HERMANN PROVES MATCH FOR HENEY

Prosecutor Fails to Baffle Him in Examination Extending to 1873.

DENIAL IS CORROBORATED

Jones Letters, Prosecution's Strong Point, Never Received by Witness, Is Testified-Explantions Seem Telling.

(Continued from first page.)

Hermann, but have a warm feeling for him as a public officer. I cannot recall

him as a public officer. I cannot recall ever saying that Hermann was being wrongfully prosecuted."
Hermann, upon resuming his testimony, in answer to a question as to a dispatch in The Oregonian July 22, concerning withdrawal of the proposed Blue Mountain reserve area, said The Oregonian's correspondent at Washington had quoted him correctly.

Referring to the testimony of Mrs. Mona Silverstein about a position Hermann sought for her in the office of Meldrum, Hermann said he had no interest in Mrs. Silverstein save that she was the daughter of an old friend and that he had known her from childhood.

Office Methods Told, Office Methods Told,

Asked to inform the jury of the plan f operation of the General Land Office,

of operation of the General Land Office, Hermann said:

There are 14 divisions of the General Land Office and they employ about 500 clerks. The bureau handles an enormous mail and often the lettera received in a single day would aggregate 1000. After reaching the bureau they were divided in the registry room among the homestead, contest, forestry or other divisions to which they belonged, where replies would be framed up and sent out. Those replies requiring my signature would be sent to my desk in the afternoon. Often there would be from 300 to 350 of such letters and it required from two to two and a half hours for me to sign them. As they were signed the nessessinger would blut them and take them away.

When the mail was assorted by the clerks, all unofficial letters and those of both classes from Oregon would be brought to my desk and would be opened by my private accretary. E. P. Hough, so that they would be ready for my attention when I reached the office. Many persons in Oregon were writing me at all times and especially while I was a member of Congress did my constituents submit all sorts of requests. I received letters asking me to look into their war claims, patents pending for inventions, claims in the War Department of various nature, farmers wanted seeds from the Agricultural Department, and it was really assonishing the various things I was seked to do. After I left Congress and went into the office of Commissioner, my old Oregon friends seemed to think that they were at liberty to continue those requests, and I would often go over to the Pension Bureau to look up the status of the claim of some poor old veteran of the Civil War who was asking for a pension. I was constantly running errands for Oregon people, and I never failed or refused to answer a letter from Oregon.

Secretary Was Trustworthy.

I had implicit faith in Hough as well as

Secretary Was Trustworthy.

I had implicit faith in Hough, as well as Rittenhouse and Reger, who performed his duties when Hough happened to be away. They would open my mail, especially Hough, and refer the letters sent to my desk, Often the Oregon letters and unofficial mail would be sent out by Hough without my ever seeing them or knowing anything about them until the replies had been prepared and sent to my desk for signature. Of course many of the letters did not require an answer and those I would never hear of.

Every communication from a member of Congress would receive right of way in the General Land Office and would be marked 'apecial' for immediate answer and disposal. Communications from the Secretary of the Interior or any other member of the Cabinethad a far better right of way and were given specify consideration in preference to those from Senators. I often received letters from the Senators from the public land states and would mark them "special" with a red pend, that the clerk receiving them would not overlook tem.

Oregon Partiality Denied.

The first knowledge which I received concerning the desire of anybody to have a forest reserve created in the Blue Mountains was when the petitions reached me. Thy came through Senator Mitchell. I never had any intimation of any deal between Mays, Jone and Ormsby. I had implicit faith in that old man Ormsby. I had implicit faith in that old man Ormsby. I had known him as a Commissioner of the Soldiers Home and as a member of the Legislature.

Mays came to Washington in April, 1902, concerning a case which had been appealed from the Land Office at Oregon City. It involved the commutation rights of old soldiers in the Sileix Indian reservation lands. Mays appeared as attorney for the defendant, who was Willard N. Jones. I decided the case against Mays.

ant, who was Willard N. Jones. I decided the case against Mays.

I passed on the advisability of withdrawing the Reaus River Reserve on two occasions and turned it down both times, and the notations in red pencil appearing on the petition indicated that I was opposed positively to the creation of more reserves even as against the recommendation of the Geological Survey.

silvely to the creation of more reserves even as against the recommendation of the Geological Survey.

