

# 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.

### 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 Henney as a witness, who volunteered responsibility for all editorials printed in the paper, and made reference to the attitude of Secretary Hitchcock in ordering Hermann to retire as an indication of the pursuit of an upright course in investigation of the land frauds.

### 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 Washington trial, 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.

### 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.

### 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."

### 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.

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### 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 Benson 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 Salem 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 of Tracy C. Becker. 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, who were called by Henney.

Mr. Reese testified that as a resident of Iowa and a constituent of Chairman Lacey, he was appointed clerk of the House of Representatives in 1885, and that he remained in such position until 1897. He was in Washington, he said, during the Hermann trial as Commissioner of the General Land Office, and remembered that Hermann frequently conversed with Chairman Lacey, and at one time appeared before the committee on the subject of public lands in 1885. He asserted that Hermann urged the repeal of the lieu land act, or its amendment in such manner as to force upon the Government 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 had a plan. He called a witness called last week as a witness for Hermann, testified that he visited the office of Meldrum in 1902, 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 he came to Portland in January, and soon after met Rowland of the Surveyor-General's office on the street. He informed Rowland he was going to see what was going on in the case of the Robinson report. "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 on further cross-examination. Patterson had testified for the Government that he had seen Mays and Hermann in the office of Meldrum in 1902. 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 announced his position 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.

### Witness Stood.

W. C. Greaves was then sworn to 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 the witness, the evidence of Herman Baumboer. Baumboer 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 notebooks which Meldrum asserted had been examined by Hermann and Mays. Attorney Henney recalled Meldrum, who testified that Baumboer visited his private office fully 30 minutes before the Hermann and Mays trial, and that Baumboer 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.

### SUICIDE VERDICT IS RENDERED

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 should be done with the body, but it is understood that it will be sent to El Paso where her divorced husband makes his home.

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

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## 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. You will also find this simple remedy excellent for whooping cough, h, bronchitis, hoarseness, chest pains, etc. This recipe will not work with any of the weaker pine preparations. Use the real Pine itself, which is the most valuable concentrated compound of Norway White Pine Extract. Your drug-gist has it, or can easily get it for you. Strained honey can be used instead of the syrup, and makes a very fine honey and pine tar cough syrup. "Some of the best known druggists here, as Laue-Davis Drug Store (distributors), and others think so well of the above prescription that they guarantee it to give perfect satisfaction or refund the purchase price."

As soon as Haynie is able to be moved from the local hotel, where he is under the care of a physician, it is said he will go to Forest Grove, and live with an uncle, until he is able to travel south to his family in Texas.

### 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. The suit was filed by Frank R. Shinn and Louis G. Addison, of Columbus, O., who represent the Eastern bondholders, and Frederick S. Stanley, Roscoe Howard and the Merchants' Saving & Trust Company, of Portland, are named as respondents. The affairs of the irrigation company have been in litigation for some time, this being the second suit brought against the company, and the result of its financial failure is long and complicated. It is alleged in the complaint filed yesterday that the company has defaulted in paying the interest on bonds March 1 and September 1, 1909. The court is asked to foreclose against the company in the year 1904, as well as to appoint a receiver.

### 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 sands affected by the recent Supreme court decision. It is the intention to arrive at some agreement as to the extent of the fishing ground that belongs to Oregon, so the licenses may be collected by this state.

### 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 the Dalles, is completed, with the instruments and wires all in place and thorough tests have been made. Communication has been established with Spokane, North Yakima, Wenatchee, Walla Walla and St. Helena, where other wireless stations have lately been located.

### 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 was out on the river between this place and Raymond, intercepted and captured a large buck deer, as it was swimming the river a short distance above this place. The boys were offered \$10 for it on the spot, but refused the offer. They have not decided what disposition they will make of it.

### 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. Besides the grand chancellor, the local lodge had as guests 25 members from the K. of P. lodge in Camas. Degree work was put on, and following the business session a banquet was served in honor of the visitors.

