

SAYS TESTIMONY SHOWS HERMANN IS NOT GUILTY

Attorney Gearin, in Land Fraud Trial, Argues Government's Own Testimony Proves Defendant Innocent.

Eloquence came into the Hermann trial for the first time today when John M. Gearin delivered the first half of the argument for the defense. He reviewed the testimony of the case and contended eloquently that Hermann was guiltless of wrong and that the government's own evidence showed him to be innocent.

He closed his argument at 12:15 o'clock, and this afternoon Colonel Worthington will take up the argument, and will perhaps finish by the hour of afternoon adjournment.

Henry Did Not Finish.

Mr. Henry, as was expected, did not finish his opening argument yesterday afternoon, though the court held its session half an hour beyond the usual time for adjournment. By agreement he is to be allowed to conclude his opening statement, after the conclusion of Colonel Worthington's argument, and before he begins to sum up his case.

By this arrangement Mr. Henry has much the advantage. In his discussion yesterday he had only laid the foundation for the case as he is presenting it,

and had just reached that time alleged to be the beginning of the conspiracy, with the meeting of Hermann, Mays and Meldrum in the office of the latter, when he was stopped by the adjournment of the court.

Will Have Advantage.

As it now is arranged, he will have the advantage of having heard the whole argument of the defense before beginning on his opening proper, or his closing arguments.

Senator Gearin in beginning his argument, thanked the jury for their close attention, and threw more bouquets at Henry, contending that the attorneys for the defense entertained for the prosecutor the feeling of warmest friendship as a man and highest regard as a lawyer. He said he did not want to take up the time of the jury, but simply to guide them in the consideration of the case.

The verdict, Senator Gearin said, would plunge the defendant into infamy and send him out a disgraced man or would vindicate him in the eyes of the world.

Jury Are Judges.

The jury was the judge of this guilt and it was well that its members should go into the jury room with their memories refreshed. The scope of the evidence had been so wide, the speaker contended, that it would not be strange for members of the jury to forget or overlook points most vital in the evidence.

Senator Gearin characterized the case of the government as a most extraordinary prosecution. He said it must have appeared to all that it was a strange case, for the promises made by the government of proof to come had not been kept.

The great question of the trial, Gearin said, was why Hermann had been brought there, and that question had remained unanswered. Not a single man whose testimony could be believed had been brought by the government to substantiate the charges of the indictment.

Refer to Land Frauds.

The senator said the story of why Hermann had been brought before the court was a long one and would take

too long in the telling. He then went into the history of the land frauds in Oregon. The government had owned the lands and had disposed of them.

It had been intended that they were to go to the actual settlers, but corporate greed, ever present, and potential for mischief, had robbed the law of its effectiveness. Then had come the Puters and the McKinleys, the Tarpleys and the Sorensons, and after them the people woke up and the indictment came.

A man, tireless in energy, had been sent to Oregon from abroad, and had become fascinated with his work. He had come to stir things up and he had done so. It was true that nearly all of the valuable land had been stolen from the people, but he was not responsible for that.

Public Mind Inflamed.

Then, the speaker said, the public mind had become inflamed and the air was charged with suspicion and accusation. A grand jury was summoned from the body of the people, and it came to the actual settlers, but the more eager was the public to join in the cry of 2000 years ago, of "crucify him."

Public clamor was veiling at the heels of innocence like jackals for their prey. The higher the station, the more eager was the public to join in the cry of 2000 years ago, of "crucify him."

When the news came that Hermann had been indicted a hush came over the people of Oregon, and the man, who was not guilty of any crime, could not sleep well at night. It would not have been safe for any man, no matter how innocent, to have faced a jury in those days—five years ago. But this time had passed, and the public mind was calm. Charges must be proven.

Necessary to Prove.

It was necessary to prove out and cast aside a great mass of the testimony that had been offered, Gearin said. He would not discuss oranges, or oil lands, or mistakes in bookkeeping, but would treat of the charge of the indictment and the money that was to be paid. Hermann was not being tried for having written fool letters to Brownell, or for having senatorial aspirations, or for making mistakes in the choice of his friends. He was being tried for conspiring to defraud the government through the Blue Mountain reserve.

The first that was heard of the Blue Mountain reserve was when the McBride and Simon protests were sent to the land office in 1900. It was September, 1901, before Hermann had seen these protests. Up to this time the charge of Hermann's connection with the conspiracy.

