

IDAHO TIMBERMEN ON TRIAL TUESDAY

Conspiracy Cases Most Important on Docket for Present Year.

TRIO ACQUITTED ONCE

Government This Time Will Attempt to Prove Agreement Existed Between Defendants and Entry-men Previous to Entrance.

BOISE, Idaho, Feb. 12.—(Special.)—In point of importance the trial of William F. Kettinbach, Messrs. Dwyer and Kester, on the charge of feloniously conspiring to defraud the Government out of valuable timber lands located along the Clearwater River in Nez Perce County, is one of the most prominent upon the criminal calendar of the United States Circuit Court for the district of Idaho to be tried during the present year.

Trial date has been set for Tuesday before Judge Frank S. Dietrich in the chambers in this city. The result will be watched with interest in every section of this state, especially that of the north, from which the criminal cases originated.

Vigorous Opposition Expected.

That the defendants will meet the charge of the Government with vigorous opposition was disclosed this week through the installation of their elaborate legal headquarters, apart from the Federal building, where some of the most prominent attorneys in the state are congregated preparing the case to be presented in behalf of the three accused men.

The defendants will be tried on two of the counts in one of the eight indictments returned against them. All of the indictments are alike as to the general charge but constitute separate land entries.

It is stated here that if the defendants are found guilty of these two counts, the balance of the indictments pending against them will be dismissed by the Government and the prosecution of these famous timber fraud cases dropped.

The trial indictment originally contained five counts. It was together with the other seven indictments returned during the years 1906-08. The Government went to trial on the one indictment at that time. A jury acquitted the defendants on three of the counts and held them on two.

Appeal was taken to the United States Circuit Court of appeals and the two counts were remanded back to the lower court for retrial. The Government allowed the case to remain dormant up to last Fall.

Indictments Held Sufficient.

Demurrers to the complaint and other legal technicalities were raised by the defense, but the court held the indictment sufficient for trial. Alleging that strong prejudice exists in Nez Perce and other northern counties, the defendants and that political spoils had been made out of the indictments returned against them, while the newspapers had attempted to create a feeling against those accused, counsel for the defendants petitioned for a change of venue from Moscow to Boise.

The Government raised no objection to the petition. Judge Dietrich granted the transfer of the trial to this city and set January 25 as the date for counsel for the Government to inform the defendants on what indictment they would be tried. This was subsequently done.

There are but two entries included in the two counts remaining for trial in this indictment. The Government will endeavor to prove that an agreement existed between the defendants and the entry-men prior to the time the land was entered, the understanding being that for a certain consideration, the entry-men would file on the timber land and secure the entry title turn it over to the defendants.

The Government alleges that in this matter the timber-grabbers managed to defraud the Government of large and valuable holdings. The defense will claim that no such agreement was entered into and that the timber land they secured was purchased in a legal manner.

The sentiment against the defendants in the north is strong, in fact, so strong that they are all confident that their trial here next week will be fair and impartial.

ALL READY FOR ROAD MEET

Good-Roaders Will Travel to Aberdeen Convention by Auto.

ABERDEEN, Wash., Feb. 12.—(Special.)

Preparations for the State Good Roads Convention to be held in this city February 23 are now reaching a stage in their development which affords every assurance that the gathering will exceed in magnitude any similar event ever held either in this state or the Pacific Northwest.

Letters are flooding the offices of the city from all points of the state, 59 reservations alone being telegraphed yesterday.

The Tacoma and Seattle list of delegates, most of whom will come by automobile, has been swelled from 200 to almost double that number, according to advice just received. Efforts are making a strong campaign for the next annual meeting, and will also arrive with a large representation in order to have weight when the future meeting-place is chosen.

It was decided today that all the automobiles that can be brought into service will be entered to have a large number of the day before the convention to act as escort to Governor M. E. Hay, who will come to this city by automobile route in order to show what has been done so far in Chehalis County towards the betterment of highways.

