

PROOF GOES TO PROSECUTOR

Taft Clears Meldrum of Prison Stigma That ex-Official May Testify.

HENEY SPRINGS TELEGRAM

Man Who Served Penitentiary Sentence for Land Fraud Testifies Hermann Advised Him Before Reserve Formed.

(Continued From First Page.)

over when Mr. Hermann entered. Mr. Hermann shook hands with those in the room, with the possible exception of Mays. Hermann called on a general conversation with those in the office, while Mays continued his investigations without paying any attention to Hermann, while the latter appeared not to notice the presence of Mays.

"In the course of 15 minutes the four men I first named drifted out of the office, and then remained only Hermann, Mays and I. Then Mays mentioned that his object in securing plots to lands in the Blue Mountains was to facilitate the creation of a company. In this conversation Hermann said it would be necessary to exclude from the territory, proposed to be included in the reserve, all settlers, private landowners or otherwise the department could not act on the petition. A general discussion on the subject of forming the reserve followed for perhaps 20 minutes. Hermann explained at considerable length the details that should be followed in having the reserve established. He said there was a great deal of opposition in the West to the creation of forest reserves, and for that reason it would be necessary to be very careful and see that all of the papers were properly drawn up.

Later Meeting Arranged.

"Hermann said he could relieve the situation somewhat by arranging to have fractional townships within the proposed reserve surveyed, explaining that the objection to the creation of reserves generally came from people who feared that if a reserve was created their unsurveyed lands might be included in the reservation. Hermann said that it might be possible for him to secure an increased appropriation for this state so that the partial surveys of certain townships could be completed. This, Hermann explained, was a matter he could talk over with me later.

"A day or two later I met Hermann in the lobby of the Imperial Hotel, when he told me that the appropriation for making surveys would be made in a lump sum, and that he thought he could secure enough funds to have the fractional townships surveyed. There was nothing further said at this time concerning the proposed Blue Mountain forest reserve.

Replying to a question from Henev, the witness said he met Hermann again the following day, also in the Imperial Hotel lobby.

"Did Hermann at that time say anything about school lands?" asked the Government witness. "I object to the introduction of any testimony on the subject of school lands," interposed Attorney Worthington. "Unless you can show that the same are directly connected with the alleged Blue Mountain forest reserve."

Objection Is Lost.

"I still insist on my objection for the reason given," answered counsel for defendant. "Meldrum is not under indictment in this case, and any conversation between him and Hermann is immaterial to the charges against the other defendants being present, is not competent. The alleged conversation is said to concern school lands in a general way, but does not undertake to locate them definitely. Before such testimony can be at all relevant the lands under consideration must be connected directly with the proposed reserve."

Judge Wolverton overruled the objection, and the testimony proceeded, asserting, however, that the evidence would be considered relevant unless the lands referred to in the conversation were connected with the alleged conspiracy. Following this ruling, Meldrum related the conversation in which he said Hermann suggested to him the advisability of purchasing school lands in the Blue Mountains.

Continuing, the witness told of having received from Hermann a letter in 1901, in which the writer urged Meldrum to accept a position in the Surveyor-General's office. Meldrum said he advised Hermann that there was no vacancy at the time and he could not give Miss Silverstein employment. He then in a subsequent letter, testified Meldrum requested Meldrum to do what he could to assist Miss Silverstein in the selection and purchase of a tract of school land in the Blue Mountains. Meldrum said he sent a note to the young woman, requesting her to call at his office, which she did. He then in a deskbook to show her where the desired land might be bought, but, testified the witness, he failed to make any suggestions and abandoned all negotiations. The witness was unable to produce these letters from Hermann, explaining that they had disappeared from his desk shortly before he left the Surveyor-General's office.

Cross-Examination Deferred.

This concluded the direct examination of Meldrum. Attorney Worthington announced that the defense would defer cross-examination of the witness until this morning's session.