I never saw the two letters from Mays which have been placed in evidence, and I had ordered the recommendation of the Blue Mountain reserve to be prepared before I knew that the Mays letters were in existence. I orderd that withdrawal after looking over the petilicals from Oregon. In the list of signatures from Malheur and Grant counties were the names of many prominent offsithis of tipose counties as well as men with whom I was acquainted and took it for granted that I could depend on their representations. It would have been possible for me to recommend the immediate creation of the reserve on a permanent basis, but I had taken a positive position on the lieu land law matter, and I wished to be consistent. It would also allow time for the examinations to be completed by Ormsby and the Geological Survey.

Receipt of Letters Denied.

Receipt of Letters Denied.

Receipt of Letters Denied.

I never received the letters from Cattanach and Sells which have been shown here.
I state positively that I never refused to sign the letters which were written in reply and later found in the flies. Those letters were mere protrains against the reserves and contained no charges of fraud. They were lessed on conditions with which I was in sympathy, such as the exclusion of valueless lands and homesteads, and I should have forwarded them if I had known they were in the office.

I state positively that I never had any in-

Wallowa Reserve Opposed.

Wallows Reserve Opposed.

I also, at that time, turned down the Wallows reserve, but Roth got it done by going over my head to the Secretary. October 24, 1802, the Secretary ordered me to make the temporary withdrawal. I then made an investigation of the records and found that an extrementy large number of entries had been recently made, and I believed that somehedy had soured a foothold for speculation there. I took the matter to the Secretary, who was much assounded at the discovery. He ordered me to cut out the townships which contained the entries. I have no recellection of having sent the telegram to Mays which informed him of the withdrawal of the Blue Mountain reserve. I must have gone out like hundreds of others. I positively had not made any arrangement with Mays to send him any information to anybody because at that time the withdrawal was a matter of record and had been furnished to The Oregonian and the Washington Post.

The testimony of Scott Smith, former secretary to Mr. Hitchcock, that a general order had been issued by the Secretary against giving out any information in advance, is not true, as I recall it. The Secretary once called my attention to a clerk who had given out a statement and asked me to stop it. He also objected to an interview which I gave the St. Louis papers. It was never brought to my attention that he objected to my giving out information about forest reserves.

Callahan Is Contradicted.

Hermann then gave a detailed ex-planation of the letter to Dodson, editor of a paper at Sumpter, and why he wrote it in explanation of questions propounded by the newspaper man in looking after the mining interests of that district.

The testimony of Emmett Callahan,

a Baker City lawyer, was denied vehemently by Hermann. Callahan testified that Hermann had spoken of the school lands in the Blue Mountain Reserve and remarked: "Why worry about it, Callahan, there are only a few acres of it and our friends are the ones interested."

acres of it and our friends are the ones interested."

I never knew Caliahan very well, and when he came to Washington he had to remind me that I had introduced him to Confederate General John S. Mosby before I could place him at all. I had he knowledge of any scheme to acquire the school lands unlawfully at that time and did not talk with him about Mays or Odell. There was a man named Odell who, at one time, lived at Salem, but I never knew him to have any land.

I may have talked to him about checkerboarding the proposed Blue Mountain reserve, because I had done it in California to leave out the railroad lands, which had been desuded of timber values and which were designed to be placed in the San Francisco reserve in order to take advantage of the lieu land act I often talked that scheme over with callers. I would have been in favor of excluding the school lands in that way if there had been any suggestion of fraud about their ownership. It would have been most foreign to me to make such a remark to Caliahan because I knew nothing about it whatever.

After saying that Senator Mitchell

about it whatever.

After saying that Senator Mitchell had always stood high in this state and was regarded as an honest man at the time of the creation of the Blue Mountain Reserve in 1902, Hermann declared that he considered Mays a good cittzen at that time, but that he had never had any dealings with him or knew of any interests which Mays might have had in school lands. Hermann denied that he ever had more than a passing acquaintance with Williard N. Jones, and had never had any business with him.

