NO. 4

HERMANN SECRETS SEALED BY COURT

Heney Not Allowed to Bring Out Letters in Tomes Destroyed.

TELEGRAM TO MAYS CITED

Destruction of ex-Commissioner's Press-Copy Volumes Revived. Judge Bars It as Inference. Defense on Tuesday.

Refusal of Judge Wolverton to allow Prosecutor Heney to show that letterpress copybooks destroyed by the former Land Office Commissioner contained evidence necessary to connect Hermann with the Blue Mountain conspiracy, marked the end of the second week of the trial. The Government attempted to prove that the books referred to were removed from the office and destroyed when Hermann resigned.

Irvin Rittenhouse was on the witness stand and had testified that it was the practice in the General Land Of nce, in the incumbency of the defendant, to divide the mail before it was opened. All letters from Oregon, which were marked personal or confidential, were sent to the Commissioner for his personal attention. Hermann would examine the communications, forward many of them to various departments for replies, and retain others for his personal attention. Replies to personal letters would be dictated to Ritten house, acting as private stenographer and would be copied in the books which have disappeared. In ruling against the evidence brought by the prosecu-

tion, Judge Wolverton said, "In showing that the records were destroyed the inference is sought to be left with the jury, that Mr. Hermann was destroying copies of letters cornecting him with the Blue Mountain Forest Reserve conspiracy. This is going too far outside the record."

Rittenhouse was excused from the stand after identifying a telegram which Hermann sent to Mays, June 25, 1902, and which was copied into the official records of the Land Office. It

Washington, D. C., July 25, 1962.

F. P. Mays, Portland, Or.:
Fifteen patents timber lands sent forward Roseburg Land Office. I recommended fliux Mountain Reserve with original Strawberry Mountain and later additions. The Secretary has approved the same.

BINGER HERMANN, Commissioner.

Attorney Heney then read from the record of testimony given by Hermann at the Washington trial. At that time thermann was acquitted of a criminal charge growing out of the destruction of from 25 to 15 letter press-copy books. Hermann at that time denied that he had ever had any conversation of any mation of the Blue Merve, and character with Mays concerning the for-mation of the Blue Mountain forest re-serve, and denounced the inslauation serve, and denounced the insinuation that he had communicated with Mays in any manner. He also referred to Mays as one of the leading members of the bar of Oregon, the District Attorney for the United States, coming from a good family and was a member of the State Senate for Multnomah County. Mays was not a resident of the district which the Commissioner had represented in Congress, the testimony read, and Hermann asserted that he had never had occasion to make his acquaintance in more than a casual way. Hermann, in the former testimony, admitted having been a candidate for the United States. been a candidate for the United States Senate, but said he had not asked Mays to vote for him for that position, or that he had talked with him about it. Her-mann further testified that he had never communicated with Mays in any manner. Hermann's testimony was read to the point where he had repeated that he had never had any communication with Mays, and that he only knew W. N. Jones and H. A. Smith in a casual way. Then Her-mann's telegram of July 25, 1902, to Mays was read by Attorney Heney. In the trial of Hermann at Washing-

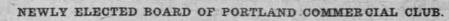
ton the record shows that two letters from Mays were introduced. Their con-tents are now placed before the present jury, with admissions made by Hermann that he was mistaken in his direct tes-timony, when he denied ever receiving them. There was no record of a reply, and for that reason Heney attempted to prove the burning of the press-copy books.

At this prior trial Hermann accounted for the telegram by saying that it was probably sent because of the two letters from Mays. He contended then that Mays' letters would show that Mays was taking an interest in the formation of the reserve and that the thought had occurred to the commissioner that Mays might like to know what had been d Hermann testified that the information was such as mights naturally be commu-The defendant in the Wash ington trial, denied that Mays had been in Washington to see lim about the is-suance of the la patents referred to in the message, but was not pressed to account for a reason for sending that

part of the message. At the Washington trial Hermann con tended that Mays was not a political lieutenant or supporter of himself as Congressman, and that when Mays was appointed United States Attorney for Oregon, the recommendation was decided upon by Senators Dolph and Mitchell.

He approved the appointment. Three Here From Washington.

When court convenes Monday morning the Government will, have three witnesses to examine, and will introduce a large amount of documentary evidence. The witnesses will be Valk, J. M. Mc-Vaine and W. Scott Smith, all from Washington.