Opening statements of the case by opposing counsel consumed the greater part of the morning session yesterday. For the Government, Mr. Henev made the announcement that the prosecution did not expect to prove that Hermann received any of the proceeds of the sale of the reserve or that he was in any way incorporated in the reserve or that he would have profited financially from the transaction. He attaching a friendly and courteous attitude to the alleged conspiracy and the part it is charged Hermann played in it. The Government prosecutor asserted that the alleged participation by Hermann in the alleged conspiracy was shown by the aspirations to become United States Senator, an ambition that could be advanced by cultivating the friendship and support of Mays, who was a prominent politician, and Jones and Smith, who were at the time members of the State Legislature. Mr. Henev also explained a considerable length the statutes under which forest reserves were created and school lands reserved and showed how the provisions of the law had been employed to rob the Government of thousands of acres of its most valuable timberland.

for the defense, was largely a general denial of the charges of the indictment and what the Government expected to prove against his client. He denied that Mr. Hermann had anything whatever to do with the alleged conspiracy and declared that the official records of the General Land Office at Washington would prove that fact.

In the five years that have elapsed since the indictment was returned against Mr. Hermann, death claimed at least two of the witnesses who would have been used by the Government in the trial of the case. O. B. Pollock, of Malheur County, who circulated the petition among the residents of Harney and Malheur counties asking for the creation of the Blue Mountain Forest Reserve, died since testifying at the trial of Mays, Jones and Meldrum in 1906. The other witness was J. W. Hamaker, who was in the office of Meldrum, while Meldrum was Surveyor-General, when Mays and Hermann called in September, 1901.

Rapid progress is being made in the trial of the case, which may be concluded within the two weeks predicted by Mr. Henev, if unexpected delays are not encountered. The Government yesterday concluded its examination of seven witnesses and called the eighth before court adjourned for the day.

Hermann Only Ambitions.

In his opening address to the jury Attorney Henev said that the interest of the defendant seemed to have in the formation of the Blue Mountain Forest Reserve was largely political. He said that Hermann was largely a political candidate for the United States Senate and he said that the evidence will show that the defendant used his official position for the furtherance of the plans which John H. Mitchell, John H. Williamson, P. P. Mays, W. N. Jones and Mays expected to make a large sum of money by having school lands of the Oregon reserved within the Blue Mountains of the Blue Mountain forest reserve.

Law Provided Loopholes.

The Government prosecutor went at length into the laws authorizing the creation of forest reserves and the laws of Oregon, the operation of which, he said, opened the way for fraudulent transactions in many states of the Union. His address to the jury was in part as follows:

"We expect to prove to you, by documentary evidence and the testimony of witnesses that, as early as 1892, it became a matter of general knowledge in the state of Oregon that timber speculators were taking advantage of the laws authorizing the creation of forest reserves by securing inside information in violation of the general public law which would be included in the respective reserves, and by then procuring a large number of persons to make applications for the lands lying within the region of country that was to be included in the reserve and to have the same reserved for the benefit of the school lands to the speculators. In each instance a small sum was paid to the applicant for the school lands, in some cases the amount was only 50 cents and from that up to \$5 or \$10.

Expose Made in 1901.

As early as July, 1901, the time at which Hermann became Commissioner of the General Land Office at Washington, D. C., the Oregonian and other newspapers in the State of Oregon published sensational articles explaining these frauds and the methods by which they were accomplished. In the same year, 1901, the Commissioner of the General Land Office called attention to the fact that these frauds in his report to the United States Senate for the fiscal year ending June 30, 1901.

In September, 1901, Binger Hermann was in Portland, Or., and there entered into a conspiracy with Franklyn Jones, Mays, W. N. Jones and others, to assist them in the creation of a forest reserve in Southeastern Oregon, in the Strawberry Mountains. Mays and Hermann met in the office of Henry Meldrum, United States Surveyor-General, in September, 1901, and there discussed in the presence of Meldrum, the proposition to create a reserve of school lands. Thereafter, Hermann returned to Washington and Mays and Jones, in accordance with the plan made by Hermann, secured the necessary permits to be signed at Baker City and other places in the vicinity of the proposed reserve, asking for its creation. The petitions were carried around by their employees, who induced people to sign them. The petitions which were suggested by Mays and Jones.

Ormsby Begins Scrutiny.