"I never had any conversation with any of these men concerning the creation of a forest reserve or school lands, or to assist them in any manner whatever," he said.

ever," he said.

Benson Fraud Discerned.

The witness then passed to the story of his relations with F. A. Hyde and John A. Benson, of California.

of his relations with i.e. and forming the payment of the money which he german in the payment of the money which he is the payment of the payment of the money which he is the payment of the money which he is the payment of the paymen Oregon Partially Denied.

There was pecitively no distinction in favor of the Senators from Oregon. Senators Knute Nelson and Spooner had the eams standing that Mitchell had in that office. I regarded the Public Land Office as for the use and accommodation of the whole people. There was a rule in the Land Office to the effect that if a showing was made of any person suffering an extreme hardship by the delay of his case, the Commissioner could make that case special. I often took that section in the case of some poor homesteader who was being injured by those delays, and I could see a way to apply a remedy. Those cases would be advanced. I might have made some of Mitchell's letters special, but it has been nine or ten years almoe those happenings and I cannot now recall any letter of his that was no treated.

The General Land Office was a bureau and the Commissioner it made decisions of cases if they came from the local land offices on appeal, and they remained controlling decisions inleas the cases would be appealed to the Secretary who was the superior court. Occasionally the Secretary would be appealed to the Secretary, who was the superior court. Cocasionally the Secretary would be appealed to the Secretary, who was the superior court. Occasionally the Secretary would be appealed to the Secretary who was the superior court. Occasionally the Secretary would be appealed to the Secretary who was the superior court. Occasionally the Secretary would be appealed to the Secretary would draw and the commissioner of the case would be appealed to the Secretary would draw and the controlling decisions inleas the cases would be appealed to the Secretary would draw and the controlling decisions in least the cases would be appealed to the Secretary who was the superior court. Occasionally the Secretary would draw the controlling decisions in least the cases would be appealed to the Secretary would draw the case would be appealed to the Secretary would for the case would be appealed to the secretary of the Intelect had a

"Further," said Hermann, "I considered them confidential and kept them for my protection. I was familiar with the fact that Hyde was getting selections through the Land Office, so when the letter came exposing Hyde and Benson, the thing for me to do was to ascertain if Benson had any selections there. I accordingly asked the clerks for a list of lands in which Benson was interested.

"Terrible Revelations" Made.

"When the report from Inspector J. S Holsinger came in on November 18, 1902, I at once issued an order suspending every lieu land selection in which the names of Hyde or Benson ap-peared either as attorney or principal, and, so far as I know, that order stands yet. In talking with Clerk McGee about yet. In talking with Clerk McGee about the Holsinger report, he said the secre-tary ought to be informed. I took the report to the Secretary myself, and made the terrible revelations concern-ing the discoveries."

After explaining to the jury that the exchange could not be effected until the reserve should be permanently created by Presidential proclamation, the wit-ness was turned over to Attorney Hency for cross-examination

It is probable that Attorney Heney will not finish the cross-examination before Thursday noon. The defense has only a few more witnesses to call.

COMMITTEES ARE NAMED

IRRIGATED FRUIT

ALFALFA LANDS

This country, with its very deep, fertile volcanic ash soil, wide expanse, with gradual blending slopes, looking like a large sea of land, rich in the elements that produce plant life, as is shown by both Government analyses and the actual results the farmers are getting today, makes this the best opportunity to the man that desires a small or a large tract of land, because this country enjoys the distinction of possessing the most equable climate, being pleasant for both animal and plant life. Here we have no killing frost for seven months. Here a home is a comfort and a money-mak-You will find more reasons you should select a home here than any other place. Here you have the advantages of Schools, Churches and other social privileges. Here we have the very best of markets and transportation facilities. Butter Creek is the premier of all gar-den lands. The Western Land & Irrigation Company has a very fine system of canals, all substantially built, being practical throughout, as courses its canals with certainty; it is always in the best of shape. The carrying capacity is volumihous. It will put over four feet deep on every acre. This is an ideal place to grow fruits and alfelfa, on account of the long growing season, freedom from frost, and the favorable

We are now offering over 5000 acres of this choice garden and alfalfa land. We also offer 40, 80, 120, 160-acre tracts of unpatented land; being snaps, are cash. Our terms on the small tracts are most liberal-exceedingly so; find out about it. We are having a railroad built right through the project, a cut-off. This is a live country, it is growing fast; it is the place for you. We cannot tell all here. We have a booklet just off the press. For all facts, write W. J. Stapish. Treasurer.