Failed to Connect Hermann.

Next, in the government case, came the alleged meeting of Hermann and Mays in the office of Meldrum. Senator Gearin contended that the government must connect Hermann at this meeting or fail to convict. They had tried to do this, and only in a faint manner had succeeded.

Henry had been frank in saying that unless the jury believed the story of Meldrum, that they should acquit the defendant. The speaker then reviewed the Meldrum testimony, showed its weakness, and pointed to the manner in which the defense had contradicted it, while at the same time he pointed out the fact that Meldrum had told two different stories of the Washington trial and one at the present trial.

No Agreement Shown.

Even if the story were to be true, the senator contended, it did not connect Hermann with the conspiracy. It was not contended that there was an express agreement between Hermann and Mays, but that Hermann should have known of the corrupt intentions of Mays and Jones.

Every one conceded that the reserve was needed, even Mr. Henry. No one had said that there was fraud in its creation, and there was no evidence to show any intention of fraud against the reserve. The prosecution must prove that Hermann knew of the fraud, and they had not done it, and could not do it.

The Mitchell petition had shown no intimation of fraud. The telegram of Hermann to Mays telling of the withdrawal of the lands from the reserve did not show fraud or conspiracy.

Turns to Hermann Testimony.

The speaker then turned to the Hermann testimony and contended that no man could have been three days under the fire of cross-examination, as Hermann had been, and have told the gibberish story and the voluminous answers that he did, and come through unscathed unless his story were true.

The testimony, Gearin said, showed that George C. Brownell had been playing politics, and it was on this rotten stuff that the government had builded the foundation of its case.

Senator Gearin closed his address with an eloquent appeal to the jury not to rob the defendant of the reputation and good name which he had been guarding during his long life, but to return him to his friends and family vindicated.

GOVERNMENT TO SEND EXPEDITION TO SOUTH POLE

(Continued From Page One.)

the globe's surface still not only unexplored but absolutely unknown as to location or size. Wilkes had a high reputation as an officer and a scientist. His word was accepted without question. Later, however, a British expedition, which set out to explore the new continent, reported that it did not exist, and that what Wilkes reported as the coast line of a big body of land was in reality only floating ice.

Since that time the controversy has been going on, not unlike the Peary-Cook discussion.

Sheriff's Sale of Raincoats

33c on the Dollar

Last Two Days, Friday and Saturday
Hundreds New Coats Added

The crowning bargain event of the season's coat selling. A sale of vastly greater importance than any similar event of the past. Such values as will rivet attention in the well known Goodyear Coat Store

Sale Closes Positively Saturday Night at 10 o'clock

For Women—Sizes 32 to 44, \$12 to \$16. Ladies' Rubberized Slip-On coats. At this special sale \$5.75	For Men and Youths—Sizes 30 to 46, \$6 Rubberized coats, at \$3.15
\$18 to \$20 Ladies' Silk Rubberized Mohairs, on special sale, at \$7.95	\$16 Men's worsted Cravenettes, spec'l. \$6.40
\$20 to \$25 ladies' silk waterproofs \$10.80	\$18 to \$20 Men's Cravenette Overcoats with or without auto collar \$9.60
\$30-\$40 ladies' imported and domestic Waterproofs \$19.90 and \$13.40	Men's \$25 to \$40 highest type Cravenette overcoats, \$14.90 and \$11.40
Girls' Storm Capes \$1.90	\$25.00 Men's Slip-Ons at \$13.60 and \$11.90
\$4.00 values at \$1.90	

GOODYEAR RAINCOAT COMPANY

225 Morrison Street, Between First and Second

Be Wise in Time

You cannot keep well unless the bowels are regular. Neglect of this rule of health invites half the sicknesses from which we suffer. Keep the bowels right; otherwise waste matter and poisons which should pass out of the body, find their way into the blood and sicken the whole system. Don't wait until the bowels are constipated; take

BEECHAM'S PILLS

They are the finest natural laxative in the world—gentle, safe, prompt and thorough. They strengthen the stomach muscles, and will not injure the delicate mucous lining of the bowels. Beecham's Pills have a constitutional action. That is, the longer you take them, the less frequently you need them. They help Nature help herself and

Keep the Bowels Healthy Bile Active & Stomach Well

In Boxes 10c. and 25c. with full directions

NEW SITE FOR RESIDENCES ON THE EAST SIDE

(Continued From Page One.)

