

### HERE THESE LETTERS CITED

### Heney Would Show Mays' Correspondence Prompted Approval of Withdrawal.

### FORESTRY CLERK CALLED

### One Answer Aiding Defense, Witness Expands It in Favor of Prosecution—Man Deaf, Objection Is Disregarded.

In the Hermann trial yesterday James M. McVean, of the Forest Service, testified that as clerk in the office of the Commissioner of Public Lands in 1902 he had prepared the letter which Hermann sent to Secretary Hitchcock, recommending the temporary withdrawal of the Blue Mountain Forest Reserve.

It is contended by the prosecution that the favorable action which Hermann ordered on for a long time prior to his avowed policy, was largely influenced by two letters from Franklin P. Mays, one of which was written to Hermann June 21, 1902.

After asking several questions as to the practice followed in preparing recommendations of such a character, the witness said that because the order for withdrawal came from the Secretary to the office of the Commissioner the morning of July 25, it was probable that Hermann's recommendation had not been made for two or three weeks following the receipt of the Mays letter.

### Heney Expands Answer.

Had Attorney Heney allowed that answer to stand as given, he would have been deprived of much of the ammunition he intended to bring before the jury in his final argument. The defense, it is reasoned by attorneys, would have pointed out that Hermann paid no attention to the letters from Mays, and that they in no manner influenced his decision on the reserve withdrawal. Heney immediately questioned the witness and evaded the question that the Forestry Department was anxious to get orders for withdrawals, as well as recommendations, and that no time at all was lost in the preparation of the recommendation orders from the Commissioner that such action was to be taken.

McVean also declared that the Forestry Department of the General Land Office had been unable to secure orders for the preparation of the forest reserve recommendations for a long time prior to the Blue Mountain order. McVean and his chief, the witness said, constantly urged Hermann to rush papers in proposed reserves for action by the Secretary of the Interior, but were unable to secure favorable consideration by Hermann.

In an endeavor to show that Hermann, when Commissioner of the General Land Office, had knowledge of the school land frauds which were being attempted in the Blue Mountain Forest Reserve, the Government summoned Emmett Callahan as a witness in the morning. The evidence brought out by Attorney Heney at the hearing, showed a period following the temporary withdrawal of the Blue Mountain lands for reserve purposes, in which the Forestry Department and Malheur counties were trying to prevent permanent establishment of the reserve.

Callahan was called to the witness stand in the afternoon in October, 1902, as representative of the Baker City Herald. He was also employed to protest against the formation of the reserve in Malheur county, and grazing interests of Eastern Oregon.

"I talked with Mr. Hermann a number of times during the three days I remained in Washington," said Mr. Callahan. "I recounted the opposition which had developed against the reserve, and referred particularly to criticism by the newspapers, where the attention of the people had been called to the large school lands which were included in the Blue Mountain withdrawal."

### Hermann Compiles Objections.

"Mr. Hermann and I agreed as to how the reserve should be created, except as to the school lands. Hermann did not refuse to eliminate the school lands, but he was unwilling to do so. He showed me a simple method by which they could be eliminated, and that was the district, meaning to leave out the school lands and retain the other lands. In discussing the case, Hermann said: 'Our friends are interested in the school lands. It is not an essential matter, and there is no use bothering about it.' At that time Mr. Hermann named P. P. Mays and Mr. Odell, who was connected with the State Land Board in some capacity, as being interested in the school lands. Hermann named other gentlemen, whose names I do not recall."

### Land-Steal Warning Given.

"I told Hermann that there was a steel connected with the school lands in the proposed reserve, and that the fact was generally known out here. I found that Hermann knew more about it than I did. He had letters there from various protestants in Oregon, and was expecting the arrival of a protesting delegation of citizens. When I urged that he should not act on the permanent withdrawal of the lands, he said that our friends in Oregon had invested considerable money and that there was a steel in the school lands. He said that the school lands were an interest in themselves in their elimination. Mr. Hermann never admitted that he knew of the plans to steal the school lands."

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### MONEY IN EVIDENCE GONE

### Clerks at Police Station and Municipal Court in Dispute Over \$148 Obtained as Proceeds of Transaction.

The first witness in the afternoon was J. M. McVean, formerly a clerk in the forestry division of the General Land Office, who was also called by the prosecution to testify that after the temporary withdrawal of the Blue Mountain reserve, he came to Portland as a member of a delegation of citizens