

IDAHO TIMBERMEN  
ON TRIAL WEDNESDAY

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, Kettinbach, Kester and Dwyer are expected in Boise Monday.

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 jury find not 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, 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 for the purpose of the convention will be in the city the day before the convention to act as escort to Governor M. E. Hay, who will come to this city by automobile. 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 of 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

yesterday for cruelty to animals. He was released on promise of refraining from driving his misnamed team.

POVERTY PLEA ONLY HOAX

Weston Family Seek Aid, Yet Hoarded Money in House.

WESTON, Or., Feb. 12.—(Special.)—The family of P. Weston, who arrived 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 flour in the house. Aid was then promptly extended.

It developed that a boy in the family had carried to school a purse containing \$150, and the "mother" 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 1693 miles. Mr. Littlejohn traveled 65 miles on steam roads. Between Kalamazoo, Mich., and Niles, Mich., a disorganized trolley line, 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 sawmill within a few days. The sawmill agreed 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 train 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 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.

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 that Binger 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.

Jury Room Famous.

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 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 sound of deliberations there.

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

Roseburg Residents Attend.

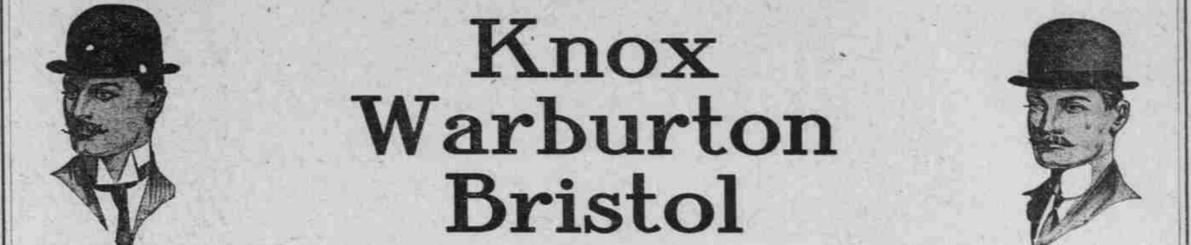
A delegation of prominent residents of Roseburg reached the city on a morning train and remained in the vicinity of the courtroom during the afternoon. Among them were Frank Alley, E. L. Farrett, Joe Mitchell, K. L. Miller, Linn Caton, H. Marks, Joe Pleisticker and A. C. Marsters. With the close of the Hermann trial the chief counsel for the defense, Attorney A. S. Worthington, of Washington, D. C., will retire from the practice of criminal law.

Intent Must Be Shown.

The essential points of Judge Wolverton's charge to the jury were that the conspiracy must have been formed within three years of February 12, 1908, when the indictment was returned, but if they found that a conspiracy had been formed before that they could still hold the de-

BEST RIG STYLES

NOW ON DISPLAY



Knox Warburton Bristol

SPECIAL REDUCTION SALE

BELJAMIN'S

SUITS, OVERCOATS, RAINCOATS STILL GOING ON

BUFFUM & PENDLETON

311 MORRISON STREET, OPPOSITE POSTOFFICE

defendants responsible if an overt act had been done within those three years. The Judge said a person might enter without evil purpose or illegal intent a conspiracy, but after he was in it having knowledge of its illegal purpose joined therein then he becomes a party. That Hermann did not benefit from the conspiracy is not essential.

"The court said the Commissioners' duty was to conserve the public lands and to protect the Government from depletion of its public lands. Regarding intent, the court said that circumstantial evidence could be used to prove it only when such evidence could have no other reasonable hypothesis than that of guilt placed on it."

GEN. RANDALL'S WIFE DIES

Woman Nurses Invalid Husband; Called First by Death.

News was received yesterday of the death, at Cheyenne, Wyo., of Mrs. George M. Randall, the wife of Major-General Randall, commander at Vancouver Barracks during 1902 and 1903. Mrs. Randall had been in poor health for some time and died Saturday.

She was the daughter of the late General Henry M. Black, who served at several of the pioneer forts along the Upper Columbia River.

Although born in the East, Mrs. Randall was well known in Oregon, having spent several years here and at Western schools. In the early '80s she visited the Central States with her father and was married in Detroit, 1885. After having been at Vancouver Barracks with her husband, she accompanied him on a trip to the Philippines, later returning to the Coast.

During the last years of her life she devoted herself to nursing Major Randall, whose health was broken by his long Army service, and who survives her.

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 in the last day's session of the National Editorial Association.

About 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.

NEWS ARRIVES TOO LATE

Man Is Suicide When Notification of Wife's Death Arrives.

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.

OPponents ARE SHY

Recall Election in Ashland Finds No Candidates.

ASHLAND, Or., Feb. 12.—(Special.)—Interest in the forthcoming recall election for Mayor to be held February 23 has not reached a white heat and there is no evidence yet of life in the campaign, as no opponent has offered himself or has been persuaded to enter the race against Mayor R. N. Snell. Ashland is believed to be the largest city in Oregon in which the new recall amendment to the constitution has been invoked, and the novelty seems to be attracting comment.

SPITE WORK, SAYS MAYOR

No Matter What Result Is, Declares Official, Reputations Are Tar-nished by Invoking of Amendment.

"My contention from the beginning of this dastardly spite work has been that no matter what might be the result of a recall election, it would leave a blight on the character of the official and faithful public servant, simply to gratify the spite of a few men who have personal spleen to vent and who have not been able to use me for their personal ends and gain, to the injury of the general public, since I have been elected on the character of the official and faithful public servant, simply to gratify the spite of a few men who have personal spleen to vent and who have not been able to use me for their personal ends and gain, to the injury of the general public, since I have been elected on the character of the official and faithful public servant, simply to gratify the spite of a few men who have personal spleen to vent and who have not been able to use me for their personal ends and gain, to the injury of the general public, since I have been elected on the character of the official 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