F.I. FULLER

ion of Hermann on two occasions. "Citizen" informed the Commissioner of the land frauds being perpetrated through the manipulation of school lands. Other

letters of similar import from Colonel
J. A. Zabriskie and J. H. Snyder will
also be introduced. The communications
are intended to show that Hermann, as
a public officer, failed to take notice of
the information furnished him or to take
steps to check the plans of the conspirators.

Hermann has shown anxlety to become

a witness in his own behalf, but it has not been decided whether he will be called. The defense will begin to call its witnesses Tursday morning.

Attorney Worthington and Attorney Heney appear to be able to anticipate what each will do at certain stages of

the proceedings. Every document per-taining to the case is known by both rides. Many of the witnesses have testi-fled to the same points in other cases and for that reason it is judged that the case will be given to the jury at the close of another week.

RULE HITS SHINGLE MEN

O. R. & N. Trains Take Detour,

Owing to Floods.

The Washington division of the O. R. & N. was still in trouble through

floods yesterday and the through trains

to and from Spokane were sent over the North Bank. Dispatches received

by the head offices of the road last night state that the Pendleton and Wallula branches are in good shape now and that the Dayton line will be reopened today. The Pomeroy branch will not be in operation before Monday. A bridge has gone out in Hay Canyon between Riparia and La Crosse and last night more trouble in the

and last night more trouble in the canyon was reported, with poor prospects of getting that portion of the road in shape by morning.

The North Bank trains encountered but little trouble. The train leaving for Suckeys Bridge, 1981, we had a suckey with the control of the cont

for Spokane Friday night was held up seven hours by further trouble at Harbin and the night train from Spokane came through vesterday morning, three and one-half hours late. Later trains

Railroad Personals.

Guy'L. Anderson, secretary to Traffic Manager Miller, of the Oregon & Wash-ington, is in Seattle on a business trip. E. W. Brown, chief clerk in the of-

fices of the assistant general freight agent of the Great Northern at Seat-tle, is in Portland for a few days.

Assistant General Passenger Agent Scott, of the Harriman lines in Ore-gon, received a telegram yesterday an-nouncing that colonist rates on that

nouncing that colonist rates on that

system would be in effect from March 1 to April 13. The homeseekers' rates will also apply over the Harriman

WARDEN'S BARN IS BURNED

Game Law Breakers Take Revenge

for Arrest of Deer-Slayers.

CRAWFORDSVILLE, Or., Jan. 22 .-

arrived practically on schedule.









F. H. RANSOM

Railroads Discuss Change in Rout-

C.C. GOLT

A. Heppner, a manufacturer's agent and conclinary, was the most seriously injured. J. K. Kelley, a real estate man, was also hurt. Others in the party were Aaron W. Whitmer, a Portland real estate dealer, and Carl Lively, a broker. Mr. Whitmer, Mr. Lively and Mr. Zimmerman escaped without inthe Eastern buyers.
W. E. Coman, general freight agent of the Harriman lines in Oregon, returned yesterday from the Seattle meeting. He said that no decision was reached, but that committees were appointed to take up the subject and re-

The hole in the street was at a point where an excavation had been made for water pipes, and had been will be the concellman-at-Large, and second to take the place of Dan J. Kellaher, as The recent rains, however, caused the filling to sink, leaving a hole deep enough to be dangerous to motor vehicles. Both Mr. Kelley and Mr. Zim-NORTH BANK TRACKS ARE USED erman, who were scated in front, ought the hole was merely a shadow thrown by the nearest arc. light, and was made to diminish the many colors,

A change in transit and routing privileges now granted to shingle shippers has been proposed to the railroads by the shingle manufacturers of the Northwest, which, if adopted, would change completely a method now largely in use in the handling of that product of the mills.

General freight agents of the transcontinental roads were called into conference by the manufacturers in Seattle Priday and the proposal was submitted. Under the present method shingles are handled largely through brokers. A broker may buy several carloads of shingles and hold them in transit while he negotiates for the sale to Eastern buyers. In the meantime he may secure an advance of a considerable portion of the value of the shingles from a bank by depositing his procedure of lading and the private product of the machine. The car bounded out of the hole, veering to one side and striking a tree, which crushed in the top of the automobile.

Mr. Heppner was pinjoned upon the tear seat, and would perhaps have been fatally injured had it not been for the prompt action of his friends in extricating him from his painful position.

J. K. Kelley is Bruised.

As a result of a hole in the street which looked like a shadow, a large automobile owned by W. J. Zimmer-man who were seemed up and dreased, and from man, of the machinery firm of Zimmer-man to his own home, 370 East Tenth street. North, we were seved up and dreased, and from man, of the machinery firm of Zimmer-man to his home, was rapid out of the hole, veering to one side and striking a tree, which crushed in the top of the automobile.

