

First Day's Proceedings in Trial of Wm. D. Haywood

REGULAR JURY PANEL EXHAUSTED

SPECIAL VENIRE OF HUNDRED ORDERED

Attorney Hawley Files List of 124 Names of Witnesses For the State.

MANY TALES MEN CHALLENGED FOR CAUSE

Not So Large an Attendance of Spectators as Expected—Miscellaneous Crowd—More Newspaper Men Present—Mrs. Haywood and Daughters Attend—Morning Session—Continuance to Monday.

The trial of William D. Haywood, secretary-treasurer of the Western Federation of Miners has commenced. At 10 o'clock yesterday morning the great proceedings upon which the eyes of the civilized world will be focused until its very end, was started in the district court of Ada county before Judge Fremont Wood.

It is a trial the length of which no one can tell, nor even estimate accurately. It may last six weeks and it may last six months. It is a trial in which some of the brightest legal minds of the west, of the whole country, are contending. The attorneys for the state are men that became famous as able, persistent, successful attorneys long before the cases resulting from the murder of former Governor Steinberg came up.

The attorneys for the defense are equally famous. The leading attorneys are men who have achieved fame because of their success in the practice of criminal law. One of the attorneys, Darrow of Chicago, has for years appeared for the defense in great labor cases. He slips into his present duties naturally. The trial is not a move with which he has not become familiar from long experience.

Almost all of yesterday was taken up in the examination of jurors and at just before five o'clock yesterday afternoon the talesmen of the general panel available for jury service if found eligible had been called and a special venire of 100 talesmen was ordered to be summoned by the sheriff to report at 7 o'clock Monday, to which time a continuance in the case was ordered. At the closing of the proceedings yesterday afternoon, there were eleven jurors in the box. All of those had been passed upon by the attorneys for the prosecution and examination for cause after several had been excused on challenge for cause by the prosecution. The examinations by the defense had been commenced and several had been excused

HOW THE JURY STANDS AT PRESENT

The following 11 talesmen were in the box at the close of proceedings yesterday:

William Van Orsdale, A. L. Koenig, W. W. Rudge, Orin Cole, J. L. Waggoner, George Walker, George H. McIntyre, W. W. Bieby, Samuel Wingate, Samuel F. Russell, Samuel D. Gilman.

Of the above all had been passed by the attorneys for the state after examination for cause except Walker. He was challenged by Mr. Hawley. The challenge was resisted by Richardson and the talesman allowed to retain his seat until the attorney for the defense questioned him.

All but one of the talesmen excused yesterday on challenge were challenged on the grounds that they admitted having formed unqualified opinions regarding the guilt or innocence of the accused. William Cathcart was challenged by Mr. Borah upon his stating he had conscientious scruples regarding capital punishment. Cathcart was excused from the summons trial jury for the same reason. Those excused on challenge by the state were as follows:

James L. Ayers, J. G. Breckinridge, Henry W. Baker, Wm. Spitzer, Sylvester Gaunt, James H. Butts, Frank Foster and Paul A. Cowgill.

Those excused on challenge by the defense were Captain J. E. Yates and Albert Beck, the panel being exhausted before the attorneys for the defense had finished their examinations beyond the third seat.

Of the 11 now in the chairs the defense has caused after examination for cause: William Van Orsdale, S. D. Gilman and A. L. Ewing.

appeared perfectly calm. Her chair was placed within the rail and close behind the chairs of the attorneys for the defense. Following her came her name and two daughters, who took seats at her left.

At exactly 10 o'clock E. P. Richardson, S. Darrow, Edgar Wilson, John F. Nugent, John M. Murphy, attorneys for the defense, entered the court room. Fred Miller came in last. Attorneys James H. Hawley, W. E. Borah, W. E. Stone and Oscar M. Van Duzen were already seated at their table. Judge Wood took his seat on the stroke of the clock at 10 and court was immediately opened and the minutes read.

Judge Wood made several announcements regarding matters connected with civil cases and then asked:

"Is the defendant in the room?"

"He is ready to enter, your honor," responded Darrow.

"Bring him in," Judge Wood instructed the sheriff.

Mr. Haywood was then escorted into the court room by the sheriff and a guard and was given a seat at the side of his younger daughter in the same row of chairs with his family and directly behind Atter-

REST.



The President plans summer of rest and recreation. He will shut himself up from the world, devoting his time to books and study.

Henry W. Baker, George Walker, George H. McIntyre, W. W. Bieby, Samuel Wingate, Samuel F. Russell. The jurors were then sworn and turned over to the attorneys for examination.

Examination of Jurors.
Mr. Hawley began the examination, prefacing his questions by stating that the case at bar was the one in which William D. Haywood was charged with the murder of former Governor Frank Steinberg on the evening of December 29, 1902, at Caldwell.

A. L. Ewing on being questioned stated he had lived in Boise about 12 years; that he was by trade a carpenter; that he formerly lived in Oregon; that he first came from Indiana. He said he lived here at the time Steinberg was killed. He said he was not a member of a carpenter's union and had never been. He had not heard the case talked about very much. He knew Steinh-

CANNIBALS IN THE SLAYERS OF SILVA CONVICTED SOUTH SEAS

Horrible Practice Carried on Extensively in Sir Charles Hardy Islands. Jury Renders Verdict of Murder in Second Decear Against Preston.

(Special Dispatch)
GOLDFIELD, Nev., May 9.—The verdict of the jury in the case of the murder of John Silva by M. R. Preston, walking delegate of the Industrial Union of Marine and Shipbuilding Workers of America, and

DAMAGING EVIDENCE GIVEN AT THE HEARING OF SCRUGHAM

Former Employee of Policy Holders Committee Tells of Holding Out Administration Ballots in New York Life Election.

NEW YORK, May 9.—F. Carrington, a former employee of the international policy holders committee, testified in police court today that after he had been summoned by Assistant District Attorney Smith that he had been instructed to make as many copies of policy holders' handbooks as possible. Carrington said that when he went to the policy holders' committee, he had been instructed to make as many copies of policy holders' handbooks as possible. Carrington said that when he went to the policy holders' committee, he had been instructed to make as many copies of policy holders' handbooks as possible.

FLOWERS REPLACE WEST AND SMITH BRICKBATS INDICTED

Roses and Carnations Presented to Strikebreakers in San Francisco. The Lewiston Attorneys So Notified by District Attorney Ruick.

WOMEN ON STREETS GREET NON-UNIONISTS RECEIVE PERSONAL LETTER FROM OFFICER

Cars Run Under Police Protection Without Trouble in Forenoon But Some Disorder is Witnessed Later in the Day and Bricks Thrown. As Instructed to Appear in Court at Moscow on May 13 to Answer to Charge of Conspiracy to Defraud the Government.

(Special Dispatch)
SAN FRANCISCO, May 9.—Roses and carnations, instead of bricks and cobble stones, marked today's run of cars, manned by 20 strike breakers from the car barns at Oak and Broadway streets for a distance of three or four miles through the business and residence streets of the western addition. Stirred to admiration by the courage of unarmored strike breakers in operating the two cars in the mob-crowded thoroughfares, women all along the route stood on their steps or leaned from windows and waved handkerchiefs, clapped their hands, cheered and threw kisses to the non-unionists, as the police-protected cars slowly by. On the return trip on Sacramento street, near Fremont avenue, a young girl ran out from a drug shop and tossed a handful of bright red, long-stemmed carnations to the platform of one of the cars.

Lifting their cars and sending several of the men leaping far out and

Mr. Haywood & Daughter
Attend - Morning Session
Continuance to Monday.

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When the court convened yesterday, aside from the many newspaper writers in attendance and many members of the local bar, there was a small audience crowded in the court room that anyone had anticipated. There were but three or four women spectators. The seats back of the tall were occupied by reporters and many of the seats used were occupied by members of the jury panel. There were several more news writers than on the previous day and three thousand were in the room taking views of the court as it appeared during the opening proceedings.

By Mr. Borah...

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Mr. Borah, George Walker, George H. McInnes, W. A. Simpson, Sylvester Gaunt, W. H. Bishop, Samuel Wingard, W. F. Russell, Samuel B. Brown and A. Cowgill.

LONGSHOREMEN'S STRIKE

NEW YORK, May 9.—The striking longshoremen gained a victory today when the Savannah line compromised with its 600 employees. The strike leaders claimed that 400 men were out in Manhattan, Brooklyn, Hoboken and Staten Island.

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Horrible Practice Carried on Extensively in Sir Charles Hardy Islands. Jury Renders Verdict of Murder in Second Degree Against Preston.

—(Special Dispatch.) GOLDFIELD, Nev., May 9.—The verdict of the jury in the case of the murder of John Silva by M. H. Preston, walking delegate of the Industrial Workers of the World, and Joseph Smith, ex-secretary of the Western Federation of Miners for Preston, meaning 10 years to life, but the jury recommended mercy. Smith's verdict was voluntary manslaughter. Both will be sentenced on Monday.

OREGON QUARANTINES AGAINST SCABBY SHEEP

SALEM, Ore., May 9.—After mature consideration Governor Chamberlain issued a proclamation declaring quarantine against the sheep of the states of Washington, Nevada and California, based upon the sworn statement of State Sheep Inspector George H. Washburn and vigorously protested against by the Wenaha Woolgrowers' association of Washington, on the grounds that their flocks were free from disease and that it is a discriminatory move to exclude the Washington sheep from the range of the Wenaha Indian reservation.



WOMEN ON STREETS GREET NON-UNIONISTS

CARS RUN UNDER POLICE PROTECTION WITHOUT TROUBLE IN FORENOON BUT SOME DISORDER IN WITNESSED LATER IN THE DAY AND BRICKS THROWN.

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TAFT'S FRIENDS IN CONTROL IN OHIO

CINCINNATI, May 9.—That the announcement by George R. Cox, former Republican leader, in favor of Secretary Taft for president, was not a sign of any compromise or deal was declared in a statement today by Charles W. Taft, brother of the secretary of war. After reviewing the settlement of the recent trouble in the political situation in Ohio, the statement concluded: "The action next week will remove the presidential question from local politics this fall. This situation has been brought about without any compromise or deal of any nature whatsoever. The people have followed no party leaders and have secured this result."

BRICKBATS THROWN

Roses and Carnations Presented to Strikebreakers in San Francisco.

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THE CLEWISTON ATTORNEYS

Notified by District Attorney Ruick.

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FATAL COLLISION

CINCINNATI, May 9.—One man was killed, one family and two others severely injured in a rear end collision at Jones station, seven miles south of Hamilton today. An engine was following passenger train No. 1 of the Cincinnati, Hamilton & Dayton railroad and heavy smoke preceded the engine seeing the train in time until it crashed.

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Miscellaneous Crowd—More
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Mrs. Haywood and Daughters
Attend Morning Session—
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The attorneys for the defense are equally famous. The leading attorneys are men who have achieved fame because of their success in the practice of criminal law. One of the attorneys, Darrow of Chicago, has for years appeared for the defense in great labor cases. He slips into his present duties naturally. There is not a move with which he has not become familiar from long experience.

Almost all of yesterday was taken up in the examination of jurors and at just before five o'clock yesterday afternoon the talesmen of the general panel available for jury service if found eligible had been exhausted and a special venire of 100 talesmen was ordered to be summoned by the sheriff to report at 2 o'clock Monday, to which time a continuance in the

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James L. Ayers, J. G. Breckenridge, Henry W. Baker, Wm. Cathcart, Sylvester Gaunt, James H. Butts, Frank Foster and Paul A. Cowgill.

Those excused on challenges by the defense were Captain J. E. Yates and Albert Beck, the panel being exhausted before the attorneys for the defense had finished their examinations beyond the third seat.

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At exactly 10 o'clock E. F. Richardson, C. S. Darrow, Edgar Wilson, John F. Nugent, John M. Murphy, attorneys for the defense, entered the court room. Fred Miller came in later. Attorneys James H. Hawley, W. E. Borah, W. E. Stone and Owen M. Van Duyn were already seated at their table. Judge Wood took his seat on the stroke of the clock at 10 and court was immediately opened and the minutes read.

Judge Wood made several announcements regarding matters connected with civil cases and then asked:

"Is the defendant in the room?"



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Crowd Not Extra Large.

When the court convened yesterday, aside from the many newspaper writers in attendance and many members of the local bar, there was a much smaller crowd in the court room than anyone had anticipated. There were but three or four women spectators. The seats back of the rail were about three-fourths occupied and many of the seats used were occupied by members of the jury panel. There were several more news writers than on the previous day and three photographers were in the room taking views of the court as it appeared during the opening proceedings.

Sheriff Hodgkin had rearranged the tables and desks within the railing so as to be able to accommodate nearly a dozen more newspaper writers than had previously been arranged for and had also provided more chairs for members of the bar inside of the rail than he had at first thought could be accommodated. These alterations had been made upon suggestions by Judge Wood. The spectators in the body of the court room were a miscellaneous assemblage. Professional men of the city and out of town bumped elbows with laboring men interested in the proceedings. A number of Socialists who had come here from far off points, sent as delegates to attend the trial for the purpose of reporting proceedings to particular organizations to which they belonged, were scattered through the audience.

The proceedings were watched with great interest by those in attendance and the order maintained was perfect. There were no disturbances of any nature. Only at one time, when the crowd was amused by the answers of one of the talesmen being questioned, and a ripple of mirth from the crowd, was it necessary for the court to ask for order and his request was promptly complied with.

The electric fans promised for the room had been delayed in arriving and the court room during a part of the afternoon was uncomfortably warm. This discomfort, however, will probably be done away with before court again opens to resume this case Monday.

Mrs. Haywood In Attendance.

At 5 minutes to 10 Mrs. Haywood was wheeled into the court room in an invalid's chair. She was dressed modestly in black with a touch of color in her modest spring hat. She

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Judge Wood made several announcements regarding matters connected with civil cases and then asked:

"Is the defendant in the room?"

