

RESIGNATION OF HENNEY

Defense Blocks Prosecution's Efforts to Show How and Why He Quit Office.

HENNEY MAY REST TODAY

Government Now Aims to Shatter Testimony Favoring Defendant.

Several Denials Recorded.

More Letters to Be Read.

After repeated efforts yesterday Attorney Henney failed to get before the jury the facts concerning the retirement of Blinger Hermann from the office of Commissioner of the General Land Office. It is said that Hermann was requested to resign and his attorneys fought desperately to prevent the aged defendant from answering Henney's questions on the subject. The prosecution sought this evidence as an inference that Hermann's resignation was a sequel to secret land fraud investigations ordered by Hitchcock. Judge Wolverton sustained the objections of the defense.

Prosecutor Henney's promise Saturday that he would close the evidence for the government at noon Monday was not fulfilled, but the judge will probably rest the case today. Harvey W. Scott testified on direct examination that the reputation of Hermann "as a man and a citizen" had been good and he had never heard it questioned until accusations in connection with the present case began.

Retirement Deemed Right.

Mr. Scott was shown an editorial article published December 30, 1902, in which it was indicated that the Oregonian would interpose no objection to the retirement of Blinger Hermann from the office of Commissioner or from his Senatorial candidacy, and referred to him as a sleek and oily politician who had been cared for in public office for many years. The article was admitted by Scott as the witness, who volunteered responsibility for all editorials printed in the paper, and made reference to the attitude of Secretary Hitchcock in directing Hermann to retire as an indication of the pursuit of an upright course in investigation of the land frauds.

Attorney Henney will continue the examination of Mr. Scott this morning, and will use a number of political editorials written during the period following the termination of the retirement of Hermann. Attorney Henney will then place the defendant on the stand in re-examination, and the case will probably be submitted to argument in the afternoon.

Smith Contradicts Hermann.

Direct and rebuttal testimony alternated between the attorneys in the case during the day. Henney, in attempting to contradict the testimony of Hermann, called Scott Smith, ex-private secretary to Secretary Hitchcock. Hermann testified on direct examination that after receiving the Robinson report, revealing in detail the frauds of Elyde and Benson through their manipulation of the school lands and ascertaining that one more member of this conspiracy was in collusion with the Californians, he took the report to the Secretary and made the "awful revelations." At the time when Smith testified that he could not remember whether Hermann brought the Robinson report to Secretary Hitchcock. Yesterday, three years later, Smith said he had refreshed his memory and was positive that Hitchcock had heard of the existence of the report and ordered Hermann to bring it to the office of the Secretary.

"Hermann arrived in about ten minutes, and was received with courtesy, but the Secretary of the interior was exceedingly chilly. The very next day, however, I brought up over his information," said Smith.

Other Denials in Testimony.

Smith deputed the testimony of Hermann that the Commissioner and Hitchcock talked over the contents of the report. He testified that the Secretary dismissed Hermann promptly.

It was also testified by Smith that he had not seen Emmett Callahan, a Baker City attorney, in the office of the Secretary, although Callahan said he made a number of visits to Mr. Hitchcock while in Washington representing protesters against the retention of the Blue Mountain reserve.

The defense seemed to sustain setbacks by the testimony of Tim Davenport, ex-State Land Agent, father of Homer Davenport, the cartoonist, and a pioneer of Oregon, and the direct examination of Land Clerk Brown.

Mr. Davenport related an account of a visit to Washington in 1887, while Hermann was Commissioner of the General Land Office. His mission was to procure the enactment of a law allowing the state to trade surveyed school lands for indemnity lands, located in the Cascade forest reserve.

"The state had passed a law increasing the price of school lands which were available for less land base from \$1.25 an acre to \$2.50 an acre," Mr. Davenport testified, "and we saw a chance to make about \$60,000 additional school funds by securing such a law. We already had a law allowing the exchange of unsurveyed school sections inside reserves."

Hermann Answers Telegram.

"I called on Mr. Hermann and asked his assistance in the matter, and he readily agreed that it was a good thing. After my return I wrote him several letters, three I think, but he never received a reply until after I had telegraphed him."

The letters will be offered in evidence this morning.

Land Clerk Brown testified that in 1899 the State Land Board adopted a practice of withdrawing from sale all school lands which were incorporated in a forest reserve withdrawal. The object of this testimony was to establish a reason for the contention of the Government that Mays, Elyde and Sorenson might have arranged for advance information from Hermann as to the date of the withdrawal of the Blue Mountain Reserve. Such a notice would enable the conspirators, Attorney Henney contends, to rush to Salema and purchase the school lands before the withdrawal should become known officially. Attorney Henney will contend that Hermann's alleged telegram to Mays, dated July 28, 1902, was in fulfillment of such an agreement.