Within 12 months we had sold another part of it for \$1250 an acre. Then we sold the other part at \$2000 an acre. We sold it this morning for \$3000 an acre. Its purchase price not a great while ago was \$175 an acre.

This morning's transaction has been pending for some time. All the negotiations were kept strictly secret. The Columbia Trust company, cooperating with Mr. Thompson, made preparations for all improvements, including the building of the street railway line and the laying of hard surface streets before closing the purchase.

Mr. Thompson announced this morning that the contract for the hard surface paving of Rose City Park was being negotiated. Work is to commence soon on the construction of a short cut from Twenty-eighth street on the Rose City Park line. This will reduce the time from the center of the city to the new tract to about 15 minutes. The new line of street railway through the tract will be constructed as a branch to the Rose City Park line.

Revival Services at St. Johns.

Evangelist C. W. Stamp and wife have been holding revival services in the Columbia church on Richmond street, St. Johns, the past three weeks, with marked success. Rev. Mr. Stamp and wife will go to other fields in a day or two, and Rev. Mr. Albert of Tacoma, Wash., will assist Rev. D. M. Cathey, the pastor in charge, for several weeks yet.

Journal want ads bring results.

Dozens of Other Bargains in the 24 Departments. Exclusive Portland Agents Mark Cross English Gloves for Men, Women, Children—Pr. \$1.50

WOODARD, CLARKE & Co.

25c Swansdown Face Powder for sale at very low price of 9c
25c Sanitol Tooth Paste during this sale at this low price 16c
50c Pompeian Cream, a decided bargain at this low price 29c
50c Dickey's Cream de Lis, another bargain at a low price 36c
50c Charles' Flesh Food, during this sale at very low price 38c
75c Lilac Vegetable to be had at this unusually low figure 59c
75c 4-pound Castile Soap, the sale price on this being only 59c
\$1.00 Ingraham's Milk Weed Cream, an excellent article 79c
\$1.00 oz. Perfumes, Violet, Rose, etc., special for this sale 50c

Friday Bargains in Rubb'r Sect'n

\$1.00 3-tip Atomizer, each... 63c
\$1.50 No. 2 Water Bottle, best white rubber, each... 73c
\$2.75 No. 4 Water Bottle, best maroon rubber, at... 1.98
\$2.00 No. 2 Combination Syringe, maroon rubber, at... 1.49
\$2.15 No. 3 Combination Syringe, red rubber, at... 1.69
\$2.65 No. 3 best white rubber Fountain Syringe for... 1.83
\$3.00 No. 4 maroon Combination Syringe, sale at... 2.69
75c Rubber Sponge, sale at... 49c
Rubber Toys, ONE-HALF PRICE

Friday Bargains in Bristle Sect'n

10c Glass Tooth Brush Holder 8c
25c Tooth Brush, your choice. 17c
40c "Woodlark" Unbleached Tooth Brush, now at, each. 29c
50c Gentlemen's Combs, now. 41c
75c Ladies' Combs, now at. 64c
\$1.00 Hair Brushes, assorted. 84c
\$2.00 Adams Unbleached Hair Brush, now at, each... 1.49
\$3 Military Brushes, asst'd. 1.34
\$1.75 to \$5.00 Cloth Brushes, now on sale at... ONE-HALF PRICE

Home'pathic Remedies

25c Pettit's Anti-Constipation Pills, now on sale at... 19c
50c Pettit's Anti-Constipation Pills, at the low price of... 35c
25c Croup and Cough Syrup... 19c
25c Cold Tablets, now only... 17c
25c Camphor Pills, now at... 19c
50c La Grippe Tablets, now... 35c
\$1.00 Alf-Tone, Tonic, now... 83c
15c Liquids and Pellets, 1/2-oz... 12c
25c Liquids and Pellets, 1 oz... 17c

ROAD WILL BUILD SAY OFFICIALS OF TRACTION COMPANY

(Special Dispatch to The Journal.)

Pendleton, Or., Feb. 10.—When shown the story in Wednesday's Journal of the withdrawal by Ballinger of the Northern Pacific and Ballinger cannot be proven and is but theory; it is based on good facts, and these satisfy the friends of the local road.