"He is ready to enter, your honor," responded Darrow.

"Bring him in," Judge Wood instructed the sheriff.

Mr. Haywood was then escorted into the court room by the sheriff and a guard and was given a seat at the side of his younger daughter in the same row of chairs with his family and directly behind Attorney E. F. Richardson. The prisoner was cleanly shaved and his face held an expression of confidence that suggested that his mind was not greatly disturbed.

As he sat down by the side of his daughter Haywood placed his hand fondly upon her head and the two exchanged quick, loving smiles. Then he glanced over toward his wife and the two exchanged similar smiles. A moment later Haywood leaned over and began talking earnestly with Attorney Richardson. He was apparently asking some important questions and his attorneys nodded vigorously at intervals. Then Haywood said something that caused them both to laugh heartily.

At the opening of the proceedings Mr. Richardson's request to have the name of Mr. Wilson entered as an associate counsel for all the defendants was allowed.

Names of Witnesses.

James H. Hawley asked permission to comply with the rulings of practice and present the names of all witnesses then known to the prosecution, who were liable to be called upon to testify, for indorsement by the court on the indictment. The indictment, he explained, already had upon it all the names of witness who appeared before the grand jury. The defense stated there was no objection on its part and the court allowed the names to be filed with the clerk.

Mr. Hawley explained that there might be more names to be filed later, but that his list as filed was complete as far as he then knew.

Judge Wood announced that at the close of each session of the court during the trial the jury would be retired and the defendant remanded previous to adjournment and he requested that all attorneys and spectators keep their seats at each session until the adjournment was announced.

Talesmen Excused.

J. B. Morrow, one of the panel jurors, was excused on the presentation of an excuse that he had property at a distance and that it needed his quick attention and might suffer great loss if he was delayed in getting to it.

D. G. Caswell was excused because of the illness of his wife.

W. C. Lane, formerly deputy sheriff, was excused for the reason he was on the city police force.

John G. Jullion asked to be excused because of the importance of attending to his sheep during the shearing season. He was excused.

The clerk then called the jurymen as follows: A. L. Ewing, James L. Ayer, J. G. Breckenridge, J. E. Yates,

George H. McIntyre, W. A. ... son, Sylvester Gaunt, W. W. Bl ... Samuel Wingate, Samuel F. Russ ... The jurors were then sworn ... turned over to the attorneys for exa ... ination.

Examination of Jurors.

Mr. Hawley began the examination prefacing his questions by saying that the case at bar was the one in which William D. Haywood was charged with the murder of Governor Frank Steunenberg on the evening of December 30, 1905.

A. L. Ewing on being questioned stated he had lived in Boise 12 years; that he was by trade a carpenter; that he formerly lived in Oregon; that he first came from Indiana. He said he lived here at the time Steunenberg was killed. He said he was not a member of a painter's union and had never heard of the case at about very much. He knew Steunenberg.

(Continued on Page Nine.)

LONGSHOREMEN'S STRIKE CRIPPLES STEAMER LINE

NEW YORK, May 9.—The longshoremen gained a victory when the Savannah line comprised with its 600 employees. The leaders claimed that 3000 men out in Manhattan, Brooklyn, Hoboken and Staten Island. Though these figures are disputed, the steamship companies were nevertheless badly crippled. Throughout the day freight gathered in formidable piles on piers, and comparatively little gotten aboard vessels.

The passengers came to the Oscar II of the Scandinavian line which sailed this afternoon, an aboard their own baggage.

All the steamers got away though with short cargoes and a trifle late. The coastwise companies are suffering most from the strike. Many of these carry which, if not promptly unloaded, entails heavy losses. The lemon has been already seriously affected. It is impossible to auction off until they have been taken out of hold and there are now awaiting auctioneer 131,500 boxes. Only a few boxes have been landed since the start of the strike.

There was a clash today between strikers and new men, but no serious damage was done.

Anthony Memorial Fund.

BALTIMORE, May 9.—The B. Anthony memorial fund of \$100,000 to promote the cause of equal franchise, has been completed, according to advices received here today. The scheme originated at the national men's suffrage convention held in Baltimore a year ago last February. There were 23 contributions of \$500, \$1000 and \$20,000 each, and one of \$20,000 from the

Forty-Eight Drowned.

MARSEILLES, May 9.—The reports received here concerning the loss of the French steamer Uruguay, which was wrecked off the coast of Uruguay, are to the effect that 48 passengers and eight members of the crew lost their lives.

Wisconsin Deadlock.

MADISON, Wis., May 9.—Final lots were taken in the Republican memorial caucus tonight, showing a deadlock for Stephenson. The final balloting was: Esch 30, Hatten 20, Stephenson 32, McGregor 15, scattered

First day's Proceedings in Trial of Wm. L. Haywood

WITNESSES WHO MAY BE SUMMONED FOR THE PROSECUTION

List of One Hundred and Twenty-Four Persons Filed in District Court by James H. Hawley, Leading Attorney for the Prosecution of Moyer, Haywood and Pettibone—More May Be Added to the List Later.

(Continued from Page One.)

enberg personally for several years. While Steunenberg was governor, Ewing had held an appointment at the Soldiers' Home. He said: "For political reasons my term of office came to an end before Steunenberg's time expired. "You were discharged?" "Yes."

might change his mind, but the evidence would have to be strong. "Are you ready right now to render a verdict as to the guilt or innocence of this defendant?" he asked.

"No, sir." "You don't know whether he is guilty or not, do you?" "No."

Juror said he had expressed his opinion a good many times in his store. Juror was challenged and the defense joined. The challenge was allowed. Albert Beck was next called.

Captain Yates Examined. Captain J. E. Yates was next examined in Ada county. He was engaged in the banking business. He had known Steunenberg. The acquaintance had not been intimate. He didn't know Haywood. He had read the case papers published here, also the Oregonian ones. He had read the newspaper accounts fully, he said.

Baker was the next examined. He is a grocer and carpenter. His business was at 316 Main street. He had lived in the life insurance business. Prior to that he had worked in a sawmill on Robie creek and on the Boise river. He said he was a native of Illinois. He was once a farmer. He knew Steunenberg slightly. He did not know any of the defendants. He was a subscriber to the Idaho Tribune and Evening Capital News and several outside papers. He had formed an opinion on the merits of the case. He had discussed the case freely, he said. He had talked with people who pretended to know the facts in the case. He did not know any of the defendants. He had expressed himself on several occasions as to his belief of the guilt or innocence of the defendants.

Shortly after the opening of the court yesterday Attorney James H. Hawley, leading attorney for the prosecution in the Steunenberg murders, asked permission to come before the court a list containing names that upon the opening of trial of the nature of the one against William D. Haywood the state shall file a list of the witnesses who are to be or are liable to be summoned to testify against the defendant. He was granted the permission and filed with the clerk in open court as fast as the names of a list containing 124 names. Mr. Hawley stated that more names might later be added to the list and, if so, they would be filed with the clerk in open court as fast as the prosecution became aware of them. He said the names he then presented were the names of the witnesses the state then knew of that they would be liable to call upon. The list was as follows:

- Angus Sutherland Clarence L. Harrah
C. F. Wayne
Ed J. W. Gue
E. T. Stewart
Mrs. A. Martin
A. D. Grimes
Mrs. Myrtle Smith
G. J. Baker
Mrs. J. C. Smith
Clinton Woods
John C. Rice
Julian Steunenberg
Jan Nichols
W. W. Kettel
N. S. Ellis
Thomas Baird
Leonard Denepe
Pearl Moore
C. A. Custer
John Hellman
Charles Johnson
D. C. Scott
John Jones
C. H. Hogan
Maurice Corbett
Steve Adams
Ed Boyce
Wm. H. Ilmer
C. C. Hamlin
Charles Baldwin
Mrs. Maurer Waller
Le Roy
Charles Swearingen
Albert Wolf
C. F. Roach
F. C. McGinnis
Patrick Mulrovey
J. E. Clark
C. S. Smith
Thomas McConkey
Geo. McConkey
Dan O'Meara
Tom Ryan
J. H. Peabody
M. A. E. Carlton
Mrs. Lizzie C. Adams
A. B. Hopkins
W. S. Daley
Mark Tony
E. F. Carter
A. Holmes
R. J. Hanlon
James Goodwin
C. W. Schubert
John Johnson
Stephen Dempsey

list, was formerly sheriff of Shoshone county. He was sheriff at the time of the Steunenberg murder and was one of the first to arrive in Caldwell when investigations were being made. He arrived with W. S. Sevalin, the Thielie detective, and worked on the case with Sevalin and his operatives for a number of weeks. Sutherland said that upon the opening of trial of the nature of the one against William D. Haywood the state shall file a list of the witnesses who are to be or are liable to be summoned to testify against the defendant. He was granted the permission and filed with the clerk in open court as fast as the names of a list containing 124 names.

Dr. J. W. Gue of Caldwell was summoned to attend the governor immediately after the explosion of the dynamite bomb which killed him. The governor lived for some time and Dr. Gue arrived just before he died. He attempted to save the life of the governor but failed. He was present at a quick examination of the injuries that it would be impossible. He testified before the coroner's jury and also before the preliminary examination of Orchard.

Other Oldwell Witnesses. R. A. Bramlett, Mrs. A. Martin, J. A. Baker, Mrs. J. C. Smith, W. W. Kettel, John H. Conner, E. T. Stewart, Mrs. A. Martin, A. D. Grimes, Mrs. Myrtle Smith, G. J. Baker, Mrs. J. C. Smith, Clinton Woods, John C. Rice, Julian Steunenberg, Jan Nichols, W. W. Kettel, N. S. Ellis, Thomas Baird, Leonard Denepe, Pearl Moore, C. A. Custer, John Hellman, Charles Johnson, D. C. Scott, John Jones, C. H. Hogan, Maurice Corbett, Steve Adams, Ed Boyce, Wm. H. Ilmer, C. C. Hamlin, Charles Baldwin, Mrs. Maurer Waller, Le Roy, Charles Swearingen, Albert Wolf, C. F. Roach, F. C. McGinnis, Patrick Mulrovey, J. E. Clark, C. S. Smith, Thomas McConkey, Geo. McConkey, Dan O'Meara, Tom Ryan, J. H. Peabody, M. A. E. Carlton, Mrs. Lizzie C. Adams, A. B. Hopkins, W. S. Daley, Mark Tony, E. F. Carter, A. Holmes, R. J. Hanlon, James Goodwin, C. W. Schubert, John Johnson, Stephen Dempsey

arrived on the scene very quickly after the explosion. The man of the first to arrive in Caldwell when investigations were being made. He arrived with W. S. Sevalin, the Thielie detective, and worked on the case with Sevalin and his operatives for a number of weeks. Sutherland said that upon the opening of trial of the nature of the one against William D. Haywood the state shall file a list of the witnesses who are to be or are liable to be summoned to testify against the defendant. He was granted the permission and filed with the clerk in open court as fast as the names of a list containing 124 names.

C. F. Wayne was the first man on the scene at the time former Governor Steunenberg was assassinated. He occupied a small frame house opposite the home of the late governor and was attracted by the explosion and by the screams of Mrs. Steunenberg. He rushed to the scene and then ran for help to carry the wounded, dying man into the house and for medical aid. He was one of the important witnesses at Orchard's preliminary examination. Very shortly after the murder he was suspected of having had a part in it and was taken before the investigating officers, who speedily exonerated him. Wayne had been doing chore for the Steunbergs family about the house and barn.

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know of no person why he should not serve. Waggoner was examined by Mr. Hawley. Mr. Borah taking a rest. The talisman said he had read of the case in the Capital News, but he said he had formed an opinion.

The jurors were here all passed by the prosecution, all those in chairs having been examined for cause and were turned over to the defense for examination. Mr. Richardson began the examination. His first questions were addressed to Ewing. In his work as a contracting carpenter on a small scale Ewing said he employed very few socialists. He said he had never had any legal business with any attorneys for the Grand Army but some of the attorneys belonged to that order.

"What church do you belong to?" "Epitist." "Do any of the attorneys for the state belong to that church?" "No, sir," replied Ewing, loudly. "Laughter." "Your politics are what?" "I am a Democrat." "What papers do you read mostly?" "The Capital News." "Any other paper regularly?" "Yes, sir." "Well, what paper?" "The Ladies' Home Journal." A ripple of laughter came up from the spectators.

At this time Judge Wood gave notice that order must be maintained in the court room. In answer to questioning by the prosecution, Ewing testified that he had never been a member of the 'Coeur d'Alene country in 1899, but took no part in these troubles. He said he had no bias or prejudice against organized labor generally, and not against the Western Federation of Miners, as an organization. He said he did not belong to the Citizens Union and never had. He knew little about such an organization.

If a man was a Socialist and on trial, would that influence you?" Ewing hesitated but finally concluded he would not be influenced by the fact that the defendant was a Socialist. He said he had never been a detective. He never belonged to the Mine Owners' association. He said he had never seen a speech in Boise last fall but did not remember much about it. He said he did not hear more than half of the speech.

just box he could and would do it on a verdict in accordance with the evidence and the law. "You will submit the challenge as not 'well taken your honor," announced Hawley.

Judge Wood hesitated a moment and then excused the juror. Farmer From Star. Samuel D. Gilman was called and was examined by Mr. Hawley for cause. He said he was a farmer and lived near Star. He had been a farmer in Kansas before coming to Idaho. He said he had read the newspapers and the Steunenberg case. He had talked with a number of people about the merits of the case but had never formed any opinion regarding the guilt or innocence of the defendant and was not biased or prejudiced against either side.

Gilman said he was not opposed to capital punishment. He was asked by the prosecution to look up the examination on behalf of the defense. Gilman said he had never formed any opinion in the case. He had talked with some labor union men and had never had any trouble with labor organizations. When questioned by Mr. Richardson, Gilman said he had never lived in Iowa, Missouri and Kansas before coming to Idaho. He said he had always been a farmer. He said except for a year or two he had been in the Philippines in army service.