One Point Thought Strong.

After traveling across the continent the Washington correspondent of The Oregonian, Harry J. Brown, did not give testimony of great value to the prosecution. Mr. Brown said that on July 22 he received information of the recommendation which Hermann would that day make in the Blue Mountain Reserve, and that he telegraphed the news to Portland. The witness was not positive, but he thought the news of

the action of the Assistant Secretary in approving the withdrawal had been obtained from the office of Secretary Hitchcock. Henney considers as important an admission of the witness that the Blue Mountain Reserve was the only Oregon withdrawal of which the newspaper man received information prior to the approval of the Secretary being announced.

The evidence of C. A. Holmstrom, the Government called L. H. McMahon. The witness said he went to Salem since this trial began at the request of Tracy C. Becker, of the prosecution, and engaged Holmstrom in conversation. Holmstrom, he said, decried a strong opposition to the prosecution by any secret land fraud. Holmstrom had testified that Hermann was not at the office of Meldrum in September, 1902, when Attorney Henney asserts the Blue Mountain conspiracy was outlined.

More Witnesses Found.

By consent of Attorney Henney, counsel for Hermann was allowed to introduce the testimony of two witnesses, found between the adjournment of court Saturday and Monday morning. They were William M. Reese, now residing near Eugene, and Richard Morton, a former resident of Clackamas County, and remembered that Hermann frequently conversed with Chairman Lacey, and at one time appeared before the committee with reference to the public lands in 1897. He asserted that Hermann urged the repeal of the lieu land act, or its amendment in such manner as to force upon the Oregonian the right to accept lands on the outside of forest reserves of the same quality or value as those surrendered to the Government.

Report of Frauds Made.

On cross-examination Mr. Reese testified that he had heard of land frauds being committed in the public domain states, and that the attention of the committee was at one time called to such frauds by other witnesses who advocated going away with the timber and stone act of 1878.

Richard Morton gave evidence of no particular importance to either side.

He knew Meldrum, he said, and at one time went to the office of the Surveyor-General to employ him in the survey of a piece of land. He was not positive whether Hermann or Mays was present.

In the examination of his first witness in rebuttal, Attorney Henney seemed to have secured a valuable link in the chain of evidence.

Called last week as a witness for Hermann, testified that he visited the office of Meldrum in 1898, when the Robinson report was not present. That was a year after the meeting which, the prosecution contends, was the beginning of the Blue Mountain conspiracy.

Attorney Henney recalled Cathart for cross-examination, and accused him of showing an unusual interest in the Hermann case. Cathart testified that he came to Portland in January, and soon after met Rowland of the Surveyor-General's office on the street. He informed Rowland that he was going to do my friend Hermann. Cathart then boasted that he had a son named Hermann Lester Cathart.

"I am not ashamed of the boy, his name or the man he is named after," he said.

Promise of Job Denied.

Attorney Worthington was allowed to recall H. L. Patterson for further cross-examination. Patterson had testified for the Government that he had seen Mays and Hermann in the office of Meldrum in 1901. Attorney Worthington recalled Patterson if he had ever talked with W. C. Greaves, of Oregon City, concerning the trial of Hermann at Washington in 1902, and had any conversation in the Secret Service had been promised him as a reward for the part he was playing in the Hermann prosecution.

Patterson denied that he had ever talked with Greaves about the case, or that he knew Greaves more intimately than to speak to him in a casual way.

W. C. Greaves was then sworn to as the witness stand. He testified that he had known Patterson for a good many years and became acquainted with him while they were both employed in Portland as truck drivers.

"I met Patterson soon after he returned to Oregon City after the Hermann trial," Greaves testified. "We came together at the corner of Seventh and Main streets, and I asked him how he had been treated. He said he had been paid his expenses for the trip and had the promise of an appointment in the Secret Service. Some time later I encountered Patterson in front of the post office and asked him about the appointment. He said he had not received it because of some 'hook or crook'."

Defense Evidence Attacked.

Attorney Henney again took up the rebuttal testimony of Hermann. Baumbach had testified that he knew all the parties accused of the conspiracy, and as an employee of the office of the Surveyor-General had been called to the private office of Meldrum to deliver the notecbooks which Meldrum asserted had been examined by Hermann and Mays. Attorney Henney recalled Meldrum, who testified that Baumbach visited his private office fully 30 minutes before the Hermann trial, in, and that Baumbach was not called, for after the men arrived.