Western Land & Irrigation Co.

Walla Walla, Wash. 516 E. Main St.

with. The appointments are as follows: Reception-Colonel James Jackson, chairman; W. J. Hofmann, vice-chairman, and the members of the board of gov-

HAGNER—February 1, Peter Hagner, aged 68 years, beloved husband of Mrs. Anna Hagner, of 351 North 18th street. Remains at Dunning & McEntee's chapel. Funeral notice later.

O'DONNELL—In this city, February 1, at the family residence, 198 North Nineteenth street, William O'Donnell, aged 65 years. Announcement of funeral later.

WINSLOW-Died February 1, at Hot Springs, Ark., Howard Sydenham Wins-low, of Cincinnati, O.

MEETING NOTICES.

MINNEHAHA TRIBE, NO. 2 IMPROVED ORDER RED MEN.—A special council will be held in our new wigwam, Eagles Hall, Marquam building, Wedneaday evening, February 2, 8 o'clock, Great Incohones Joseph Farrar, of Philadelphia, Pa., will visit Minnehaha Tribe No. 2, Williamette Tribe No. 6, Chincok Tribe No. 6 and Chehalem Tribe No. 5, ind Chehalem Tribe No. 5, indicated the conferred. All members of the order are fraternally invited.

ED. L. GALE, Sachem.
L. CARSTENSEN, Chief of Records.

WASHINGTON LODGE, NO. 48,
A. F. AND A. M.—Stated commu-nication this (Wednesday) evening, 7:39, East Eighth and Burnside, A social evening, Visitors welcome, Order W. M.
J. H. RICHMOND, Secretary.

HAWTHORNE LODGE NO. 111,
A. F. AND A. M.—Stated communication this (Wednesday)
evening at 7:30. Work in the F.
C. degree. Visiting brethron wei-C. E. MILLER, Secretary.

SAMARITAN LODGE, NO. 2, L. O. O. F.-Regular meeting this (Wednesday) events, at S o'clock. Initiation. Visitors alway welcome. R. OSVOLD, Secretary. Hall for rent, North 17th and Marshall Dancing school, lodges, entertainments; reasonable. Main 115t.

FUNERAL NOTICES.

WHITCOMB—In this city, Pebruary I, at the family residence, 601 Second street. Prait Whitcomb, aged 70 years 4 months 16 days. Friends invited to attend funeral services, which will be held at Holman's chapel, Third and Salmon streets, at 8 P. M. today, February I. Interment Riverview Cemetery. Services at the grave private.

wate.

KNODA—In this city, Jan. 30, John Harry Knoda, aged 50 years, 6 months 28 days. Funeral will take place from the pariors of the Bast Side Funeral Directors, successors to F. S. Dunning, East Alder and East Sixth streets, today (Westnesday), Feb. 2, at 2 P. M. Friends respectfully invited. Interment Rose City Cemetery.

ZELLER-BYRNES CO., Funeral Directors 594 Williams ave.; both phones; lady attend ant; most modern establishment in the city EDWARD HOLMAN CO., Funeral Direct-rs, 220 3d st. Lady Assistant, Phone M. 507. J. P. FINLEY & SON, 3d and Madison, ady attendant. Phone Main 9, A 1599. EAST SIDE Funeral Directors, succe to F. S. Dunning, Inc. E. 52, B 2525. ERICSON CO.-Undertakers; lady nesist-ant. 409 Alder. M. 6133, A 2235. LEBCH, undertaker, 420 East Alder. Phones, 781, B 1888. Lady assistant.