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QUIET DAY IN THE MURDER CASE

Sheriff's Force Busy Summoning Talesmen on Special Venire.

SOME WITNESSES TO REPORT FRIDAY

Steve Adams, Mrs. Adams and Wife of Harry Orchard Will Probably Testify as Witnesses for the State—Prof. Macey, Former State Chemist, on List of Witnesses.

Yesterday was a quiet day with everyone connected with the trial of William D. Haywood, except the officers of the sheriff's force. The deputies of the regular force, as well as the seven special deputies sworn in for service during these proceedings, were busily engaged in serving subpoenas on witnesses called by the prosecution who reside in this county and in summoning talesmen for the special venire of 100, who are to report Monday afternoon at 2 o'clock, at which time the attorneys will proceed with the work of selecting a jury. It is said that most of the talesmen to be summoned on this special venire are to be summoned from the country precincts; very few will be picked up in or close to the city.

Upon permission of the county commissioners, Sheriff Hodgkin has appointed seven special deputies to assist him during the progress of the trial. He has named Elias Marsters, Charles Bundy, H. C. Branstetter, Harvey G. Bostwick, Jack Wooden, W. D. Clausen and W. H. Taylor. These deputies will be engaged about the court room when court is in session, and proceedings are being had in this case. As soon as the case is started, if it becomes evident that the crowds are going to be so large that the accommodations of the court room will be insufficient to accommodate them, the sheriff says he will probably find it necessary to issue tickets to those who have the best right to admission.



JOHN F. NUGENT

Associate Attorney for defense. Formerly County Attorney of Owyhee county.

bone are to be tried separately. Some who will testify in the Haywood trial will not be called in the trials of the other men, and some who are apt to be called in the Moyer trial or in the Pettibone trial will not be called in the other cases.

Getting the Jury.

Judging from the work accomplished on the opening day of the trial toward getting a jury it is the opinion of most of the attorneys and others who are close to proceedings that a jury to sit in the present trial can be secured before the end of the coming week. It is not now expected that a second special venire will be needed.

At the end of the first day 11 talesmen had been passed by the prosecution on examination for cause and three of the 11 had been passed by the defense. After a full number of jurymen have been passed upon for cause by both state and defense each side will have 10 peremptory challenges, so that after 12 men have been passed for cause it will require but 32 to fill the box providing each side takes advantage of all its peremptory challenges.

Witnesses Report Friday.

Some of the witnesses for the state—the first who are to report—have been summoned to appear in court at 10 o'clock in the morning next Friday. That would indicate that the prosecution figures on a jury being secured by the last of next week.

So far no names of witnesses to be summoned for the defense have been

Wallace trial only a certain portion of the confession was brought out. Adams' confession, it appears, was contained in several separate and distinct statements, each signed separately and each bearing separate matters. His appearance on the stand promises to be one of the big features of the trial.

Orchard's Wife Called.

Not of less interest to those who will attend the trial and read the accounts of it will be the appearance upon the witness stand of the wife of Harry Orchard. She is on the state's list of witnesses, and it is reported will be one of those who will be called upon to testify in the Haywood trial. It is reported that Mrs. Orchard still resides of the mining camp at Altman in the Cripple creek district.

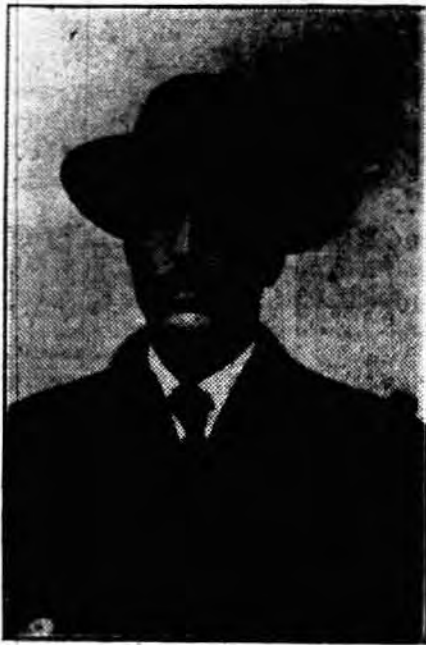
Dull Day for News.

The visiting newspaper men had a dull day yesterday as far as news was concerned, but they spent the time, for the most part, very pleasantly in looking over the city. Some of them visited the soldiers' home, a party of them visited the grounds where the state trap shooting tournament is being held and many of them visited the Natatorium during the day and in the evening. They are all very pleased with Boise, many of them have expressed great surprise at the natural advantages, the enterprise and the many other natural attributes that go to make Boise such a pretty and desirable city in which to live. The trial, in bringing so many newspaper men here is proving of benefit to the city



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JASPER NICHOLS.

He was sheriff of Canyon county at the time of the murder of Frank Steunenberg, and will be one of the important witnesses for the state.

These tickets will be issued to the newspaper men, who are reporting the trial, and to visiting members of the bar, and others.

Attorneys Busy.

None of the lawyers interested in the case were idle yesterday. At the office of James H. Hawley, the headquarters for the prosecution, every attorney for the state and a corps of stenographers, typewriters and clerks were busy all day on matters connected with the future proceedings of the case. Mr. Hawley stated that in addition to the list of names of witnesses filed by him in court Thursday for indorsement on the indictment, he would probably on Monday file several more names of witnesses who might be called upon to testify.

He said that the list of names filed for indorsement on the indictment included the names of all witnesses known to the state who might be called to testify in any of the cases against the officials of the Western Federation of Miners. It is not probable that all of those whose names are given will be called to testify. The list contains, for instance, the names of some witnesses who would only be called should Jack L. Simpkins be arrested and tried. Moyer, Haywood and Pettibone had been passed by the prosecution on examination for cause and three of the 11 had been passed by the defense. After a full number of jurymen have been passed upon for cause by both state and defense each side will have 10 peremptory challenges, so that after 12 men have been passed for cause it will require but 32 to fill the box providing each side takes advantage of all its peremptory challenges.

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So far no names of witnesses to be summoned for the defense have been filed in the district court and it was stated that no witnesses for the defense will be summoned to appear before the first of next month. If that early. The defense, of course, will not have any use for witnesses until the testimony of the state's witnesses is in and the attorneys for the defense are of the opinion that they will have no use for witnesses before the middle of June of the last week of that month.

Chemist May Testify.

One of the witnesses for the state who will probably be summoned here for this trial is Professor S. R. Macey, who, at the time of the assassination, was state chemist. Professor Macey was called upon to assist in analyzing some of the powders and fluids found in Harry Orchard's room at the Saratoga hotel in Caldwell, and also the things found by the detectives at Pocatello when the search was made for the bottles which Steve Adams said contained the "Hellfire," or "Pettibone dope," with which he confessed to have been sent to Pocatello to blow up a car load of non-union miners who were expected to pass through there.

It will be remembered that Adams pointed out the place where he said he had buried the bottles and that the searchers found a man who claimed he had removed the bottles a short distance from the spot and extinguished a blaze which was caused by the cork coming out of one of them. A mass of melted glass and some other remains of the stuff were said to have been found.

Mrs. Adams Now Here.

Considerable interest is centered in the fact that Steve Adams and wife have been summoned to testify. Mrs. Adams arrived in Boise the first part of the week and was present in the court room during the proceedings of Thursday. It was claimed by the state that Mrs. Adams had at first corroborated most of the statements in her husband's confession when it was made. She afterwards, however, followed her husband's lead in repudiating the confession.

If Adams is placed on the stand it is very probable that an effort will be made by the state to introduce as evidence some portions of Adams' confession that have heretofore not been made public. It is known that at the

is reported that Mrs. Orchard still resides of the mining camp at Altman in the Cripple creek district.

Dull Day for News.

The visiting newspaper men had a dull day yesterday as far as news was concerned, but they spent the time, for the most part, very pleasantly in looking over the city. Some of them visited the soldiers' home, a party of them visited the grounds where the state trap shooting tournament is being held and many of them visited the Natatorium during the day and in the evening. They are all very pleased with Boise; many of them have expressed great surprise at the natural advantages, the enterprise and the many other natural attributes that go to make Boise such a pretty and desirable city in which to live. The trial, in bringing so many newspaper men here, is proving of benefit to the city in thus extensively advertising its good points.

Magazine Man Here.

George Turner arrived in the city yesterday from New York. He is here to attend the trial of William D. Haywood, incidentally, but especially for the purpose of writing an article for McClure's Magazine, covering the history of the organization and life of the Western Federation of Miners, the troubles in the mining districts of Colorado and Idaho and a narrative of the death of former Governor Steunenberg and the subsequent events leading up to the trials of Moyer, Haywood and Pettibone. He says he is anxious to get at the exact facts in connection with these matters and will take all the time necessary to get them before writing his article which will probably continue through a number of issues of the magazine.

The first Portland newspaper man to appear on the scene for the purpose of covering the trial is F. L. Perkins of the Evening Telegram. He is stopping at the Oxford hotel. He says that in all probability he will be the only Portland newspaper man here, the other papers being covered by local correspondents or relying upon the Associated Press or other news services.

Among the visitors of special interest who are here from a distance to attend the trial, is Acting Secretary and Treasurer Kirwan of the Western Federation of Miners. He is registered at the Idanha under an assumed name.

Court Room Comfort.

At the opening of court Monday the court room will be found to be more comfortable than on Thursday afternoon. The special electric fans ordered for the court room arrived yesterday and will be put in place today by the electricians. There will be a large fan on each side of the room and an exhaust fan in the cupola in the roof in the center of the room. The latter will effectually remove all foul air from the room.

Judge Wood will issue an order forbidding any smoking inside of the court room during proceedings or at any other time.

Not an Irish Jap.

In The Statesman yesterday morning a mistake was made in stating that Dan O'Meara, whose name appears on the list of witnesses filed by the prosecution, was the Japanese servant at the Saratoga hotel, who provided a way for the officers to enter the room of Harry Orchard shortly after the murder of former Governor Steunenberg. O'Meara is not a Jap. He is an Irishman, and he lives at Pocatello.

ROYAL CIGARETTES
ABSOLUTELY PURE

ROYAL

The

CONCERT TONIGHT BY THE COLUMBIA BAND

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HAYWOOD PASSES A QUIET DAY

Works in Garden and Visits
With His Invalid Wife and
Daughter.

Mrs. Moyer Still a Very Sick
Woman—Mrs. Pettibone in
Denver—Young Chicago At-
torney Here Assisting Coun-
sel for Defense.

William D. Haywood, whose trial on the charge of the murder of former Governor Frank Steunenberg, will be resumed tomorrow at 2 o'clock, passed a very quiet day yesterday. At 9 o'clock in the morning he took his usual hour's exercise in the jail yard. He spent part of the time working about his small vegetable garden and part of the time pitching quills. His daughters were with him part of the morning. During the afternoon he enjoyed a long visit with his invalid wife, who was wheeled to the jail in the usual method, in her invalid chair.

Haywood yesterday expressed a confidence that his case would be very properly looked after by his attorneys. He said he felt no fear of what the outcome would be. He said that Mrs. Haywood seemed very self contained and confident that he would be cleared. She appears not to be under such a strain as many supposed she would experience under the circumstances.

Sheriff Hodgkin stated yesterday that at 2 o'clock tomorrow afternoon the 100 talesmen for the special venire would be in court and that there would probably be no delay in proceeding at once with the work of impanelling a jury. It was his opinion that a jury could be secured before the end of the week.

From the hospital came the report that Mrs. Moyer is still very ill. She has improved somewhat but is not yet showing signs of returning strength mentally and physically. She suffered a severe nervous and mental shock and may be a long time in recovering. Her physicians doubt if she will be in condition to attend the proceedings in court when the trial of her husband is on.

Mrs. Pettibone is visiting in Denver and is expected back the early part of this week. Whether she intends to be present in court during the trial of Haywood is not known.

Walter E. McCormick, a graduate of the law department of the Northwestern University at Evanston, and last year coach of the university football squad; a friend of Clarence S. Darrow, is in Boise assisting the attorneys for the defense in preparing for the trial. He does not intend to stay here through the proceedings. He will leave for Chicago probably some time this week.

JUDGE TO NAME TWO

DECISIONS TOMORROW.

Judge Wood has announced that he wishes all attorneys interested in cases under consideration to be on hand when court meets at 10 tomorrow morning, as it is his purpose then to announce decisions in all matters that he had under advisement.

terday. "I want to get a good collection of ore, even if I have to fill the cabinet at first with ore from my own mine."

Mr. Hailey is very proud of the Pioneers' Rest, of which he is the custodian. Probably no man in the state has a better knowledge of the early history of Idaho than he, and to watch the transformation of the country that is now Idaho from a wilderness to one of the greatest states in the Union as he has watched it, is sufficient reason for his pride in the things that have become nothing but relics of a pioneer day.

"When I first came through this country over 50 years ago I never thought I would live to see the wonderful change that has been wrought here," Mr. Hailey said. "With the exception of the settlement of Mormons at Salt Lake there was no one then between the Missouri river and western Oregon.

"And often I heard the men with me say that this country would never be inhabited by anyone but the savage Indians and wild animals, and they believed it. I was young then and of course I believed it too."

REAL ESTATE MARKET QUIET FOR A WEEK

Small Sales and Few of Them
—One Eastern Buyer Makes
Two Largest Purchases.

As to real estate the last week was rather slow, offering only one large sale and less than the usual number of smaller transactions. Prospective purchasers from outside were not very numerous and local buyers were few.

C. Christensen, father of Mrs. Harry Kessler, who recently arrived here from Nebraska has discovered the worth of Boise valley property and has bought liberally. Yesterday he closed a deal with the Cruzen Investment company for 20 lots, all of block 11, Cruzen addition. The price is \$3200, of which \$1700 was paid in cash. He will improve the property. Also, Mr. Christensen has purchased the Perkins ranch on the bench about four miles from the city. The consideration was \$4000.

