

# HERMANN CLOSES DEFENSE AND GOES TO TRIAL

**Court Adjourns Until Monday  
When Heney Will Put in Re-  
buttal Testimony—Goes to  
Jury Next Week.**

Colonel Worthington, chief counsel for Hermann in his case now in trial before the United States court, closed his defense this morning at 11:15 o'clock and a few minutes later court was adjourned until Monday when Mr. Heney will begin putting in his testimony in rebuttal, which will take until Monday noon.

The cross-examination of H. W. Scott in regard to some editorial utterances which he made about Hermann and the land conditions of the state in 1902, and the testimony of H. E. Brown, a Washington newspaper correspondent, and one or two little odds and ends of evidence will conclude the testimony of the now long drawn out trial and open the way for the argument to be made to the jury.

## GOES TO JURY IN WEEK

Still it will be the latter part of the week before the 12 men will be given their share of the work to do in finding a verdict in the mass of the evidence that has been put before them.

As his last act the defense again attacked the testimony given by Henry M. Baumbach during the session this morning. W. W. Catbarr, a former employee in Melndrum's office, was put on the stand. He said that he had been a messenger and janitor in the office during the time Melndrum was in office. He testified that the time Melndrum had visited the office and said that Melndrum and Hermann were in the room alone. He knew Mays, he said, but Mays had not been in the office at the time Hermann was there. He fixed the date as some time in the fall of 1902.

Catbarr's testimony was weakened by the fact that the Hermann visit was in 1901, and not in 1902.

## MEETS MELNDRUM'S TESTIMONY

Colonel Worthington read some of the testimony of Melndrum given at the Washington trial in which Melndrum had said he sent Hermann Baumbach, a clerk in the office, after some field notes for Mays and that Baumbach brought the notes into the room while Hermann was talking to Mays.

Baumbach, who is an aged German, partially paralyzed as the result of a wound received at Corinth, at which time he lost his right arm, was put on the stand to contradict this testimony of Melndrum. The old veteran denied positively that he had ever brought any notes to Mays during his long service in the surveyor general's office, where he is still employed. He had never seen Hermann in the office in 1901, he said.

On cross-examination the witness proved a match for Heney. He possessed an impediment in his speech due to his injury, and his answers, given painfully, made him one of the best witnesses of the trial.

## KNEW MAYS AN ATTORNEY

He said that he had known Mays as United States attorney, but had never seen him in the surveyor general's office after he ceased to be in the district nor attention to the men for whom he prepared notes, yet in the case of distinguished and well known men like Hermann or Mays he would have had an impression made on his memory by serving them in the office.

## "COUGHED UP"

"I told him that I had 'coughed up' everything that I knew and that I had never seen Hermann in Melndrum's office in 1901 or 1902."

Heney questioned the witness further about the interview and Baumbach said he had been in a room some times for about 15 minutes at a time.

"First he talked to me in English," the witness related, "and then he talked in German. He can talk very nice," he concluded.

## "HEWELL" SAID HENNEY, "YOU DID NOT COUGH UP IN GERMAN FOR HIM, DID YOU?"

Mr. Heney closed with the witness by asking him if he was getting a pension and who got it for him. If he were, Baumbach said he was getting a pension, and that Mitchell and Hermann had had it increased from \$30 to \$40 a month.

## WORTHINGTON IS VETERAN

Then Colonel Worthington, himself a veteran of Gettysburg, brought out the testimony of Melndrum that he had been on the stand to bring out Melndrum's testimony given on cross-examination, that he had been promised immunity provided he would give testimony hostile to Hermann at Washington.

Colonel Worthington then testified that he had with Melndrum at the prison in which Melndrum said he had been given such a promise and that it had been disregarded after he had testified. H. W. Miller, Kincart's partner, also testified that Melndrum had considered that he had been mistreated by the government and had told of his troubles to the witness.

## PROMISED MELNDRUM FINE

According to this story, W. C. Bristol, then United States attorney, had told Melndrum that he would be given a fine and no imprisonment if he would go to Washington and testify against Hermann. After he had testified he had gone to United States Attorney Baker in Washington, and asked him for his papers, bearing out the promise.