HAYNIE WAS WELL KNOWN

Victim of El Paso Woman Has Uncle at Forest Grove.

FOREST GROVE, Or., Feb. 7.—(Special.)—J. B. Haynie, who was shot at Willow Canyon, Crook County, by Mrs. Eleodora I. Myer, of El Paso, Tex., was well known here, where his uncle, John Haynie, a teamster, resides. Haynie went to the Madras country about eight weeks ago to look after the interests of Attorney J. N. Hoffman, who is interested in some oil properties in that section.

It was Attorney Hoffman who appeared as counsel for Mr. Haynie against the writ of habeas corpus instituted against him by the dead woman, which case was tried at Vancouver, Wash.

Attorney Hoffman has always considered that the woman was insane and said that after the trial she told Attorney Walter G. Hayes, of Portland, that she would shoot him (Hoffman) if she ever got a chance.

J. B. Haynie's family is said to reside at Stamps, Ark., and he has been in the habit of remitting money for the support of his family regularly.

Mrs. Myer visited in Forest Grove at one time for a brief period.

SUICIDE VERDICT IS RENDERED

Madras Jury Gives Results of Inquiry Into Mrs. Myer's Death.

MADRAS, Or., Feb. 7.—(Special.)—At the coroner's inquest today over the body of Mrs. Eleodora I. Myer, of El Paso, Tex., who shot J. B. Haynie, also of El Paso, at Willow Canyon Canyon Saturday night, the jury brought in a verdict of suicide by poison. No word had yet been heard by authorities here what she had done with the body, but it is understood that it will be sent to El Paso where her divorced husband makes his home.

Haynie continues to improve, and tells the jury that he has been at the road camp when the woman shot him,

Save this Recipe for Cough Syrup. It's Splendid

You can make this unequalled cough syrup at home in five minutes, and you will find it a very handy household remedy. It does usually conquer a deep-seated cough. This recipe makes a full pint for only 54 cents, and lasts a whole family a long time. Take a pint of granulated sugar, add half a pint of warm water and stir for about two minutes. Put 2 1/2 oz. of Pine in a pint bottle and fill up with the sugar syrup. Take a teaspoonful every one, two or three hours.

Opium

WEEK FEB. 7-MAT. 15-25-500

THEATER 15-25-500

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BUNGALOW THEATER. Assisted by Aphie James. TONIGHT—A "REX" WILL. Special Price Matinee Tomorrow. Last Time Tomorrow Night. "THE MIGHTY OF VENICE".

BAKER THEATER. Tonight, All Week. Bargain Mat. Wed. 25c. Fred M. Block Co. present. "THE LIGHT OF WAX". Dramatized from the powerful novel by Sir Gilbert Parker.

Opium THEATER 15-25-500. WEEK FEB. 7-MAT. 15-25-500. World's Greatest Acrobats. Montrose Troupe. 7-Piece. 7-Matinee & Bannan.

Portland Theater. Matinee Thursday and Saturday. PORTLAND THEATER COMPANY. "DEADWOOD DICK'S LAST SHOT".

RECEIVER ASKED FOR FIRM. Deschutes Irrigation Company Alleged to Have Defaulted on Bonds. In a suit of equity filed in the United States Circuit Court yesterday, a receiver was asked for the Deschutes Irrigation & Power Company, which holds about 8000 acres of land in Crook County.

Soldier Dies in Post Hospital. VANCOUVER BARRACKS, Wash., Feb. 7.—(Special.)—George Loney, Company K, First Infantry, died at the post hospital at Fort Walla Walla Saturday from pneumonia. Loney was veteran of the Civil War and of various other wars since that time.

O. A. Students to Study High Living. OREGON AGRICULTURAL COLLEGE, Corvallis, Feb. 7.—(Special.)—The student body of the Oregon Agricultural College is the first task undertaken by the Student Economics Club, which has just been organized at this college.

FISH CONFERENCE CALLED. Extent of Ground to Be Determined for License Purposes. SALEM, Or., Feb. 7.—(Special.)—I. H. Van Winkle, Assistant Commissioner, State Engineer Lewis and Master Fish Warden McAllister leave tonight for Chinook on the Washington side of the Columbia River to confer with the Washington officials regarding the fishing lands affected by the recent Supreme Court decision.