E. Stanley has purchased of Frank Peck lots 9 and 10, Riverside addition, for \$1000. The property, purchased as an investment, includes a four-room house. The sale was made by F. J. Garver, who also reports the following sale: W. Ricker has sold to George Rivostad lot 13, block 2, Eden Home addition, for \$625. There is a three-room house on the property, which is on Thatcher street, east of Fourth street.

PERSONAL MENTION

F. J. Deerfield went yesterday to

SENATORS VS PRUNE PICKERS TODAY

Special Train From Emmett
Bring Large Crowd of
Fans.

Harkness to Be in Box in
Home Game of Senators
Mundorff Able to Play a
Be at Short—Mitchell
Third Base.

The Prune Pickers will come to Emmett today for their first game with the Senators. A special train will be run from Emmett and a large crowd of fans is promised there will be at least a few fans come from there. The Prune Pickers have been strengthened with new material since their first games, and strenuous practice during last week they will be in good shape for the game this afternoon.

The Senators have been out for a night at the park for practice with Harkness in the box will be a solid front today. Mitchell at third and Mundorff, who hobbled in the Caldwell game last day, has entirely recovered from injury and will be seen at his usual position. The line-up and batting order of the teams follow:

Boise.
Mundorff, shortstop.
Mitchell, third base.
McLeod, second base.
Gove, center field.
Jameson, right field.
Donavan, catcher.
Foster, first base.
Rous, left field.
Harkness, pitcher.
Emmett.
Loffel, pitcher.
Beccu, catcher.
Holverson, second base.
Crites, third base.
Hayes, first base.
Eaton, shortstop.
Ross, center field.
Byrd, right field.
Peary, left field.

TWO GAMES YESTERDAY IN THE BOYS' LEAGUE

Whittier Junior Wins From
Coln, and Lincoln Inter
ates Win From Central

The second game of the Y. M. C. Juniors' league was played yesterday afternoon at the barracks, where Whittier school won from Lincoln the score of 11 to 2. Batteries: Whittier, Lerner and Adams; Lincoln, Dickson and V. In the afternoon at Riverside another game in the league was played which resulted in a win for the Lincoln school, which defeated the Central. The score was 7 to 5, and the game was the

THE ISSUE OF MOYER HAYWOOD AND PETTIBONE



FORMER GOVERNOR FRANK STEUNENBERG

By H. L. CRANE.

NEXT Thursday morning at 10 o'clock there will commence in the district court of Ada county a murder trial, the progress of which will be watched with interest by the eyes of the civilized world. It will be a trial of greater importance than any other criminal trial in the history of this country, of more importance than the famous Thaw trial. The trial of William D. Haywood and his companions, Charles H. Moyer and George A. Pettibone, brings to a focus the most remarkable controversy of its kind in the history of the United States.

These three men, holding prominent official positions at the head of a great labor organization, the Western Federation of Miners, are accused of the assassination of Frank Steunenberg, former governor of Idaho, who came to his death by the explosion of a dynamite bomb while entering the gate to his home in Caldwell on the evening of December 30, 1902. These prisoners in the approaching trial will have every advantage that the best legal talent can supply. The chief lawyers for the defense are E. F. Richardson and Clarence S. Durney, of Chicago. Mr. Richardson is known throughout the west as a lawyer of great ability, while Mr. Durney has served union labor in many famous cases, notably the Pennsylvania coal strike. Other attorneys for the defense are Fred Miller of Spokane and John F. Nugent of Boise.

The attorneys for the state are James H. Hawley, Senator W. E. Bostah, O. M. Van Duzen, prosecuting attorney for Canyon county, and A. W.

will also attend if her health will permit. She is now a very sick woman in one of the local hospitals, having had a nervous breakdown during the proceedings for a change of venue in the district court of Canyon county.

Story of the Tragedy.

The terrible tragedy took place at 6:43 o'clock in the evening of December 30. At 8:30 o'clock a special train, ordered by Governor Gooding and carrying many prominent Boise citizens and officers, started for Caldwell. A record run was made. The sheriff of Canyon county, Jasper Nichols, had taken prompt action in throwing a cordon about the city, so as to allow no suspicious characters to get away either by train or across country. As soon as the special train arrived an immediate organization was effected for tracing down the murderer of the former governor. Over 100 volunteers offered their services and every avenue by which the assassin might escape was guarded.

The next day, after a closer search had been taken before the officials and carefully questioned and obliged to give accounts of themselves, suspicion pointed toward a man registered at the Saratoga hotel as Thomas Hogan of Denver. This man had been in Caldwell on three different occasions, staying on each occasion from 10 days to several weeks. Little was known of his business. He had given out that he was looking for land in restaurants, but he had never been known to look at any land although several real estate dealers had urged him to look over properties. Residents remembered that he was often seen in the vicinity of



RESUME OF THE IMPORTANT EVENTS IN THE FRANK STEUNENBERG MURDER CASE FROM THE NIGHT OF THE CRIME, DECEMBER 30, 1902, UP TO THE PRESENT TIME—THE ARREST OF HARRY ORCHARD—HIS TERRIBLE CONFESSION—THE SENSATIONAL CHARGES AGAINST CHARLES H. MOYER, WILLIAM D. HAYWOOD, GEO. A. PETTIBONE AND JACK L. SIMPKINS—PROCEEDINGS IN SEVERAL COURTS—GREAT PREPARATIONS FOR THE TRIAL, WHICH IS TO BEGIN THURSDAY—HOW THE NEWS WILL BE COVERED BY AN ARMY OF NEWSPAPER WRITERS—MANY VISITORS HERE—ILLUSTRATIONS OF INTEREST.



GEORGE A. PETTIBONE



WILLIAM D. HAYWOOD



CHARLES H. MOYER

being sustained by district court. Immediately thereafter on information being obtained from Denver that Moyer had been shown out charging him with the murder of Lem Gregory in that city in May, 1904, Adams placed in Ada county jail several officers from Denver, who arrived with Moyer and were

NEXT Thursday morning at 10 o'clock there will commence in the district court of Ada county a murder trial, the progress of which will be watched with interest by the eyes of the civilized world. It will be a trial of greater importance than any other criminal trial in the history of this country, of more importance than the famous Thaw trial. The trial of William D. Haywood and his companions, Charles H. Moyer and George A. Pettibone, brings to a focus the most remarkable controversy of its kind in the history of the United States.

These three men, holding prominent official positions at the head of a great labor organization, the Western Federation of Miners, are accused of the assassination of Frank Steunenberg, former governor of Idaho, who came to his death by the explosion of a dynamite bomb while entering the gate to his home in Caldwell on the evening of December 29, 1905.

These prisoners in the approaching trial will have every advantage that the best legal talent can supply. The chief lawyers for the defense are E. F. Richardson and Clarence S. Darrow, of Chicago. Mr. Richardson is known throughout the west as a lawyer of great ability, while Mr. Darrow has served similar labor in many famous cases, notably the Pennsylvania coal strike. Other attorneys for the defense are Fred Miller of Spokane and John F. Nugent of Boise. The attorneys for the state are James H. Hawley, Senator W. E. Barrah, O. M. Van Dorn, prosecuting attorney for Canyon county, and A. W. Stone of Caldwell.

Preparations are being made to entertain hundreds of visitors in Boise during the trial. It is expected that fully 500 newspaper writers will be here, many of whom have already arrived. The news will be carefully and faithfully covered.

During the trial of Haywood Mrs. Haywood, the invalid wife of the accused man, who for nine years has been confined to her chair as a result of a disease which has made her health so feeble that Mrs. Pettibone will also be in attendance and Mrs. Moyer

will also attend if her health will permit. She is now a very sick woman in one of the local hospitals, having had a nervous breakdown during the proceedings for a change of venue in the district court of Canyon county.

Story of the Tragedy.

The terrible tragedy took place at 4:43 o'clock in the evening of December 29. At 8:30 o'clock a special train, ordered by Governor Gooding and carrying many prominent Boise citizens and officers, started for Caldwell. A record run was made. The sheriff of Canyon county, Jasper Nichols, had taken prompt action in throwing a cordon of men about the city, so to allow no suspicious characters to get away either by train or across country. As soon as the special train arrived an immediate organization was effected for tracing down the murderer of the former governor. Over 100 volunteers offered their services and every avenue by which the assassin might escape was guarded.

The next day, after a dozen strangers had been taken before the officials and carefully questioned and obliged to give accounts of themselves, suspicion pointed toward a man registered at the Statogata hotel as Thomas Hogan of Denver. This man had been in Caldwell on three different occasions, during each occasion from 10 o'clock to several o'clock. Little was known of his business. He had given out that he was looking for land investments, but he had never been known to look at any land although several real estate dealers had urged him to look over properties. Residents remembered that he was often seen in the vicinity of the Steunenberg home, which was located in the extreme edge of the town and rather isolated. He had been seen at a distance from the Steunenberg home on several occasions, evidently looking over the premises through a field glass. Hogan being pointed out to Leo Steunenberg, the business governor's son, the latter identified the man as one who had accessed him a few days previous to the murder, asking him when his father would become the governor at that time being

(Continued on Page Ten.)

DATES OF LEADING EVENTS IN THE BIG MURDER CASE PROCEEDINGS.

For the purpose of refreshing the minds of those who have forgotten the details in the proceedings since the night of the assassination of Former Governor Frank Steunenberg, the following brief notes with dates are herewith given of the important events. This data will also be of importance to many who were not here at the time the crime was committed but who will wish to keep posted regarding the proceedings of the trial to commence this week.

December 29, 1905.—Former Governor Frank Steunenberg killed by explosion of dynamite bomb while entering the side gate of his residence in Caldwell at 4:43 o'clock in the evening.
 December 31.—Explosives found in room at Statogata hotel, Caldwell, occupied by man registered as Thomas Hogan of Denver. Hogan under surveillance.
 January 1.—Hogan arrested on definite charge of murder. Detective W. E. Swain of Spokane (Thiele Detective agency) took charge of investigations.
 January 2.—Funeral of former Governor Steunenberg, largely attended. Governor and staff present. Hogan arraigned in probate court.
 January 3.—Hogan in jail identified by Sheriff Bell of Teller county, Colorado, as man by name of Harry Orchard. Prisoner admitted his name was Oswald. Attorney Fred Miller of Spokane interrogated Orchard and would be there soon to counsel him.
 January 4.—Miller arrived. Re-

fused to state who had retained him to conduct Orchard's defense.
 January 12-15.—Preliminary examination of Orchard before probate judge of Canyon county. Twenty witnesses examined. Judge J. H. Hawley of Boise retained as special prosecutor for state.
 January 16.—Picture of Jack Simpkins identified by several Caldwell people as photo of man seen with Orchard in Caldwell several times previous to murder of Steunenberg.
 January 18.—Orchard removed to state penitentiary for safe keeping upon order of probate court.
 January 21.—Pinkerton detectives employed. They find that Orchard had registered at Capitol hotel in Boise on September 5, 1905, as T. H. Hogan and at Idanha hotel in Boise on November 22 as Thomas Hogan of Salt Lake.
 January 26 to February 12.—Both Thiele and Pinkerton detectives employed on case. During this time James McParland was placed in charge of investigations for the state.
 February 17.—Charles H. Moyer,

JAMES McPARLAND DETECTIVE WHO SECURED CONFESSIONS

William D. Haywood and George A. Pettibone arrested in Denver and sent for Idaho on extradition papers.
 February 21.—Details of confession of Orchard made public to press. Steve Adams arrested at Haines, Ore., and taken to state penitentiary.
 February 22.—Attorneys E. F. Richardson, Fred Miller and John Nugent announce themselves as attorneys for defendants.
 February 23.—Application for writ of habeas corpus filed in supreme court for each of three federation officials under arrest.
 February 24.—Grand jury impaneled in Canyon county.
 February 25.—Preliminary examination in behalf of Moyer, Haywood and Pettibone postponed by adjournment.
 March 1.—Confession of Steve Adams announced, corroborating confession of Orchard. Grand jury begins investigation.
 March 5.—Grand jury returned true bill against Orchard, Moyer, Pettibone, Haywood and Jack Simpkins. Habeas corpus writs quashed in supreme court.
 March 12.—Habeas corpus proceedings in behalf of Moyer, Haywood and Pettibone started in United States circuit court. Orchard arraigned on indictment and plea of not guilty entered by order of court.
 March 16.—Moyer, Haywood and Pettibone taken to Caldwell to answer to charges in indictment. Attorney for defense filed motions to strike indictments from the files to set aside indictment, to admit defendants to bail, and a plea in abatement and a demurrer to the indictments.
 March 17.—All motions made yesterday by defense argued and overruled.
 March 19.—Writs of habeas corpus



HARRY ORCHARD



JAMES McPARLAND DETECTIVE WHO SECURED CONFESSIONS



STEVEN ADAMS

grounds no charge had ever been made against Adams; that since his arrest he had never been arraigned or giving a hearing.
 September 8.—Adams released from penitentiary on writ of habeas corpus.



District Judge Preston Wood.

STEVEN ADAMS

September 17.—Adams makes statement to publication to effect that his confession to Detective McParland was made under duress. Demanded all state-attorney's attention. Officers from Idaho made to go to Boise on line of defense and charge dismissed against Adams. Adams retained on writ of habeas corpus. Officers from Idaho made to go to Boise on line of defense and charge dismissed against Adams. Adams retained on writ of habeas corpus.
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(Continued on Page Nineteen.)



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Review of Events Leading Up to Trials of Moyer, Haywood and Pettibone on Charge of Murder



INTERIOR VIEW OF JUDGE WOOD'S COURT ROOM.