Baker had told him that he had not delivered the goods and that he had better go see Heney in San Francisco. Baker had promised to write to Heney and Melndrum had gone to Oakland, waited a few days and then called on the prosecutor there. Heney said he would take the matter up with Bristol, and had sent Bristol a letter.

## DEFENSE RESTS

Bristol had stormed and said that Melndrum had lied and that Heney, and that Baker should have written to him. Soon after that Melndrum had been compelled to serve out both his

# BOY NEW SALARY APARTMENTS FOR SUM OF \$100,000

**Jaeger Brothers, Jewelers, Are  
Purchasers of Building at  
Washington and King  
Streets.**

The Stanley apartments, the newest and one of the most modern buildings of that class in the upper Washington street district, was purchased this morning by J. P. and E. J. Jaeger, the Morrison street jewelers, for \$100,000. The building is a four-story, white brick structure, and occupies a 51 by 100 foot site at the northwest corner of King and Washington streets. It was built by A. S. Ellis, and contains 35 three, four and five-room apartments.

It is equipped with a steam heating plant, has an electric elevator, and each apartment is supplied with a telephone. Based on the selling price, the property yields a net income of about 12 per cent, the gross income from rental of the apartments amounting to nearly \$1200 a month.

Diagonally across Washington street from the Stanley apartments is a quarter block recently purchased by Mr. Ellis, on which he is preparing to build a \$100,000 apartment house.

Jaeger Brothers own an interest in the old Bailey property, adjoining the Stanley apartments on the west. They are also interested in the Weaver apartments on the south side of Washington street, near King, as well as owning outright a 50-foot lot on LaCretia street, just north of Washington.

By acquiring the Stanley apartments, Jaeger Brothers own outright or are heavily interested in four parcels in the apartment-house district, at the intersection of King and Washington streets.

The sale of the Stanley apartments was negotiated by Jack Kirkham of Kirk & Kirkham, realty brokers.

# U. S. INSPECTOR IS FOUND DEAD

**Body of John H. Garbar Dis-  
covered in Room at Hotel  
Portland.**

John H. Garbar, government inspector of pure foods and drugs for the western district, was found dead in his room at the Hotel Portland this morning. The body was lying across a chair and half on top of a dressing table when discovered.

Mr. Garbar was about 45 years of age. He had been connected with the western division of the bureau of chemistry of the department of agriculture for several months.

About three weeks ago he began drinking heavily. While at Pendleton more than three weeks ago he presented two checks on the Bank of Montreal, Spokane, Wash., at a hotel, and had them cashed. Also he borrowed \$50 from the postmaster there. Expecting the government inspector to make the checks good, no complaint was filed against him.

Ten days ago Mr. Garbar took a room at the Hotel Portland. For days he drank heavily. Last night he fell asleep in the hotel lobby and was taken to his room. This morning when he went to breakfast he seemed fully recovered from his debauch.

Later in the morning, however, when maids, filing the door of his room, found him lying on the floor, a response came from the inside. One of the hall porters was called and peeped over the transom. He saw the body of the government inspector lying across the chair and dressing table.

After an examination it was found the man was dead. The coroner was notified and removed the body to the morgue. Government employees connected with the department of agriculture laboratory in Portland are attending to the funeral arrangements. Apoplexy is thought to have been the cause of death. Mr. Garbar's home was in Spokane.

# RATES FOR SHRINERS ANNOUNCED BY S. P. & S.

Low round trip rates have been authorized by the Spokane, Portland and Seattle railway and its eastern connections, the Great Northern, Northern Pacific and Burlington route, for the annual session of the Mystic Shrine at New Orleans. Tickets for \$37.50 will be put on sale March 21, and will be good for three months. Summer tourist round trip tickets will be sold May 2, 9, June 2, 17, 24, July 5, 22, August 3, September 8, with a return limit of 90 days, not to exceed October 31.

These fares apply to the general eastern tourist territory, Denver, Colorado Springs and Pueblo, 35¢; Omaha and Kansas City, St. Paul and Minneapolis, \$60; St. Louis, \$67.50; Chicago, \$72.50; Detroit, \$82.50; Baltimore and Washington, \$107.50; Buffalo, \$92.50; New York and Philadelphia, \$108.50; Boston, \$118.50. Other central, eastern, New England and Canadian points are also included.