Improvement Work Being Rushed in

curelhurst

The Addition with Character

During several days of Winter it was impossible for men or teams te work, but with the breaking up of Winter work has been resumed on a larger scale than ever before. Grading is nearly completed and cement walks are now being laid, the contract for the water mains has been let and the work will be started immediately. In a very few weeks the work of laying the asphalt streets

Laurelhurst Has a Record for Improvements Made; **Not Promised**

Numerous purchases have been made in Laurelhurst by parties who will build this Spring, and we have promised to be ready forthem with asphalt streets, cement walks, water, sewer, gas electric lights, etc.; hence, the work of improvement will be rushed and there is to be no let-up until everything is completed.

MAKE YOUR HOME IN LAURELHURST

And Enjoy Your Residence in the Most Handsomely Improved, Closest In, Restricted Neighborhoods of Portland, on 2 of the Best Carlines in the City Which Run To and Through the Property and Where Values Run From

\$750 Per Lot Up—Terms 10% Cash 2% Monthly

See This Tract in Our Automobiles at Our Expense or Take a Rose City Park or Montavilla Car. Both Lines Run To and Through the Property.

AUTHORIZED BROKERS.

aurelhurst Co.

522-526 CORBETT BUILDING Phones-A 1515, Main 1503

AMUSEMENTS.

BUNGALOW THEATER, 12th and Morrison

Phones: Main 117 and "A" 4224. Special Price Mat-ince Today 2:15. Last Time Tonight 8:15. BLANCHE WALSH

In Jules Eckhert Goodman's Play, "THE TEST" Evenings, \$1.50 to 50c. Matines \$1 to 25c. BAKER MAIN 2. A 5380 Geo. L. Braker, Manager

Tonight, All Week, BARGAIN MATINEE TODAY, 25c. ohan & Harris Comedians present "BREWSTER'S MILLIONS,"
With Royal Tracy and Great Cast.
Sat Mat. 25c. 50c. Evenings, 25c. 50c.
75c. \$1.00. Next week—The Right of Way."

MATINEE EVERY DAY. CONCLUTE 15-25-506 NIBHIS THEATER 15-25-50-750

WEEK JAN. 31.—Bert Leslie and Company, in "Hogan in Society": Thorne and Carleton, in "The Soubrette and the Yap"; Laveen Cross and Company, Charles Kenna, Emma Francis and her Arabian Boys, Sisters McConnell, Marvelous Hiltons, Pictures, Orchestra. GRAND WEEK JANUARY 31.

Premier Wheel Act
BESSIE VALDABE
TROUFE
And Her Six Pony
Cyclists.

Lorn, the Craigs,
Augustus Neville &
Aug Matinee every day, 2:30; any seat, 15c Evening performances, 7:30, 9:15; balcony 15c; lower floor, 25c; box seats, 56c.

Ki-Ki, the Ha-Ba Ha-Ba Man remarries his divorced wife on the stage at 8 o'clock tonight, in connection with the regular programme. He will do his fire-eating act with the assistance of his bride during the remainder of the evening. Same

price, 10c, any seat. Phone A 7231.

R. C. WAYNE, Manage AUCTION SALES TODAY. Today at Wilson's auction house, corner Second and Yamhili sts. Sale at 10 A. M. I. T. Wilson, auctioneer.

WDDT—In this city, January 31, to Mr. and Mrs. W. J. Cuddy, Jr., a daughter.

HOUSEHOLD NEEDS Coal CHURCHLEY BROS, wood and coal dealers, office and yard 18th and Marshall, Phones Main 931, A 3931. Florist Cut Flowers always fresh from a Forbes Co. 347 Washington at Both phones. Coal Richmond and Wallsend Australian Independent Coal & Ice Company, epposite City Library. Both phones.

OREGON HUMANE SOCIETY

BECRETARY, Main 591 HUMANE OFFICER. East 477

A LOT IN OPAL CITY

Will make you more money on the amount invested, than any other real estate in Oregon. Investigate this new town site in the Deschutes Valley. Both Hill and Harriman railroads will run through Opal City. Now is the time to buy, when you can get the property at the first price. Don't wait and let the other fellow make all the money.

FREE MAP OF OREGON. Showing ratiroads, development in central Oregon and literature de-scribing Opal City.

CALL OR WRITE. American Trust Company

Selling Agents, 200 Chamber of Commerce

by 100 between Knott and Graham, \$8500 CASH.