Here is where William D. Haywood will be tried on charge of the murder of former Governor Steunenberg. Judge Fremont Wood is shown at bench. At the right of the picture is Otto Peterson, clerk of the court. Sheriff Hodgins is standing and at the left of the picture is W. L. Phelps, court stenographer.



RECENT VIEW OF ADA COUNTY COURT HOUSE.

The county jail occupies that part of the basement visible. The two windows just to the left of the door to the sheriff's office look out from the large room occupied in daytime by Moyer, Haywood and Pettibone, and at night they occupy cells in the annex, a part of which can be seen in the rear.

THE ISSUE OF MOYER, HAYWOOD AND PETTIBONE.

(Continued from Page Nine.)

out of the city on a short business trip. It was learned that some weeks before the murder Hogan had registered at the Idanha hotel in Boise and that on the same night Governor Steunenberg spent the night at the same hotel. Afterward it was reported that the man in his confession stated that he intended to kill Steunenberg that night at the Idanha hotel; that on that night he went so far as to place a bomb in the governor's room at the hotel and that later he got to thinking of the many lives that would be taken in the attempt to kill the one man who was spotted as a victim, and he removed the bomb, deciding to wait for a better opportunity. On Sunday afternoon, December 31, Joseph H. Hutchinson, former lieutenant governor under Steunenberg, assisted by a waitress at the Saratoga hotel procured a pass key to Room No. 13, occupied by Hogan, entered the room and made an astonishing discovery. Explosives were found under the bed, on the floor, on the wash stand. Evidences were found which seemed to point to the fact that a dynamite bomb had been made in the room. The following morning Hogan was arrested on a definite warrant charging him with the assassination of Governor Steunenberg. Hogan Identified. On January 2, Hogan was arraigned and pleaded not guilty. He was held for a preliminary examination. In the meantime it was discovered he had a trunk at the depot which had never been taken to the hotel. The officers took possession of the trunk. It was opened and other articles found

side papers. When answered in the affirmative, he said that he would soon have legal advisers. Asked who they would be and where they would come from he said he did not know, but that they would be on hand. Orchard, after his arrest, sent no messages anywhere, but on January 3 he received a telegram from Fred Miller of Spokane, to the effect that he would start immediately for Caldwell to defend the prisoner. Upon his arrival in Caldwell, Miller refused to state who had retained him in the case. Orchard's Examination. After Orchard had been arraigned he was taken to the state penitentiary for safe keeping upon an order made by the probate judge of Canyon county. By agreement of attorneys his preliminary examination was adjourned several times until January 13. On that date the examination began before Probate Judge M. I. Church (now register of the state land office). The examination lasted three days and during that time 20 witnesses, all of Caldwell, testified for the state. The defense presented no witnesses. The argument was very short and Orchard was bound over to the next term of the district court for trial, and again sent to the state penitentiary for safe keeping. During the investigations of the many detectives who appeared on the scene very shortly after the murder, to work under Captain W. S. Swain of the Thiel Detective agency, clues were discovered that Orchard had not been entirely alone in his work at Caldwell. The detectives reported that while they were certain Orchard was the man who had placed and exploded the bomb, they had evidence that another man, one prominent in the Western Federation of Miners, had been in Caldwell, helping Orchard to formulate and carry out the infamous plot to kill Frank Steunenberg. Many of those who testified at the preliminary examination lived between the downtown section of the city and the Steunenberg residence. They insu-

red to having seen Orchard and the other man on several occasions near the governor's house and on two occasions was very close to them and was able to distinguish the features of the stranger. He was shown a photograph of J. L. Simpkins and at once, unhesitatingly, identified it as that of Orchard's companion. As soon as the detectives were per-

tain their clues were not misleading, a warrant was issued for Simpkins. It was learned where he was—in Spokane, and steps were taken to have him arrested. Simpkins evidently got secret word that he was wanted. He eluded the officers, went up into the hills of the St. Joe river country, where he was well acquainted and had many friends. Although detectives and officers of the law, attracted by the big reward offered and several times doubled for his capture, searched for months for the fugitive, he has never been captured and detectives are now certain, according to their reports, that he has long since left the United States. Pinkertons Take the Case. Shortly after the middle of January Pinkerton detectives, in charge of James McParland of Denver, the world known detective, took entire charge of the case. McParland arrived in Caldwell on January 21 and after setting the wheels of investigation there in motion, he came to Boise and established a headquarters, turning over the routine work of his Denver office to a subordinate and devoting his whole time to the Idaho murder case. McParland at the outset voiced his opinion that Orchard was not alone in the case—that neither Orchard nor Simpkins could be considered as principals. He felt certain, he said, that Orchard was but the tool of other men. He said the murder, in his estimation, was the result of a deeply laid plot. While in Boise McParland took occasion to visit Orchard at the penitentiary. He reported that Orchard was in a penitent frame of mind. Early in February McParland astonished the leading attorney for the state, James H. Hawley, with the statement that Harry Orchard wished to make a full confession of his part in the murder of former Governor Steunenberg and of those who were implicated with him in the crime. In the presence of McParland, Mr. Hawley and one or two others, it was later reported publicly, that Orchard made a confession, the full particulars of which would, when made public at the trial, startle the civilized world as the most horrible story of crime ever told. The full details of

BRIEF SKETCH OF FORMER GOVERNOR STEUNENBERG



this confession have never been made public, but their recital by Orchard himself on the stand during the progress of the trial which is to start next Thursday will probably be the big feature of the case. Orchard's Story. According to the announcement by Detective McParland, Orchard said in his signed statement that he had been sent to Idaho to kill Governor Steunenberg by the officials of the "Inner Circle" of the Western Federation of Miners. He implicated Haywood and Moyer and Pettibone, it was said, as the men who had given the orders and hatched the plot. He said that Haywood was the man who was to pay him for the carrying out of the crime. He told of Jack Simpkins' part in the transaction. Aside from the murder of former Governor Steunenberg, it was said Orchard told of many other crimes he alleged to have been perpetrated at the instigation of the "Inner Circle." Among the crimes said to have been explained by Orchard in his confession are the following: Killing of thirteen nonunion miners by dynamite at Independence, Colo. Murder of Detective Lyric Gregg; Denver. Poisoning of Harry Neville at Goldfield, Nev. Killing of two men by explosion in Vineland mine, Triple Creek, Colo. Killing of three men at Smuggler, Union mine, Telluride, Colo. Murder of John Mahoney, miner, at Telluride. Murder of Wesley J. Smith of Telluride. Murder of Martin Giescott, mine manager, at Triple Creek, Colo. Assassination of Arthur L. Collins, mine manager, at Telluride. Assassination of former Governor Steunenberg of Idaho. Killing of a man named Wailer by mistake for Chief Justice Gabbert of the Colorado Supreme court. Attempt on life of former Justice Goddard of the Colorado Supreme court. Two attempts on life of former Governor Peabody of Colorado. Two attempts to wreck train at Victor, Colo. Arrests in Denver. Immediately upon Orchard's confession the statements contained therein were laid before Prosecuting Attorney Owen Van Dorn of Canyon county. He soon filed a complaint against Moyer, Haywood and Pettibone and applied for extradition pa-

announced that Attorney John P. Noe, one of their prosecuting attorneys of the county, and Fred Miller, who had been Orchard's attorney, would be associated with him. About this time Fred Miller went to the penitentiary to see Orchard. Orchard at first refused to see him but later met Miller and told him he had no further use for his services and asked him not to call again. Richardson's First Move. The first move made by the Denver attorney after arriving in Boise was to file an application in the supreme court of the state for a writ of habeas corpus, severally for each of the three prisoners. This was done on February 11. The application was made on the grounds that the three men had been kidnapped in Colorado; that they had been arrested on a warrant issued on a perjured complaint by O. M. Van Dorn; that their transportation to Idaho had been illegal in that the men after arrest in Denver had been denied the privilege of seeing or consulting with their attorneys. The writs were issued and the date for argument was set for March 11. At that time Richardson based his argument largely on the grounds that the prosecuting attorney of Caldwell perjured himself when he swore to a complaint that Moyer, Haywood and Pettibone on the night of December 28 were personally in Caldwell and personally exploded the bomb which killed Steunenberg. The court however held with the prosecution that the current and complaint were regular for the reason that the Idaho statute does not contemplate an accomplice or co-conspirator in a murder case. It was necessary under the Idaho statute to charge in men as principals. The writs were quashed in the supreme court and an appeal to the supreme court of the United States was taken. Writs of habeas corpus were then applied for in the United States district court. Here the same charges were made, the same arguments presented. The writs were quashed in the federal court and an appeal from the decision was also taken to the United

(Continued from Page Nine.)

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Afterward it was reported that the man in his confession stated that he intended to kill Steunenberg that night at the Idanha hotel; that on that night he went so far as to place a bomb in the governor's room at the hotel and that later he got to think of the many lives that would be taken in the attempt to kill the one man who was spotted as a victim, and he removed the bomb, deciding to wait for a better opportunity.

On Sunday afternoon, December 11, Joseph H. Hutchinson, former lieutenant governor under Steunenberg, assisted by a waitress at the Saratoga hotel procured a pass key to Room No. 13, occupied by Hogan, entered the room and made an astonishing discovery. Explosives were found under the bed, on the floor, on the wash stand. Evidence was found which seemed to point to the fact that a dynamite bomb had been made in the room. The following morning Steunenberg was arrested on a definite warrant charging him with the assassination of Governor Steunenberg.

Hogan identified. On January 2, Hogan was arraigned and pleaded not guilty. He was held for a preliminary examination. In the meantime it was discovered that the trunk at the depot which had never been taken to the hotel. The officers took possession of the trunk. It was opened and other articles found of an incriminating nature. On January 3, while in jail, Hogan was visited by Sheriff Bell of Telluride, Colo., who had come to the scene at the crime to see if he could identify the man. He immediately announced that Hogan's right name was Harry Orchard; that he was a man wanted as one of those implicated in the blowing up of the station at Independence, by which many lives were lost. Upon this declaration by Sheriff Bell the prisoner admitted that he was Harry Orchard.

Orchard, shortly after his arrest, was asked if he wished to employ an attorney. He asked if the news of his arrest had been published in out-

side newspapers, but on January 5 he received a telegram from Fred Miller of Spokane, to the effect that Caldwell would start immediately for Caldwell to state who had retained him in the case.

Orchard's Examination. After Orchard had been arraigned he was taken to the state penitentiary for safe keeping upon an order made by the probate judge of Canyon county. By agreement of attorneys his preliminary examination was adjourned several times until January 13. On that date the examination began before Probate Judge M. I. Church, now register of the state land office. The examination lasted three days and during that time 20 witnesses, all of Caldwell, testified to the state. The defense presented no witnesses. The argument was very short and Orchard was bound over to the next term of the district court for trial, and again sent to the state penitentiary for safe keeping.

During the investigations of the many detectives who appeared on the scene very shortly after the murder, to work under Captain W. S. Swain of the Third Detective agency, clues were discovered that Orchard had not been entirely alone in his work at Caldwell. The detectives reported that while they were certain Orchard was the man who had placed and exploded the bomb, they had evidence that another man, one prominent in the Western Federation of Miners, had been in Caldwell, helping Orchard to formulate and carry out the infamous plot to kill Frank Steunenberg.

Many of those who testified at the preliminary examination lived between the downtown section of the city and the Steunenberg residence. They testified mainly to having seen Orchard often coming and going to and from the Steunenberg premises. Some testified to seeing him at a distance from the home of the former governor on several occasions looking at the house through a field glass. One or two testified to seeing another man with Orchard on one or two occasions and the general descriptions given of this second man tallied with that of J. L. Sumpkins. A young man attending school in Caldwell, who lived a short distance out in the country, and who, in walking to and from school had to pass close in the vicinity of the Steunenberg home was one of the important witnesses along this line. He tes-

Orchard's companion. As soon as the detectives were cer-

BRIEF SKETCH OF FORMER GOVERNOR STEUNENBERG



Cut from Photo Taken in January, 1898, of Governor Steunenberg Seated at His Desk in the Executive Office.

Frank Steunenberg, for whose assassination Meyer, Haywood and Pettibone are to be placed on trial was in his forty-fourth year at the time of his death. He was born in Keokuk, Ia., August 8, 1851. After acquiring an academic education he learned the trade of a printer and worked at some time at Des Moines. In 1887 he came to Caldwell in this state and with his brother, the late A. K. Steunenberg, established the Caldwell Tribune. Making a distinct impression among the people for wisdom and breadth of view, he was chosen in 1893 as a member of the constitutional convention and served with credit in that body. The following year he was elected as a member of the house of the new legislature.

The next public service of Mr. Steunenberg was as governor of the state. In 1892 he was nominated by the Democrats and Populists as their candidate for that office and was elected. In 1898 he was renominated by all three silver parties, the Democrats, the Silver Republicans and the Populists and was again elected, closing his gubernatorial career in January, 1901.

Mr. Steunenberg was a man of strong character. Deliberate in his methods, he thought out every detail of a problem before committing himself to a policy, but, having once made up his mind, what was right, he was tireless in endeavoring to accomplish the desired end. He gave the state a most satisfactory administration and won the admiration of

the people of all parties by the resolute manner in which he dealt with the problem raised by the riot in the Coeur d'Alene in 1899. When he was so cruelly killed, it was felt at once that the deed had some connection with the work he did in discharging his duty to the state during that trying time, people feeling either that some individual or organization entertaining a grievance against him because of his policy in the mining district had taken his life, this impression being deepened by the method adopted for taking his life. It was known by his close friends and to some extent by others that he had been threatened for years, anonymous letters coming to him in great numbers in which he was informed that he was marked for destruction.

him on the day that he was killed. He told of Jack Steunberg's part in the transaction. Aside from the murder of former Governor Steunenberg it was said Orchard told of many other crimes he alleged to have been perpetrated at the instigation of the "Inner Circle." Among the crimes said to have been explained by Orchard in his confession are the following:

Killing of thirteen nonunion miners by dynamite at Independence, Colo.; Murder of Detective Lytle Gregg; Poisoning of Harry Neville at Goldfield, Nev.; Killing of two men by explosion in Victor mine, Cripple Creek; Killing of three men at Smuggler Union mine, Telluride, Colo.; Murder of John Mahoney, miner, at Telluride; Murder of Wesley J. Smith of Telluride; Murder of Martin Glendon, mine manager, at Cripple Creek, Colo.; Assassination of Arthur L. Collins, mine manager, at Telluride; Assassination of former Governor Steunenberg of Idaho.

