

HEIRMAKES TWO GOOD POINTS

Not Friendly With Benson; Only Did as Other Commissioners.

HOT WORDS OVER SURVEYS

Violent Dispute About Disallowance of a California Landgrabber's Claim—Hermann Kept Oregon Mall in Own Hands.

OREGONIAN NEWS BUREAU, Washington, Feb. 27.—Two important points for the defense developed today in the trial of Representative Hermann. One was that Hermann was not on friendly terms with John A. Benson, the San Francisco real estate dealer now under indictment for alleged land frauds; the other that Hermann's predecessors in the Land Office had, with one exception, removed their private letterpress copybooks from the office when they retired.

Mr. Worthington for the defense scored his two points in the cross-examination of Elliott P. Hough, former private secretary to Hermann. In answer to questions asked by Hough upon one occasion Benson came to see Hermann at the Land Office and complained bitterly at the action of the Land Office in not allowing a claim for a survey made in California. The survey was under a \$50,000 contract. The Land Office held that the claim was fraudulent and that the survey had never been made. Benson was very angry, and Hermann, during the interview, became incensed.

Threatening Words Used. "No blows were struck," said Mr. Hough, "but the language used was very threatening, and Benson left." This point was brought out to meet the contention of the prosecution that Hermann had been on terms of intimacy with parties connected with land frauds.

Mr. Worthington showed that it has been the custom during the past 25 years or more for each outgoing Commissioner to take his private letterpress books with him, except in one instance, when the books were left behind were sent to him. Mr. Worthington called attention to the wording of the indictment, where it said "books required to be kept in the Bureau of Land Office," and said that he proposed to show that it was the custom of the Land Office for each Commissioner to take and dispose of as he saw fit his "personal" letterpress copybooks.

Diverted Oregon Mail. District Attorney Baker declared it was his intention to show that the books kept by Hermann differed materially from those of his predecessors, in that Hermann had diverted to himself a large class of mail from Oregon which would otherwise have gone to the various divisions and would have been of official record there.

Mr. Worthington asked Mr. Hough: "Did official mail from branch Land Offices in Oregon or from special agents in the field who happened to be in that state go to Mr. Hermann?" "No," the Commissioner would never see it.

Mr. Hough was on the stand all day. Letters were submitted to him by Mr. Baker for identification for determination as to the manner in which they were handled in the office. Objection was made by counsel of defendant to the introduction of evidence of letters which could be shown that the letters were among those which were copied in the letterpress books alleged to have been destroyed by Hermann.

Letters Strictly Private. The defense questioned Mr. Hough at length as to whether the letters in evidence had been strictly private and signed by Hermann and whether written on the witness's machine. All these questions being answered affirmatively, the defense brought out the following were begun: "My Dear Friend," "My Dear Son," etc. These were read by counsel for the defense, who asserted that they were strictly private and relating to personal and family affairs. As regards some signed "Binger Hermann, Commissioner," the contents, he asserted, were of such a nature as to be precluded any claim that they were official business.

WAYS OF BUSTING TRUSTS (Continued from First Page.)

The retail price down from fifteen to eleven cents a gallon, and is said to be selling seventy-five per cent of all the oil sold in that territory. It has practically put the Standard Oil out of business in Springfield, Mass. The origin of this oil was traced to a factory, started 17 years ago in Albany by four brothers named Higgins. It was a success, and the Standard, which makes axle grease, attempted to buy it out. The brothers would not sell. Then the trust declared war.

Despers all over the country were threatened with the same fate from Standard Oil products if they persisted in handling the Four Brothers' axle grease. The result was that the Higgins in 1906 went into the oil business. Of course, the Standard cut the price of oil below cost in the attempt to starve out its competition, but the Higgins sent out circulars to the people, calling attention to the fact that it was not for the competition they had started, the price of oil would be much higher than the independent price, and, moreover, if they were forced out of business, that the trust would immediately put the price up again. The labor unions came in and helped to organize public opinion against the trust. Retailers of trust oil were looked upon as "scabs," and the public rallied so nobly to the support of the Four Brothers that they have carried the day in their fight.

so as to make the price of denaturing material high enough to take free alcohol out of the competing class, but the Commissioner of Internal Revenue liberalized the regulations by permitting the use of other denaturing agents, and the trust was beaten at its own game.

