

HERMANN DENIES GOVERNMENT CASE PREFACE TO FINIS

Witnesses Pick Henry Meldrum's Testimony to Pieces and Defendant on Stand Contradicts Evidence.

Henry Hermann is denying bit by bit the case built up against him by Mr. Henry for the government. His witnesses have entered absolute denials of the testimony of Henry Meldrum, surveyor general, to the effect that Mays and Hermann discussed the creation of the Blue Mountain reserve in Meldrum's office.

Charles Holmstrom has denied the testimony of H. L. Patterson of Oregon City, who said that he had seen Hermann and Meldrum and Mays together in the office of Holmstrom, who was with Patterson, says that he never saw either Mays or Hermann in Meldrum's office, and that he never saw Meldrum about buying school lands, thus again giving Meldrum's testimony the lie.

Hermann Denies Meeting.
Hermann, himself now on the stand, was started in at the beginning of the government's case, and is contradicting the evidence right down the line. He denies that he ever met Mays in Meldrum's office. He denies that he ever discussed the Blue Mountain reserve with Mays. He denies that he discussed the reserve with Meldrum. He denies that he advised Meldrum to buy school lands, or that he discussed the reserve with Meldrum. He denies that he instructed Meldrum to give Mrs. Silverstein a chance to buy school land within the boundaries of the reserve.

Hermann explains all of his official acts as being diametrically opposite to the government's theory of the case. He was fighting the creation of reserves, not favoring them, he says. He brings the records of his office to back up his contention.

He denies that he knew anything of school lands in reserves until after he had passed the order for the temporary withdrawal of the Blue Mountain reserve. He says that he had ordered the withdrawal before he ever saw the Mays letters asking that the withdrawal be hurried up, or the protests against the creation of the reserve, which he does not remember to have seen.

Tells Story of Life in Oregon.
Mr. Hermann went on the stand yesterday afternoon about an hour before the adjournment and began his story, beginning with his advent to Oregon and passing to his resignation and to his administration of the land office and his reentrance to congress and his service there up to the time of his indictment. He has continued his story during the morning session today, and will be on the stand on direct examination during all of the afternoon, perhaps part way through tomorrow.

From the painstaking care with which Henry followed the testimony of the witness, and the quantity of the notes which he is making, it is evident that the big battle of the trial will be between Mr. Hermann and Mr. Henry in cross examination. When that begins the fireworks of the trial will be out off.

Attitude Made Public.
Mr. Hermann, continuing his testimony at the morning session, said his public interviews in the press represented his whole attitude on the forest reserve and public land question. He had sought a position for Mrs. Mada Silverstein because her father had been the friend, and she needed assistance.

Hermann said there were 14 divisions in the land office and at least 1,000 letters a day came to the office. When the assistant commissioner was absent Hermann said he had from 300 to 350 letters to attend to. When the assistant was there, 250 letters came to the witness to scan and sign. It took him two hours a day to sign the letters.

All Oregon mail came to him, and he had to attend to these personally, or have his secretary do it. The Oregon mail was enormously large, as very many people wrote him on personal matters. Much of this was the result of his former work in congress, his former constituents continuing to write to him. He never declined to answer a letter, or to do what he could for them in answer to their requests. He sought pensions, and positions. Therefore his personal mail was very large, and took an hour a day to dictate answers to.

Mail is Very Heavy.
His mail was always opened by his clerk before Hermann reached the office. The official mail, from Oregon and elsewhere, was sent to the respective departments. Much of this mail he would never see, and the matter was disposed of and came back for his final signature.

The mail from all members of the senate and house was given the right of way and was marked "special." The secretary of the interior's letters had the right of way over the congressional mail.

Whenever a letter came from a senator or congressman, on land matters, addressed to himself, he marked them "special" in red pencil, as a matter of special precaution lest a clerk not knowing the name should not know it was congressional mail.