That the Northwestern corporation feared competition that would prevent the sale of its holdings or that it would seriously affect business, is thought to be the reason behind the withdrawal of the lands by Ballinger.

While the connection of the Northwestern corporation, the Northern Pacific and Ballinger cannot be proven and is but theory; it is based on good facts, and these satisfy the friends of the local road.

FREE STEER TO LANDSEEKERS

Indian Agent at Yuma Takes Pains to Break Up a "Guide Trust."

Yuma, Ariz., Feb. 10.—With the opening of a free information bureau on the Yuma Indian reservation by the reclamation service a "guide trust" has been broken up. On March 1, the reservation will be thrown open for filing. A number of Yuma men familiar with the reservation lands had figured on reaping a harvest by guiding prospective land seekers over the reservation. A number had combined, forming a virtual monopoly of guides, and had put their prices up to a highly profitable altitude.

Miss Egan, the Indian agent, learned of the miniature trust and started out to "bust it." Assisted by Project Engineer Francis Sellow, she organized an information bureau and arranged to supply all essential information to land-seekers free of charge. The office was opened at a point near the Southern Pacific bridge crossing the Colorado river.

This will meet with the approval of the people of Oregon.

When informed of the appropriation provided for by the report, Major McIndoe said he considers it very liberal and that it will provide for continuation of all the projects under way to the best possible advantage.

The annual report of Major McIndoe on the improvement of the rivers and harbors in this district shows that during the fiscal year ending June 30, 1911, approximately \$3,000,000 could be profitably expended for maintenance and improvement, exclusive of the balance unexpended July 1, 1909. Thus it will be seen that the proposed appropriation comes within a few hundred thousand of covering every expenditure recommended in Major McIndoe's report to the chief engineers.

The largest item of expense to be covered by the appropriation is the jetty project at the mouth of Columbia river for which Major McIndoe recommends \$1,500,000, including \$500,000 for the operation of the dredge Chinook on the bar at the mouth of the river, when

SOME VIEW LOTS LEFT AT ALAMEDA PARK

MANY PURCHASERS LAST SUNDAY—PRICES ON ALL LOTS ADVANCE MARCH 1—PRICES ON SOME OF THE LOTS WILL ADVANCE WITHIN THE NEXT FEW DAYS.

The announcement a week ago that a block of view lots would for the first time be opened for sale brought a strong response from the public. Literally, hundreds of investors flocked to Alameda Park last Sunday, and many lots were sold.

However, two or three of the choicest view properties in this block remain open. Besides, there is a fine selection of homesites in other portions of the Park.

A WORD IN REGARD TO PRICES

Prices can only be judged by values. Values considered, Alameda Park lots are extremely low-priced. Lots in the neighborhood of Alameda Park, but with inferior improvements and lower ground, are priced just double what is asked for lots in this Park.

ABOUT CAR SERVICE AND OTHER IMPROVEMENTS

The Broadway carline is operating regular schedule direct to Alameda Park. Within the very near future cars will operate through Alameda Park. Cement walks and curbing have already started, and other improvements are being rushed.

For particulars address Alameda Land Company, owner of Alameda Park, 322 Corbett building.

Water Colors, Etchings Vals. \$3 to \$5, for 98c

Genuine Water Colors, each a hand-done, artist-signed picture, nicely matted and framed in 1/2-inch gold moulding with corner ornaments, glass size 16x24 inches. A \$5 value. Ninety-one of them on sale Friday and Saturday, each 98c

One Hundred Etchings, size 16x26 inches, in sepia and black and white, each nicely matted and framed in 1/2-inch rustic chestnut moulding with gold line. A \$3 value. On sale Friday and Saturday, each, only 98c

An Immense Assortment of Fine Pictures in carbon, sepia and colors. Framed in brown, black and gold. Many pretty landscapes and woodlands, also heads, figures, standard subjects and copies of the masters. Values 75c to \$1.50. On sale Friday and Saturday at, each 49c