### 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 10 years in command of the 1st 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

## AMUSEMENTS.

**BUNGALOW THEATER**  
12th and Morrison Sts.  
Phone Main 117 and 1224.  
LOUIS JAMES  
Assisted by Aphie James  
TONIGHT—A "REVENGE"!  
Special Price Matinee Tomorrow  
Last Time Tomorrow Night  
"THE MERCHANT OF VENICE"  
Evenings \$1.50 to 50c; Matinee \$1.00 to 50c.

**BAKER THEATER**  
Main 117 and 1224  
Tonight, All Week, Bargain Mat. Wed., 25c.  
Fred M. Block Co. present  
"THE RIGHT OF WAY"  
Dramatized from the powerful novel by Sir Gilbert Parker.  
Strong cast—Original Production.  
Sat. Mat., 25c, 50c; Evenings, 25c, 50c, 75c, \$1.00. Next Week—"Wildfire."

**Opheum** 15-25-50c  
NIGHTS  
THEATER 15-25-50c

**GRAND**  
WEEK OF FEBRUARY 7.  
World's Greatest Acrobats.  
Montrose Troupe  
7—People—7  
Mather & Bannan.  
Matinee every day, 25c; evening, 50c.  
Evening performances, 7:30, 9:15; balcony, 75c; lower floor, 50c; box seats, 50c.

**Portland Theater**  
Matinee Thursday and Saturday.  
PONTIAC  
"DEADWOOD DICK'S LAST SHOT."  
Popular prices, 20c to 50c; matinee, 10c and 25c.  
Next week, "Sail, the Circus Gal," same company.

science and tactics, has been detailed for another year at the college. Captain McAlexander took charge of the military work here in the Summer of 1907. Last year the instructor ranked the college first among the agricultural colleges and as one of the three highest out of the 30 military institutions.

### Soldier Dies in Post Hospital.

VANCOUVER BARRACKS, Wash., Feb. 7.—(Special.)—George L. Loney, Company K, First Infantry, died at the post hospital at Fort Walla Walla Saturday from pneumonia. Loney was a veteran of the Civil War and of various other wars since that time. He had been in the First Infantry, now stationed at Vancouver Barracks, for a number of years and would have been retired in a short time.

### O. A. Students to Study High Living.

OREGON AGRICULTURAL COLLEGE, Corvallis, Feb. 7.—(Special.)—The students of the Oregon Agricultural College will be the first task undertaken by the Student Economics Club, which has just been organized at this college. The club has been created for the purpose of investigating and discussing contemporary economic problems. The following students have been elected to office: President, E. B. Stanley; vice-president, A. A. Ashahr; secretary and treasurer, A. V. Swarthout. The club will meet twice each week.

### Oswego Pioneer is Buried.

OREGON CITY, Or., Feb. 7.—(Special.)—A. McMeath, aged 71 years, who died at Oswego yesterday, was buried in the Oswego Cemetery today. The deceased was a well-known citizen.

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**THE PORTLAND**  
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EUROPEAN PLAN  
MODERN RESTAURANT  
COST ONE MILLION DOLLARS

**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. Every convenience for comfort of commercial men. Modern in every respect. Rates \$1.00 and up.  
F. J. Richardson, Pres. L. Q. Sweetland, Sec. and Mgr.

**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 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 RAMAPO**  
Corner Fourteenth and Washington  
New Hotel, Elegantly Furnished  
Rates \$1.00 and Up  
Special Rates for Permanents  
European Plan. "Bus Meets All Trains."  
M. E. FOLEY, PROPRIETOR.

**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.  
Has its own Country Club, situated in a beautiful park of 2000 acres. Its Golf Course is the sportiest in CALIFORNIA, and a competent instructor is in attendance. Polo, Tennis, Boating, Fishing and Motoring every day in the year. Guests of the Hotel are entitled to all Club privileges.  
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.  
Wire your reservations at our expense.  
MILO M. POTTER, Manager.

**SANTA BARBARA**  
PUBLIC ACCOUNTANT.  
421 Broadway  
Phone Main 571, A. 4011.

**HEADQUARTERS FOR TOURISTS and COMMERCIAL TRAVELERS.**  
Special rates made to families and single gentlemen. The management will be pleased at a time to show rooms and give prices. Free breakfast. Turkish Bath establishment in the hotel.  
H. C. BOWERS, Manager.

