

NOT GUILTY, SAYS JURY OF HERMANN

No Wrong Done in Destroying Books.

HERMANN VOICES HIS RELIEF

Says Record Is Open and Never Feared Exposure.

JURY CONSULTS ALL NIGHT

Judge's Charge Favorable to Hermann and After Hearing it the Jury Quickly Agrees—Trial Extraordinarily Long.

OREGONIAN NEWS BUREAU, Washington, April 27.—Binger Hermann walked out of court today a free man. No longer does he rest under the charge of having fraudulently destroyed 35 letterpress copybooks just prior to his retirement from the office of Land Commissioner. That he destroyed the books he does not deny, but that he did so with wrongful intent is denied by both Hermann and the jury, and his judgment is final. His so-called private letter books may have contained some official letters, Hermann may or may not have known of this fact, but the jury has held that he did not fraudulently destroy the books. He did not destroy them for the purpose of impairing the usefulness of the records of the general land office nor to cover his own tracks, and so holding, the jury set at naught more than six weeks' testimony introduced by the government to show a motive.

Gets More Instruction, Then Agrees. The jury brought in its verdict of acquittal at 12:30 o'clock. The jury went out yesterday at 3:25; it had not agreed at 10 o'clock last night and was locked up. It had not agreed when court met this morning, but at 11:30 asked that the judge repeat his charge. Justice Stafford devoted exactly one hour to reviewing the most important features of his charge, and the jury at 12:30 again retired. In a few minutes word was sent to the court that an agreement had been reached. In the meantime Hermann and his counsel, his wife and friends had left the court and the judge was at lunch. A hurried search was made, the principals were brought in, and in response to a question of the judge, the foreman of the jury replied that a verdict had been found.

"What is your verdict?" the court asked.

"Not guilty," was the reply.

Demonstrations of Joy.

As the words were uttered H. P. Gately, Hermann's son-in-law and associate attorney, jumped up, threw his arms about Hermann's neck, and the two affectionately patted each other on the back. Meanwhile each juror was asked if he found the defendant not guilty, and replied affirmatively.

On motion of counsel, Hermann was discharged and released from bond and the jury was dismissed.

Hermann at this point walked over to the jurybox and shook hands with each individual member of the jury, thanking him warmly. He also shook hands with some of the court officials, but overlooked the District Attorney and his associates. Mrs. Hermann did not return to court in time to hear the verdict.

"It is a very strange thing that a man should be in public life 40 years, and be the kind of man painted by the prosecution," said Hermann afterward, "and not

be found out until the end of that time. My life has been in the open. I have long been before the public eye, and never had any fear of exposure. I am intensely gratified at the finding of the jury. It was only a fair verdict."

Judge's Charge Convinced Jury.

It is commonly reported that at the outset the jury stood seven to five for acquittal. This morning all but one juror was won over and a reputation of the Judge's charge readily convinced him that his 11 associates were correct.

The Judge in his charge, today as yesterday, made it plain that unless the jury was satisfied beyond all reasonable doubt that Hermann was guilty of every charge of the indictment, it must return a verdict of not guilty. It was not enough that the jury be convinced Hermann's letter-books contained official letters; not enough that it be convinced the books formed part of the records of the Land Office or that they were referred to by the Land Office employees; that it must be satisfied that Hermann knew their con-



Emma Eames, Who Has Been Granted Divorce from Julian Story.

tents to be official, knew that in destroying them he was destroying records that would be called for in connection with subsequent Land Office business, and that it must further be convinced that the custom and practice of the office required that such letter-books be left permanently in the Land Office.

The fact that a repetition of the charge quickly convinced the outstanding jurymen of his error is regarded as conclusive evidence of the friendly tenor of the Judge's charge.

Hermann has made no plans for the future. He will eventually return to Oregon, but whether he will again venture into politics is yet to be determined. He said tonight that his time had been so engrossed with the trial that he had given no thought to the future. He stated, however, that the verdict was not a surprise to him. He had been conscious all along of his innocence and having every confidence in the fairness of the jury, felt no concern about the outcome. He expressed deep gratification at the fairness of the Judge's charge to the jury.

Tonight Hermann is receiving scores of telegrams of congratulation, besides receiving friends and telephone messages.

In the length of time consumed and the amount of testimony taken, the Hermann trial exceeds all records of late years. In proportion to the gravity of the offense alleged it is without precedent in local court annals. It is the second trial ever brought under that section of the statutes prohibiting the destruction of public records and, like the first trial, resulted in the acquittal of the defendant. Nearly 2,000,000 words of testimony were taken, and it is estimated that the stenographers' bill alone is about \$15,000.

HERMANN'S FRIENDS JUBILANT

Think Government May Not Push Oregon Indictments Now.