Killing of a man named Wabber by order of Chief Justice Gabbert of the Colorado Supreme court. Attempt on life of former Justice Goldford of the Colorado Supreme court. Two attempts on life of former Governor Peabody of Colorado. Two attempts to wreck train at Victor, Colo.

Arrests in Denver. Immediately upon Orchard's confession, the statements contained therein were laid before Prosecuting Attorney O. Van Duyn of Canyon county. He laid out a complaint against Meyer, Haywood and Pettibone and applied for extradition papers. A special agent was sent to Denver. The papers were presented to Governor McDonald on Thursday. He signed the extradition papers and on Saturday afternoon and evening the three men were arrested by officers of the sheriff's force of Denver county. They were lodged in the jail at Denver and early the following morning were placed in a special car on a special train, and accompanied by several guards brought immediately to Boise. It was not until after the arrests in Denver that the confession of Orchard was made public. About the same time Steve Adams was arrested on a ranch near Haines, Ore., on a warrant charging him with complicity in the crime. He was taken first to Caldwell, where he spent one night, and then brought on to the state penitentiary for safe keeping.

On February 22, Attorney E. F. Richardson of Denver arrived on the scene. He announced immediately that he had been retained as leading counsel for the accused men and also

Richardson's First Move. The first move made by the Denver attorney after arriving in Boise was to file an application in the supreme court of the state for a writ of habeas corpus several for each of the three prisoners. This was done on February 12. An application was made on the ground that the three men had been kidnapped in Colorado; that they had been arrested in a warrant issued on a supposed complaint by O. M. Van Duyn; that their transportation to Idaho had been illegal in that the men arrested in Denver had been denied the privilege of seizure of counsel with their attorneys. The writs were issued and the date for argument was set for March 11.

At that time Richardson based his argument largely on the grounds that the prosecuting attorney of Caldwell perjured himself when he swore by a complaint that Meyer, Haywood and Pettibone on the night of December 29 were personally in Caldwell and necessarily exploded the bomb which killed Steunenberg. The court, however, held with the prosecution that the warrant and complaint were regular, and the statute under the Idaho statute does not contemplate an accomplice or co-conspirator in a murder case. If the necessary under the Idaho statute to charge to men as principals. The writs were quashed on the supreme court and an appeal to the supreme court of the United States was taken. Writs of habeas corpus were then applied for in the United States district court. Here the same charges were made, the same arguments presented. The writs were quashed in the federal court and an appeal from the decision that was also taken to the United States supreme court.

Defendants Indicted. On February 24 a grand jury for Canyon county was impaneled. The grand jury on March 15 returned true bills against Orchard, Sumpkins, Meyer, Haywood and Pettibone. Shortly after this Mr. Richardson complained that the prisoners he was defending were not receiving fair treatment at the state penitentiary and requested that they be moved to the Canyon county jail. No objection was made by the attorneys for the prosecution and the change was made.

On March 16, Meyer, Haywood and Pettibone were taken before the district court of Canyon county to answer to the charges in the indictments. Their attorneys at that time filed a motion to strike the indictment from the files, a motion to set aside the judgment a motion to admit defend-

(Continued on Page Nineteen.)

Senator W. E. Borah.

Attorney James H. Hawley.

Oswen M. Van Duyn.

Prosecuting Attorney of Canyon County.

Fred W. Miller of Spokane.

Attorney K. F. Richardson of Denver.

Review of Events Leading Up to Trials of Moyer-Haywood-Pettibone

THE ISSUE OF MOYER, HAYWOOD AND PETTIBONE.

(Continued From Page Ten)

ants to bail; a plea in abatement and demurrer to the indictments. These motions were argued the following day and overruled. At this time Judge Smith, then presiding over the district court for Canyon county, announced that because of the insufficient accommodations at the county jail it would be necessary to remove the prisoners elsewhere for safe-keeping. He said orders for their removal would be made soon. On March 29 Moyer was removed to the Ada county jail and on the following day Pettibone was removed to the United States penitentiary at Leavenworth, Mo., to be joined on March 23 by Haywood. Since the latter date the three prisoners have been together at the jail in this city awaiting trial and they have been as well cared for as could be possible under the circumstances.

During the days they have had the freedom of a large, comfortable well lighted room adjoining the sheriff's private office, each at separate intervals each day since their arrival had two hours out-of-doors exercise. They have been looked up separately but not together during the night. The prisoners have lived well and have kept in good health. They are all in better condition physically today than on the day they were brought to Idaho for trial.

Trials Continued.

On April 3 the appeals from the decisions of the supreme court and the federal court on the habeas corpus proceedings were taken by the United States supreme court. It had been announced that the trials of Haywood and his companions would come up at the May term of the district court in Canyon county.

On May 29 the cases were called for trial before Judge Smith. The defense immediately filed a motion for a change of venue and for a new judge. The motions, however, were not argued at that time, the state, through its leading attorney, Mr. Hawley, calling the attention of the court to a United States statute forbidding proceedings in a state court in a murder case during the pendency of a decision on appeal to the United States supreme court on a habeas corpus decision rendered by a United States district court. The matter was set for decision the following day, when by before him directed the attorneys for the state to make a motion for continuance, pending the decision of the supreme court. The motion was filed, argued and sustained.

Quiet Period.

The trials having thus been continued for a very quiet period regarding proceedings until September 7, when James W. Lillard of Haines Ore., through the attorneys for the defense, submitted by force-governor John T. Morrison, a writ of habeas corpus in behalf of his nephew, George Adams. The writ was asked for on the grounds that Adams, since his arrest, had never been given a preliminary hearing, that there was really no legal charge

against him and that he was being held against his will at the penitentiary.

The Adams Case.

Shortly after being taken to the penitentiary Adams was reported to have made a confession, not quite so long or complete as that of Henry Orchard, but in a great many respects corroborating what Orchard had sworn to. It was true that Adams had never been given a preliminary hearing, the state having virtually dismissed the charge against him in connection with the Steunenberg murder. It was announced by Adams' attorney that the man claimed to be restrained against his will, that the confession he had made had been secured by threats. Adams in fact in a statement for publication revealed everything he had sworn to in his confession.

The state made no pretensions of arguing against the application for Adams' release. It was stated by the prosecutors and by the warden of the penitentiary that Adams was not kept at the penitentiary against his will but by his own request. Adams stating that he feared to go out into the world after having made a confession. He was released when the case came up in district court, but was immediately arrested by Sheriff Hodgkin of Ada county and taken to the county jail. A warrant had been issued for him in Denver, charging him with the murder of Frank J. Murphy in Denver county in May 1904. Adams was placed in the Ada county jail until the Denver officers could arrive with the papers. On September 12, officers from Colorado failed to arrive on time with their papers. Adams was demitted from that charge and rearrrested on a warrant brought to Boise from Shoshone county by Sheriff Sutherland, charging him with the murder of Fred Thier in that county. Thier was charged with the murder of John J. L. Simpson and marked for killing and it was claimed that Adams shot the man down in cold blood.

The Overland Trip.

As soon as Adams was turned over to Sutherland the sheriff placed him in the custody of the warden of the state penitentiary for safe-keeping until he could start north with him. The next day the officers from Colorado appeared and were apparently greatly disappointed that the prisoners were held for them. Sheriff Sutherland was the one that the attorneys for the defense of Adams were preparing to sue out a writ of habeas corpus for him in Oregon, when he should arrive in the custody of the sheriff in that state on the train en route for north Idaho, started with the prisoner late at night from the penitentiary. Accompanying him were Warden Whitney and E. W. Johnson, a private detective. They kept the party tight for Wheeler, changed there to the "Pin" road to Council and from Council held a conference with the prisoner late at night. The officers were well started on the road, but were overtaken by Judge Wallace, before their departure from Boise had been suspected by Adams and his companions.

Frustrated in their plans, Adams' attorneys hastened by train to Wallace and arrived there in time to meet the officers and the prisoner when they drove into Wallace on September 13. Adams' preliminary hearing began on September 25 and lasted three days when it was over for trial in the district court. Adams' trial began February 4 and the case went to the jury March 4. On March 7 the jury

reported a disagreement, six being for conviction and six for acquittal. This case excited wide comment as being affiliated in certain particulars with the big trials now coming on.

Supreme Court Decision.

On December 3 the supreme court of the United States rendered a decision sustaining the decisions of the sixth circuit court and the state supreme court on the habeas corpus proceedings and it was immediately announced that the case would then come up for trial at the next term of the district court for Canyon county—the March term.

The cases were called for trial on March 12 before Judge E. L. Bryan, who, at the previous fall election had been elected to succeed Judge J. P. Smith. On account of the non-arrival of the writteller from the supreme court, however, proceedings were continued one week. Judge Bryan at this time, however, announced that he considered himself disqualified to sit in any murder trials for the reason that when Orchard was first arraigned, he had been appointed by the court to act temporarily as Orchard's legal advisor. He announced that Judge Fremont Wood of Ada county would preside over the trials.

On March 18, when the cases were again called, the defense made a motion to discontinue the proceedings on the grounds that the prisoners had not been given a speedy trial. This motion was overruled by Judge Wood, the court holding that the government statute on which the trials had been continued was sufficient to stay the proceedings. The defense then renewed its motion for a change of venue filed the previous spring, but withdrew its motion filed at the same time for a change of judge.

Three days were taken up in presenting the arguments on the motion for a change of venue. The claim of the defense was that there was a general sentiment of prejudice against the defendants all over Canyon county and to support the claim something like 400 affidavits were presented and read in open court; also a mass of newspaper clippings. The motion was taken under advisement on March 20 and on March 22 it was sustained by the court in this way: Judge Wood stated that while not surprised that a showing had been made that it would be impossible to secure a fair and impartial jury in Canyon county, he wished to be absolutely fair and would move the case to Ada county for trial providing the attorneys for the defense would allow the court records to show that the change to Ada county was made with their consent. This the attorneys for the defense by Joseph Nugent, agreed to do and the change was ordered.

On April 1 in the district court room of Ada county, Judge Wood, with the approval of the attorneys for both sides, set the date of trials to begin on May 2. Upon request of the attorneys for the defense, Attorney Hawley announced that the trial of Haywood would come first, the defendants having demanded separate trials.

There Will Be No Delay.

There is no apprehension that the trial will not start next Thursday, due to the fact that the attorneys for the defense had many workers throughout Ada county canvassing friends to learn their sentiments regarding the coming trials. It was specifically stated that the case was moved to Ada county reported that it seemed

evident that the defense would when court met for the trial of William D. Haywood, ask for a change of venue from this county.

This rumor preceded a report printed in a Denver paper of a statement alleged to have been made by Clarence Barrall to the effect that a change of venue from this county would be made. These rumors, however, were set at rest when, upon the arrival of E. F. Richardson, the Denver attorney, stated positively that no change of venue would be asked for, at least until an attempt had been made to subpoena a jury. Mr. Richardson stated that while he felt certain that much prejudice against the defendants existed in Ada county, the sentiment was not as strong as in Canyon county. He predicted it would take some time to get a fair and impartial jury, but thought one could be had if secured. Judge Fremont Wood, then asked how long he thought it would take to get a jury, said that a jury might be secured within a week, perhaps. He does not anticipate much trouble getting a jury.

Preparations for Trial.

Already dozens of strangers have arrived in the city to attend the trials. That many will be disappointed there is no doubt, for the capacity of the court room is said to be insufficient for all who will wish to attend. It will be necessary for the sheriff to issue tickets to those who are entitled to attend. There will be no need of the attorneys, the wives of defendants, the newspaper men, court officials and, until after the jury is chosen members of the venire who are to be examined.

To accommodate as many as possible of the army of newspaper writers who will be here, Sheriff Hodgkin has caused to be built a long desk following the railing separating the court from the spectators' seats. The desk will accommodate many writers, but not inside the rail, inside the rail about 15 representatives of outside daily and local newspapers can be accommodated.

How News Will Be Handled.

The Western Union Telegraph company has made extensive preparations for handling the news dispatches of the trial. They have now eight in-hand for two circuits and will have 10 more on direct by the afternoon, when here for this special work. The company has planned for a service of much greater capacity than is expected to be needed and in time shape to handle reports sent out. All contingencies of a tie-up have been considered.

The Associated Press will cover this trial much more in detail than the Thaw murder trial. The routine court proceedings will be written by Robert Small of the New York office. He writes his copy long hand in the court room of Ada county, Judge Wood using the Phillips code. His copy goes direct to the operator, who uses the code to send it out. By using the code Mr. Small takes in long hand the ordinary long-hand method.

The Associated Press men here are under the direction of H. J. Kennedy, general superintendent of the Associated Press of the New York office. Martin Egan is also here and his daily stories of the trial will be read on both sides of the ocean. He is one of the great lead writers of the Associated Press, a California boy. He was charged of the Associated Press news regarding the coming trial. He was and handled other big stories.

The Associated Press reports will be

sent directly from the court house to Salt Lake, a through wire to Salt Lake from Boise having been chartered for the use of the Associated Press as long as the trial may last.

TWO GIRL FRIENDS

They were to have lunch together downtown and they met by appointment at the milliner's on the corner. They did not intend to buy hats, but chose the place because of its convenience. However, when the girl in gray found that she had arrived first, she thought she would just "poke around" a little until her friend arrived.