# FIRE PROTECTION FOR OUTLYING DISTRICTS

Outlying districts of the city received additional fire protection today when the fire department installed 150 feet of fire hose each at the stations of Woodlawn, Portsmouth, Vernon and Arbor Lodge.

Ladders and other equipment for the volunteers at each of the stations named were also placed at their disposal.

At this point the defense rested its case and after a little mutual picking up of loose points, court was adjourned until Monday to give Mr. Heney a last opportunity to assemble his rebuttal.

Mr. Heney concluded his cross examination of Mr. Hermann yesterday afternoon at 2:40 o'clock, and the defendant was excused from the state just 10 minutes short of three days after he was sworn and began his story to the jury.

Swastika assays run from \$25.90 to \$29.51. Come and see assays and samples. Swastika office open Sunday 9 to 11, 310 Oak street.

# ALL RECORDS BALDWIN CASE OPEN FOR ALL

**Glavis' Attorney's Firm Insists  
Prevalence and Access to  
Coveted Papers Gained—  
Pinchot to Appear.**

(United Press Leased Wire.) Washington, Feb. 5.—It was decided today that the attorneys for both sides will be permitted to examine all the records demanded by counsel in the Baldwin-Pinchot investigation.

The congressional committee held a long star chamber session today and afterward held a brief open meeting in which a resolution was adopted that the papers may be examined, but that the examinations must take place in the presence of Secretary Leman, of the committee.

After they had looked over the papers, the resolution provides the attorneys are to report exactly what documents they desire introduced in evidence.

It is expected that some of this work may be done before the resumption of the inquiry next Friday and in that way the action of the committee facilitated.

**Papers Shown in Private.** Secretary Ballinger today turned over to the committee a list of the papers which had been requested by Attorney Brandeis, representing L. R. Glavis, and Brandeis asked that he be allowed to examine them at once.

Chairman Nelson ruled that the committee could see the papers as soon as the clerk could make a schedule of them, which was ordered done at once. It was ordered that the examination should be made in a private room and that no one should be permitted to be present except Secretary Leman and the attorneys.

**Pinchot Appears.** Former Chief Forester Pinchot appeared and asked the committee to enroll Nathan A. Smythe of New York as his counsel, so that Smythe could see the papers.

Congressman Denby took advantage of the presence of Pinchot to ask him what sort of testimony he would have to offer.

"I will tell the story of my connection with the conservation movement," replied the deposed forester.

"Does that include Alaskan coal lands and water power cases?" asked Senator Sutherland.

"Yes," replied Pinchot. "The committee will not call Pinchot to the stand for some time, as it is expected that the examination of Glavis will take up much time."

Attorney Ventres of Tennessee put in his first appearance as counsel for Secretary Ballinger today.

The meeting today was not in accordance with the adjournment order yesterday, which set the time for the next meeting as February 11. The same date was set in the adjournment order today.

# SHINING LADS FOUND BY POLICE

**Parents of Newsboys Willing to  
Have Them Cared for  
at Jail.**

Three "newsies" were picked up at 2 o'clock this morning at Sixth and Alder streets, and their parents refused to go to the police station to take them home. Big blue overalls worn by men around the station were used to make beds for the boys, upon which they slept the rest of the night.

The boys were Meyer Silverstein, 8 years old, 587 Seventh street; Bonnie Gordon, 9 years old, and his 8-year-old brother, Samuel, living on Caruthers street. They said they remained up last night to get an early start this morning to sell papers.

Patrolman W. C. Epps found the boys shivering in a hallway, and took them to the station. When the parents were notified by Patrolman Stewart, they replied that the lads could stay at the jail until morning and then come home. Patrolman Wendorf took the boys home.

# MOVE WATER OFFICE SAY EAST SIDE PEOPLE \$52,528 IN TAXES PAID IN 4 DAYS

Claiming that the Albina water office is located so that several thousand people are greatly inconvenienced each month in that they have to go so far to pay their bills, the North East Side Improvement association went on record today as favoring a change in location. The petition is to be presented to the Water Board at its next meeting.