Bernhardt Fought Theater Trust. Sarah Bernhardt is a trust-fighter and when the theatrical trust closed the doors of its 500 American theaters to her, she did not quit the game, but played through the great Southwest under a tent like a circus queen, and the public gave her an ovation wherever she went. She is coming back to the United States to testify in the New York cases against the theatrical trust.

Resort to Physical Force. In the great Northwest, where the car famine caused a fuel shortage with untold suffering during the winter, the ending there was one little town which undertook to fight the railroad and coal combine by its own methods. It used its own force of men to break up the trains, and although train after train of loaded coal cars went rattling through town on the tracks of the Oregon Short Line, the people were freezing to death.

Violent and summary proceedings doubtless, but not altogether without prophetic portent. Instances like this ought to serve as a warning to the trustees that they cannot with safety play too free and fast with public opinion. Whenever the time comes that men are denied food and fuel for their loved ones, for no other reason than the tendency of the corporations to undermine the law, the public will take one of the truths of history that our bold captains of industry should not overlook.

Ribbes From Trust Magnates. Over against these incidents showing the disposition of the people to stand together to fight the trusts must be noted the fact that the corporations are taking this formation of public opinion by every variety of blandishment. The voluntary raising of wages by corporations here and there, and Mr. Rockefeller's recent gift to education, the greatest single benefactor ever known in history, are looked upon by many as being in the nature of bribes to the people. \$25,000,000 was wrung from the public by methods which practically everybody believes to be wrong, yet we are expected to praise the man who gives back part of his "wringing" merely to soothe public indignation and stifle further protest.

The fact that the Sherman anti-trust law was on the statute books nearly 20 years ago, and that steps were taken to enforce it, the fact that all of the trust prosecutions now being carried on are not under new laws, but old ones, and the fact that men are becoming bold to fight indicate that the gentle art of trust-busting may yet become a useful industry in these United States of ours.

Tomorrow—Superstitions of Americans.

DEFENDS HER BROTHERS

MRS. BYWATERS TELLS WHY HUSBAND WAS SLAIN.

Man Executed Under Unwritten Law Denounced by Victim's Sister for Brutality.

CULPEPPER, Va., Feb. 27.—Mrs. William Bywaters, whose husband was killed by her brothers, James and Philip Strother, was the principal witness in the trial today. Though pale and wan and being compelled to come into court in an invalid's chair, she maintained her composure. She told the jury of her betrayal under promise of marriage, of her pleading with Bywaters to make reparations, and Bywaters' insistence upon a criminal operation of her refusal to do so, and then her agreement and visits to Washington in company with Bywaters, where two operations were performed.

She described how, when her condition became known to her brothers, they demanded of her betrayer that she marry her. In reply to a question she said she did not marry Bywaters intended to marry her at first.

Mrs. Gaines, a sister of Mrs. Bywaters, testifying at the afternoon session, described the circumstances of Bywaters' introduction into the Strother home, his affection for Viola, and then of the circumstances leading up to the tragedy at Rotherwood on the night of December 15, when, while fleeing from the bedroom in which his bride of an hour lay ill, he was killed by her enraged brothers.

Mrs. Gaines said that, when charged with the betrayal of their sister, Bywaters asserted his innocence, as did Viola, but later, when confronted by the statement of a physician, "both broke down," she said.

She declared Bywaters' indifference to his sister maddened her (the witness), and when he openly ridiculed Viola's condition, she turned on him, declaring:

"You are the lowest dog that ever lived."

VOTES DOWN JIM CROW LAW Oklahoma Convention Afraid of Roosevelt's Action on Constitution.

GUTHRIE, Okla., Feb. 27.—The constitution of the present new State of Oklahoma will not contain a plank providing for separate coaches and waiting-rooms for the two races. By a vote of 46 to 31 the convention this morning laid on the table the committee report urging the "Jim Crow" measure.

While the majority of the delegates were elected on platforms endorsing the separate coach law, the result was due to the alleged attitude of the President on the question and the terms of the enabling act with reference to race discrimination.

To Organize Against Coolie Labor. SEATTLE, Feb. 27.—At a meeting of the Central Labor Council tonight at which were present delegates from most organizations in Seattle, a committee of three was appointed to call a conference for the organization of an association to carry on the agitation for the exclusion of Japanese coolie labor.