Probably one of the strongest drawing cards that the convention extends, aside from its great anticipated size, will be the influence it will have not only in the appointment of the committee of state road funds, but also on prospective legislation. Headed by the Governor, many state and county officials, together with state legislators, will put in an appearance, and before the two days' session has been ended statutes of great importance to state highways will undoubtedly have been instigated.

Misnamed Team, "Chink" in Jail.

ALBANY, Or., Feb. 12.—(Special.)—The alternative of keeping his misnamed team off the streets of Albany or serving 15 days in jail faces Ab Louis, a local Chinaman, who has been arrested for driving a team formed of one unusually large horse and a very diminutive one. The misnamed team, always in poor condition from lack of food, became an eyesore and Louis was arrested

WESTON, Or., Feb. 12.—(Special.)

The family of P. Weston, arrivals at Weston from Tennessee, have been receiving aid from the town and county on the plea of poverty. The husband and wife were sick, and visitors found no provisions but four in the house. Aid was then promptly extended.

POVERTY PLEA ONLY HOAX

Weston Family Seek Aid, Yet Hoarded Money in House.

It developed that a boy in the family had carried to school a purse containing \$150, and the "another" well-filled with currency was kept hidden under a pillow at the house. The Westons were then compelled by the town Marshal to pay for the provisions they had received and to return the cash contributions.

Hatpins Divide Suffragettes.

NEW YORK, Feb. 12.—Members of the Women's Democratic Club have digressed from suffrage to hatpins. Two hours of their latest meeting was devoted to a discussion as to the proper length of woman's topmost implement of war. Mrs. Margaret Fitzgerald declared the present law providing for a hatpin less than "nine inches, is dangerous. No hatpin, she said, should extend beyond the crown of the hat.

To emphasize her point Mrs. Fitzgerald told of the narrow escape of a man on a streetcar when a woman careened against him and her hatpin was driven into his ear. "If that had been his eye," she said, "he would have been a dead man."

Diplomat Extols King Leopold.

NEW YORK, Feb. 12.—High praise for Leopold, late King of the Belgians, came from Henry Lane Wilson, ex-Minister to Belgium, who leaves for his new post as ambassador to Mexico next week. "Leopold was intellectually the superior of any reigning monarch in Europe," said Mr. Wilson, who has just arrived in New York after a brief visit in the West.

"He played his part in a limited field of action, but if he had been Emperor of Germany or King of England he would have been esteemed the first figure of his time. In financial or commercial life he would have been a Morgan or a Rockefeller. All his ideas were on a grand scale, and whatever mistakes he made were due mainly to the difference between the part he wished to play and the little theater in which he had to play it."

1689 Miles Traveled by Trolley.

ST. LOUIS, Feb. 12.—From Syracuse, N. Y., to St. Louis by trolley is the achievement of A. J. Littlejohn, an Edison Electric Company official, who arrived here Friday. Littlejohn took a roundabout course and traveled 1749 miles. The trip back to Syracuse, which he began last night, will cover only 1699 miles. Mr. Littlejohn traveled 68 miles on steam roads. Between Kalamazoo, Mich., and Niles, Mich., a disorganized trolley system, between Paris and Ridgefarm, Ill., 20 miles, he abandoned the interurban electric lines. Of total distance of 1749 miles, 1689 of them were over electric railways.

Millmen Buy Light Stock.

TOLEDO, Or., Feb. 12.—Lewis Montgomery, of the Fir & Spruce Lumber Company, of this place, has purchased a one-fifth interest in the Toledo Light, Power & Manufacturing Company, which is operating an electric lighting system in this city. The corporation, J. C. Stewart, A. Smith and H. L. Collins, retaining the controlling interest in the company. It is the intention of the company to remove the plant to the Fir & Spruce Company's sawmill within a few days. The sawmill agrees to furnish fuel for the lighting plant for a term of five years.

Southern Pacific Sued.