Friday Bargains in Stationery

25c Columbia Whist Playing Cards, now selling at, pkg. 17c
15c School Slates, selling at... 9c
5c The Scribbler Scratch Pad... 4c
\$5.00 Brass Desk Sets at... \$3.75
\$12.00 Brass Desk Set at... \$9.00
\$3.00 Brass Book Racks... \$2.25
\$9.00 Brass Book Racks... \$6.75
100 Calling Cards, printed... 25c
Large selection of Valentines and Valentine Postcards, 1c to \$2.50
We Will Clean and Fill Your Fountain Pen Free of Charge
75c BARRETTE'S, NOW AT 25c
\$1.00 RATS, ROLLS, now 25c
\$4.00 PUFFS, SALE AT \$1.00

French Mirrors Fourth Off

For Friday and Saturday we will place on sale about 80 Antique French Mirrors in all shapes, sizes, designs and finishes. This is a beautiful assortment, regular values ranging from \$3.50 upward to \$60.00 each. Every home has a place for one or more. An antique mirror can be found here that will exactly fit that bare spot on your wall and one that will harmonize with your furniture in color and design. Friday and Saturday they go on sale at

ONE FOURTH OFF

Medicinal Wines and Liquors

\$1.50 Old Forester full qt. \$1.08
\$1.25 Old Overholt full qt. \$1.04
\$1.25 J. E. Pepper, Bonded now on sale at... \$1.04
\$1.25 Green River, bond'd \$1.04
\$1.50 Watson's No. 10 Scotch now on sale... \$1.15
\$1.50 Imp. Port, Sherry... 99c

\$1.25 Manhattan or Martini Cocktails, on sale at... 95c
\$1.00 Apple, Apricot, Blackberry, Peach, Pineapple Raspberry and Strawberry Cordials, on sale... 51c
35c Hoff's Malt, now at... 25c
10c Grape Juice, two for... 15c

BISHOP SCADDING IN LENTEN LECTURES

Bishop Charles E. Scadding has announced his usual Lenten lecture course, the lectures to be delivered each Thursday evening during Lent in the gymnasium at St. Helena's hall.

The first lecture will be delivered tonight, the subject being "From the Roman Conquest to the Mission of St. Augustine." Subjects to be discussed by the bishop in the remaining lectures are "The Conversion of England to the Norman Conquest," February 17; "Papal Aggression and the Reformation," February 24; "The Reformation to the Landing of the Prince of Orange," March 3; "The Church in Modern Days," March 10.

In the announcement of the lecture series is found the following foreword: "The antidote to both ignorance and prejudice is information. It will be the object of the lecturer to provide this

Rev. Wilson at St. Johns.

Rev. Clarence True Wilson spoke at the Baptist church in St. Johns last evening to a crowded house on the subject of "Temperance From a Business Standpoint." The Randall Olive club sang. Mr. Wilson spoke under the auspices of the St. Johns Protective association.

Journal picture coupons are appearing on page 2 every day. The first one was printed Monday. Don't fail to cut them out.

Friday Bargains in the Drug Section

10c Soda Bicarbonate, pound... 5c
10c Lye, Babbert's, pound, at... 7c
10c Epsom Salts, now for... 3c
15c bottle Washing Ammonia... 7c
15c Compound Licorice Powder, now on sale at, pkg... 7c
20c Wood Alcohol, pint, for... 14c
25c Sodium Phosphate, Merk... 17c
25c Boracic Acid, package... 13c
35c Sugar Milk, Woodlark, lb... 20c
50c Cream Tartar, pure, lb... 25c
50c Formaldehyde, bottle, at... 37c
50c to \$1.00 Wagon Sponges... 33c

Big Savings in Sund'y Sect'n

50c-75c Turkey Feather Dstr. 35c
5c bunch Quill Toothpicks, on sale at low price of 2 for... 5c
10c tubes, Shoe Polish, 2 for... 5c
15 squares Toilet Paper, at... 7c
25c can Varnish Stain, for floors or furniture, at, can... 11c
40c long Whisk Broom, now... 19c
50 bottle Furniture Polish... 24c
\$1.00 Pocket Knives now for... 68c
\$1.40 double Tumbler Holder 85c
\$5.00 Shaving Mirror at... \$1.95
\$17 copper Chafing Dish... \$5.95

Friday Bargains in Stationery

25c Columbia Whist Playing Cards, now selling at, pkg. 17c
15c School Slates, selling at... 9c
5c The Scribbler Scratch Pad... 4c
\$5.00 Brass Desk Sets at... \$3.75
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