This is cheap, and before the ides of ptember you will, say so, too. But now is the time to buy it. There are two cottages on the property which bring in some income. But it is its future as a business site that lends

Carter-Dugan Co.

Forty lots in the restricted Walnut Park and Piedmont district for

This property is in easy walking distance of new Jefferson High School, five minutes' walk from a graded school and two blocks from city park and carline. Each lot has Run water.

G. H. VAN HOUTEN. 428 Lumbermen's Bldg. NEW TODAY

worthy investors attention, sad is a physical continuation of Washington street. This property will bear closest investigation. Three carlines and City Park practically at door. Price advances 3d inst.

150x190 feet corner 15th and Overton, with 150 feet trackage and switch on 15th street. This is absolutely the choicest warehouse property in this dis-trict and includes five houses with in-

E. B. GAZE Inin 5383, A 2773. No. 222 Falling Bldg

LOT \$1500 CASH.

GOOD VIEW, 55x100; LEVEL. Chapin & Herlow /// 332 Cham. Com.

Rogue River Fruit Land 105 ACRES-10 ACRES peach and apple orchard. Just right age to bring best returns.

Only \$18,000

OREGON LAND CO.

215-217 Henry Bldg. Main 7413.

Washington Wheat Lands We are offering 2560 acres of wheat land at \$8 per acre, half cash. Will take deferred payment in Portland property. This is a splendid invest-ment. Phone

MR. FRAME, Office 422 Failing Bldg.

NEW TODAY.

10-ACRE FRUIT TRACTS

\$140 to \$155

PER ACRE

Very Easy Payments.

These tracts are located in proven fruit zone of Yamhill County, within half mile of North Yamhill Station and convenient to Portland.

THERE IS NO GUESSWORK in buying one of these beautiful 10-acre tracts.

The fruit zone of Yamhill County, in which these tracts are located, is too well defined to admit of any doubt,

Apples, Bartlett pears, Royal

Ann, Bing and Lambert cherries, all attain the very pinnacle of perfection in this particular neighberhood. Those in the market for a splendid 10-aere fruit tract, con-

venient of access to Portland.

should not fail to look into the

merits of "ELROD ACRES."

Send for literature

J. O. ELROD, Owner

519-520 Corbett Building, Portland, Oregon.

WINDSOR

Lot prices positively ADVANCE immediately concrete sidewalks are laid. This work is now under way on East 47th, 48th and 49th sts, between Division and Clinton, and being rushed to completion.

ompletion.

Make your selection now and get all
he profit. Don't delay. If you buy
low you get a 50 x 100 LOT. EASY TERMS.

Brubaker & Benedict 502 McKny Bldg., Third and Stark.

Swell Ladd's Addition

AS LOW AS \$450.

Home, \$1,000

bath, two follets, laundry frags, hard-wood floors, and all the latest built-in improvements; on a lot 40x128, with alley in rear; highly improved streets and cement sidewalk. Price \$5800— \$1000 cash and \$25 per month. Grussi & Zadow

317 Board of Trade Bldg., 4th and Oak.

100 FEET OF TRACKAGE

Lot 100x100 on 15th Street. \$28,000

Portland Trust Co. S. E. Cor. Third and Oak Sts.

Portland Heights

view of city and mountains, hard-sur-face street and cement walk. Foundation for a bungalow just finished which owner will complete according to plaus, or buyer can make changes to suit. For plans, price and terms, see OWNER, 819 Board of Trade.

A Bargain Near Scappoose 900 acres of land, over 800 improved, good house and barns; one of the finest dairy farms on the Columbia River; 19 miles from Portland, 1 mile from R. R. Station. This is the greatest bargain on the market today; can be had for 25 per cent to 30 per cent less than adjoining property. Come and see for yourself.

HARDY & ROBERTS, 215 Board of Trade. Phone M 6659.

300 ACRES On Cornell Road, Within Six Miles of

30,000 CORDS OF WOOD. S KEASEY @ HUMASON SJEFFERY 14 CHAMBER OF COMMERCE

MORTGAGE LOANS

Large Amounts Preferred. GODDARD & WIEDRICK, 243 Stark St