Incidents of Brownsville Case. SAN ANTONIO, Tex., Feb. 27.—Captain Macklin continues his testimony at the Penrose court martial today regarding the shooting at Brownsville. He related several incidents that happened before August 13, admitting these might have caused resentment among the soldiers.

More Steel for Manchuria. NEW YORK, Feb. 27.—The Iron Age tomorrow will say: A sale of 50,000 tons of steel rails to the Manchurian Railroad some weeks ago has been followed by contracts for bridge work amounting to \$900,000.

NEEDS NO EVIDENCE

Texas House Rushes Exoneration of Bailey.

Without Awaiting Report on Investigation, His Supporters Force Vote Against Protests, Committee Majority Recommending It.

AUSTIN, Tex., Feb. 27.—By a vote of 79 to 40, Senator Joseph W. Bailey was exonerated by the lower house of the Texas Legislature tonight of any charge of irregular acts in public life, as alleged by Representative Cook on January 14. This action concludes six weeks of investigation that has caused Mr. Bailey's constant presence in this city.

On Monday, by a vote of 15 to 11, the Senate exonerated Mr. Bailey without waiting to hear the report of the investigating committee. The House tonight acted on the recommendation of a majority of the committee for the complete exoneration without submission of the evidence.

Mr. Bailey's opponents pleaded to have the evidence submitted before being asked to vote, but the Bailey forces, slightly in the majority, forced a vote.

Mr. Bailey appeared before the House after his exoneration. He strongly criticized the element starting the investigation and expressed in emphatic language his opinion of the whole proceeding.

Mr. Bailey will leave at once for Washington to be sworn in as Senator on March 4.

Tirade Against Enemies. Mr. Bailey, while bitterly criticizing his opponents, declared he was going to continue as United States Senator from Texas at least three terms. He continued:

The conspirators have been given a wholesome lesson. Never again will they attempt it within this generation. Never again will they wear the honors of Texas Democracy in their lives, such men would betray a republic if Heavens were for hire.

The leader of the contest was a man who has gambled with negroes and, if he attempts to deny it, I will prove it on him. One of them was convicted of embezzlement and yet he is here drawing his cloak about him saying that he cannot keep the Democratic amendments.

They have lied about me. Their martyr is Hearst, who led his fight against Texas. The leader in this is the man who had telegrams published, lying on the Legislature, claiming that I was corrupted by wine, women and song. Hearst has his emissaries and agents in the Texas Legislature today. This Hearst campaign means that they want to eliminate me like me and John Sharp Williams and place men like John Duncan.

Will Fix Election Laws. How many of these men were like Hawkins, who risked his office on the conviction and lost it? If these others had the convictions and courage of Hawkins, there would not have been a single vote against my vindication here tonight.

They seek to destroy my usefulness, but thank God, I am too far above them for that to hurt. Not a sentence in the whole record reflects against my personal or political integrity.

Out of the 40 men who voted against my exoneration, not more than four will be here next session. They will return to the Populist party, where they belong. I will never rest until I see the election laws put so that no man can have his name put on the ticket as a candidate for the Legislature unless he records a solemn oath that he will respect the people's instructions. The Legislature ought to adjourn during the session 124 so amended that no man shall hold the people's office unless they shall support the people's nominee.

SEPARATION FOR ENGLAND COMMONS VOTE TO DISESTABLISH OLD CHURCH.

First Time Resolution Has Passed. Birrell Declares for Severing the Connection.

LONDON, Feb. 27.—In the House of Commons tonight a resolution in favor of the disestablishment and disendowment of the church in both England and Wales was adopted, 138 to 90. This resolution does not commit the government, but the debate on it was interesting on account of a statement made by Augustus Birrell, Chief Secretary for Ireland.

Mr. Birrell said he failed to see how the continuance of the established church could be justified. The church had done the state no good, and the state had done the church nothing except harm.

This is the first time in its history that the House of Commons has adopted such a resolution. The only previous time a similar resolution was presented to a division was in May, 1877, and it was then rejected by a large majority.

morely known as the Old Bailey, was opened today by King Edward, who was accompanied by Queen Alexandra. The function was a semi-state affair, and considerable ceremony was observed.

Victory for British Unionists. LONDON, Feb. 27.—The bye-election in the High division of Lincolnshire, yesterday, necessitated by the resignation of Harold Reckitt, resulted in a notable Unionist victory. Sir Berkeley Sheffield being returned by a majority of 116 over Captain Guest, the Liberal candidate.