Mr. Heppner was pinjoned upon the tear seat, and would perhaps have been fatally injuried had it not been for the paintup logistion.

Mr. Heppner was pinjoned upon the tear seat, and would perhaps have been fatally injuries were seat, and would perhaps have been fatally injuries and the top of the surface.

Mr. Heppner was pinjoned upon the tear seat, and would perhaps have been intainly injured but to the top of the surface.

Mr. Heppner was pinjoned out o and Ash streets, and containing a party of four men who were accompanying Mr. Zimmerman to his home, was rapid recovery is looked forward to wrecked at 6:30 o'clock on Friday night at East Ninth street and Broadway, and two of the occupants were injured. H. from the scene. The others were of their sents and escaped

Spanish Troops Return.

MADRID, Jan. 22.—The Spanish troops returning from Melilla were given a cor-dial welcome when they entered the city today. Madrid was gaily decorated with

Indebtedness Reduced \$32. 000 Last Year, Gain in Membership 156.

NET PROFIT IS \$36,000

Annual Meeting Held, New Board of Governors Chosen-Election of Officers Tuesday - Publicity Work Extolled.

Reports of a prosperous year in the Portland Commercial Club were pre-sented by the officers of the club at the annual meeting held last night in

The reports show that the club in one year reduced its indebtedness from \$48.000 to a present total of \$16,000 and that there are good prospects that the remaining liabilities will be wiped out in the coming year.

The club's gross income for the year from dues, membership fees, bachelors' quarters, restaurant, social and other features was \$193,000, and the net profits from the operation of the club aggregated \$36,000.

Last Friday the club reduced \$250.000.

Last Friday the club redeemed \$5000 in building bonds, which were not due until March. During the year furnishings were paid for in a total sum of \$29,000.

Following the reports of officers, members of the Board of Governors were elected for the ensuing year. Under the club constitution the board consists of 15 members, five of whom consists of 15 members, five of whom retire annually. The new members elected were C. C. Colt, president of the Union Meat Company; F. H. Ransome manager of the Eastern & Western Lumber Company; Fred West, manager of the Goodyear Rubber Company; F. L. Fuller, vice-president of the Portland Railway, Light & Power Co.; and E. B. Piper, managing editor of The Oregonian. The hold-over members of the beard are J. C. Ainsworth, George E. B. Piper, managing editor of The Oregonian. The hold-over members of the board are J. C. Ainsworth, George Lawrence, Jr., George W. Simons, H. Beckwith, W. J. Hoffman, James Jackson, T. W. B. London, Roger B. Sinnott, L. J. Wentworth and T. B. Wilcox, The retiring members were Tom Honeyman, Dr. J. R. Wetherbee, Henry McCraken, Sig Sichel and B. F. Trumbuil.

Luncheon Is Served.

The officers of the club will be elected at the first meeting of the Board of Governors, which will be held next Tuesday night. Those talked of for Tuesday night. Those talked of for president are Harvey Beckwith, T. B. Wilcox and George W. Simons. Incidental to the meeting a luncheon was served to the members in the ladles' dining-room. Elaborate decorations greeted the guests as they entered the coay room, and many exciamations of delight were heard. One feature of the decorations that attracted much favorable comment was a replica of the novel piece de resistance to the decorative scheme. When the club was smaller in

membership it was the custom to serve an annual banquet, but with a dining-room that will care for 400 and a membership of 1400, the banquet feature has had to be abandoned. The club's membership is now 1401, showing a gain of 156 new members for the year. bers for the year.

In his annual report, President J. R. Wetherbee covered financial conditions of the club in detail and devoted considerable attention to the publicity enterprise undertaken by the organi-Aside from this report, Mr. Wetherbee

year, explaining that the organization should be in a position to take advantage of offers made to buy back its building bonds under favorable conditions. Aside from this, he said, the upkeep of the club demanded a certain reserve fund; and he asked that a motion be made instructing the board of governors to maintain the dues as in the past. This motion was made and unanimously carried, the result/causing the retiring president to remark that he was glad the cfub had done away with the presence of "knockers" among its members, and urging that in the future this same unanimity of action be maintained on all subjects relating to the club's weifare. In his report Mr. Wetherbee said in

taining the monthly dues of the club a

present figure for at least another explaining that the organization

The management of this club requires constant attention to details. You will appreciate this fact when I tell you that she total receipts for the year have been more than \$182,000. This is for the commercial Club management alone and does not include the receipts from the building, which were \$63,320.26, making the total amount of eash handled through the Commercial Club office more than \$248,000.