The water office is located in lower Albina near the O. R. & N. shops, and at the bottom of the long Russell street hill. It is necessary for residents of Irvington and other districts dependent upon that office to either take a long walk or transfer by way of the Lower Albina car.

# SAYS WIFE TIRED OF HIM IN TWO MONTHS

Declaring that his wife tired of his company in two months after he was married and left him and refused to return home, F. J. Tozier has begun suits for divorce in the circuit court from Mrs. O. J. Tozier. They were married in Oregon City on June 10 last year, and the date of desertion is exactly two months later. Tozier says his wife's conduct has caused him great humiliation.

# COMMITTEE PROTESTS SHIPPERS' INTERESTS

Members of the Transportation committee of the chamber of commerce are meeting this afternoon to consider the new railroad demurrage rates which will come up for adoption before the state railroad commission at Salem next Tuesday. The committee will go into the matter thoroughly, so that when the rates are adopted they will work hardship to neither the shipper nor the railroad.

# EXPLOSION IN MINE RESULTING IN DEATH TO MANY MINERS

**Only One Man Emerges From  
Shaft at Ernest, Pa., to Tell  
of Accident—Mine Damp  
Believed Cause.**

(United Press Leased Wire.) Ernest, Pa., Feb. 5.—It is feared that between 30 and 70 men were killed in an explosion in mine No. 2 of the Jefferson and Clearfield Coal & Iron company here today.

Only one of the men who entered the workings this morning has emerged from the shaft since the accident. He was almost overcome, but managed to tell how he fought his way through fumes until he reached the main tunnel. He said he stumbled over heaps of bodies, which he believes were fellow miners either dead or dying.

The explosion was caused by mine dust. The rescuers were hampered in their work this afternoon by the frantic members of the families of the entombed men, who gathered about the entrance and actually fought and struggled with the officials.

# MAY WANT TO BE ENUMERATORS

**400 Taking Examination To-  
day, Great Majority of  
Them Being Men.**

Examinations for census enumerators are being held today in this city and at various points throughout the Second Congressional district, of which Census Supervisor S. C. Beach has charge.

The examinations in this city are held in the assembly room of the Commercial club, and at the census headquarters in the Lumber Exchange building, Second and Stark streets.

There is no danger of not getting enough men to fill the positions, because, while only about 350 enumerators will be required when the work begins, about the middle of this month, some 900 stand ready and willing to gather the names. The Portland district alone will need about 150 enumerators, and 400 are today taking the examinations here, so that the number nearly two-thirds will have to be rejected.

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# CLAIMS CZARINA BEYOND GUNSHOT

**Life Saving Service Says 1200  
Feet Lifeline Limit—  
Czarina Was 2000.**

(Washington Bureau of The Journal.) Washington, Feb. 5.—Senator Bourne today received an answer from the life saving service, claiming that the equipment at all Pacific coast points is of the same quality as that on the Atlantic and that the Pacific really has a larger share proportionately than the Atlantic.

The superintendent of the service for Oregon reports to headquarters in Washington that the Czarina was 2000 feet from shore, and that there is no record in this country or in Europe of any lifeline gun projecting a line more than 1200 feet, and that it was manifestly impossible for the Coos Bay gun to reach the Czarina.

Senator Bourne today took up the task of getting through the house his bill which passed the senate late last evening, changing the name of the Willamette collection district to "Portland district."

# BURY RAILROAD MAN'S BODY AT KNOXVILLE

The body of Jackson Smith, late vice-president and general manager of the Oregon Trunk Line, will be shipped to Knoxville, Tenn., for burial. At first it was intended to have the body interred at San Antonio, Texas, but upon the arrival of his brother, Henry Smith, from Washington, D. C., it was ascertained that the wish of the family was to have interment at Knoxville, where his wife is buried. Mr. Smith will start for Knoxville this evening with the body.

# PROMISE TO MARRY NO APRIL FOOL JOKE

If Ore Black intended his promise to marry Miss Alice Lord as an April fool joke he has been disappointed. Miss Lord, who says he gave her his word on April 1, 1909, has begun suit in the circuit court for \$5000 damages for breach of promise.

