

FORMER LAND COMMISSIONER TO FACE TRIAL

BINGER H. HERMANN WILL BE ARRAIGNED TODAY

WAS CONGRESSMAN FOR OREGON SIXTEEN YEARS

Once Prominent Man Accused of Stupendous Frauds—Three Convicted—Two Died Under Indictment in 1905

Portland, Ore., Jan. 9.—Binger H. Hermann, who for sixteen years represented the state of Oregon in the national house of representatives and for several years was commissioner of the general land office at Washington, tomorrow in the federal court will face the charge of conspiracy to defraud the government of a part of the public domain.

The indictment under which he is to be tried was returned February 13, 1905, and the conspiracy, it alleges, was the most stupendous in conception of all the Oregon land fraud cases. Hermann was jointly indicted with the late United States Senator John H. Mitchell, former State Senator and ex-Deputy United States District Attorney Franklin Pierce Mays, former State Representative William N. Jones, George Sorenson, a professional politician, and H. A. Smith, deceased.

Of these, Mays, Jones and Sorenson were on September 12, 1906, convicted as charged in this indictment. Senator Mitchell and Mr. Smith died without coming to trial; Congressman Williamson was convicted under the indictment, and, following the procedure of the government prosecutors in the Oregon land fraud cases, was not tried on this indictment.

Long Postponed Hermann's trial under this indictment has been postponed year after year, sometimes at his own request and sometimes by the inability of Francis J. Heney to conduct the trial. At the trial of Mays, Jones and Sorenson, who were convicted under the indictment, witnesses testified that they conspired to have set apart a forest reserve 200,000 acres of land in Oregon and other states.

In this state the reserve was to be known as the "Blue Mountain Forest reserve," and comprised 150,000 acres in the eastern part of the state. This land, according to witnesses, was timbered mostly by sagebrush and bunch grass.

The testimony showed that Mays, Jones and Sorenson sought to benefit by securing the 40,000 acres of state school lands embraced within the reserve, which they proposed to use as "base" for exchange for valuable timber lands located in other parts of the state, a privilege granted by the act of congress, approved June 4, 1897.

Evidence was introduced, apparently intended to show that this trio secured, though flatly in violation of the law, both advance information as to the identity of the government agent who was to pass on the merits of the proposed reserve, and advance information as to the date the temporary withdrawal was to be made, and that the information on this latter point was given out by Hermann, who was then commissioner of the general land office.

Ormsby Confessed Captain Salmon B. Ormsby, government agent, was assigned to view the proposed reserve. Ormsby confessed at the trial of Mays, Jones and Sorenson that he reported in favor of the withdrawal, and that in consideration he was given two sections of the school land.

Captain Ormsby had a son, Merritt Ormsby, who, according to testimony, talked too much, and in a burst of confidence told Daniel W. Tarpley, one of those convicted in the notorious "11-7" land fraud cases in this state, that his father was working on a big reserve scheme in eastern Oregon.

Tarpley and Horace G. McKinley, another of those convicted in the "11-7" cases, taking advantage of this information, procured McKinley and Tarpley, and it was testified, forestalled Mays and his party to the extent of purchasing through these "dummies" 17,500 acres of the 44,000 acres of the school lands to be included within the reserve.

This caused a row, witnesses testified, between Mays and McKinley. Mays charged McKinley and Tarpley with being interlopers, and demanded that they bear half the expenses of getting the reserve established, and if they did not Mays would have their hands "checked-boarded" out of the reserve.

Offered to Pay Mays It was testified that McKinley offered to pay Mays the sum of 50 cents per acre for such lands as they had bought from the state, but that Mays scorned the offer, saying: "That is not as much as we shall have to give the people at Washington."

Who "the people at Washington" were the government was not permitted to show. McKinley and Tarpley, after consideration, discovered that Mays could not "checker-board" them out of the reserve without eliminating his own sections from the reserve, and they refused to have further dealings with him.

CARDINAL HONORED BY WASHINGTONIANS



CARDINAL GIBBONS

MANY PAY TRIBUTE TO NOTED PRELATE

Prominent Men in Washington Honor Cardinal Gibbons, Who Attends Annual Mass at Church in Capital

WASHINGTON, Jan. 9.—Cardinal Gibbons made his annual visit to St. Patrick's parish today, and the greeting accorded him went far beyond a personal greeting. Prominent men of every faith sought to honor the distinguished prelate.

Diplomats and American statesmen took part in the ceremonies, which consisted of early mass, high mass at 11 a. m., followed by a reception at the rectory and a luncheon.

St. Patrick's church was filled long before 11 o'clock, and a great crowd gathered on the sidewalk and in the street.