In March, 1902, Hermann officially directed the Superintendent of Jones, Mays and Jones, to investigate and make report upon the matter and to secure the affidavits of the persons in the meantime Mays and Jones had continued to secure school lands within the proposed reserve. As soon as Ormsby received his instructions he got into communication with Mays, who furnished him with a guide and a team of horses to go over the country. Ormsby also furnished him with a guide and a team of horses to go over the country. Ormsby also furnished him with a guide and a team of horses to go over the country. Ormsby also furnished him with a guide and a team of horses to go over the country.

Price an Act Try.

Each of the applications is required by law to be in the form of an affidavit, and the affidavit is required to state that the school lands applied for are for his own benefit and not for the purpose of speculation, and that the applicant is not a contractor or agent, or proxy or trustee, for the sale or disposition of the lands applied for. Each applicant was required to pay to the state about \$12.00 to secure control of practically 200 acres and to pay to the state about \$12.00 to secure control of practically 200 acres and to pay to the state about \$12.00 to secure control of practically 200 acres.

Hermann Aid Alleged.

Hermann aided in every way possible to expedite the creation of the reserve so as to help his friends. Mays and Jones were at that time a standing receptive candidate for the United States Senate. Hermann was from Oregon, and Mays was a State Senator, and Jones a member of the House of Representatives. H. A. Smith, another of the conspirators, who was to participate in the profits of the reserve, was also a member of the Legislature. We will show that the map of lands upon which the reserve was created, as approved by Mr. Hermann, was not the map approved by the geological survey, but the one furnished by Mays, and which was prepared in the office of Surveyor-General Meldrum. The latter map included school lands than that of the geological survey.

Weather Barred Scan.

Following the receipt of this letter, Ormsby said he wrote to A. G. King, then County Clerk of Malheur County, whose name headed the list of signatures regarding the investigation of the reserve that had been ordered. King replied advising Ormsby that the inclemency of the weather would make it impossible to conduct the investigation at that time and suggested that the task be deferred for another month. At the same time King advised Ormsby to confer with Mays, who, King wrote, was representing the interests of the petitioners in the reserve case.

Couple Faces Murder Charge.

ST. LOUIS, Jan. 12.—A joint indictment charging Dr. Loren B. Dooey and his wife with murdering William J. Elder with arsenic was returned today.

Have you a weak throat?

If so, you cannot be too careful. You cannot begin treatment too early. Each cold makes you more liable to another, and the last may always be the harder to cure. If you will take Chamberlain's Cough Remedy at the outset you will be saved much trouble. Sold by all dealers.

from entry, that a month later, July 23, 1902, Commissioner of General Land Office recommended to the Secretary of the Interior that the lands be withdrawn, that on July 25, 1902, his recommendation was approved and that on July 28, 1902, the lands were withdrawn from entry. We expect to show that on July 25, 1902, Hermann telegraphed to Mays the fact that his recommendation had been approved and that Mays and Jones were to secure the school lands included within the reserve.

Criminality Is Denied.

As Henev took his seat, Attorney Worthington, counsel for Hermann, stepped in front of the jury stand, and made his opening argument, which occupied 23 minutes. Mr. Worthington said:

"Almost without exception, the things I tell you now will be substantiated by public records, and I am confident that the jury upon which this information was based, the records of the General Land Office at Washington, and was at the head of a great number of divisions, it was impossible for him to keep in touch with every transaction, and the practice of such a large number to the head of the division in which it properly belonged, and the signature of Commissioner Hermann would be formed. I do not intend that you should understand by this that Hermann was to share responsibility for any action, but as an explanation of the law on the statute books that that time, whether or not, for title to the very best lands outside of the reserve, which were open to entry, it mattered not to the Government of the United States whether the lands were for sale under certain restrictions. If the purchaser was bought, it was no crime for the purchaser to sell them to another individual who might thus acquire an immense tract of such lands.

We will show that Hermann, while Commissioner of General Land Office, had to do with the withdrawal of the lands for the purpose of forest reserves, many millions of acres of the public lands, which Hermann and his counsel knew nothing of an alleged conspiracy in the land office will show from documentary evidence that the actions of the Commissioner were for the good of all the people. It is not intended that you be misled by the fact that you saw the records of the Geological Survey people had prior to that time, and that the withdrawal of practically the same area for the protection of its watershed in the interest of irrigation. Many such streams are diverted from those mountains in all directions.