Black is a lumber camp worker. Miss Lord says he is the father of a child born on January 18. He was to have married her in a reasonable time after April 1, she says, but he has refused to keep his promise.

# SUES FOR \$63,148.82 ON ASSIGNED CLAIMS

Suit for \$63,148.82 has been begun in the circuit court against the old Golden Eagle Dry Goods company on 113 claims assigned to the Pacific States Adjustment company. The most of the claims are for less than \$1000, and the highest is for \$117.69.

# CITY HALL MUSEUM OPEN SUNDAYS AGAIN

The city hall will be open tomorrow afternoon between the hours of 2 and 5 for the benefit of visitors to the museum. Owing to the repairs that have been under way for the past few weeks the museum has not been open on Sundays.

# ARLETA DRUGGIST IS UNDER ARREST

W. J. Armitage, druggist at Arleta, was arrested yesterday on a charge of selling liquor without a license. The case is in the justice court. This is the second time he has been arrested upon a similar charge.

# WORKMAN GRABBED TO PIECES BY FREIGHT TRAIN

**Albert Mikesell Laboring on  
Track When Southern Pa-  
cific Cars Strike Him When  
He Is Not Looking.**

Albert Mikesell, 362 East Oak street, a track laborer for the Southern Pacific railway, was ground to pieces at 11:15 this morning on a spur at the rear of the Standard Box factory, between East Pine and East Ash streets. Michael Pierre, a fellow workman, was knocked from the track, sustaining severe injuries about the head and shoulders. The accident was caused by a cut of wire being switched into the track, near which the two men were working.

**Dies Instantly.** Mikesell died instantly. The trucks of one freight car passed entirely over the man, crushing the body into an unrecognizable mass. Edward Burlingame, 224 1/2 Front street, was the only eye witness of the affair.

According to Burlingame, Mikesell and Pierre were working near the rails. The engine, in charge of C. L. Mahon, had been doing considerable switching along the tracks. It had opened the switch about the two men and was moving a car down past them. The men were working with their heads down. Mikesell was the first to be struck. The car hit his shoulder and knocked him between the rails. The trucks of the car gathered him up, like a ball, and rolled him over and over. When the car was stopped the man was dead. His right arm, leg and shoulder were mashed to a pulp. Several deep cuts and gashes were across the back and breast.

# SAVES MERE CHILD KIDNAPED HIM

**Young Italian Makes Novel  
Plea When Arrested With  
School Girl.**

Being kidnaped by 15-year-old Pauline D. Britz, 688 Fifth street, is the plea that Medo Crispo, 20 years old, made after being arrested this morning upon complaint of the girl's mother.

Both are members of the Italian colony, and have been missing since January 25. The girl has admitted refusing to go home after Crispo had insisted that she return to her mother. The boy and girl were arrested on a car bound for Vancouver, where they intended to be married.

Crispo is held in the city jail at 521 Second street. In the custody of Lola G. Baldwin, head of the public safety department for girls.

According to the story told by Pauline, she left her home on the morning of January 25. She met Crispo, an attractive young countryman, and they went to the home of a friend at Woodstock. She says Crispo insisted that she go back home, but she was afraid her mother would mistreat her.

The couple remained at the home of Bruso until last Wednesday, when they went to the home of John Aris, 425 Stuart street. It was not until this morning, when they started out to be married.

It was at the home of Bruso that Crispo agreed to marry the girl. She had asked him to do so several times, but she says he insisted she return to her mother. A statement by Crispo is the result of his visit here.

Word was sent the mother of their intentions, and she agreed to the marriage if they would come home, and have the wedding according to the customs of the fatherland. The young couple did not agree, and started to Vancouver.

# DO HEAVY TRADING WITH STAGE MONEY

Practically the entire membership of the Portland Realty board was present at last night's fun making meeting of the board, held in the old quarters of the Chamber of Commerce. While the session furnished more diversion than anything else, the meeting was not entirely without value, as some insight was given into the manner in which a realty exchange is conducted, together with a complete portrayal of all the stages of conducting a realty sale from taking a contract on the property to the filing of the deed for record.