When the girl in brown came she found the other girl seated before a mirror surrounded by a pile of hats, which an enthusiastic saleswoman was swilling to gigantic proportions. "What on earth are you doing?" cried the new arrival. "You said you had just bought two new hats and here you are buying another."

"I'm not buying one, but as you are 15 minutes late I had to amuse myself somehow."

At this moment the saleswoman came up, triumphantly bearing aloft a creation in black velvet and white plume. But the girl in gray, who was pinning on her own hat, remarked sweetly: "I won't try on any more. I was just waiting for my friend and she has come."

"Well, I never," exclaimed the saleswoman to herself.

"Where shall we go for lunch?" asked the girl in gray when they reached the street.

"O, I don't care. Anywhere you say."

"I don't care either."

"Well, do you like Blakely's?"

"Yes."

"The waiters there are awfully inattentive, come to think of it. I like Carter's better."

"O, they have the horriddest butter at Carter's," objected the girl in gray.

"Do they? I never noticed it, and I'm fussy about butter, too."

"Well, let's go there, then. I don't care."

"O, no; I'd imagine it was bad now."

They stopped on a corner.

"I've got to meet mother at 2 o'clock so let's decide," said the girl in gray.

"I don't care a bit where we go," said the girl in brown.

"Neither do I."

"Like one place about as well as another."

"So do I."

"It's too windy standing here and I've got an awful cold. Do decide on something."

"All right; you decide."

"Well, we might as well go to Blakely's."

They did.

As they entered the head waiter hurried forward to meet them and showed them ceremoniously to a small table. Another waiter rushed forward, and each attendant held a chair for the new arrivals.

"I don't call the waiters here inattentive," said the girl in gray, pulling off her gloves.

"Perhaps I was thinking of some other place," answered the girl in brown.

The waiter placed a menu before

each girl, and then stood respectfully waiting, pad and pencil in hand. "What shall we have?" said the girl in gray.

"Whatever you like. I want you to say, because this is my treat."

"Indeed, it isn't," objected the girl in gray. "I suggested our luncheon together, in town."

"But, my dear, don't you remember I said, 'Can't you come Wednesday?' and that made it my invitation."

"Not at all," replied the girl in gray, "and I insist upon paying the bill."

"Well—then next time it shall be mine."

The waiter, after shifting his position from one foot to the other several times, retired to the next table and took order from two men who had just come in. He now returned and stood inquiring behind the girl in brown.

"What shall we have?" said the girl in brown. "The waiter has told me that no progress had been made and hurried away to fill the order for the two men."

"Whatever you like."

"What about filet mignon?"

"Yes, and potatoes au gratin."

"I don't care for things cooked in cheese."

"Well, you pick out the potatoes," said the girl in gray. "Where on earth has that waiter gone?"

"This was the place I meant, after all, where the waiters are inattentive," said the girl in brown at length.

They waited in some annoyance until the waiter appeared with the order for the next table. He hurried through his duty there, and presently stood once more, pad in hand, expectantly beside the girl in gray.

"Bring us some filet mignon," she began. "Have you decided on the potatoes yet?"

"They discussed it."

"Let's have tomato salad instead," said the girl in brown.

"All right. Now that waiter has gone again! How annoying!"

The waiter had, in fact, just withdrawn, as the men at the next table had finished and were ready to pay their check.

"I shall never come here again. The waiter has not taken our order yet!"

"I told you how they were here," said the girl in brown, complacently.

Both girls bent frowning looks on the waiter until he approached their table again.

"Please take our order at once," said the girl in gray, severely. "Filet mignon, tomato salad, and coffee. Would you have your coffee with your lunch or after, with some crackers and cheese?"

"I don't care. Which would you?"

"As I have to meet my mother at 2 o'clock, I'm afraid I'd better have it with my lunch. Can you tell me the time, waiter?"

"Yes, miss. It is 20 minutes of 2."

"Oh, dear me! Hurry the order as fast as you can."

As the waiter departed the girl in gray said, "It is shameful the way we have had to wait. I shall be awfully late. The inattention of the waiters here is disgraceful!"

And the girl in brown agreed with her.—Portland Oregonian.

"You know," quoted the plodding person, "the height and great mass reached and kept were not attained by sudden flight."

"But," replied the modernist, "you must remember that was written before the invention of express elevators."—Washington Star.

DATES OF LEADING EVENTS IN THE BIG MURDER CASE.

(Continued from Page Nine)

March 4.—Trial of Steve Adams commenced at Wallace.

March 6.—Argument closed in trial of Adams. Case went to jury.

March 7.—Trial of Adams case reported disagreement; six for conviction and six for acquittal.

March 13.—Case of Moyer, Haywood and Pettibone called on the newly elected district judge of Canyon county, Judge E. L. Bryan. Non-arrival of writteller from supreme court on habeas corpus decision. Case therefore continued until the following Monday one week. Judge Bryan announced that he was disqualified from sitting in trial because at one time he appeared as attorney for Henry Orchard being appointed by Governor Judge Smith. His name as Judge Wood of Ada county as the judge who would preside in the trials.

March 15.—Judge Wood hears arguments on motion to discontinue proceedings made by defense on grounds that prisoners had not been given speedy trial. Motion approved, court deciding that stay in proceedings had been warranted. Defense files motion for change of venue on grounds that general prejudice against defendants existed in Canyon county. Arguments commenced.

March 19 and 20.—Arguments on the motion for change made. Many affidavits presented in support of and against motion. Motion taken under advisement.

March 21.—Motion for change of venue sustained upon attorneys for defense following court record to show prejudice against Adams county was by their consent. Date for trial to be set following Monday.

April 1.—Date of trial set in district court in Boise to begin on May 2. Chief Prosecutor James H. Hawley announced that trial of Haywood will be first upon attorney for defense formally demanding that the defendants be tried separately.

Reporter.—What about this story of the phythoid frog being frozen in the frozen-harvesting for summer consumption?

Editor.—It is Magistrate (wearily)—Aw, cut it out!—Baltimore American.

Reporter.—What about this story that phythoid frog being frozen in the frozen-harvesting for summer consumption?

Editor.—It is Magistrate (wearily)—Aw, cut it out!—Baltimore American.

Reporter.—Is it true that she (Miss Muggins) is her aunt's sister?

Editor.—No, she's her mother's sister. —Philadelphia Record.

Reporter.—What about this story that phythoid frog being frozen in the frozen-harvesting for summer consumption?

Editor.—It is Magistrate (wearily)—Aw, cut it out!—Baltimore American.

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Editor.—It is Magistrate (wearily)—Aw, cut it out!—Baltimore American.

DREAM OF THE NIGHT MEND

UM! THERE'S A SPOON FRAUDER! OR IS IT A

YOU ARE GOING AWAY FROM HERE.

NOW FOR REVENGE

I HAVE A NOTION TO GO GET THAT SINGLE-DOPPLE

THIS IS SOME OF THAT STINGLE-DOPPLE HOP'S WORK! AND I KNOW IT! I'LL GET EVEN YOU CAN BET!

**PT. JOHN SMITH
POSTAGE STAMPS**

Postage Stamps Commemorating Jamestown Tercentennial.

Colonial Warrior's Face Adorns the One Cent Issue and is Now on Sale in Boise Postoffice—Other Denominations to Follow.

Postmaster Fenton has received the first lot of Jamestown stamps which are being issued in commemoration of the Jamestown exposition at the postoffice department at Washington. The lot received consists of one and one cent stamps but does not comprise more than half of the order that was sent in. The one cent stamps are now here are of the same design as the regulation issue, those of the one cent denominations being green and the two cent pink. The penny stamps bear a picture of Captain John Smith, underneath which are the dates 1580-1631. The two cent stamps are engraved with a cut of the building at Jamestown in 1607, showing the old-fashioned sailing vessels of that period and a boat beached on shore. The stamps are the same as those issued during the World's Fair at Chicago, the St. Louis Exposition and other occasions on which special issues have been made. Mr. Fenton expects to receive other denominations at any time and will soon be able to furnish to those who wish a complete set of these stamps. A large number of the one and two cent stamps already received were disposed of yesterday.

The office has also on hand a number of 25 cent books of stamps of the one cent denomination which is a great convenience to patrons especially as of late there has been a greatly increased demand for postage stamps caused by the postal card and the sending of merchants' advertisements in unsealed envelopes through the mails. The penny stamp books are something new the lot which has recently arrived here being the first to be placed on sale in this city.

At the end of last month Postmaster Fenton had on hand a considerably larger number of two and one cent stamps than is usual at the end of a quarter, there being in the vaults 5,000 twos and 115,000 ones on July 1. This is, however, an exceptional instance, but as the stamp business is very erratic it is possible that in the ensuing quarter as many stamps may be disposed of as were left over.

HOTEL ARRIVALS

CAPITOL.—E. L. Deacon, Denver; L. Corbus, Black's Creek; Miss Ann L. Shamklin, Nampa; W. H. Thorp, Caldwell; D. M. Stokesbery, Emmett; W. S. Maxey, Caldwell; D. Bookhart, Pocatello; G. Morgan, Rigby; Frank Ralous, Nampa; H. Toileth, Meridian; M. E. Davis, Chaffee, Ore.; A. Griffiths, Glenn Craven, Caldwell; O. S. Harrison, Nampa; Charles Godine, Eau Claire, Wis.; William Douglass, Salt Lake; Fred Lane, Independence; P. O. Duncan, Jordan Valley; Avery C. Moore, Coeur d'Alene; J. H. Weston, Pearl; B. K. Crestel, Garden Valley; D. Grant Whillous, Toronto, Can.; C. M. Wickham, Payette; J. L. McGowan and wife, Idaho City.

Moyer-Haywood Trial

Remember This--

YOU'LL get the most complete and most accurate report of the great Moyer-Haywood trial in

The Statesman

If you are not on the list send in your subscription today.

Your friends in the East will want The Statesman during this trial. Send it to them

3 Months for \$1.75

THE STATESMAN'S news reports have been the best in Idaho for MORE than FORTY YEARS. It is the purpose to strongly emphasize this superior service during the Moyer-Haywood trial.

The only question is, Do you want the best report of the trial, coupled with the news of Idaho and of the world, or will you be satisfied with a skim-milk report that omits so many of the things you want to know about?

If You Get the Best You Must Have The Statesman

"It seems to me I've paid this bill," said Mr. Threadbare, looking at the grocer's statement of account. "You've paid one just like it several times," explained the collector. "Mr. Frigley's orders are that your account mustn't be allowed to run any higher

Wedding



THE PR
Our wedding ring
one piece of soft
no soldering in
from which the
finished by hand
making it very
capable of holding
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ERGIN, WALT
HAMILTON, IL
Any of these mal
handle them all,
in metal, silver,
gold cases.

A. F. P
and C
Jewelers
911 Main Street.

GETTING READY FOR THE TRIAL

Detective McParland Arrives and is Busily Preparing for Court Proceedings.

Probable Witness for Defense Arrives From Goldfield— Socialist Jurors Coming in— One Who Has Corresponded With Debs Says Labor Leader Will Probably be Here

Detective James McParland of Denver arrived in Boise yesterday morning and will remain in Boise during the coming trial of William D. Haywood. Mr. McParland is accompanied by his private stenographer and other clerical helpers and will be busily engaged from now until the time of trial in preparing for the same. Mr. McParland will be one of the important witnesses for the state, it being understood that it was through him that most of the evidence which will be presented by the state was secured.

Owen Barnes, now of Goldfield, lately of Victor, Colo., a member of the Western Federation of Miners and a man prominent in that organization during the Cripple Creek disturbances, arrived in Boise yesterday, and it was reported, he would be one of the witnesses for the defense. He spent much of his time yesterday visiting Mrs. Haywood.

H. J. Parks of New York, a reporter for the New York Daily People's, the official organ of the Socialist Labor party, arrived yesterday. He represents the New York branch of the Industrial Workers and will report the trial for his paper.

Several Socialists are now in Boise who have been sent from various places to sit as a Socialist jury in the trial, to report to their home organizations the proceedings. One of these, who has been in correspondence with Eugene V. Debs, said yesterday in answer to a question if Debs still intended to visit Idaho to attend the trial: "He has made no changes in his previous plans to my knowledge. I believe he will show up here next week."

"Do you think Debs would come out here, after being advised by one of the leading attorneys for the defense to stay away if he had the interests of

the defendants at heart?" was asked. "Debs is not the sort of man to be dictated to by an attorney like E. F. Richardson, or any other attorney," was the reply. "Debs has a mind of his own and will probably do as he himself thinks best."

MATRIMONIAL VISITORS COME UP FROM NAMPA

S. Wright Campbell and Miss Bessie L. Hart, both of Nampa, were married at 3 o'clock yesterday afternoon by Probate Judge Harry Leonard at his office at the county court house.

County Clerk Cuddy yesterday issued marriage licenses to Thomas O. Frazer and Zoe F. Mann, both of Nampa.

NEW COLUMBIAN CLUB OFFICERS ARE ELECTED

Yesterday afternoon the annual election and business meeting of the Columbian club took place. During the afternoon the members listened to a delightful greeting from Mrs. Aubrey Butterfield, president of the state federation of clubs. The election resulted as follows: President, Mrs. L. P. McCalla; vice president, Mrs. Hans J. Roan; recording secretary, Miss Ora Howard; corresponding secretary, Mrs. F. P. King; treasurer, Mrs. James Stephenson; auditor, Mrs. Fred Pittinger.

Baseball excursion to Caldwell today. Train leaves 1:40 p. m. Returning, leaves Caldwell 6 p. m. \$1.20 round trip.

CALIFORNIA EXCURSIONS.

April 26 to May 19, Inclusive. Via O. S. L. Boise to San Francisco and return via Ogden and S. P., \$46.00; via Portland one way, \$46.70. To Los Angeles and return via Ogden and S. P., \$47.50; via Portland one way, \$54.20. Final limit July 31. Proportionately low rates for other stations. See agents for further particulars.