Curzon Wants Seat in Parliament. LONDON, Feb. 27.—Replying to a correspondent, Lord Curzon says it is his desired to enter public life again, and if a suitable opportunity presents itself, to obtain a seat in Parliament.

HOPE FOR INDEPENDENCE

ACTION OF SENATE EXCITES THE FILIPINOS.

Declaration Against Abandoning the Islands Strengthens Opponents of American Rule.

MANILA, Feb. 28.—There is general surprise here among the Filipinos at the recent action of the United States Senate in defeating the amendment offered by Senator Culberson to the act establishing an independent government for the Philippines.

The Philippine Commission, expressing satisfaction with the sentiment of the amendment, but deploring the time selected in the declaration of the Japanese war talk, which has caused a revolution in the province surrounding Manila.

In some instances the inhabitants left the towns and hid in the mountains. One town was depopulated recently by the change of salutes between warships, which caused the idea to spread that the Japanese were entering the bay. The commission is doing its best to allay alarm. Commissioners Tavera and Legarda made special tours of the provinces explaining the Japanese situation and quiet was about restored.

The people were, however, still in an excited condition when news of the action of the Culberson amendment came. The native newspapers regarded the action as inappropriate, as the war talk was bringing the Filipinos closer to the Americans. The effect of the action on the independent government is likely to be a strain and declare the Senate is likely to make independents out of many Conservatives who have refrained from entering the Philippine revolution.

One of the leading newspapers, seeking to minimize the importance of the defeat of the Culberson amendment, interprets the action to mean that Congress does not consider the question of American withdrawal appropriate at this time, and hence voted the amendment down, and in reference to the proposed establishment of a new government, the government of satisfaction are entertained by both Conservatives and Independents, who see in this movement the cementing of closer bonds between the two countries.

The Philippine Commission will soon meet in Manila for the purpose of the hot season. Governor Smith is to leave Manila March 2.

PUTS LIMIT ON ATHLETICS

Harvard Committee Proposes Many Radical Restrictions.

BOSTON, Feb. 27.—The report of the special committee on athletics at Harvard University, which was submitted by President Elliot today to the board of overseers, calls for the abandonment of professional coaches and restrictions in the number of big games, fewer trips by university teams to other colleges, and a reduction in the amount of gate receipts, and favors the appointment of an athletic agent to supervise athletics.

A minority report made by Moorfield Storey arraigns athletics in scathing terms, and calls for their complete abandonment.

BIG LEAGUES ADOPT SCHEDULES.

NEW YORK, Feb. 27.—The meetings of the National and American Baseball Leagues held here this week adopted the 1907 schedules, and made a few minor changes in the playing rules. The American League, at a special session yesterday, discussed President Johnson's plan to have electric scoreboards at the parks to announce decisions made by the umpire.

It was decided to let the scoreboard question to the clubs to decide. One deal for a player went through yesterday, when the Cleveland club announced the sale of catcher Beulow to the St. Louis club for \$1000.

Morgan and Bradford Compromise. CINCINNATI, Feb. 27.—Confirmation was secured here today of the report that J. P. Morgan & Company, Hamilton and Dayton and Pere Marquette systems had reached a compromise with the suits instituted by W. A. Bradford, president of the Chicago, Cincinnati & Louisville Railroad and others, and that the complications growing out of the breaking up of the Great Central system is to be definitely settled.

Olds, Wortman & King Fifth St. Washington St. Sixth St.

Rich, Beautiful New Laces

To have the showing that we have here for you now, we've had to have most of these shipments rushed thru by express. Every day there are more coming, and the assortment grows more complete and interesting.

NET IRISH LACES, in bands and edges. VENISE LACES, in bands and edges. NET LACES, in bands and edges. OLUNY LACES, in bands and edges. NEW FESTOONS, narrow, medium and wide, the yard, 50c to... \$5.00. ALLOVER LACES, in white or cream, for waists and sleeves, the yard, \$1.00 to... \$22.50. NEW BLACK SILK CROCHETED LACES, in edges and bands, yard, up from... \$50c.

Embroideries for Every Purpose

AN ENDLESS ASSORTMENT OF THE NEWEST EFFECTS IN GALLOONS AND MEDALLIONS. This is to be one of the greatest Embroidery years that the trade has ever known. So great is the demand that even this splendid stock of ours will be taxed to supply the demand before the season is half over.

