

HERMANN TRIAL WILL OPEN TODAY

Attorneys in Case Suspend All Supposed Hostilities.

STIPULATION TO BE FILED

Great Expense Involved in Bringing Witnesses Here, so Prosecutor Henny Allows Signed Testimony to Be Entered.

Hostilities were suspended yesterday in the camps of the attorneys concerned in the trial of Elmer Hermann charged with being a party to a conspiracy to defraud the United States of certain Oregon lands.

A. S. Worthington, chief counsel for the defense, called upon Francis J. Henny in the morning and submitted a proposition calling for the filing of a stipulation for the admission of certain evidence from the record adduced at the hearing of the same defendant in Washington.

At that time the defendant was charged with having destroyed certain records of the land office before he retired from the office of Commissioner. The letter books which could not be found in the case arrived yesterday and a hearing on the stipulation charge to be held in the weeks which follow January 10.

The books were press copies of the private correspondence of the Commissioner of the General Land Office, but it is not out that many of the communications were addressed to Forest Superintendent S. B. Ormsby, ex-United States Attorney Mays, and others.

Too Great Expense.

Owing to the great expense of bringing witnesses from Washington to testify to the same things in behalf of Mr. Hermann at the approaching trial, it is expected by counsel for the defense that Mr. Henny will agree to the filing of the stipulation. The record of the Washington case arrived yesterday and comprised eight large packages of printed books. The attorneys on both sides were yesterday examining the matters printed. Another reason for the stipulation is that some of the witnesses wanted are members of Congress and could not be summoned from their duties while that body is in session. Others are connected with various departments of the Government and cannot well secure leaves of absence at this time.

The jury for the trial of Hermann will be drawn this morning in open court.

It is probable that both sides will avoid the employment of private detectives to look up the history and connections of the jurymen, as has been done in former trials of land fraud cases. Detective Burns, who assisted Special Prosecutor Henny in former cases, has not yet put in an appearance.

"I do not anticipate any great difficulty in securing a trial jury for this case," said Mr. Henny yesterday. "It should not require more than a week. These cases are not similar to those which were tried in San Francisco, where the greatest effort was made to pack the jury box."

Asked how long he would remain in Oregon, the special prosecutor for the Government said that the matter was indefinite.

Henny Given Full Charge.

"The Attorney-General has placed all the fraud cases in my hands with instructions to dispose of them as my judgment shall indicate. I have not determined what I shall do in reference to them."

A. S. Worthington, associated with John M. Geary for the defense of the Douglas county statesman, came into National prominence as attorney for Senator Reed Smoot of Utah. After the election of the Senator from Utah, an effort was made to have the Senate unseat him because he is one of the 12 apostles of the Mormon Church.

"I came out to Salt Lake to take evidence in behalf of Senator Smoot," said Mr. Worthington yesterday, "but am now paying my first visit to the Pacific Coast. I have been much impressed with the State of Oregon and the city of Portland."

Mr. Worthington is a veteran of the Civil War, left a leg on Kenesaw Mountain when the Union troops assailed that stronghold, and after the war was over went to the city of Washington and worked in the War Department under Secretary Stanton. He studied law while in that department and has resided in the National Capital since that date.

TITLE CANCELLATIONS SOUGHT

Government Alleges Two Patent Holders Acted Fraudulently.

Another chapter in the history of Lane County land frauds was begun yesterday in the United States Court, with the filing of two suits for the cancellation of titles acquired on proofs alleged to be fraudulent. In one case Charles P. Whitney, the proprietor of a hotel at Aberdeen, Wash., is made the defendant, and in the other suit United States Attorney John McCourt names Harry Lewis, a resident of Josephine County.

In November, 1908, Charles P. Whitney is alleged to have acquired a title office in Roseburg and filed upon a quarter section of timber land. In May, 1902, he committed the entry by the payment of \$400 in cash and received the patent. It is set out that Whitney never resided upon the land at all, that his family was at all times in Aberdeen and that he failed to make the improvements required. The final proofs were made before Marie L. Ware, well known for her connection with the Peter and McKinley cases.

Harry Lewis is charged with filing on 260 acres of timber land in May, 1903, and submitting his final proofs in October, 1908. John R. Harvey, John Robbins, L. L. Jewell and Thomas Galvin, residents of Grants Pass and Galco, were named as witnesses for Lewis. The District Attorney alleges that Lewis never at any time made his home upon the land, but that he resided with his family at the ranch of Charles Sanders. In the final proofs submitted to Commissioner James Moss the defendant is said to have deposed that he never was in alfalfa that he had erected a log house and two large barns, and that he had planted an orchard.

EAST ASKS ABOUT OREGON

Returning Traveler Predicts Vast Influx of Home-seekers.

G. R. Andrews, a Portland business man, returned yesterday from an extended trip to the East. During the four

months he has spent away from Portland, Mr. Andrews has visited Chicago, his old home in St. Louis, the City of New York, and many of the cities of lesser importance.