Senators on Equal Footing.
Senators from Oregon received no attention above other senators, Hermann said. In special cases, where there were special reasons for hurry or remedy, the cases were expedited, Hermann said.

In the Mitchell letters, Hermann said, he remembered no reasons why they were made special for expedition, above any other senatorial letters, cases.

referred the matter to him, as commissioner. Hermann had opposed the project, holding that he represented the people and not the interests of the railroad company, and also because the western side of the reserve was largely unsurveyed. Many settlers were undoubtedly on these lands, working for the survey, and he held that the reserve was impracticable.

Opposed to Reserve.
Hermann had also held that a reserve was not called for there because of the humid climate and the rapid deforestation of the country there. Then again the reserve would encroach on old settled districts. If a reserve were created, it would practically disorganize Curry county, Hermann had held. He had insisted to the secretary that he had a personal knowledge of the district and he did not consider that the reserve would be just. He had believed that timber sharks were back of the project, and intended to work under the liep land act. He felt it was unfair and so opposed the reserve.

Hermann said he first learned that Professor Roth had gone over his head to the secretary about the withdrawal of the Willows reserve when Roth was on the stand in the present trial.

Opposed Willows Reserve.
Hermann said he had investigated the Willows reserve and found that there were many apparent speculative entries of sement. He decided to oppose the project. He was therefore much surprised to see the secretary's order of withdrawal. He decided to continue his investigation and try to undo the secretary's mistake. He had made a map, marking the suspicious entries, which he took to Secretary Hitchcock. The secretary was much astonished and he directed Hermann to prepare a modification of the order of withdrawal. This action was followed by an order of modification by Hermann sent to the secretary.

Hermann said that after the order for withdrawal of the Blue Mountain reserve had been made of record, he had told the press representative of the order and given him all the facts of the story. This action was customary.

Did Not Remember Telegram.
In regard to the Mays telegram announcing the withdrawal, Hermann said he had no remembrance of the telegram. It had gone out as hundreds continually did. He explained that telegrams were usually sent out in answer to telegraphic inquiries, in which case a clerk was usually instructed to search out the information and prepare an answer, which he brought to the commissioner to sign.

He denied most emphatically that he had any agreement, directly or indirectly, with Mays to give him the information. He would have given the same information to any person who had telegraphed about it, as it was a matter of public record.

Hermann contradicted the testimony of W. Scott Smith, Hitchcock's secretary, about leaks in the office. He said clerks had been tipping off hints of decisions in land cases. Hitchcock had insisted that the clerks should be called to account and the practice stopped. The conversation did not refer to forest reserve business, Hermann said.

Night Watchman Recalled.
Charles Holmstrom, the night watchman at the state capitol, was recalled at the opening of the morning session for cross examination by Mr. Henry. Henry tried to get Holmstrom to say that he had told L. H. McMahan of Salem that he was opposed to the land fraud prosecutions. Holmstrom could not remember the conversation. He said he was in favor of what was right. He had concluded that some of the land cases were pressed harder than the others. He had gained this idea from newspaper reading. He had always had a warm feeling for Hermann, but he did not know whether his prosecution was wrong or not. He felt a sympathy for him.

Holmstrom, being pressed by Henry, again said he could not remember saying to McMahan that he was opposed to the land fraud trials or that they were helping to cause the hard times.

Met Meldrum and Others.
He met Meldrum and a number of other men there, but he can not remember the names of any of them being in the vicinity of the present plant have patiently waited, believing this administration was about to relieve the situation by building a new incinerator and thus doing away with the obnoxious dump. Since the council has desired the wish of the people expressed by them at the polls last spring I am continually hearing much dissatisfaction expressed and ugly rumors.

"I respectfully request that you give this communication your prompt attention and a thorough investigation."

"Superintendent City Crematory," Superintendent Napier's letter was referred to the three physicians on the health board.

BOXING CLUB IS LAUNCHED AT MERRILL.
(Special Dispatch to The Journal.)
Merrill, Or., Feb. 1.—Clyde Ward won in the fourth round of the boxing exhibition held here. Frank Williams took the count when Ward landed on his chin. Williams had Ward on the mat twice in the first round.

