks in the interest of the newspaper, as there is nothing in it.

FIGHT NESMITH COUNTY.

Eugene Commercial Club Selects Committee to Come to Roseburg.

At the monthly meeting of the Commercial Club last night C. S. Williams was directed to name a committee of twenty to go to Roseburg on the last Saturday in February to confer with like committees from Roseburg, Springfield, Junction City, Coburg and other communities to arrange to fight the movement to create Nesmith county out of the southern portion of Lane and the northern portion of Douglas. Mr. Williams will name his committee probably tomorrow. President Thompson, who is county judge, declining to take part in the county division controversy.

Judge Thompson's stand on this question provoked a live discussion. C. S. Williams and E. M. Wilkins contending that the judge and commissioners should lead the fight against the proposed dismemberment of Lane county, while Col. J. M. Williams defended the judge. Finally it was agreed that C. S. Williams should name the committee.

GOES TO POOR HOUSE.

Whisky Gets the Best of "Goo Goo Eyes" Author.

Detroit, Jan. 26.—Hugh Cannon, who wrote "Goo Goo Eyes," "Ain't That a Shame?" "Bill Bailey" and other classics of rag time, was sent to Eloise poor house today at the age of 34. He told the story of his life in short, expressive sentences:

"I quit the cocaine essay," he said, "15 days in jail cured me of that. I hit the pipe in New York for a year, and stopped that. I went up against the morphine habit and quit; but booze, red, oily booze, that's got me for keeps."

SUNDAY SCHOOL INSTITUTE.

Dr. J. D. Springston, of Portland, will conduct a Sunday school institute at the Baptist church Wednesday and Thursday. Afternoon sessions will be held from 3 to 4 o'clock. Evening sessions will begin at 7:30. Dr. Springston will be assisted by Rev. C. H. McKee, of Minnville. Everybody invited to attend.

A new word has been coined at the aviation field. It is "aeronutty." The population of Los Angeles gave an exhibition of this peculiar form of insanity recently. Through the rain they went in droves to the field, standing in the mud along the fence or holding down dripping seats in the grandstand. They started out in wagon loads from nearby towns and farms and in automobiles from the city. The mud stopped many of them and the road to the grounds was strewn with unhappy bands of stranded pilgrims.

200,000 HOMELESS

Floods in France Pauperize a Properous People

FED BY CHARITY HAND

Rain Falling Almost Continuously—Weather Bureau Predicts More Storms—Refugees Fed at Public Kitchens.

(Special to The Evening News)

Paris, Jan. 26.—At dawn this morning thousands of the flood victims, many of whom have not tasted food for two days, were standing in the soup and bread lines leading to the public kitchens established by the relief fund which was raised by wealthy Parisians, awaiting their turn to get a morsel to eat. Most of these people are in a wretched state, and the floods have swept away their homes and crops, leaving them pitiable objects of the charity of the rich and the government. There is no immediate indication that the water will recede, but rather the flood is still rising. A heavy fall of snow occurred again last night, and this morning the weather moderated and a thaw set in, which fact adds to the destitution already prevailing, as the rivers and streams are overflowing their banks and carrying destruction broadcast. The government weather bureau predicts no immediate change in the conditions, unless it is to say that more rain is declared likely to fall today and tonight. The inundated district covers a large territory, and fully 200,000 people have been made homeless by the floods.

PROBING PINCHOT BALLINGER CASE

(Special to The Evening News)

Washington, D. C., Jan. 27.—Actual probing into the famous Ballinger-Pinchot controversy began to-

day, when L. R. Glavis, who was removed from the office of chief of the field division of the general land office by President Taft, was called before the joint committee of congress to submit his testimony. The taking of evidence in this matter will place on record the most minute details concerning the manner in which the disposal of the public lands has been made under the direction of Ballinger. Every phase of the Cunningham Alaska coal cases, with a vast amount of information regarding other cases will be brought under the lime light of the investigating committee. Not only will the congressional committee hear the evidence here, but will make a special trip into the northwest the coming summer, which will include Alaska, and there expects to delve to the bottom of the charges that the government has been defrauded out of the most valuable coal deposits known to exist there.

YREKA WANTS CAPITAL OF SISKIYOU

(Special to The Evening News)

Yreka, Cal., Jan. 26.—The movement started some time ago to create a new state out of the fourteen counties comprising the northern part of California and the southern portion of Oregon, is gaining ground in this section. Yreka, the present county seat of Siskiyou county, is slated for the capital of the proposed state, and the promoters of the scheme insist that the territory to be included in the new state of Siskiyou is the richest part of the Pacific coast. The citizens of Yreka are very much enthused over the proposition.

BODIES TAKEN FROM UNDER LAND SLIDE

(Special to The Evening News)

Butte, Mont., Jan. 26.—The third body, that of an unidentified foreigner, was removed from the mass that forms the enormous land slide which blocked the Great Northern railway track near Highgate yesterday. Since the occurrence of the slide a force of men has been kept at work without interruption to clear the track.



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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	\$16.25
\$25.00 Suit or Overcoat	\$18.75

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-gain leather, especially for winter wear.

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

REGAL SHOES

Get the same perfect fit and comfort as custom-built shoes—because they are made in quarter-steps. 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