



HERMANN ASSAILS FOES' BEST POINT

Defendant in Box Contradicts Meldrum.

MESSINGER POTENT WITNESS

Commissioner "Damned" Benson, Testifies ex-Employee.

OFFICE CONFAB IS DENIED

Women and Capitol Watchman Rally Against ex-Surveyor-General's Testimony—Aged Accused Man Answers Firmly.

Flat denial of testimony adduced by the Government were made yesterday not only by Binger Hermann, who took the stand on his own behalf, but by others, including two women. Probably the most telling testimony brought out was that given by a former messenger under Hermann at Washington, who said he had walked in on Hermann and Benson in the Commissioner's office and heard Hermann say in wrath, "damn, you, Benson, don't you come here and make such a row, you ought to be in jail."

Hermann was self possessed. He responded to questions firmly and at times was dramatic in assuring the jury his assertions were true.

In the morning session Attorney Worthington had prepared the way for Hermann's testimony by calling Mrs. Mada Silverstein, her sister and Watchman Holmstrom, of the Salem Capitol, all of whom contradicted the testimony of the most important witness for the Government, ex-Surveyor-General Meldrum.

Messenger Aids Defense.

The defense had placed nine prominent citizens of Oregon on the witness stand to testify as to the good character and reputation of Hermann for honesty and integrity. Their evidence was cited from the Washington trial to show it might have been possible for letters, upon which the prosecution lays much stress, to pass through the General Land Office without the knowledge of Hermann. H. Muller, messenger at the Washington office in the regime of Hermann, and a witness for the Government, was recalled to show that Hermann and John A. Benson, the California land manipulator and partner of F. A. Hyde, were unfriendly.

Hermann, upon being told to recount the history of his life to the jury, said:

"I was born in Western Maryland and am 67 years old. I am the defendant in this case."

"When I was 17 years old my father came to Oregon with a colony of settlers and he located in the wilds of Coquille River. I taught school there, and after three years passed in clearing stumps from the land, was removed in 1862 to Douglas County. I taught school there until 1867, when I went up the study of law in the office of Judge Chadwick, at Roseburg, which was then a village. Later Mr. Chadwick became Governor of this state.

"I was admitted to the bar 44 years ago on October 19 last. After that I went to San Francisco and studied in the office of Judge O. C. Pratt and John C. Fulton. I then returned to the Empire State and in 1867 was admitted to the practice of my profession. In 1867 I was elected to the State Senate, and in 1871, I think it was I was appointed by President Grant as Receiver of the United States Land Office. After two years service I resigned and was out of public life until 1884, when I was elected to Congress to represent the entire state. I served eight years as Congressman at large, when the state was divided and I was again elected from the First Congressional District.

Commissioner's Duties Taken Up.

In 1897 President McKinley appointed me Commissioner of the General Land Office. McKinley and I had been members of the Congress together for five or six years, and I served on the duties of that position in March, 1897, and continued as Commissioner until February 1, 1909, when I resigned. After my resignation, owing to the death of Representative Tongue, I was re-nominated and elected in my old district, and was re-elected at a later date. When these differences arose I declined to again become a candidate. That was in 1897.

"During my term as Commissioner and within the first two or three years of my term I realized that a great many land frauds were being committed through the operation of the law of 1891, which permitted the speculators to purchase school land here and there and to purchase lands to which the Government has no claim. I thought it just to the Government that the law be repealed or modified so that when one held a worthless piece of land he should be compelled to receive worthless lands in lieu thereof. In my various annual reports to the Secretary of the Interior and to Congress I made recommendations in accordance with that idea, and that continued to the last hour of my term.

"The Secretary called on me to know what I would advise concerning the formation of future forest reserves and I replied that there should be no more reserves created until Congress should repeal or modify the law. I also appeared before the committees of Congress and urged these views.

Law Change Sought.

"Up to 1909 the Secretary of the Interior construed the law to permit land selections within unreserved lands of the public domain. I ruled, at one time, that land could not be selected on unreserved lands, but the Secretary reversed that decision.

"I appeared before the committee on appropriations, of which Senator Nelson was chairman, and asked him to include in the pending bill a change which should either repeal or modify the law last enacted of 1897, especially to provide against acquiring land by fraud. I insisted to do more than to modify the law so as to confine it to surveyed lands of the Government. The House committee on public lands and presented argument on the subject. Later on, when I was elected to Congress, I introduced a bill to repeal the law of 1897.

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WOUNDED LAD HAS PLUCK BEYOND AGE

Bullet Plows Through Thigh as He Snaps Revolver—Regrets Missing School Work.

NAVY "HOP" BASI SOF ROW

Paymaster at Trial Admits Ejecting Civilian Doctor From Dance.