WIRELESS SERVICE READY. Station at The Dalles Communicates With Interior. THE DALLES, Or., Feb. 7.—(Special.)—The wireless telegraph station, on the Columbia River beach at the foot of Union street, is completed, with the instruments and wires all in place and thorough tests have been made.

Better Health. A Pleasing Sense of Health and Strength Renewed and of Ease and Comfort. follow the use of Syrup of Figs and Elixir of Senna, as it acts gently on the kidneys, liver and bowels, cleansing the system effectually, when constipated, or bilious, and dispels colds and headaches.

CREW CAPTURES BUCK. Launch Lassie Men Make Haul While Animal Swims. SOUTH BEND, Wash., Feb. 7.—(Special.)—The crew of the passenger launch Lassie, which makes hourly trips between this place and Raymond, intercepted and captured a large buck deer, as it was swimming the river a short distance above this place.

Pythians Present Jewel. VANCOUVER, Wash., Feb. 7.—(Special.)—Colonel C. V. Savidge, of Olympia, grand chancellor of the Knights Pythias of Washington, paid an official visit this evening to the local lodge. He officiated at the ceremony attending the presentation of a veteran's jewel to J. W. Wentworth, who has been a member of the Vancouver lodge, No. 8, since its organization, nearly 50 years ago.

Monday, Feb. 14th is EASTMORELAND Opening Day. Next Sunday's papers will hold a full-page announcement—there will be a burning interest in it for YOU.

Oregon City Discusses Charter. OREGON CITY, Or., Feb. 7.—(Special.)—The Oregon City Hill Improvement Club will meet tomorrow evening for the purpose of further considering the proposed amendments to the city charter in relation to street and road improvement that is shortly to be presented to the people.

Alexander Stays at O. A. C. OREGON AGRICULTURAL COLLEGE, Corvallis, Feb. 7.—(Special.)—Captain U. G. McAlexander, Captain of the 18th Infantry, U. S. A., and for the past two years commandant of the Cavalry cadet regiment and professor of military

I can place at once between 1000 and 6000 acres of wild land, provided same is good for agricultural purposes. Must be reasonably close to railroad; also the price must be right. Write giving full particulars or call at 203 Corbett Bldg. H. CHAPIN, Real Estate

THE PORTLAND EUROPEAN PLAN MODERN RESTAURANT. SPECIAL RATES MADE FOR TOURISTS AND COMMERCIAL TRAVELERS. HEADQUARTERS FOR TOURISTS AND COMMERCIAL TRAVELERS.

HOTEL OREGON. CORNER SEVENTH AND STARK STREETS. Portland's New and Modern Hotel. Rates \$1 per Day and Up. EUROPEAN PLAN. WRIGHT-DICKINSON HOTEL CO., Props.

NEW PERKINS. Fifth and Washington Sts. Opened June, 1908. A hotel in the very heart of Portland's business activity. Only hotel equipped with wireless telegraph.

THE IMPERIAL. Oregon's Greatest Hotel. 350 Rooms, 104 Suites, With Private Baths. NEW FIREPROOF BUILDING. Moderate Rates. Phil Metschan & Sons, Props.

NORTONIA HOTEL. ELEVENTH OFF WASHINGTON ST. BEAUTIFUL GRILL ROOM. European Plan. Rates to Families. Sample Suites with Baths for Commercial Travelers. MODERN COMFORTS. MODERATE PRICES.

THE CORNELIUS. "The House of Welcome," corner Park and Alder. Portland's newest and most modern hotel. European plan. Single, \$1.50 and up. Double, \$2.00 and up. Our omnibus meets all trains. C. W. CORNELIUS, H. E. FLETCHER, Proprietor, Manager.

THE NEW SEWARD. Corner 10th and Alder. The leading hotel of Portland, opened July 1909. Modern in every detail, furnished in elegance. Most beautiful corner lobby in Northwest. Commodious dining room. European plan. Rates \$1.50 and up. "Bus meets all trains. W. M. SEWARD, Prop.

HOTEL LENOX. CORNER THIRD AND MAIN STS. PORTLAND, OREGON. European Plan. Hot and Cold Water. Long Distance Phone in Every Room. RATES \$1.00 and up.

HOTEL POTTER. OFFERS THE MAXIMUM OF COMFORT AT A MINIMUM OF EXPENSE. Situated amidst the most perfect surroundings, facing the broad Pacific, with the beautiful Santa Inez Mountains forming the background. Can accommodate 1000 guests, and offers the best in service and equipment.