SETS OF CAMBRIC EMBROIDERIES, Edges, Insertions, Allovers and Corset Cover Embroideries to match, at the yard, 12 1/2c to... \$3.00. BEADINGS, new lot, beautiful patterns, the yard, up from... 10c.

New Arrivals Women's Merode Underwear

This is the most popular line of Knit Underwear that we carry in the store. And deservedly so, too. It's a HAND-FINISHED product; every garment receives careful individual attention—nothing is allowed to leave the factory that is not perfect. It comes in all fabrics—soft cottons, silk and lisle, silk and cotton and the finest of white lisle.

Women's Hosiery for Spring Is Here

In the best fancy designs and the staple blacks and tans, in the best to be had, or the moderate-priced goods. Fancy patterns this season are lace and embroidered effects, and large or small polka dots. Plenty of them arriving daily, and on sale at the Hosiery counter.



"MERODE" (Hand Finishes) UNDERWEAR

so-called ice trust, tonight returned a verdict of guilty against Macon Kincaid and W. F. Polley. All the other defendants were acquitted. The maximum penalty is a fine of \$5000 and 12 months' imprisonment in the County Jail or workhouse.

COMING ATTRACTIONS.

Klaw & Erlanger Present Corinne in "45 Minutes From Broadway." The much-heralded music play from the pen of the energetic George M. Cohan "45 Minutes From Broadway," will be seen in Portland for the first time at the Helix Theater for four nights commencing next Sunday, March 3.

Spectacular Religious Production. "Mizpah," which is now under preparation by the Baker Stock Company and which will be presented all of next week beginning with the Sunday matinee, is the most pretentious spectacular production ever attempted here.

Rural Comedy Drama at Empire. "The Missouri Girl" will open at the Empire Sunday afternoon and hold the boards four nights with a Wednesday matinee. This is one of the best character comedy dramas ever produced in Portland.

"Black Patti Troubadours," Empire. It has been a long time since Portland has enjoyed a genuine black-faced attraction and the announcement that the Black Patti Troubadours will be here the latter part of next week is being received with deep enthusiasm.

"My Friend From India" at Star. Ask theatergoers what they think of "My Friend From India" and they will reply "great." This is the farce which the Allen Stock Company will present all next week.

"It Happened in Dogland." "It Happened in Dogland" is the title of the headline act for the new vaudeville bill at the Grand, which starts Monday afternoon. There is no better-known dog act in the country than "Coin's" and this will be the first time it has been brought to the Coast.

At the Theaters

What the Press Agents Say. LAST TIME TONIGHT. Augustin Daly Company in "A Country Girl" at Helix Theater.

The last performance of the Augustin Daly Musical Company will be given at the Helix Theater, Fourteenth and Washington streets, tonight at 8:15 o'clock, when the famous London and New York musical comedy success, "A Country Girl," will be the attraction.

"Miss Hobbs' Genuine Sensation. Every theatergoer in Portland is talking about the genuine success and fine quality of "Miss Hobbs," which the Baker Company is presenting this week. There is a cleverness about the witty lines that is entirely out of the ordinary and is found only in the writings of such well-known men as Jerome K. Jerome.

Great Spectacular Production. "The Fast Mail," the great spectacular melodrama by Lincoln J. Carter, which is being produced at the Empire this week, is producing a marvel of stagercraft by the many audiences that have been highly entertained by it. There will be a Saturday matinee.

Verna Felton in Boy Part. In boy parts Miss Verna Felton is always natural and in "The Little Church Around the Corner" the comedienne of the Allen Stock Company does some realistic impersonations of the average playboy. It is one of the most entertaining plays of its class in Portland this season.

"Struck Oil" at the Lyric. "Struck Oil," the famous German-American comedy-drama of the Civil War time,

It's Easy to Prove The superior merit of Dr. Price's Food over other cereals, many of which are adulterations and injurious to health. DR. PRICE'S WHEAT FLAKE CEREAL FOOD. It is made from the whole wheat grain and absolutely free from adulterations or bleaching fluids. Prepared by a physician and chemist of unquestionable repute. The name is a guarantee of its purity, as no food products bearing his name have ever been questioned. PAINLESS—NUTRITIOUS—EASY OF DIGESTION and ready to Eat. Can be served hot. Put in a hot oven for a few minutes; or cook in boiling water. 10c a package All Grocers. My Signature on every package Dr. J. C. Price