ENGINEER LOST NINE DAYS

Bernard Schweringen, Found Unconscious in Lower Siuslaw.

SEARCH ON FOR LOST SHIP

Alaskan Vessel Farallon Hasn't Been Seen for Month.

STORK ON WAY TO SPAIN

Queen Victoria Expects to Receive Visit in May.

THREE KILLED IN CRASH

Automobile Hits Trolley Car on Denver Street.

DEMOCRATS HELP GLAVIS IN ANSWER

"Other Side" Is Silent, Says Nelson.

BALLINGER'S TALK PRIVATE

Witness Admits No One Overheard Conversation.

CAMPAIGN DELAYS WORK

Special Agent Urged Not to Antagonize Contributors to Fund—Pinchot Reaches Committee Rooms With Bundle of Data.

GRAND JURY HAS BABY CASE

Parents of "Wilson Quadruplets" to Be Found and Punished.

ARBITRATION IS SOLUTION

Railroads and Telegraphers to Settle Controversy.

WOMAN GOT \$1000 YEARLY

Warriner Says Mrs. Ford Got \$7000 From Him.

PRICK OF PI COSTS ARM

Corvallis Woman Loses Right Hand by Blood Poison.

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Sports. Aberdeen baseball club managers decide to go to court in test Northwestern League contract. Page 8.

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Pacific Northwest. President of Dayton Bachelors Club denies organization is innocuous; all members farmers seeking in court. Page 8.

Ashland, Or., takes advantage of "recall" rights and would oust Mayor. Calls for special election. Page 12.

Elk City boy fell big wildcat by well-aimed blow after fight. Page 12.

Commercial and Marine. Apple stocks in storage in United States, Canada, and Nova Scotia. Page 19.

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Wall Street waits for settlement of American Tobacco case. Page 19.

Steamer Ramona will replace Breakwater on Cook Bay run. Page 18.

Portland and Vicinity. Industrial figures for January show great gain over same month last year. Page 9.

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Clearing-house may take over assets of defunct Oregon Trust Bank and pay depositors. Page 11.

Many angry complaints against car service resolved by Council committee. Page 9.

All roads closed by snow after moderate weather. Page 14.

POISON IS FOUND IN SWOPE'S BODY

Experts Make Report to Executor.

PROSECUTION TO FOLLOW

Paxton Refuses to Discuss Suit Filed by Hyde.

\$100,000 SUM DEMANDED

Attorney Representing Mrs. Hyde, Wife of Plaintiff in Slander Charge, Is Refused Admission to Chicago Conference.

CHICAGO, Jan. 31.—Strychnine was found throughout the viscera of the late Colonel Thomas H. Swope, the Kansas City millionaire, according to a report made by Dr. Walter S. Haines, H. Hektoen and Peter C. Vaughan to John J. Paxton, executor of the Swope estate, here today.

The same poison is also believed to have been found in the body of Christian Swope, a nephew of Colonel Swope, but it was announced that the examination of his organs had not been completed, and would be continued.

Prosecution Will Follow.

Mr. Paxton said that criminal prosecution would follow.

The Kansas City party returned home tonight and will be present at the inquest tomorrow. Members of the Kansas City party refused to make any statements concerning what they knew about the examination just completed. At Dr. Haines' home it was said he was out of the city and probably would not return today. Dr. Hektoen left his residence early today.

When told that Dr. B. C. Hyde, of Kansas City, had brought suit against him to recover \$100,000 for alleged slander, Mr. Paxton refused to discuss the matter.

W. T. Johnson, an attorney representing Mrs. B. C. Hyde, was refused admission to the conference. Mr. Johnson came here today to be present when the report of the doctors was made.

HYDE SUES FOR BIG DAMAGES

Swope's Physician Takes Offensive Against His Accusers.

KANSAS CITY, Jan. 31.—The filing of damage suits by Dr. B. C. Hyde, the Swope family physician, against an attorney and two physicians connected with the investigation of the death of Col. Thomas H. and Christian Swope, marked his active entrance into the case here today. The suits are for sums aggregating \$700,000.

Following the filing of the suits, statements were issued by Dr. Hyde and his wife, who was a niece of Colonel Swope and a sister of Christian Swope, regarding the death of the two men. Mrs. Hyde expresses absolute confidence in her husband.

The first suit filed was against Attorney John G. Paxton, executor of the Swope estate, and who has been prominently mentioned in the press.

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WELL-AIMED BLOW FELLS WILDCAT

ELK CITY YOUTH HAD CLOSE ESCAPE FROM INJURY.

Animal Shot, First Attacks Dog and Then Turns on Boy Who Strikes Death Dealer.

ELK CITY, Or., Jan. 31.—(Special.)—Striking a wildcat across the head with such force as to break the stock of his rifle, alone saved Holly Gleispie, of this place, from receiving scratches from the animal which might have ultimately caused death.