A reception at the rectory at noon was attended by several thousand persons. The guests at the luncheon included the Italian ambassador, the Austrian ambassador, the ministers from Sweden, Chile, the Netherlands and Spain, Speaker Cannon, Senators Elkins, Aldrich, Beveridge, Carter, Overman and Taylor, Associate Justices White and McKenna of the supreme court, Representatives Goulden, Forney, Fitzgerald of New York and Ramsdell of Louisiana, Dr. M. F. Egan, American minister to Denmark; Charles W. Russell, American minister to Persia, and army and navy officers.

PIONEER OF YUBA RIVER DAYS DEAD

Capt. I. B. Dutton Drove Ox Team Across Plains to California Before Big Influx of Easterners

Capt. I. B. Dutton, a well known veteran of the civil war and a California pioneer, died at his home, 1152 East Fifty-fifth street, at 1:20 o'clock yesterday morning. Funeral services will be held Tuesday afternoon at 2 o'clock at the family home, Rev. Studd of Pentecost officiating. The burial will be at Rosevale cemetery under the auspices of Stanton post, G. A. R.

Captain Dutton was born at Waldo, Dover county, Ohio, September 24, 1827. When a boy of 22 he drove an ox team across the plains to the Yuba river in this state. This was before gold was discovered in California about a year and returned to the east by way of the isthmus in 1850.

When the war broke out, Captain Dutton was living in Iowa. He raised a company of men, afterward company H, Twenty-fourth Iowa, of which he was chosen commander. This regiment was the one in which Mayor Alexander served during the civil war.

Twenty-five years ago Captain Dutton returned to California, and since that time he has made his home either at Elsinore or in Los Angeles. He is survived by a widow, two daughters and four sons. The surviving children are Mrs. Elizabeth Warrington of Toronto, Kas; Mrs. J. B. Hoff of Oakland; William A. Dutton of 806 East Twenty-second street; T. P. Dutton of Seattle, Wash.; Harry A. Dutton of an Encino; and Roy Dutton of 1419 East Seventh street.

DEATH CALLS FORMER MAYOR'S SECRETARY

Herbert D. Kennedy, Newspaper Man and Politician, Expires at His Home in Glendale

Herbert D. Kennedy, who served as private secretary to Mayor A. C. Harper while he was in office, and prior to that as a well known newspaper man, died at 2:30 yesterday morning at his home in Glendale, after an illness of six months.

Mr. Kennedy had been an active newspaper man for many years prior to his death. His last active service was as city hall reporter for a local morning newspaper. After severing his connection with the newspaper, he was appointed by Mayor Harper as his private secretary at the time of his election.

Mr. Kennedy was born at Rockland, Me., October 11, 1871. He gained his education in the Boston Globe. He came to Los Angeles about five years ago and, for a considerable length of time was the city hall reporter on the Los Angeles Examiner.

Mr. Kennedy leaves a widow, Mrs. Lorinda Messer Kennedy, and a daughter, Mildred, 12 years old. Mrs. Kennedy's father was one of the most prominent citizens of Rockland, Me. Funeral services will be held tomorrow morning, at 10 o'clock, at the Glendale residence, at Doran street and Central avenue.

MADRIZ FEARS FURTHER WAR

TRAGIC DEATH OF ENVOY IS MUCH MOURNED

REVOLUTIONISTS DETERMINED TO PRESS FIGHT

Split in Ranks of Belligerents Leads to Belief Siege of Managua Is Imminent—Court Martial Ordered

MANAGUA, Nicaragua, Jan. 9.—President Madriz is greatly cast down by the death of Gen. Formas Diaz, who was drowned while on his way to Managua to discuss a peace settlement.

General Diaz was a warm friend of Madriz and it would have been possible for the president and the representative of the provisional government to go over the whole situation with some expectation of an amicable agreement.

Dr. Madriz is hopeful of the early appointment of a delegate in the place of General Diaz, but he fears that the new peace envoy will represent only the liberal element of the revolutionists.

Word has come to him that the conservatives, led by General Chamorro, mean to continue fighting, and he has been warned that Chamorro and his army are advancing toward Managua through the districts of Chontales.

The government will oppose the advance at La Mango. According to the advices received here, a split has occurred in the ranks of the revolutionists, and it is believed one faction will reject all overtures of peace.

President Madriz has ordered court proceedings to be instituted to punish whoever was responsible for the execution of Groce and Cannon. Since former President Zelaya does not appear officially in the records of the court martial, the responsibility cannot be fixed on him.

But possibly some official will be found guilty, probably Solomon Zelaya, the prosecuting attorney who officiated at the trial. He may, however, produce instructions from Zelaya authorizing his action. In that event congress might order the trial of Zelaya.