The room account for the past year, after paying \$6000 to the rent fund and the expenses of operation shows a net gain from operation of \$471.71, which is very satisfactory. The next floor shove the billiard room pays \$250 a month, so \$3600 has been paid into the rent fund and charged to the billiard account.

Total Gain \$398.

Total Gain \$398.

After pflying salaries and other expenses, the total net gain from operation has been \$398. The rental for the office floor is charged to the general expense account, except \$1975 charged against the buffet. A cigar case is maintained in the office, and, after paying expense of operation, shows a net gain from sale of cigars of \$1122.81. The total receipts of this department have been \$5280.43.

The buffet has been charged its proportion of rent, \$1975, according to floor space occupied. The sales in this department have been \$24,088.08. After deducting expense of maintenance, the total net gain after operating this department has been \$6,294.46.

The restaurant occupies the whole top floor and bas been charged \$6000 rent. The total expense of operating this department was \$87,254.20. The loss from operation has been \$2800.20.

The majority of clubs do not segregate per total expense and charges 10 canh density and the rents and charges 10 canh density and the rents and charges 10 canh density that

heen \$2803.20.

The majority of clubs do not segregate rants and charge to each department, but pay club rentals out of the general expense fund. If your club dining-room had not been charged \$5000 a month rent, we would have made a profit in the dining-room of transfer. \$3136.74. Union League Excelled.

The annual report for the Union League Club of Chicago, which has a resident membership of about the same number as our club, showed a loss in the operation of its restaurant of over \$17,000, with no rent charged against the department. I think the club is to be congratulated on the excellent showing made in this department. The dining-room furnished over \$000 plates for banquets and small parties during the year and the receipts from this source were \$13.852.50.

The publicity department has made a good showing. Early in 1909, at the request of some of the members of the executive committee, your president undertook a campaign for more finds for this department and succeeded in the organization of the Five Hundred Thousand Club, and in securing a fund of over \$112.000 for the next two years work contributed by \$75 people, as against \$20.000 a year ago, contributed by 72 people.

The citizens of Portland responded hearts ity to this call. The work that has been done in the past in this department, I believe is apparent to all and is a phase of our club work that should be fostered and encouraged. The work of this department has given our lub a National reputation and we are but just beginning to reap the benefits of a Nation-wide publicity campaign.

SETH RIGGS PARTY HOME

Capitalist, Sister and Brother, Return From Illinois Trip.

Seth Riggs, a well-known capitalist of Portland, his sister, Miss Emma Riggs, and Cass Riggs, a brother, of Rickreall, Polk County, have returned from a five-weeks trip to Arensville eter about 35 deprees above zero. Four days' later, when they reached their destination, it was four degrees below ero-a condition they perienced in all their 50 years of life in

On December 20 they attended the 60th weiding anniversary celebration of an uncle and aunt. On their homeward trip they visited many of the principal cities on their chosen route, including St. Louis, Kansas City, Denver and made an carnest plea on behalf of main- | Salt Lake.

FLYERS DISPUTING

Claim Honor of Owning First Machine Here.

INVENTOR OFFERS WAGER

Buyer of Aeropiane Says He Expects to Make Money for Mount Hood Road by Exhibiting His

Purchase.

Some difference of opinion seems to exist between J. C. Burkhart, a local inventor, who asserts that he has per-fected an aeroplane that will fly, and Henry E. Wemme, president of the Portland Automobile Club, who purchased recently a Curtiss aeroplane, which has been tried and found to be

"bird machine, The dispute has arisen because of the claims of both men to having in-troduced the first machine of the kind n Portland. Wemme claims the honor because the Curtiss machine, purchased by him, has been demonstrated effectively, while the Burkhart contrivance is only an experiment and not yet completed. Burkhart asserts that all he claims for his machine will be proved in time, and he offers to wager \$100 that his aeroplane will prove a

Burkhart Offers Wager.