"The chief topic of conversation throughout the East since I have been there is the Northwest," said Mr. Andrews, at the Hotel Portland yesterday morning. "In St. Louis the bankers brushed the cobwebs from their brains and wanted to know something of the volume of business passing through the Portland clearing-house. They are as keen a set of business men as can be found anywhere in the United States. Oh, Lord! how slow they have become. They are satisfied with conditions as they find them in a town which has settled down to a prosaic existence."

"The news of the conditions in the Northwest has percolated through every nook and cranny of that country. Advertising matter for Oregon is prominently displayed in many places, and everywhere I went I was swamped with inquiries as soon as they understood I was from Oregon. I predict that with the advent of Spring this city and the State of Oregon will see the largest influx of land-seekers which ever came to the state in a single year."

"Business conditions appeared to be very slow when I first went back to the East, after an absence of two years. But, as a matter of fact, they are content in that country with a much smaller profit for the year's business than would satisfy the Western business man. During the short time I have been away Portland has changed the looks of things around the retail district. It is delightful to observe the improvement and note the new skyscrapers going up."

CENSUS TIME IS SHORT

ENUMERATOR APPLICANTS WILL HAVE UNTIL JANUARY 25.

Then Papers Will Be Forwarded to Washington—Women May Be Employed in the Count.

All applicants for the position of enumerator for the coming National Census must be filed before January 25. Between that date and February 2, supervisors of the various districts will send out cards, notifying the applicants where they must report to undergo the tests which will determine who will be appointed.

The census is to be taken by 67,000 enumerators scattered all over the country. The enumerators will be under the direction of the supervisors of their respective districts.

Oregon has been divided into two districts, with the following supervisors: First district, Robert J. Hendricks, of Salem; second district, Seneca C. Beach, of Portland.

Supervisors as follows have been appointed for Washington: First district, Robert W. Hill, Seattle, King County; second district, Guy E. Kelly, Tacoma, Pierce County; third district, Arthur M. Storch, Spokane, Spokane County.

"The simple test which candidates for enumerators' places will undergo on January 5 does not take away the supervisors' right under the census law to designate suitable persons for such positions. It is the duty of the supervisors at his office yesterday. "It is designed to add the supervisors in the exercise of that discretion and to enable the Census Director intelligently to use the power of approval of the supervisors' designations conferred upon him by law."

"It is very well understood that Practitioner of Law, Senator, or Senator Director Durand all hold the supervisors responsible for the enumeration. There is no doubt, therefore, that our first and most important duty is the selection of honest, capable and active persons to make the count."

The census will be taken, not by the Census Bureau officers or the supervisors, but by the enumerators. They are the ones who come in contact with the people and get the facts. Unless every enumerator does his whole and proper duty there can not be a correct census. There cannot be anything of greater scientific value to the country than accurate statistics as the basis of study of the existing conditions regarding our population, agriculture, manufactures, and mines and quarries.

All persons, unless specifically disqualified, are entitled to apply to take the test. Only those under 18 years of age and over 70, and those who do not become citizens of the United States, are barred. Otherwise, all persons, regardless of sex and political affiliations, are eligible. It is left to my judgment whether it is wise to appoint women in my district. They can do the work, I have no doubt, especially in certain parts of the district. There were a good many employed all over the country in the 12th census.

"I am given until February 22 to rate the papers in a very simple way, and to gain an idea of the qualifications of those rated as having passed. Next I will forward the papers of the successful candidates, with my recommendations or designations, to the Census Director. He will, if satisfied that suitable persons have been selected, give his consent to their appointment, and they will be commissioned. The middle or latter part of March should see everything settled, and the commissioned enumerators will be sent more circulars and books of instructions relative to the interpretation of meaning of the questions on the two schedules. April is the census army will move forward in the enumeration."

WILLIAMSON TO GIVE TALK

Horticulture Secretary Will Discuss Apple Culture in State.

H. M. Williamson, secretary of the State Board of Horticulture, has been secured by the Portland Apple-Growers' Association to address the regular meeting of that organization in the Young Men's Christian Association auditorium, Sixth and Taylor streets, next Saturday night at 8 o'clock. Mr. Williamson will speak on "The Apple Market and the Over-Production Question." He has made a deep study of this question and will advance statistics to prove that the field in the Oregon apple industry is practically unlimited.

As this problem is of most vital importance to orchardists, it is expected that the attendance Saturday night will be even larger than at previous meetings of the association. This will be the first meeting since before the holidays, the organization having taken temporary adjournment because its regular dates of meeting fell on Christmas and New Year's day.

Professor Charles E. Bradley, of the Oregon Agricultural College, was to have spoken at the meeting this week, but will not be able to attend. He will, however, be the speaker at the following meeting. At the session next Saturday night there will be an open discussion of the question of production as related to markets, present and prospective, and it is expected that much valuable data will be brought out.

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2 KILLED, 5 HURT IN TRAIN CRASH

Disabled Stock Special Waits, Freight Engine Rams Caboose.

STOVE BROKEN, CAR BURNS

Wreck Occurs Near Cascade Locks on O. R. & N.—T. H. Carson, Union Meat Co. Buyer, and Unknown Man Are Dead.