Withdrawal Made Later.

It should be remembered that Mr. Hermann's action in his creation of the Blue Mountain Forest Reserve, which was done after Mr. Hermann had resigned from the land office. Hermann testified that the lands contained in that reserve be withdrawn from entry. The investigation of their fitness for reserve purposes. When the petition was sent to the Secretary of the Interior with his letter of recommendation, he also secured the approval of the project which had previously been made by the geological survey. The fact that when he sent the petition to Ormsby he then enclosed the petitions which had been forwarded to his office by Reserve, and signed by the present Mayor of Portland and ex-Senator McBridge. These petitions had reached the office of Hermann by reference from other communications. The defense will show to the jury that on the day Mr. Hermann is charged with divulging secret information of the land office and furnishing it to the correspondent of the Oregonian at Washington, the Secretary of the Interior also announced the creation of the reserve for the present year. We will prove to the jury that Mr. Hermann was aware of the frauds which were being perpetrated under the law, and that he constantly opposed it by letter, speech and influence, and that the records of Congress will show that he asked a modification of the law so that any person who exchanged a tract of land should receive a tract of exactly equal value, whether the showing was in the acquisition of Mr. Hermann.

Reserve Maps Made.

The first witness for the Government was John W. Rowland, draughtsman in the Surveyor-General's office, who was called by Mr. Henev shortly after the noon recess. The witness testified that he was employed in that office as an assistant draughtsman in 1902 during the incumbency of Henry Meldrum, and that both Hermann and Mays. They called at the office of the Surveyor-General in September, 1901, and there discussed the plan made by Hermann, and Mays and Jones. They were in the office of Mr. Meldrum, and Mays and Jones, and there discussed the plan made by Hermann, and Mays and Jones. They were in the office of Mr. Meldrum, and Mays and Jones, and there discussed the plan made by Hermann, and Mays and Jones.

Several Mining Properties

that several mining properties were being developed in the district. They testified that the circular of the petition represented to them that it would give them the advantage to have the reserve created for the reason that it would tend to keep sheepmen and their herds from encroaching upon the grazing preserves claimed by the stockmen.

Five Stockmen Testify.

There were five such witnesses—J. A. Bartlett, J. A. Weatherly, W. J. Altow, Bartholomew Cronin and J. L. Sims—all residing in vicinity of Drews and Malheur County. According to Mr. Weatherly, who was at the time a saloonkeeper, many of the signatures of the Malheur County petition were obtained in his saloon. He said he signed the petition himself without a knowledge of the document, but was to receive a half interest in the land. Pollock, who had charge of the petition, was spending money freely over the bar to the entertainment of a large number of the persons on the petition, as well as to the satisfaction of the proprietor. Weatherly said that, under the circumstances, he thought he was justified in signing the petition, under the representations made to him by Pollock, as he wanted to "hold the business."

"Keep Quiet," Advised.

King identified letters written to him by Ormsby in March of last year, in connection with Ormsby's plans for investigating the proposed reserve. In one of these letters Ormsby advised King to "keep his mouth shut or make no statement on school lands within the proposed reserve and the cause will be lost." In these letters, Ormsby wrote further that he also was in correspondence with Mays. The witness testified that he did not receive the school land promised him by Hermann, and that the arrangement was finally closed, King said, Smith died when he took the case up with Mays, he was told by Mays that he did not know anything about the arrangement between Smith and King and Mays refused to convey the promised land.

Anything, Good Pay.

Testifying on redirect examination, King said that although the promised half-section of land he was to receive constituted his compensation for the work done in the creation of the reserve, he was to do very much work and considered that he would be well paid for his services on a matter what kind of land he received. Several residents of Malheur County, principally stockmen, were called during the afternoon by Mr. Henev to testify regarding the non-imbued character of much of the land included within the boundaries of the proposed reserve. The testimony of these witnesses agreed generally that the timber was not dense and

Pianos Going at a Terrific Clip!



Eilers Great Warehouse Sale and Advertising Test Rapidly Nearing the End.