SLAYS FAMILY AND ENDS HIS OWN LIFE

TEXAN MURDERS THREE AND WOUNDS FOURTH

Ill Health Causes Man to Wield a Hatchet with Fatal Effects—Niece May Die of Injuries Received

BALLINGER, Texas, Jan. 9.—F. B. Kimbler, living in the northern part of this county, killed his wife, his four-year-old son and his 3-year-old daughter, seriously wounded his niece, aged 20, and ended his own life by cutting his throat today.

Kimbler had been in ill health, but got up at the usual time and was assisting his wife in making fires. He stepped out and secured a hatchet, ostensibly to cut kindling, and then returned to the house, he said: "Wife, we have all got to go," and killed her.

Going over to the bed where the children were still asleep, he attacked them. Then he entered his niece's room and struck her.

Returning to the room where his wife lay unconscious on the floor, Kimbler killed himself.

Mrs. Kimbler and the baby lived for five or six hours, but the boy was instantly killed. The young woman's recovery is doubtful.

Kimbler was a successful farmer.

PASTOR'S FLIGHT OF FANCY SEES A UTOPIA THOUSAND YEARS HENCE

Rev. A. Eugene Bartlett Hazards Guesses as to Conditions Under Which Man Will Live in Distant Period

CHICAGO, Jan. 9.—Without investing his remarks with any oracular impressiveness, Rev. A. Eugene Bartlett hazarded a few guesses in the pulpit of the Church of the Redeemer Sunday as to what the Chicagoans of a century hence will accept as commonplace.

Mr. Bartlett says that he was not merely romancing when he constructed this fabric of the fancy, but that each of his deductions has a basis in scientific fact.

Many were the extraordinary things which he declared Chicagoans would do in 2010, if this busy little planet did not collide with a wandering star in the meantime and explode like a penny squib.

Some of these things were listed thus: "They will rub shoulders with 25,000,000 fellow citizens in this little lake front town.

"They will wear spotless linen, for coal will be unknown and heat and light will be supplied by electricity and the recombination of the constituent gases of water.

"They will blacken the horizon, like birds, in airships, traveling at a velocity of 200 miles an hour.

"They will reject with abhorrence all animal foods and subsist upon fruits and vegetables. Strawberries will be as large as apples and peas the size of walnuts.

200 PRISONERS JOIN IN HYMNS

W. C. T. U. WORKERS CONDUCT SUNDAY MEETING

STRAINS OF RELIGIOUS SONGS FLOAT THROUGH BARS

Prison Relief Work Greatly Aided at County Jail by Devout Band of Practical Samaritans

With their faces pressed against the iron gratings of their cells, 200 prisoners confined in the old county jail joined in the religious services conducted yesterday afternoon in the narrow aisle by Mrs. Marion T. Boyd, county superintendent of the W. C. T. U., at the head of a little band of workers. The steel-plated walls of the prison rang with "Nearer My God to Thee," and many of the old orthodox hymns familiar to churchgoers, until pedestrians in the vicinity halted in the streets to listen. There was something indefinably pathetic to them in these imprisoned men raised in song, and the little crowd without gathered in the shadow of the barred windows and listened.

Within the jail a little golden-haired girl in a red vest stood on one foot and then on the other waiting for her father to be brought from his cell to see her in the barred "visiting room." The youngster has made her weekly visits to her father every Sunday afternoon for six months, and brings him little dainties put up by her mother, who is too ill to venture out.

"Very long," said the little girl, "for pretty soon he is going to have his trial and then he will find out that it was another man who did what papa has been held in jail for of this time."

The services yesterday were first conducted in the women's ward and in what is known as the "boarders' dining hall," where the trustees and "higher-ups" of the prison fold who was fun for their defense when they were on trial, or are more readily placed on probation. We also ferret out those cases where the imprisonment of husband or father has left a family in destitute circumstances. In a case like this the prisoner tells us of his family, and we see they do not come to want.

"I know of one man who has been in jail for months awaiting trial on the theft of two billiard balls. We are aiding a young man, 25 years old, who has been in jail here for more than a year and whose mother is dependent upon him for her support. This young fellow is nearly frantic with grief and paces his cell for hours. I believe if we had not reached him when we did and given him hope, that his mother would be cared for he would have lost his mind."

Mrs. Boyd states it is through the courtesy and kindness of Sheriff Hamnel and Jailer Warrington and the interest they take in the prisoners that she is allowed to relieve their families and hastening their trials. Mrs. Boyd is assisted in her work of relief by Leonard Mordant, superintendent of the prison work of the Rescue mission, 145 North Main street.