All of the principal residence additions were dealt in during the evening, and in addition a number of parcels in the business district were sold repeatedly at enormous advances. D. E. Keasey, Henry W. Fries and V. V. Jones were the leading traders, the transactions of each amounting up into the millions. Keasey was the prize, having cashed nearly \$5,000,000 when time was called.

# REQUIRE CHILDREN TO BE IDENTIFIED

In the letter filed in the office of the board of education, F. D. Hunt of the Portland Railway, Light & Power company, requests the cooperation of the board in a plan he wishes to put into effect to insure the company against loss by the issuance of special school children's streetcar tickets. He wants the board to approve a suggestion by him that each child using the special tickets be required to secure the signature of a school principal to an identification card which may be called for by conductors.

# Fairbanks at Rome.

Rome, Feb. 5.—Former Vice President Fairbanks of the United States was presented to the king and queen today by Ambassador Lelshman. Fairbanks is here on his way around the world, having recently visited the Orient.

# DEEDS ESTIMATED GIVE TRACT AT CRYSTAL SPRINGS

**Ladd Estate Gives Forty Acres  
of Ground for Campus on  
Farm Adjoining the City on  
the Southeast.**

At a meeting of the trustees of the Reed Institute held this morning, a 40 acre tract in the Crystal Springs farm, which was donated by the Ladd estate, was formally accepted as the site for the educational institution provided for in the will of the late Amanda Reed.

At the meeting of the trustees a letter from W. M. Ladd was read in which he stated that in view of the long and intimate friendship that had existed between Mr. and Mrs. S. G. Reed and Mr. and Mrs. W. S. Ladd, the heirs to the Ladd estate tendered to the trustees a tract of 40 acres located in the center of the Crystal Springs farm.

**In New Addition.** The property is in the center of the new addition known as Eastmoreland, which was recently platted by the Columbia Trust company. However, as the plat has not been filed, it is understood that the property will be resurveyed and new plat made, leaving out the 40 acres donated to the Reed institute.

Dr. T. L. Elliot, chairman of the subcommittee of the Reed Institute trustees, said this morning that the gift of the site by the Ladd heirs was without conditions except that it must be used as a site for the Reed college to be established and known as the Reed Institute.

**To Take Over Title.** The board of trustees of the institute, at the meeting this morning, directed the subcommittee, of which Dr. Elliot is chairman, to confer with Mr. Ladd and complete the necessary arrangements for taking title to the land.

Crystal Springs farm is one of the three large tracts of east side acreage acquired by the late W. S. Ladd. It is located west of and adjoining Woodstock, and the east half of the tract is one of the sightliest pieces of land on the other side of the river.

# KNOCK OUT BLOW HOPE OF DEFENSE

**Attorneys for Oregon Trust En-  
deavor to Throw Out Suits  
Brought by Devlin**

Circuit Judge Gantenbein this morning took up the plea in abatement filed by ex-Senator Fulton and other attorneys for Walter H. Moore and other officials of the Oregon Trust & Savings bank to the suits brought against them in the name of Thomas C. Devlin as co-defendant.

By this plea the attorneys for Moore and other defendants hope to deliver a knockout blow. Should their contention be sustained it would be necessary to start the suits all over again. The assertion that the cases cannot be brought in the name of Devlin because Devlin is not the real party in interest, because the German-American bank took over all the assets and assumed all the liabilities of the defunct Oregon Trust.

All claims against the directors and officers are alleged by this theory to have been transferred to the German-American, including any right of action for losses sustained. This would be any action in Devlin's name to recover the \$500,000 alleged to have been lost.

John W. Ferguson, the accountant who is experting the books of the Oregon Trust for the defendants, was called to the stand to prove the transfer of assets and liabilities of the wreck bank to the German-American. S. Reed, president of the German-American, was called for the same purpose.

Judge Gantenbein made inquiry as to what claims have been paid by the German-American, in which Wilder accepted \$100,000 in the stock of the German-American in exchange for claim in equal amount against the Oregon Trust.

# \$50,000 APARTMENT FOR 12TH STREET