An athletic association, to be known as the Klamath Athletic association, is being organized. Under its auspices boxing contests can be held. The club will operate in Klamath Falls and Merrill. It is the purpose of the promoters to perfect the organization before February 15, when a 10-round event between Morrissey and "Soldier" North is to take place in Klamath Falls. There will be a 10-round preliminary between Lindenschach of Long Lake and Stewart of Merrill.

After the Ward-Williams exhibition articles were signed between Morrissey and Ward for a 10 to 15 round exhibition bout under the auspices of the new association in Merrill on February 25. The boys will go in at catch weights, with six-ounce gloves.

MERGER MAY BE FOR PURPOSE OF GREAT HELLO TRUST.
(United Press Special Wire.)
Pittsburg, Pa., Feb. 1.—The next step in the reported telegraph merger will be the absorption of the American District Telegraph company by the American Telephone and Telegraph company, according to a well defined rumor in financial circles today.

From the same source another report emanated to the effect that the Postal Telegraph company would soon be included in the merger, making an absolute monopoly of the telegraph, telephone and messenger services throughout the country.

HERMANN ON STAND SAYS LIEP LAND ACT CAUSED MUCH FRAUD

Binger Hermann, the defendant, was called to the stand at 3:50 o'clock yesterday afternoon. He began his story in answer to the questioning of Colonel Worthington. He said he would be 47 years of age during the coming month. The first part of his story had to do with his life, his early coming to Oregon, at the age of 17, from Maryland, his settlement in the Coquille valley, his law studies at Roseburg, his early struggles as a school teacher, a student and as a politician.

Tells of His Election.
Hermann spoke of his having been in the Roseburg land office, and his election to congress in 1887, as a representative of the whole state. He followed with the relation of the division of Oregon into two districts, and his election from the first district. He served as the representative for the whole state for four years, and for the first district for four years.

In 1897 he was appointed commissioner of the land office by McKinley and upon the death of Thomas H. Tongue, he was elected to succeed him. He was reelected and was in congress when he was indicted.

Liep Land Act Responsible.
Soon after he became commissioner, Hermann said, he saw that the liep land act was responsible for much of the fraud in public lands. He recommended that the law be repealed absolutely, or changed so that the land used as base under the terms of the liep land act should be of equal value with the land secured for it in exchange.

He continued his recommendation as long as he held office. He made this recommendation in his annual reports, and urged his view before the congressional committee. The secretary of the interior had called him for discussion of the matter.

He appeared before the committee on appropriations and urged either repeal of the liep land act, or to prevent the acquisition of unsurveyed land.

Favored No More Reserves.
As commissioner he decided to make no further forest reserve or additions to them.

As a result of his insistence the liep land act was amended as regarded the unsurveyed land. Hermann said he had appeared before the public land committee, while commissioner, asking for the repeal of the law.

The first bill he introduced after going to congress, Hermann said, was one to limit the exchange of liep land to land of equal value.

The liep land act was repealed finally, March 15, 1905. During all of the time from his holding office as commissioner until the repeal of the law, he was continually working for the repeal of the law.

Acted on Own Motion.
Hermann said he had always gone on his own motion, while commissioner, to work for the repeal or modification of the law, and never was sent by Secretary Hitchcock, who never actually sought to change the law.

Hermann said he had always come to Oregon once a year. He remembered his visit in 1901. In September, up to that time, Hermann said, he had known F. P. Mays, first as United States district attorney. He had always made it a custom to call on all government officials while in Oregon to consult with them.

In September, 1901, Hermann said, he called on Henry Meldrum, surveyor general, in accordance with his usual custom.

Met Meldrum and Others.
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PORTLAND GAINS FINANCIALLY BY SOUND BOYCOTT

Aberdeen, Miffed at Sea Gives Bulk of Her Trade to Rose City Wholesale Dealers.