In speaking of Wemme's statement, published in The Oregonian yesterday, Burkhart made the following reply: "Let Wemme have the honor of intro-Let Wemme have the honor of intro-ducing the first aeroplane, if he really wants it and can jolly himself into thinking so, but I have had a handsome offer to display my machine at the Portland Automobile Show and shall do so. It is a cinch hat the Port-land Automobile Cub which is conisnd Automobile Club, which is conducting this show, is not going to pay its good money for something other than bona fide. Wemme is quoted as saying there is no assurance that my machine will fly. If he thinks so, I am willing to bet him \$100 right now that my aeroplane will do what any other aeroplane will do, thou h I shall not attempt a flight mail weather

other aeropiane will do, thou it I shall not attempt a flight until weather conditions permit.

"As for my machine not being completed, it is just as much so as is the aeropiane being imported here by Mr. Wemme. Furthermore, my aeropiane has been built in Portland, and will be manufactured here as soon as I am able to make demonstrative flights."

Replying to Mr. Duckbart. Replying to Mr. Burkhart's state-ment, Mr. Wemme said:

"I do not see any reason for Mr. Burkhart to become excited. I simply asserted that the Curtiss aeroplane have purchased is a machine that has been tried and proved, and such being the ease, I believe I have introduced the first aeroplane to the people of Portland. of Portland.

Wemme Suggests Trophy

"As for Mr. Burkhart's machine, I hope that it proves a fine proposition, and when he gets ready to make his demonstration I am ready to offer a trophy for the completion of its first flight. I hope be is successful with his invention, for if it is success, it will be a hig boost for Portland.

"My object in buying this aeroplane was not to use it myself, but to help raise funds for the completion of the Mount Hood road. I don't care whether I ever fly in the machine, but Mr. Covey will demonstrate it to the satisfaction of all concerned. I expect to "As for Mr. Burkhart's machine, I

faction of all concerned. I expect to make some money for the proposed road by exhibiting this machine, and that was my sole object in buying it. As for my making money personally out of the machine, I shall not be benefited one penny."

CLAN IS TO CELEBRATE Birthday of Robert Burns Will Be

Observed With Concert.

Under the auspices of Clan Macleay, Order of Scottish Clans, a concert will be given in the Bungalow Theater Tues-day night, January 25, to celebrate the fillst anniversary of the birth of Robert Burns, Some of the best local talent in

which is as follows:

Introductory remarks. Chief James Riach Stuart; bagpipe selections, Pipe Major J. H. McDonald: part song, fannasa of Burns' songs, Harmon; Guariet. Mrs. May Dearborn-Schwab soprano. Mrs. Lulu Dahl-Miller contraito. J. Ross Fargo tenor, J. Claire Montelth baritone: soprano solo. Jessie's Lream," Miss Jane Irene Hurns; dance. "Highland Fling." John Smith, of Blettraywire. Scotland: part songs (as 'Robin Adair." (b) "Serenade." Treble Clef Club; tener solo. "Loa Big." Mn. Fargo: contraito solo. "A Socteh Lullaby." Mrs. Miller; character sketch. Clansman J. D. Murray: part sons. "My Love Is Like a Red. Bed. Ross. 'Harmony Quartet; dance, "Sallor's Hornfilpe." (Clansman J. P. Robertson, soprano solo. "Cam' Ye, by Athole." Mrs. Schwab; contraits solo. "Turn Ye to Me. Mrs. Reed; bagpipe selections. Filper John Smith, bartone solo. "Berder Ballad." Mr. Montelth; port songs (a) "A Highland Lad My Love Was Born." (b) "A Honglong Romance." Treble Clef Club, "Aud Lang Syne."

JUROR OF '50 VISITS CITY

Anson S. Cone, Pioneer of 1846, Helped Convict Indian Murderers,

Anson S. Cone, a pioneer of 1846, and his nephew, E. A. M. Cone, a native of Oregon, residents of Marion County, near Aurora, were in the city a few

The elder Cone was one of the jurors before whom were tried the Indians who murdered Dr. Marcus Whitman, his wife, and 12 others, November 29-

PORTLAND NEWSBOYS'ASSOCIATION MAKING PROGRESS



Serious trouble has been brewing at Holly, three miles above here. A short time ago the deputy game warden arrested two men for killing deer out of season. A few days ago, while he was in the mountains watching for other alleged law-breakers, his barn was burned and several head of stock shot. Some of his family were at home at the time, but did not dare to leave the house to investigate for fear of being

be Government will, have three with eases to examine, and will introduce a large amount of documentary evidence. The witnesses will be Valk, Ji sand early game warden arrestly that it was called to the attention of the angular posted to the angular post of the association in the Commission posted on what was happened on the Commission posted on what was called to the attention of the propose of the purpose of the p