Whether Binger Hermann, who, according to a Washington, D. C., jury, was not guilty of destroying Government letter files, will be tried on the three conspiracy indictments is a matter of some speculation. All the evidence worked up against Hermann upon which these three indictments were found was collected by Francis J. Heney, W. J. Burns and Thomas B. Noubausen, and at the time they were

(Concluded on Page 3.)

EMMA EAMES HAS DIVORCED STORY

Singer and Artist to Go Separate Ways.

MEDDLING WOMEN THE CAUSE

Carried Evil Reports of Husband to Mrs. Story.

WILLCOX'S FINANCES GOOD

Cousin Says That He Was Not Financially Embarrassed.

WILL NOT TALK POLITICS

War Secretary Heads Off Demonstration and Speaks of Yale's Greatness—Death of Foraker's Brother Stills Controversy.

CINCINNATI, O., April 27.—Smoking the pipe of peace with his friends, but carrying a war bonnet within easy reach, Secretary of War Taft today returned to his home reservation. His public utterances were devoid of political import and his private words were of harmony and good will. During the afternoon he sat in political council with the wise men.

The Secretary himself was silent upon all matters relative to the Presidency. Senator Foraker, leader of the faction opposing the Secretary in this state, sustained a deep personal sorrow in the death of his brother, James R. Foraker. It is therefore certain that there can be during the present trip no political argument or debate between the Secretary and the Senator.

Hailed as Next President.

The friends of the Secretary were more demonstrative than he, and chief among them were the men from Yale, who came here, as did the Secretary, to attend the annual convention of the Associated Western Yale Clubs. Mr. Taft, as president of the organization, presided at the business meeting this morning and at the banquet this evening. Although the Secretary said he did not allude to politics, there was no such restraint upon the young men from Yale. They hailed from nearly every state and their allusions to the "next President of the United States" were frequent and popular. The Secretary ignored the demonstrations as well as he could.

The first outbreak came in the morning.

The Secretary, as presiding officer, had announced the personnel of a nominating committee and mentioned the offices they were to fill. As he finished a voice offered the amendment of "and so nominate the next President of the United States." A spontaneous yell came from the convention, but the Secretary was apparently unmoved.

Declares Boom Out of Order.

"The gentleman is out of order," said the Secretary with such a look of precision that the men who had cheered tried to make up for their own misconduct by glaring with strong disapproval at the man who had led them astray.

At tonight's banquet, signs of the coming Presidential campaign were plentiful.

The Secretary was noncommittal, but for the men from Yale the bow of Presidential promise was already arching the sky and it formed a political halo for the head of Taft of Yale.

Mr. Taft delivered the first address of the evening. He pointed out that the formation of Yale clubs and clubs of the graduates of other institutions had grown into a custom, and he briefly outlined the idea which led to the formation of the Western Federation of Yale Clubs, which had its first meeting in Chicago two years ago, its second in St. Louis and now its third in Cincinnati. The advantage of such an

HERMANN'S PARTY OF OFFICE HOLDING RELATIVES

organization, to his mind, is that it makes for the good of Yale in that it rouses interest in the university the country over and binds together in sweet memories the members of the organization. He continued:

Influence of Yale in Nation.

The effect, therefore, of an association which spreads the evangel of the Yale spirit through the country by bringing to the university students from all over the country continues and adds to the character that Yale has always enjoyed. Another benefit which follows from the organization of a club, or an association of clubs like this, is the fact that it furnishes an opportunity for the crystallization and expression of opinions by the alumni of the university upon the broad policies to be pursued in the progress which the university makes.

Like every good thing in the world,

HOWARD GOULD IN NEW TROUBLE

Sued for \$250,000 by Would-Be Witness.

SUGGESTION OF BLACKMAIL

Plaintiff Notorious Under Several Names.

GOULD'S MARITAL AFFAIRS

Having Separated From Masterful Wife, He Contemplates Legal Action and Woodward Offered Testimony Very Delicately.

NEW YORK, April 27.—(Special.)—A summons was served upon Delancey Nicoll today by attorneys for William Carroll Woodward, notifying him that suit for a large sum of money, believed to be \$250,000, would be begun within 30 days against himself and Howard Gould for breach of contract. Mr. Nicoll, as attorney for Mr. Gould, acknowledged service. Later it was ascertained that the plaintiff, Woodward, volunteered to furnish evidence in the interest of Mr. Gould in a contemplated legal action which Mr. Nicoll had in hand.

He wanted compensation for his services. These consisted in giving his own testimony in a delicate manner as well as obtaining other evidence along the same lines. Police Inspector McLaughlin was said to have been working in the interest of Mr. Gould. The offer of Woodward was tentatively considered and his alleged testimony investigated, and it was learned that it would be unwise to place him upon the witness stand.

Woodward Has Other Names.