OREGON CITY, Or., Feb. 12.—(Special.)—Thomas Evans today filed a suit against the Southern Pacific Railroad Company for \$20,000 damages, alleging that on September 22, 1909, he purchased a ticket from the railroad company to Wilson, a station north of Oswego, and that on his return trip, as Evans was walking along the track to take the train, it backed without the sound of a whistle or other signal. The tin crashed one of his legs so badly that amputation was necessary, he says.

Beating With Dipper, Alleged.

OREGON CITY, Or., Feb. 12.—(Special.)—William Stubbs has filed a suit for divorce from his wife, Mary Stubbs. The Stubbs are well known at Estacada, where they have made their residence for many years. They were married in Wisconsin in November, 1874. Stubbs alleges his wife has treated him in a cruel and inhuman manner. On one occasion, he says, she beat him in the face with a tin dipper, which caused him much pain.

Adventist Church Nearly Done.

FOREST GROVE, Or., Feb. 12.—(Special.)—The new church building of the Forest Grove Adventists is nearly completed, and as soon as the interior is finished the place will be dedicated for service. Recently the church organization was perfected by Elder G. W. Pettit. There were 60 Adventists present and preachers from the neighboring churches.

MUSICIANS' UNION UNITES TO GIVE GRAND CONCERT TO HELP DECORATE PORTLAND FOR ROSE FESTIVAL.

Portland and beautiful, Portland the gaily decorated, Portland dressed up as she never has been to entertain her hundreds of thousands of visitors for the Rose Festival. This is the motto, the shibboleth of the members of the local Musicians' Union. This organization has come to the front to push the plan of having Portland arrayed in her finest garments for the next annual floral display, and to focus in the grand benefit concert to be given at the Bungalow Theater next Sunday afternoon at 2:30 o'clock. The musicians have agreed to donate the services of 45 of its members to render a programme the like of which no local talent has yet given the public. All of the local directors and leaders have come to the front in the benefit in the programme there will be soloists who have been attached to some of the greatest musical organizations in the country. There will be artists from Sousa's, Gilmore's, Innes', Creators' bands, and members of some of the leading orchestras in the United States. Plans are under way to have a large number of the downtown business blocks decorated with novel effects for the night. All through the coming week the Musicians' Union will make a canvass of the city as possible in the sale of tickets for the big benefit concert next Sunday. President Hoyt, of the Festival, who is a talented musician himself and who will direct the benefit band of 45 members in several of their numbers, says that the programme now being rehearsed is one that could not be excelled by any musical organization that has ever come here from the East.

Ralph W. Hoyt.

Charles Dierke.

W. H. Boyer.

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JURY DELVES YET

Mitchell Letters Are Puzzle to Hermann Probers.

DEFENDANT IS SANGUINE

Judge Wolverton Orders Investigators Locked Up for Night. Sealed Verdict Is Barred. Result Expected Today.

HERMANN JURY PERSONNEL. The jury which for five weeks has listened to the testimony upon which the Government has asked thatlinger Hermann be declared a member of the Blue Mountain conspiracy, is composed of:

Charles W. Bleser, Clackamas County, farmer. William Myers, Clackamas County, farmer. Albertus H. Metcalf, Portland, contractor. Fred Shannon, Portland, salesman. Ben F. Skaffeld, Portland, contractor. J. C. Smock, Washington County, merchant and farmer. C. F. Pearson, Portland, master painter. John B. Thompson, Dallas, hotel-keeper. Henry B. Stone, Portland, lawyer and planner. Wesley Honck, McMinnville, farmer. George Helrick, Portland, furniture manufacturer. Smith Stephens, Portland, farmer.

(Continued From First Page.)

Heaves that he will be a free man before the day is over. He argues that the fact that the evidence in the case has not been asked for by the jury in his favor and shows a well defined conviction on the part of some one or more of its members.

Honey Is Confident.