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**AUCTION SALES TODAY.**  
At Baker's Auction House, 182 Park Street, Furniture, rugs, etc. Sale at 10 o'clock. Baker & Son, auctioneers.  
At 211 First St., big furniture sale, 11 A. M., by the Ford Auction Co.

**MEETING NOTICES.**  
HALL FOR RENT—N. 17th and Marshall. Dancing school, lecture, entertainments, reasonable. Main 1181.  
A. AND A. S. RITE—Meeting tonight, social only. By order Ven. Master.  
CORINTHIAN CHAPTER NO. 54, O. E. S.—Regular communication Wednesday morning at 9 o'clock at the Temple, 8 o'clock sharp. Deacons order W. M. ELIZABETH SILKNETTER, Sec.  
SAMARITAN LODGE NO. 2, I. O. G. T.—All members are requested to meet at 10 o'clock, at the hall, 17th and Marshall, Wednesday morning at 9 o'clock to discuss the funeral of our late brother, E. H. Elliott. This is a special meeting. Announcement of funeral later.  
SHAWER—In this city, Feb. 7, at the residence, 347 Green St., Mrs. Sarah Shawer, aged 73 years, 6 months, 7 days. Announcement of funeral later.

**FUNERAL NOTICE.**  
HERALD—At the family residence, 506 Jentry St., Nashville, Tennessee, on Saturday, February 7, Mrs. Sophia Herald, aged 42 years, 5 months and 15 days. Friends invited to attend funeral services Wednesday morning at 10 o'clock at the Episcopal Church at 2 1/2 Lents. Methodist Episcopal Church at 2 1/2 Lents. Funeral Tuesday, February 8, Interment Multnomah Cemetery. Friends invited to attend.  
ELLIOTT—In this city, February 7, at 825 Michigan Ave., Edward W. Elliott, aged 40 years, beloved husband of Mrs. E. B. Elliott, brother of W. H. Patterson. Friends invited to attend funeral services Wednesday morning at 10 o'clock at the Episcopal Church at 2 1/2 Lents. Funeral Tuesday, February 8, Interment Zion Cemetery. Friends invited to attend.  
PATTERSON—At Roseburg, Or., February 6, James H. Patterson, aged 80 years, husband of Mrs. A. B. Patterson, D. D. Patterson and the late W. H. Patterson. The funeral services will be held at Fitzgerald's Mortuary, Roseburg, Or., on Tuesday, February 8, at 2 P. M. Friends invited. Interment Zion Cemetery.  
DELAET—In this city, February 6, at his late residence, 210 Union Ave., Peter DeLaet, aged 72 years. The funeral services will be held at the First Baptist Church, Vancouver, Wash., at 1:30 P. M. today, Tuesday. Friends invited. Interment, Vancouver, Wash.

**HOWARD**—In this city, Feb. 6, Harry B. Howard, aged 72 years, 11 months and 15 days. Friends invited to attend funeral services Wednesday morning at 10 o'clock at the Episcopal Church at 2 1/2 Lents. Funeral Tuesday, February 8, at 2 P. M. at the home.  
DUNNING & McEATON, Funeral Directors, 715 Broadway, Phone Main 221. Lady Assistant, Office of County Coroner.

**ZELLER-BYRNES CO., Funeral Directors,**  
201 Williams Ave.; both phones; lady attendant; most modern establishment in the city.  
EDWARD HOLMAN CO., Funeral Directors, 230 3d St., Lady Assistant, Phone M. 507, J. P. FINLEY & SON, 3d and Madison, Lady attendant, Phone Main 9, A. 1599.  
EAST SIDE Funeral Directors, successors to E. S. Dunning & Co., 232 E. 5th St.

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

**CLASSIFIED ADVERTISING RATE**  
In Effect November 1, 1908.  
Daily or Sunday.  
One time..... Per Line  
Same or less than one time..... 150  
Same or less than two times..... 250  
Same or less than three consecutive times..... 350  
Same or less than four consecutive times..... 450  
Six words count as one line on each insertion, and no ad counted for less than two lines. When an advertisement is not run consecutive times the one-time rate applies.

**REAL ESTATE DEALERS.**  
Andrew, F. V. &