DEAD. T. H. Carson, Cornett, Mont., representative of Union Meat Company. Unknown man, Dell, Mont., in charge of stock.

INJURED. T. R. Moore, stockman, Baker City, leg hurt. M. McLean, stockman, Mauch Chunk, Pa., arm hurt and face burned. George D. Hall, stockman, Tacoma, face lacerated. Bert Hallman, brakeman, The Dalles, ankle fractured. H. Hanlett, stockman, Baker City, ankle fractured.

In a rear-end collision of freight trains on the O. R. & N. early yesterday morning, three miles east of Cascade Locks, two men were killed and five were injured. All of the injured are in St. Vincent's Hospital and are expected to recover.

The trains were special and both west bound. The forward train, No. 300, was a time freight and stock train and the other was loaded with general freight.

Both men killed and all five injured, except one, Bert Hallman, a brakeman, were in the caboose of the forward train, while Hallman was on the second train, No. 197. The men in the caboose were asleep when the crash came.

Engine Pipes Frozen.

Superintendent Buckley and Division Superintendent Bollens went to the scene of the wreck early yesterday morning to make an investigation into the causes, and had not returned to Portland late last night. From the story of the trainmen it appears that the trains were in the same block and that the water pipes leading from the tank to the engine of the forward train froze or became clogged. Steam suddenly went down and the train was slowed to permit a flagman to stop the second extra. The second train was following so closely, however, that it crashed into the stock train before the danger signal could be given. The collision shattered the caboose in which the men, who were in charge of the stock on the train, were riding, and a burglar, who took a suitcase, revolver, set of razors and clothing, all valued at \$50.

Breakwater Waits for Daylight.

The steamer Breakwater, which was scheduled to sail for Coos Bay ports at 8 o'clock last night, did not leave her dock, Captain Macken deciding he would rather not buck the ice in the Columbia River in darkness. Most of the passengers remained on board over night and the Breakwater will get away at 8 A. M. today, reaching the first heavy ice at the mouth of the Willamette about daylight.

Unknown Also Killed.

The other man killed was picked up on route by W. H. Matlock, of Portland, a stockman who was uninjured, to assist him in caring for the shipping. Mr. Matlock had on the train. Mr. Matlock does not know the name of his employe and the railway officials have telegraphed to Dell, Mont., where it is said he is known, for identification, but have received no reply. He apparently belonged to the floating class. Whether the unknown man met his death by being crushed or was burned is not known.

McLean, of Mauch Chunk, Pa., narrowly escaped being included in the list of those caught between timbers and it seemed for a while that in spite of the efforts of the rescuing trainmen and the uninjured stockmen, McLean might be roasted slowly to death. The flames had drawn so near him that one ear and part of his face were severely burned, when McLean thought of a pocket knife in his possession, and by cutting off the sole and heel of his shoe managed to extricate his foot and escape. His leg was crushed but not seriously.

Injured Rushed Here.

The special train from the scene of the wreck, bearing the injured men, reached Portland at 7:30 o'clock in the morning. Shepard and Hoffman's Red Cross ambulances were at the depot in waiting and conveyed them to St. Vincent's Hospital, where Dr. Frank M. Taylor was in readiness to attend them. Carson, one of the stockmen, died on the way to Portland and the body was taken in charge by Deputy Coroner Dunning.

Hallman, the injured brakeman, was riding in the engine of the rear train. He was thrown violently to the floor of the cab. He was brought here on passenger train No. 2, which arrived at 10:30 o'clock. McLean, whose home is said to be in Mauch Chunk, Pa., was employed by Carson, the stockman killed. He had been engaged by Carson to assist in bringing six carloads of cattle from Kearney, Neb., to Portland. Hall's home is in Tacoma, Moore lives in Baker City, Or., and Hanlett is from Monticello, Minn., but was en route from Weiser, Idaho, to Portland. All are stockmen.

Carson, it is believed, was married and was a member of the Oddfellows. His body is being held at the undertaking establishment of Dunning, McStowe & Gilhaug, pending instructions from the coroner at Hood River, Or., who is investigating the wreck.

5 THIEVES GET WATCHES

One Capture Results, and Victim Refuses to Prosecute.

Thieves with a preference for watches have been operating in Portland the past 48 hours. Five such thefts were reported to Captain of Detectives Moore yesterday.

M. Doyle, janitor of the Portland Trust Company, corner of Third and Over streets, was robbed and the watch was caught. He gave the name of John Dotterwick. Doyle refused to prosecute and the man is being held as a vagrant. Dotterwick had pawned the watch and Detectives Endicott and Sloan arrested him.

Other victims were A. M. Grilley, physical instructor of the Y. M. C. A.; Mrs. C. Cain, 413 First street; George White, 423 Sixth street; M. Blackman, of the Pacific Engineering Company. The theft of the Y. M. C. A. building was the eighth in the past two weeks.

The rooms of Charles E. Evans, who lives at the Gilbert, corner of Third

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