On the other hand, the assistants to Attorney Honey stored confidence as the hours passed and insisted that the Government was gaining ground by the delay. Honey would not give an opinion concerning his own readiness as to the situation, but indicated that in case the jury failed to agree, he would be ready to go on with a new trial as soon as the defense was a readiness. "I am not altogether heartless, and I realize that this trial has been a tremendous strain on Mr. Hermann. He is an old man now, and I do not want to force him to a second trial immediately. It would be too much for him," said the prosecutor.

Attorney Worthington, chief counsel for the defense, said it would be impossible for him to remain here for the duration of the case. "My affairs in Washington demand attention, and I must go back. It will probably be several months before the case could come up again," he said. Since the indictment was returned five years ago Hermann has not been arrested or arrested or required to furnish the \$4000 bond fixed by the court. When indicted, Hermann was a member of Congress and was at Washington engaged in his duties pertaining to that position, which is considered as having made him immune. Upon his return to Oregon in 1903, he appeared in court voluntarily to plead to the charges made against him.

Letters Puzzle Jury.

Unsigned copies of letters written by Senator Mitchell to P. P. Mays in the Spring of 1902, in which the Senator referred to protests received against the Blue Mountain reserve and assured Mays that he would do everything possible to push the reserve through the land office, were the cause of a request by the jury for instructions at 7:45 o'clock last night. When the parties to the trial were assembled, the jury was brought in and Foreman Mays asked whether the communications were from Mitchell to Mays or from Hermann to Mays. They were told Senator Mitchell wrote the letters and were escorted back to their room for further inquiry.

The incident was considered by friends of the defendant to be favorable to Hermann. They reasoned that some members of the jury were standing out for conviction and that others argued the evidence was more against Mitchell than Hermann.

Defense Gains Last Point.

Judge Wolverton occupied two hours in reading his instructions to the jury, which were concluded at 9 o'clock at the request of the jury. The charge contained 21,000 words. As Judge Wolverton concluded, Attorney Worthington asked to file an exception to that portion of the instructions

Intent Must Be Shown.

A delegation of prominent residents of Roseburg reached the city on a morning train and remained in the vicinity of the courtroom during the afternoon. Among them were Frank Alley, E. L. Farrett, Joe Mitchell, K. L. Miller, Linn Caton, H. Marks, Joe Pfeister and A. C. Marsters.

With the close of the Hermann trial the chief counsel for the defense, Attorney A. S. Worthington, of Washington, D. C., will retire from the practice of criminal law. "It will positively be my last appearance in a criminal court," said Attorney Worthington. "There are of course a few small cases to clean up, which will have my attention. When this case ends I am practically out of the branch of law. Such cases impose much more work on another attorney. Asked if he proposed to abandon all branches of law, Mr. Worthington declined to be quoted. "I might change my mind," he said.

Roseburg Residents Attend.

In five minutes after Judge Wolverton had concluded his instructions, Balliffs Hamilton, Jack Kerrigan and Joe Hoeg conducted the jurors to the room on the top floor of the Federal building, which has been heretofore occupied by the office force of Attorney Honey. In that same room juries have decided the fates of many prominent Oregonians. John H. Mitchell, I. N. Williamson, Pierce Mays, Henry Mel-drum, S. A. D. Pater, McKinley and Tarpley waited anxiously for the end of deliberations there.

Mr. and Mrs. Hermann awaited the verdict at Hotel Imperial and followed the jury to the courtroom. They allowed the noon recess attorneys for the prosecution and defense also sought their hotels.

Editors Sail for Colon.

National Association Sends Excursions to See Isthmus.

NEW ORLEANS, Feb. 12.—Election of officers, choosing the next meeting place, reports of important committees and several addresses were featured of the last day's session of the National Editorial Association.

More than 50 members were included in the list of passengers on the steamship Turrialba, sailing today for Colon. More than twice this number will sail for the same port on another steamer. The parties will remain several days in Panama.

James P. Baumgartner, editor of the Santa Ana, Cal., Register, was elected president.