Visit Every Sunday Mrs. Marion T. Boyd, who is in charge of the little band which visits the jail every Sunday afternoon, has been in prison relief work for eleven years. She is the only person whom Sheriff Hamnel allows to conduct religious services within the sacred precincts of the "tanks," which are guarded with great care by the jailers for fear poison or weapons will be smuggled into the hands of some of the more desperate prisoners.

In speaking of the prison relief work yesterday afternoon, she said: "The many interesting and pathetic cases come under her notice. 'We try and accomplish all the good we can,' said Mrs. Boyd, 'and do it in a practical way. For instance, our work consists of bringing the prisoners who are away from their homes in touch with their friends or their families, and in this way many of them are enabled to raise funds for their defense when they come to trial, or are more readily placed on probation. We also ferret out those cases where the imprisonment of husband or father has left a family in destitute circumstances. In a case like this the prisoner tells us of his family, and we see they do not come to want.'

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"They will blacken the horizon, like birds, in airships, traveling at a velocity of 200 miles an hour.

"They will reject with abhorrence all animal foods and subsist upon fruits and vegetables. Strawberries will be as large as apples and peas the size of walnuts.

"They will all take their wages on the profit-sharing plan.

"They will be two inches taller on the average than men of the present and will live to the age of 120 years.

"Instead of setting off silly roman candles and skyrockets, they will embark in a ship of the air and alight at the foot of the aurora borealis.

"They will have conquered disease to a very large extent.

"They will receive the news of the world in daily journals which present only uncolored facts and leave deductions to the weekly periodicals."

Safety Razor Kind "Will those razor-back hogs hurt me, mister?" asked the youth.

"No, my boy," replied the southern farmer, "them is safety razor-back hogs!—Yonkers Statesman."

Advertisement for Remington Typewriter. Text: 'Made by the Men Who Know How. Everything which 36 years of experience can teach in the manufacture of a writing machine is represented in the new models 10 and 11 of the Remington Typewriter. Remington Typewriter Company, 637 S. Hill Street, Los Angeles.'

Advertisement for Santa Fe 'New fast train' to Chicago, Kansas City and Denver. Text: 'Santa Fe All the Way. The "Tourist Express". Leave Los Angeles 9:00 a. m. daily. As fast as the famous California Limited. Thru Sleepers—Fred Harvey Meals. This means 4 Trains a day to Kansas City, Denver and Chicago. Eastern Express . . . 7:30 a. m. Tourist Express . . . 9:00 a. m. California Limited 10:00 a. m. Overland Express . . . 8:00 p. m. For detailed information phone or call on E. W. McGee, Gen. Agent, Santa Fe, 334 So. Spring St. Santa Fe'

Advertisement for 'CANCERS CURED'. Text: 'WITHOUT KNIFE OR PAIN OR PAY UNTIL CURED. HUNDREDS OF TESTIMONIALS FROM PEOPLE WHO WILL WRITE YOU THAT WE SAVED THEIR LIVES. BOOK SENT FREE. PRINTED GUARANTEE. THIRTY-SIX YRS. CURING CANCERS. We cure other diseases on same terms. CANCER NEVER PAINS until last stage. Come while it is small, before it poisons deep or attaches to bone. We refuse hundreds who wait too long, AND MUST DIE. ANY Tumor or Lump is often CANCER also. Head Lady ANY LUMP IN WOMAN'S BREAST IS NEARLY ALWAYS CANCER, AND IF NEGLECTED IT WILL PENETRATE DEEP INTO THE ARMPIT AND KILL QUICKLY. Address U. S. CANCER CURE CO. FOR THE FREE BOOK. Offices 745 and 747 S. Main St., Chamley Bldg., LOS ANGELES, CAL. Kindly SEND THIS to Some One With CANCER'

Advertisement for Verdugo Canyon Tract. Text: 'THE picturesque Verdugo Canyon, one mile from Glendale. Lots one-half to three acres, rolling ground, liveoaks, sycamore trees, running water and parks, the most beautiful spot in Los Angeles County for suburban homes. See it and you will be convinced. Arrangements can be made at the office. Jno. A. Pirtle, Phone A7191, 401 Union Trust Building'

Advertisement for 'THE MIRACLE TREE' in Missouri. Text: 'A farmer "skinned" a stranger by selling him a walnut tree in the pasture for \$25. The stranger sold it for \$600. YOU can do as well right here in California. Tell now. See for it today. It is free. "THE MIRACLE TREE" AMERICAN-FORESTRATION COMPANY, 414 Security Bldg., Los Angeles. Shoes Half Price and Less. Over two hundred big display bargain tables are displaying shoes for men, women and children, on sale in many instances for half price and less. Convince yourself and come to the MAMMOTH SHOE HOUSE, 819 South Broadway. G. U. WHITNEY'S TRUNKS, Store and Factory, 223 So. Main St.'