We want to give you fair warning that this is the biggest occasion in the way of little prices and littlet payments for really fine pianos ever witnessed in this or, to our knowledge, any other city, and one which cannot possibly come again.

Conditions forced us to find homes for the wholesale stock of four hundred splendid pianos intended for our new warehouse. We couldn't handle them—we had no place to put them.

Discriminating buyers from far and near have taken advantage of this exceptional opportunity to get a fine, sweet-toned instrument at about half the price generally asked for a similar grade.

Over half the four hundred pianos are now sold, and at the present rate the balance will soon be gone. Every day our retail salesrooms are crowded with eager buyers. Come in and investigate this great sale for yourself—see the pianos and test them critically, note the littleness of prices and terms, and we are sure you will purchase now if you have any earthly use for a piano.

Clip out the Advertising Test Certificate printed here—present it as first payment—it's worth exactly \$30—pay balance of Warehouse Sale Price at \$5 or \$6 a month.

If you want to make an additional cash first payment, we'll give you credit for \$2 for every \$1 up to \$30; in other words, if you present the Certificate and \$30 in cash, you get credit for \$90.

Bear in mind that quickest action is the essential thing now—come at once, the first thing this morning if possible, for best choice. Eilers Piano House, 383 Washington St., at Park (8th) Street.

Advertisement for 'Thirty Dollars' certificate. Includes text: 'CUT THIS OUT—WORTH \$30 GOOD FOR Thirty Dollars as first payment on a piano at Warehouse Sale Prices... Example: Present this Certificate and get a receipt for... \$30.00 Present this Certificate and pay \$15 in cash and get a receipt for... \$45.00 Present this Certificate and pay \$10 in cash and get a receipt for... \$50.00 Present this Certificate and pay \$5 in cash and get a receipt for... \$65.00 Present this Certificate and pay \$25 in cash and get a receipt for... \$75.00 Present this Certificate and pay \$20 in cash and get a receipt for... \$80.00 Present this Certificate and pay \$30 in cash and get a receipt for... \$90.00'



NO RAILROAD DEAL, GOSSAGE DECLARES

Agent Looks Into Details Concerning 14 Blocks Held Under Option.

PRINCIPALS KEPT SECRET Total Payments Made Said to Be Only \$20, Although Purchase Price Is \$1,962,500—Deals to Be Completed Soon.

Jerome B. Gossage, who took options on the greater part of 14 blocks in the north-western part of the city at the price of \$1,962,500, returned to Portland yesterday.

SPokane, Wash., Jan. 12.—(Special.)—J. A. Blackwell, of Spirit Lake, president of the Idaho & Washington Northern Railroad, was today elected president of the Lewiston National Bank, of Lewiston, Idaho, at a meeting of the directors.

ATHLETES TO KEEP IN GOOD TRIM MUST LOOK WELL TO THE CONDITION OF THE SKIN. TO THIS END THE BATH SHOULD BE TAKEN WITH HAND SAPOLIO All Grocers and Druggists

THIRD DAILY TO APPEAR Klamath Falls Business Men to Launch Newspaper Soon.

that there was a movement to obtain options on those blocks. "A few days ago I had a telephone message from Carl Jackson, from whom I obtained the option on a block at Nineteenth and Vaughn streets for \$100,000. He desired to know just when the options would be taken up and when he would be required to move his plant. He wanted this information because he is planning now for the work of next season.

Noted Jockey Dies. MISSOULA, Mont., Jan. 12.—John Littlewood, one of the jockeys who contributed to the racing successes of the "Red Hot" Dan, died here today at Hamilton. He had ridden on all of the important courses of the continent.

NURSING MOTHERS show the beneficial effects of Scott's Emulsion almost immediately. It not only builds up but enriches the mother's milk and properly nourishes the child.

BLACKWELL ELECTED HEAD Spirit Lake Man Chosen President of Lewiston Bank.

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Klamath Falls, Or., Jan. 12.—(Special.)—Klamath Falls is to have a new daily paper to be established by a stock company organized by business men and property owners of the city and county. At present there are fifty cents find out if you have kidney trouble. Address, Dr. Kilmer & Co., Binghamton, N.Y.