

JURY IS NOT KNOWN

Idaho Land-Fraud Cases Are Soon to Come Up.

GREAT SECRECY OBSERVED

Among Those Already Indicted Are Some of the Prominent Business Men of State—No Special Prosecutor.

MOSCOW, Idaho, Oct. 21.—(Special.)—Monday, October 21, the Federal Court will convene at this place. At this session will be conducted the trials of all those against whom indictments have been found charging fraudulent transactions with relation to the public lands in the state. It is anticipated that at this time will be preferred other indictments of a similar nature and character, and much speculation is being indulged in by the citizens of the entire state as to the probable outcome and exposures that will result by reason of the investigations that have been vigorously prosecuted for some time by the agents and officials of the Government.

During the month of July a special grand jury was summoned at Boise for the purpose of finding indictments against certain persons against whom the Government had evidence and upon the conclusion of its work eight indictments had been preferred. This procedure was adopted at that time for the reason that the offenses with which the persons were charged had been committed at a date so far back that to delay it until a regular term of the court would be to let the statute of limitations run in favor of the offenders.

Indictments for conspiracy to defraud the United States were found against George H. Kester, cashier of the Lewiston National Bank; William F. Kettnerbach, president of the bank; Jackson O'Keefe, of Astoria, Wash.; William Dwyer, Clarkston, Wash., for four counts each. Identical indictments were found against George H. Kester, William F. Kettnerbach and Jackson O'Keefe for three counts each for subornation of perjury. Indictments were preferred against George H. Kester and Clarence Robinson, a bookkeeper in the Lewiston National Bank and an indictment for perjury against Ivan R. Cornell. There were also three other indictments made against persons of the name of Kester for perjury and one other for subornation of perjury.

The conspiracy indictments are brought under the same section of the revised statutes of the United States under which Congressman Williamson and Dr. Geener, of Oregon, were indicted, tried and convicted, and are divided into two classes. The first class charges that on April 25, 1904, Kester, Kettnerbach, Keefe and Dwyer "did falsely, unlawfully and wickedly conspire, combine, confederate and agree together to defraud the United States of certain tracts of land in the county of Shoshone and State and district of Idaho, and of great value of which the following-described land is a part. They follows a description containing about 36 acres.

The count then charges that the four mentioned persons persuaded the entryman to swear that he applied for the purchase of the land for his own use and in good faith, and not for speculative purposes, and that he had no direct or indirect agreement with any persons whereby the title should pass to them. It then charges that the four mentioned persons fraudulently made and that, in pursuance to a conspiracy the defendants furnished or caused to be furnished money to the entryman whereby he acquired title to the land.

The indictment charging Kester with subornation of perjury alleges that January 19, 1903, he did unlawfully, knowingly, willfully and corruptly suborn and procure James C. Cornell to execute certain timber lands under an agreement that title should pass to Kester and the remaining indictments are along the same lines as the two mentioned.

Kettnerbach and Kester are the two prominent personages indicted. Both are wealthy, well-known throughout the entire state and most parts of the West, and the possession of considerable property; both have figured conspicuously in the politics of their state and will have at the time of their trial the best and most brilliant legal talent that the state possesses to conduct their defense. The others, while less prominent, will nevertheless make a hard fight for their acquittal.

United States District Attorney N. M. Ruck, together with his deputy, Miles S. Johnson, will conduct the prosecutions as none have been assigned by the department to either assist or take charge over the District Attorney.

No grand jury nor trial has yet been drawn, so that the public knows in the event that there has, it is a matter that the officials alone possess any knowledge of. This is unique in the fact that never in the history of the state has the public failed to know at least two weeks ahead of time the jurors, both grand and trial, would be.

Several theories are evolved relative to the withholding of this information. One is that the court fears that if the jury panel is known in advance of the meeting that they may be influenced and tampered with; another that they will not be summoned to report until two or three weeks before the convening of the term. A reason given for this action is that developments at the trials of those already indicted will implicate them and justify their indictment. And another is that the department has failed in making the large captures it had expected by its investigations and that no more indictments will follow. An inference is also drawn to the effect by many that the cases now scheduled for trial are serious or the Government would send a prosecutor to conduct them.

DEPOSIT MONEY IS FORFEITED

Idaho Entry Has Been Rejected on Ground of Fraud.

BOISE, Idaho, Oct. 21.—(Special.)—The Commissioner of the General Land Office has affirmed the decision of Receiver Garrett, of the Boise office, in refusing to return \$410 to Harvey Wells, of Centerville, who offers to enter a tract of timber land under the timber and stone act had been rejected on the ground of fraud. The question arose in this office, the Receiver refusing to return another applicant's money.

The Commissioner of the General Land Office overruled him, but the Receiver asked that the subject be reviewed. This led to a decision by the Secretary of the Interior that such money paid in by applicants when offering to enter was public money and was subject to forfeit if fraud were proved. It was contended by the attorney for the applicant that the Receiver merely held the money for the applicant pending determination of his case.

There have been five cases of rejection of offers to enter land in this office because of fraud, in all of which the money deposited is forfeited. Some other cases are pending and it is expected a number of them will be decided against the applicants, as the officers of the Government claim to have conclusive proof of fraud.



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OFFICES SHUT UP

Bay City Trust Company Afoul of Commissioners.

METHODS ARE IMPROPER

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NORTHWEST DEAD. Mrs. Nellie Woodward.

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Stamp Mill in the Spring.

GLENDALE, Or., Oct. 21.—(Special.)—Wills Kramer, of Myrtle Creek, was in Glendale a few days ago, and said that he was preparing to place a force of men on his Whiskey Creek properties for the winter, and would install a modern stamp mill in the Spring. Mr. Kramer is now associated with his two brothers, and they have the mineral and the money with which to develop it. This mine is about two miles from the famous Gold Bug mine.

County Clerk Goes Abroad.

HELENA, Mont., Oct. 21.—(Special.)—A dispatch to the Record from Forsyth says ex-County Clerk Charles W. Bailey, of Rosebud County, who was under bonds to answer to the District Court for being implicated in a gigantic county fraud, by which it is alleged the state was defrauded out of \$20,000, has disappeared. It is believed he has gone to South America.

Judge Irwin Is Upheld.

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Long Off Mouth of River.

ASTORIA, Or., Oct. 21.—(Special.)—The French bark Touraine arrived in this city Sunday. She has been off the mouth of the river since October 16, but owing to adverse winds, was unable to come in close enough to be picked up by a tug.

Pay for a Lost Arm.

MONTESSANO, Oct. 21.—(Special.)—A verdict was rendered last night against the Michigan Lumber Company and in favor of William Smith for \$2275. Smith lost an arm as the result of the breaking of a saw in the mill of the defendant.

Child Plays With Matches.

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Fell From a Lumber Car.

PENDLETON, Or., Oct. 21.—(Special.)—J. O. Lamb, the section hand who was run over by a freight train yesterday afternoon, died at noon today. It was learned today that Lamb was intoxicated and fell from a lumber car just as the train started from the yards.

Stacked Against Death

RICH PROSPECTOR LOSES HIS WAY AND STARVES.

Just as He Discovers Copper Field Wandered Around for Days in a Circle.

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