(Special Dispatch to The Journal.)
Aberdeen, Wash., Feb. 1.—The of a boycott on Seattle merchant's means of reprisal for the drop of Aberdeen from the Northwest Baseball League is proving to be more than a theory, according to the reports of prominent transfer men.

"During the past week" said one day, "receipts of freight from Port have greatly increased. There has a corresponding decrease of freight from Seattle. This ratio has grown rapidly during the past few days to be noticeable even to the casual observer, and shows that the Aberdeen merchants were in earnest in their abstention following the summary of the Seattle meeting when Aberdeen was ousted from the league."

According to oldtimers, Portland or 30 years ago had a monopoly of trade in this section. The old Alliance plied regularly between Harbor and Portland, and was the means of supply. As a rule the land firms treated their patrons with consideration, and won their fidelity, which has not been forgotten even though the completion of Northern Pacific put Aberdeen in with the sound cities, which was convenient.

"If the Portland wholesalers are in getting a foothold in this territory it is my opinion that they will trade for all time to come, and a boycott, started in a spirit of rivalry, may result in a permanent loss of trade from Elliott Bay," said a buyer of Portland goods this morning.

Visits at Albany.
(Special Dispatch to The Journal.)
Albany, Or., Feb. 1.—George and a popular Albany young man, editor-in-chief of the Walla Walla, in visiting friends here.

Journal want ads bring results.

PROPOSITION TO BUILD CREMATORY UP TO COUNCIL

(Continued From Page One.)
In the light it is viewed by Mayor Simon.

Communication Tabled.
The health board tabled Councilman Lombard's communication, so it will receive no further consideration. The board will now await the action of the city council on its request for an appropriation of \$120,000. If the council refuses this request the consequences to the city will be serious.

Just how serious is shown by a letter submitted to the board today by Superintendent Harry N. Napier, of the old city crematory at Gull's lake. After referring to the dilapidated condition of the plant and the inadequacy of the repairs made on it last summer, as recounted last week in The Journal, Mr. Napier continues:

"The bricks in the furnace are dropping out because too much mortar was used when the brick work was put in last year. In a few months the plant will be 'all in.' I do not mean to reflect on the contractors who made the repairs. They did their best but were unable to do satisfactory work in the short time allowed them. We cannot make any further repairs because the expenditure would be more than the present plant is worth."

Facing Grave Situation.
"I have been aware of these conditions for some months, but firmly believed we were to have a new crematory and so withheld notification. We will face a very grave situation in the coming summer months, and I would beg that a committee investigate conditions at the Gull's lake plant."

"I further wish to state that the people living in the vicinity of the present

DEPENDABLE PIANOS AT REASONABLE PRICES

Good pianos, pianos that really represent high class, in tone, manufacture, workmanship, finish and material, that will stand continued usage in the home for years and retain their best action, cannot be builded and sold at the prices of the purely commercial instruments, which, unfortunately for the purchaser, have been largely exploited and advertised by some houses during the past year.

Hundreds of pianos are sold monthly in Portland. Most buyers investigate thoroughly, and as a result purchase pianos of known quality and established reputation, paying a little more, perhaps, but insuring by that small additional investment the dependability of their piano and their lasting satisfaction.

Our house sells only instruments that have proven their quality by the one supreme test—Time. So sure are we of the superiority of our goods, of the true merit, musical quality and dependability of every piano on our floors, that we not only guarantee them fully, but will accept any piano at its full purchase price within two years from the date of sale in part payment for the world's best piano, the Knabe, or one of our splendid line of player-pianos, the Knabe or Emerson Angelus.

Not only is our line superior, but investigation will prove, also, that our selling method is fair and the most reasonable and straightforward which any house could offer. Terms on our payment plan are as low as could be desired, and, besides, there is no element of chance, no possibility of dissatisfaction. Careful and thorough investigation should be made by you as a buyer. You owe it to yourself to protect your own interests.



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