HOUSEHOLD NEEDS. Coal CHURCHLEY BROS., wood and coal Marshall. Florist Cut Flowers always fresh from the Garden. Coal Richmond and Welland Australia.

OREGON HUMANE SOCIETY. PRESIDENT, Main 808. SECRETARY, Main 558. HUMAN OFFICER, East 47th.

WILL BUY LOT AND BUILD YOU A HOUSE IN LAURELHURST. WILL H. WALKER. 822 Chamber of Commerce. Phone Main 5335.

NOB HILL APARTMENT SITE. Apartment site in the heart of the city. Open all the year round, and is operated on the American plan only, with rates from \$3.50 a day and upward for each person.

MORTGAGE LOANS. ISAAC L. WHITE. 331 Sharlock Bldg. MORTGAGE LOANS. GEORGE BLANK, PUBLIC ACCOUNTANT. 322 Worcester Bldg. Phone Main 371, A 4013.

AUCTION SALES TODAY. At Becker's Auction House, 182 Park street. Furniture, rugs, etc. Sale at 10 o'clock. Baker & Son, auctioneers.

MEETING NOTICES. HALL FOR RENT—N. 17th and Marshall. Dancing school, lectures, entertainments, reasonable. Main 1181.

VEN. MASTER. CORINTHIAN CHAPTER NO. 84. O. E. S.—Regular communication this evening. Masonic Temple, 8 o'clock sharp. Degrees under W. M. ELIZABETH SILKNETTER, Sec.

DEAD. COWVILLE—In this city, February 7, at the family residence, Belmont street, the late Mrs. Mary Cowgill, aged 81 years, wife of H. E. Cowgill, member of H. J. Lehigh Lodge, No. 104, I. O. O. F., announced of funeral later.

FUNERAL NOTICE. HERALD—At the family residence, 506 Jentry st., Nashville, Moore, Scott, etc., February 7, Mrs. Sophia Herald, aged 65 years, beloved husband of H. E. Herald, brother of W. H. Herald, died at 2 P. M. today (Tuesday). Funeral services will be held at Episcopal Church at 2 P. M. today (Tuesday). Interment Multnomah Cemetery. Friends invited to attend.

ELLIS—In this city, February 7, at 825 Michigan ave., Edward J. Ellis, aged 40 years, beloved husband of Mrs. E. B. Ellis, brother of W. H. Patterson, died at 10 P. M. today (Tuesday). Funeral services will be held at St. Paul's Episcopal Church at 2 P. M. today (Tuesday). Interment Multnomah Cemetery. Friends invited to attend.

PATTERSON—In this city, February 7, at the residence of Mrs. W. H. Patterson, 1145 1/2 E. Adams, died at 10 P. M. today (Tuesday). Funeral services will be held at St. Paul's Episcopal Church at 2 P. M. today (Tuesday). Interment Zion Cemetery. Friends invited to attend.

DELAET—In this city, February 8, at his late residence, 210 Union ave., Peter DeLaet, aged 72 years, died at 10 P. M. today (Tuesday). Funeral services will be held at St. Paul's Episcopal Church at 2 P. M. today (Tuesday). Interment Multnomah Cemetery. Friends invited to attend.

ANDERSON—The funeral services of the late Peter Anderson, who died at his residence, 208 North, at 2 P. M. today (Tuesday). Friends invited to attend. Interment Zion Cemetery.

HOWARD—In this city, Feb. 8, Harry B. Howard, aged 72 years, died at his residence, 715 1/2 E. Adams, at 10 P. M. today (Tuesday). Funeral services will be held at St. Paul's Episcopal Church at 2 P. M. today (Tuesday). Interment Zion Cemetery. Friends invited to attend.

EUSTON—In this city, February 7, at the home of her son, 303 Dequay street, Elizabeth Euston, aged 72 years, died at 10 P. M. today (Tuesday). Funeral Tuesday, 1:30 P. M. at the home.

Funeral Directors. 7th and Commercial. Mrs. J. P. Finley & Son, 3d and Madison. J. P. FINLEY & SON, 3d and Madison. J. P. Finley & Son, 3d and Madison.

ERIKSON CO.—Undertakers, lady assistant. 409 Alder. LERCH, undertaker, 420 East Alder. Phone 781, B 1888. Lady assistant.

REAL ESTATE DEALERS. Andrews, F. V. & Co., M. 2249, 20 Hamilton bldg. BAIRD & BROWN, 512 Henry Bldg.

Chapin & Herlog, 332 Chamber Commerce. Cook, B. S. & Co.,