SEATTLE, Wash., Feb. 12.—Chief of Police Horrilton, of Minneapolis, telegraphed today to the Seattle police, asking them to notify Charles Gunstead that his wife was dead in Minneapolis. Gunstead committed suicide here a week ago by swallowing carbolic acid at midnight on a waterfront street. The finding of his body, which had been dragged into a dark spot and robbed by thieves, gave rise to a sensational story of murder.

Gunstead had been despondent because unable to find steady employment, and the sickness of his wife is now given as an additional reason for suicide.

ATTIC TENANT DIES RICH

Man Apparently Abjectly Poor Has Real Estate Worth \$50,000.

PUEBLO, Col., Feb. 12.—In a dismal attic room of an unoccupied building, which he owned, E. S. Owens, aged 65 years, was found dead in a chair this morning by a policeman.

Search of the room revealed papers indicating that the man, who had lived in apparently abject circumstances, was the owner of real estate in Pueblo worth \$50,000. He was taken ill Wednesday, but refused to call a doctor.

Southwest Miners Confer.

ST. LOUIS, Feb. 12.—President Lewis, of the Mineworkers of America, began a conference here this afternoon with the miners and operators of the Southwest. The two organizations, according to Mr. Lewis, are at odds over wage scales and breach of faith in contracts.

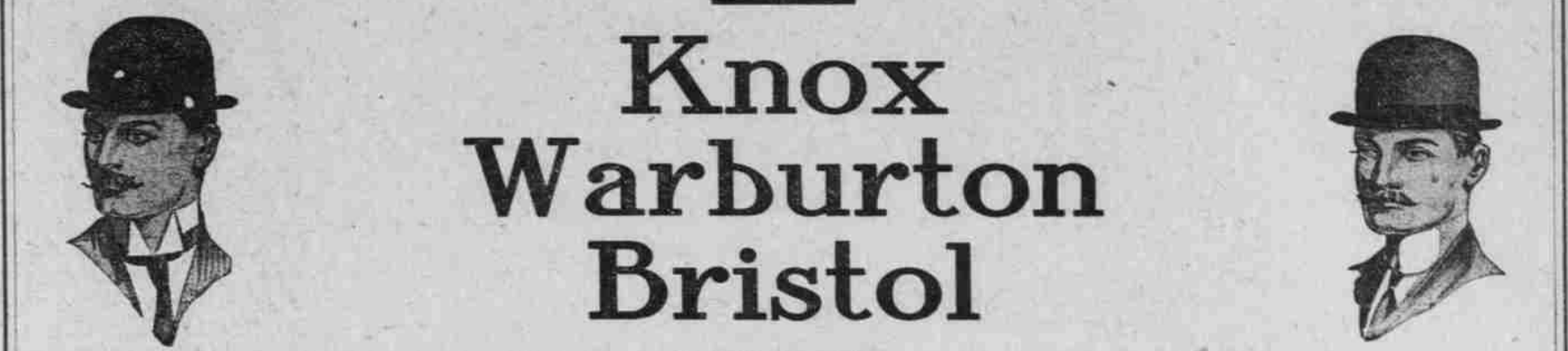
ALBANY BEATS SALCM IN GAME. ALBANY, Or., Feb. 12.—(Special.)—The fast basketball team of the Albany High School overwhelped the team of the Capitol Business College, of Salem, in a game in the Alco Club gymnasium in this city last night and piled up a score of 45 to 10.

O. A. C. Cadets Plan Dance.

OREGON AGRICULTURAL COLLEGE, Feb. 12.—(Special.)—The officers of the O. A. C. cadet corps are making final preparations for the annual Washington's birthday hop. These

BRIGSTYLES

NOW ON DISPLAY



Knox Warburton Bristol

SPECIAL REDUCTION SALE

BELJAMIN'S

SUITS, OVERCOATS, RAINCOATS STILL GOING ON

BUFFUM & PENDLETON

311 MORRISON STREET, OPPOSITE POSTOFFICE

OPponents ARE SHY

Recall Election in Ashland Finds No Candidates.

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