In examining the tracks about some dead goats on the Gleispie ranch, Paris Parks and young Gleispie found tracks of the wildcat and gave chase with a pair of hounds.

The cat was freed, and when shot fell to the ground, grasping one of the hounds. The hunters mixed in the fight, trying to kill the cat without injuring the dog, but failed, until the cat freed itself and made for young Gleispie, who saved himself in the nick of time by striking the animal a telling blow.

Farmers and ranchers along the Big Elk River, who have lost sheep and goats lately and who have been hunting for weeks for cats, have discovered that a great part of the killing has been done by dogs. As a consequence, owners of all suspected canines are complying with a request on the part of sheep and goat owners or are taking it upon themselves to call their dogs into the woods and shoot them. The last raid was made on Colonel F. J. Parker's flock of sheep. Three sheep were killed and several wounded. The disposition of three suspected dogs registered.

GREAT BOOST IN FIGURES OF MONTH

Business Greater Than in January, 1909.

CLEARINGS GAIN 48 PER CENT

Building Permits 45 Per Cent More Than Last Year.

BRILLIANT YEAR PREDICTED

Grain Exports Foreign Show Small Drop, but Coastwise Are Larger, and Are Almost Double Those of All Puget Sound Ports.

Statistics reviewing the industrial and commercial activities of Portland for the month ending yesterday are flattering. Not only do these figures show substantial increases over the volume of business for the corresponding month in 1909, but they reliably forecast new high records for the calendar year 1910. This will be the unquestioned result if the same proportion of increase established for the initial month of the new year be maintained for the remaining 11 months.

Clearings Increase 50 Per Cent.

Records covering building permits and bank clearings not only tell of the growth of a great city, but reflect infallibly the volume of business transacted. These records for Portland last month approximate 50 per cent greater than those for the same month in 1909. The bank clearings for the month ending yesterday aggregated \$35,055,380.75, or an increase of \$12,146,232.78 over January, last year, when the clearings amounted to \$22,709,287.83. This is an increase of 48 per cent. The average clearings for last year, which exceeded the record of the highest preceding year by \$40,000, were less than \$22,000,000. At the same rate of increase for the remaining 11 months of 1910, the bank clearings for this year will be more than double those for last year. These clearings yesterday reached a total of \$1,533,188.84. For the same day last year they were \$1,175,518.91.

Clearings Exceed 1909.

The clearings for last month exceeded those of every month in 1909, with the exception of October and November. Last October the total clearings were \$40,966,548.21 and in November they were \$38,463,844.25. The January clearings this year were also greater than those of any single month of 1908 and exceeded the best month of that year, October, by more than \$5,000,000. Only an unlooked-for depression will keep the clearings of Portland banks this year from going well over the banner year, 1909.

Building Permits Gain 48 Per Cent.

While building permits for January did not measure up to average in the aggregate of improvements represented, they were 45 per cent greater than for the same month in 1909, when inclement weather tended to interfere with extensive building operations. Similar favorable conditions prevailed last month so that the percentage of increase in these operations fairly shows a decided improvement over the record of a year ago. During the month which closed yesterday, 33 permits were issued for improvements to the amount of \$621,119.37, as compared with 29 permits, valued at \$421,415. The movement of real estate last month likewise exceeded that for the corresponding month of 1909 by \$127,500. For the month there were 156 transfers, with considerations as recorded, aggregating \$2,328,592. This total does not correctly represent the actual value at which the property was transferred because of the practice of many property owners in naming in deeds a nominal and fictitious consideration of \$1 when the property sold is worth upwards of several thousand dollars. Even then the transfers for last month were 6 per cent greater than for the same month last year, when 122 transfers were recorded for considerations aggregating \$2,201,048.

Grain Exports Beat Seattle.

Grain exports for this port for January fell below European shipments for the same month a year ago, but coastwise shipments, received 492,163 bushels, as compared with 499,811 bushels a year ago. Records compiled by the Merchants Exchange show that these shipments, coastwise, from Portland for the month were almost double those of the combined Puget Sound ports, which amounted to only 352,425 bushels. Lumber exports amounted to 2,368,266 feet, as against 1,740,350 feet for January, 1909. Coastwise lumber shipments for last month amounted to 8,900,000 feet.

As has been remarked, there was a slump in grain exports last month. The aggregate of these shipments for January was 349,016 bushels, as against 644,244 bushels a year ago, but at the same time they were more than double the export shipments of the Puget Sound cities, which were only 144,112 bushels. These shipments from Puget Sound for the month were about 150,000 bushels less than for the same month in 1909, when 327,725 bushels were forwarded to the foreign markets from those points.

Foreign flour shipments from this

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