Another attorney who has been mentioned in connection with the case is Chandler A. Oakes. When found in the Hotel Cadillac tonight, Mr. Oakes said: "I am not in any way connected with the case. All that I know about it is that Delancey Nicoll called me into his office some months ago to consult with me about a matter with which Woodward was said to be connected. I know Woodward. He is 'Billy' Woodward, sometimes known as 'Big Hawley,' and the same man who, as the 'Hon. Lionel Musgrove,' cut such a swath in English society some time ago."

Gould Couple Separated.

Although he was devoted itself, for years submitting to every whim of his masterful wife, who was Katherine Clemmons, an actress, before he married her, Howard Gould, much to the amazement of the public, also of his friends, took up his residence apart from his wife in September last, making his home at the Waldorf-Astoria, while Mrs. Gould put up at the St. Regis and subsequently retired to her country home at Sands Point.

Immediately after the return of the Goulds upon their yacht, the Niagara, last September, the couple separated and the estrangement became so pronounced that friends of the pair sought to ascribe the difficulty to disagreement over the employment of servants.

It is said that Mrs. Gould, who is represented to have run things her own way about Castle Gould, differed with her husband over the employment of a superintendent. She desired to have the man discharged. It was said, and Mr. Gould declined.

Her success in America followed. They apparently lived harmoniously until about two years ago. It was reported that the trouble between them dated from a mask ball given at the Bellevue Stratford last year by Story, and his supposed infatuation for a debutante who was present. This was, however, denied by him subsequently and he declared that no other woman was concerned in the case. More than this he would not say.

Madame Eames was born in 1857 in Shanghai, China, where her father was a lawyer. She was brought to America when a child and educated in Boston. Later she went to Paris to study music and made her debut in 1882 at the Paris Grand Opera in Gounod's "Romeo et Juliette."

Julian Story is a son of the sculptor, W. W. Story. He was educated at Eton and Oxford and lived in Paris from 1882 until his marriage. The Storys had two homes abroad. One was in Paris, No. 9, Place des Etats Unis, the other in Italy. It is known as the Torre di Campiglioni, and is a two hours' drive from Florence.

WILLCOX'S FINANCES GOOD

Cousin Says That He Was Not Financially Embarrassed.

NEW YORK, April 27.—David Willcox, who shot himself while returning from Italy on the steamer Tarbarossa, was not in a straitened condition, financially, according to his cousin, W. S. Willcox. Although he lost, heavily during the recent flurry in Wall street he was still a millionaire. W. S. Willcox, said today that, in view of the reports, he had investigated the safety-deposit vaults where his cousin kept his personal securities and found them intact.

CONTENTS TODAY'S PAPER

The Weather. YESTERDAY'S—Maximum temperature, 62 deg.; minimum, 40 deg. TODAY'S—Fair; northerly winds. Foreign. Gossip of European capitals. Page 53. New movement for Irish independence. Page 23. E. W. Wright on moral depravity in London. Page 42. Attitude of great powers on limiting armaments. Page 3.

National.

President Roosevelt visits Jamestown and returns to Washington. Page 3. Politics. Taft speaks at Cincinnati, and is boomed for President. Page 1. Bonaparte booms Taft. Page 1. Fairbanks speaks against state rights. Page 2. J. M. Beck savagely attacks Roosevelt. Page 3. Fairbanks applauds Roosevelt policy. Page 2. Senator Flint declares for Roosevelt's re-nomination. Page 2. Taft admits candidacy for President. Page 2.

Domestic.

Stuyvesant Fish sarcastic about Wall street. Page 1. Schubert's joint theater trust with all independent theaters. Page 2. Binger Hermann acquitted at Washington. Page 1. Emma Eames gets divorce; Story's friends blame meddling women. Page 1. Suit against Howard Gould seems connected with suit for divorce. Page 1. Exciting chase after criminals in Nevada. Page 3. All prominent labor leaders committed to defense of Moyer, Haywood and Pettibone. Page 3. Twelve miners drowned in flooded mine at Johnstown, Pa. Page 3. Tornado in Texas kills eight persons and does much damage. Page 3. Haskin on railway mail service. Page 35.

Sports.

All boats in Coast university races swamped in heavy sea. Page 14. Relay races at Philadelphia. Page 14. Hawley makes balloon ascension at St. Louis. Page 14. Pacific Coast. Chester Thompson may have to serve time in prison. Page 4. Because horse balked, Tacoma man pulls out its tongue. Page 4. Selton English nobility in jail at Spokane. Page 4. McManus trial suddenly adjourned by serious illness of juror. Page 5.

Portland and Vicinity.

South Portland mass meeting develops great bitterness against Southern Pacific Company and City Council over Fourth-street situation. Page 8. Strange story of Roland Willis' premature death and of wife's dream of details, both coming true immediately, is disclosed. Page 24. Boiler-makers' strike practically ended, 19 out of 28 returning to work. Page 24. Candidate Coffey speaks before Sellwood Republican Club. Page 9.

MISSED!