D. P. STUBBS,
D. F. & P. A., Boise.

Baseball excursion to Caldwell today. Train leaves 1:40 p. m. Returning, leaves Caldwell 6 p. m. \$1.20 round trip.

Kill Them!

With Thistle-line by applying a few drops of it to the foliage of any kind of weeds including dandelions, mustard, Canadian thistles, etc. Thistle-line penetrates to the deepest root and in a few days kills every part of it without injuring the soil.

50 cts. per bottle; 5 gallons, \$2.25. For sale by the Lindgren Chemical Co., 1108 Main street, Boise, Idaho. Ask or send for circulars.

Baseball excursion to Caldwell today. Train leaves 1:40 p. m. Returning, leaves Caldwell 6 p. m. \$1.20 round trip.

PICTURE MACHINES TURNED TO THE WALL

Chief of Police Francis Order Penny Arcade to Present More Objectionable Views.

After a close inspection of the pictures shown in the machines in the penny arcade on East Main street, Chief of Police Francis Order yesterday afternoon ordered the management of the arcade to turn a majority of the machines to the wall and take from them all objectionable pictures, after doing which the chief informed the management they could again offer new views to the public if he should become satisfied after an inspection of new pictures to take the place of those ordered out that the new were not objectionable. The chief ordered all connections producing light the machines disconnected and some of the machines were not in operation last night.

A number of complaints have come to the chief of late of the character of some of the pictures shown, and the officer found that there were pictures in the larger machines that were not objectionable and some of them were very suggestive. The chief said he was surprised that such views were being offered to the public. They were not fit for anyone to see, he said, and he would see that none of that character are shown hereafter.

A New Burial Vault.

The new Egyptian burial vault, one of the most convenient and modern vaults in the world. It is superior to any steel vault, being manufactured of material that is non-rustic and perfectly water-tight. In this country where the cities of our day are beautified by the lawns, it becomes necessary to use quite a good deal of water and when using one of the late Egyptian vaults one feels composed to know the forms of the loved ones are perfectly protected from being submerged in water, thus meeting the long-felt need that many have called for. The new firm of N. C. Hiatt & Co., at 1106 Main street, have the exclusive management and sale of the Egyptian vault in Ada county. They also keep for the service of the public one of the best equipped ambulances of the city which is one of Cunningham & Son's latest and neatest patterns. Calls for it will receive prompt attention and best of service by notifying N. C. Hiatt & Co. Independent phone 35; Bell 976.

Special Rates to the East.

Round trip tickets to Chicago, St. Louis and most points west there will be on sale at O. S. L. stations in Idaho at one fare plus \$7.00 on following dates:

May 27, 30; June 3, 7, 12 and 15. Transit limit 10 days in each direction. Final limit October 31, 1907. Diversion routing privilege allowed. See O. S. L. ticket agents for particulars.

D. P. STUBBS,
D. F. & P. A.

JUDGE WOOD TO DECIDE TODAY ON MOTION FOR BILL OF PARTICULARS FOR DEFENSE

Court to Assign Newspaper Reporters to Seats This Morning.

ANOTHER ATTORNEY TO ASSIST IN DEFENSE

John H. Murphy of Denver Arrives—Twenty-Five Newspaper Writers Now Here and More Coming—Miller Returns—Statement Made That There is Probability of Steve Adams Being Called Upon to Testify for the Defense.

This morning at 10 o'clock, at the time set by Judge Wood for giving his decision on the motion of the attorneys for William D. Haywood, for a bill of particulars from the prosecution, the judge will meet all of the newspaper men who are to report the trial and who are entitled to seats and desks or tables in the court room during the proceedings. At this time, if possible, every representative of a daily paper, or of news agencies supplying daily papers, will be assigned to seats within the rail. It is thought all of these can be accommodated.

Aside from the writers for daily papers there will be quite a number of weekly papers represented and several magazine writers. Seats will be supplied to them, not inside the rail, but at points of vantage that will be fully as good. The long desk just back of the rail and reaching the entire length of the rail will easily accommodate 20 writers and there is not a seat in the row that is undesirable. All will be close to the witness and every word of the testimony can be plainly heard.

Electric fans are to be installed in the court room and an exhaust fan in the cupola in the roof to carry out foul air. Everything possible is being done to make the court room as comfortable as possible during the proceedings.

Newspaper Writers.

There are now 24 newspaper writers in Boise, representing outside papers and news services, and it is expected about 10 more will arrive before the trial begins. It is evident that there will not be as many outside writers here as was at first predicted. Quite a number of the large papers who expected to send representatives have changed their mind after learning how completely the Associated Press has prepared to cover the news of the proceedings.

There are five men here now working exclusively for the Associated Press, two of them being skilled code operators. Mr. Lucky of Salt Lake will send over the leased wire all the day stories from the court house and the evening stories will be ticked off by C. J. Bradley, an Associated Press operator, who arrived yesterday from Seattle.

Luke Grant, for years editor of the labor columns of the Chicago Record-Herald, arrived yesterday, and like all of the writers who have come from the east, he was greatly surprised and pleased with the city. All of the newspaper men have expressed their admiration of Boise.

E. G. Lelpheimer, representing the Butte Evening News, was one of the newspaper writers who arrived yesterday. Mr. Lelpheimer was formerly on the Denver News and reported for that paper from the field the Cripple Creek disturbances. He has the advantage of an acquaintance with some of the persons who will be here from Colorado as witnesses both for the prosecution and defense. He kept in close touch during those troubles with Sheriff Bell.

James Gray of the Minneapolis Journal arrived yesterday. Mr. Gray is one of the star writers of Minneapolis. He says his instructions were to send the news of the trial from an entirely unbiased standpoint. He was surprised when he arrived to find that soldiers were not parading the streets, that sleuths were not dodging in and



J. I. Simpkins.

Steve Adams.

The above picture of Steve Adams and Jack L. Simpkins is supposed to have been taken during the late spring or summer of 1905, a few months before the assassination of former Governor Steunenberg at Caldwell. This is the picture from which cuts were made of Simpkins at the time circulars were printed and circulated by the Pinkerton agency, offering rewards for his capture or for information leading to his arrest. This, however, is the first time that this picture of Steve Adams has been published. It is a good likeness of Adams as he looked when arrested at Haines, Ore. in February, 1906, and brought to Caldwell and later to Boise by Detective Chris Thiele.

fall got into trouble in Butte during the strike there.

S. C. Thiele, assistant superintendent of the Spokane office of the Pinkerton Detective agency, returned yesterday from a short trip to Spokane and was accompanied by Mrs. Thiele. This is her first visit to Boise and she anticipates a pleasant time here during the next few weeks that the trial will be in progress.

Adams May Come.

It was stated yesterday that there is a probability that the defense may call upon Steve Adams as a witness in the coming trial. Adams is now in jail in Wallace awaiting a second trial on the charge of the murder of Fred Tyler up in the St. Joe river country. It will be remembered that at the trial of Adams on this charge recently the jury disagreed.

If Adams is called by the defense it is probable an effort will be made to get his testimony on record regarding portions of his confession which did not come out at the trial in Wallace. What the nature of the testimony may be is not known.

Adams, it will be remembered, at the time he was released from the penitentiary last fall, repudiated the



Steve Adams.

The above picture of Steve Adams was taken at Wallace during his trial there on the charge of the murder of Fred Tyler.

confession he was alleged to have made to Detective McFarland and, on the stand in his own behalf at Wallace, swore that the confession had been obtained from him through threats. It has been stated that Adams' confession was not a general confession—in one part, like that of Or-

gross yield of \$19,589.51. The cost of extraction was \$17,703.14; cost of transportation, \$3,781.03; cost of reduction and sale, \$2318.33; improvements on property, 05430.55; total expenses, \$29,823.60; net loss, \$10,234.09.

Hecla Fine Showing.
The statement of the Hecla Mining company shows profits for 1906 of \$555,296.35, as compared with \$363,124.56 for 1905. For 1906 the profits are made up as follows:

Number of tons extracted from the mine, 106,260, giving a gross yield of \$1,249,580.06; cost of extracting, \$308,582.05; cost of transportation and reduction, \$338,006.46; improvements, \$47,795.20.

In 1905 there were 97,366 tons of ore extracted, giving a gross yield of \$871,449.38; cost of extracting \$299,607; transportation, \$129,861.84; reduction and sale, \$49,528.08; improvements, \$29,327.27, and profits, \$363,124.56.

Snowstorm's Big Gain.
The statement of the Snowstorm mine shows that in 1906 profits were \$144,322.51, as compared with \$5,667.74 for 1905. The profits for 1906 are made up as follows: Number of tons extracted from the mine, 82,679.05, giving a gross yield of \$1,069,323.86; cost of extracting, \$307,195.28; cost of transportation, \$49,588.09; cost of reduction and sale, \$25,196.53; improvements, \$26,040.55, showing net profits to have been \$144,322.51.

In 1905 the mine was worked on a lease and the royalty from the output amounted to \$61,991.21. The improvements made during 1905 amounted to \$56,313.41, leaving a net profit balance of \$56,777.74.

CONCERT A GREAT SUCCESS

Large Attendance. Delightful Program—Soloist Popular in Boise.

The closing concert of the season to be given by the Boise Symphony orchestra was held at the Columbia last evening with Mrs. Francis Striegel-Burke as soloist. Mrs. Burke is a great favorite with the music lovers of Boise, having appeared here sev-

FROM IDAHO TOWNS

GREAT ACTIVITY AT AMERICAN FALLS

Flour Mill Running at Full Capacity and Unable to Keep With Orders.

AMERICAN FALLS, May 4. 100-ton electric smelter seems assured fact for the Electric City. H. Brady, president of the American Falls Power, Light & Water company states that his investigations have proven that smelting by electric is practical and is successfully operated in other countries, and he and associates will at once put in an electric smelter with a capacity of tons, to be increased from time to time as may be required.

The American Falls Milling company, which has been in operation two weeks, and has a capacity of barrels a day, is already unable to fill its orders and the manager is figuring on doubling its capacity. They will also at once build a 100 bushel elevator and a large warehouse.

The handsome cement block building of the Bank of American Falls is completed and the finishing touches are being put on the interior. It is the finest bank structure in town of this size in the state.

The American Falls Development company have planted 3000 trees along the streets the past year and the town looks like a huge park.

The foundation for the new hotel is completed and work on the hotel proper will begin at once. Boise men are liberally represented in the creation of this handsome hotel. Architects J. E. Tourtellot & Co., of Boise, drew the plans; E. Koepfen of Boise, has the contract for its construction; the Jeilsson Stone & Construction Co. of Boise have the contract for the stone work and J. F. Cooney of Boise has the contract for the plumbing. The work is to be completed August 1.

Messrs. Reed & Ellinger, the builders, report a larger sale of lots the past week than any week during the year. Among the purchasers are a number who will build substantial business houses.

The Fall Creek Sheep company now occupying its extensive building. The structure is of crete 80x112 feet, fully stocked general merchandise and farm implements. This concern does business of more than \$100,000 annually.

The large pump for the works was installed the first of week and set in operation, and town is now being supplied with spring water through its watery system. The water is drawn from reservoir fed by some 40 feet which bubble out of the rock.

New dwellings and business houses are going up in every direction. American Falls is in the public mouth more than ever before in the history of the town.

Y. M. C. A. CAMPAIGN AT PAYETTE MOVING AL

PAYETTE, May 6.—The Y. M. C. A. building fund reached \$7000 today noon and the next days will be busy ones for the workers, as it is expected to raise amount to \$15,000 by Friday of this week. More men will be in the field and Friday from 50 men will give the entire day to the work, making a grand total of the campaign. A jollification will be held Friday night and if the house can be secured the people gather there and hear the reports of the solicitors as they come in the field. It is expected that amount will not stop at \$15,000 will go higher, as out of a population of 800 people from whom to solicit tributions only a little more than have been seen and nearly half the amount set upon has been pledged.

Sunday was a big day in Payette for the Y. M. C. A. workers. The evening the Elmer opera house packed with an attentive and a clative audience which was addressed by State Secretary I. B. Rhoads and Secretary Fred Witham of Boise. The enthusiasm and sincerity of the speakers caught up by the audience was apparent that the people crowded the opera house with sympathy with what was being said about the Young Men's Christian Association.

WILL GO FREE IN JULY MOTION OF DEFENSE FOR BILL OF PARTICULARS OVERRULED

W. January Given Commutation of Sentence by President.

Recommendation of Attorney General Bonaparte Approved — News a Severe Disappointment to January and His Family.

WASHINGTON, May 8.—Attorney general Bonaparte today recommended that the sentence of John William January, alias Charles W. Anderson, be commuted. He recommends that the sentence be fixed at three months from the date of his arrest and that he be pardoned at the end of that time, namely July 19, 07.

The president has approved the attorney general's recommendation. The attorney general in a memorandum submitted to the president contained the following comment upon the case:

"I consider it very important, as a matter of public policy, to discourage attempts to escape among prisoners. Such attempts impair the discipline of penal institutions, expose officers to danger, and, when successful, seriously weaken the salutary deterrent effects of punishment for crime. As against this must be weighed the eminently beneficial effect, as a matter of public policy, of encouraging the real reformation of convicts. The orderly and law-abiding life of the petitioner cannot, indeed, be regarded as equivalent to meritorious public service in the army or navy, but it is very desirable that men in a situation like his should have an inducement to lead such a life. I think the petitioner ought to receive some appreciable time in prison to show clearly that, as a matter of strict right, he still belongs there, and I also think this period may be appropriately made a short one.

"I recommend that it be fixed at three months from date of his arrest and advise that he be pardoned at the end of that time, to-wit, July 19, 1907."

NEWS A DISAPPOINTMENT TO CONVICT JANUARY

LEAVENWORTH, Kan., May 8.—Major E. W. McCloughrey, warden of the federal penitentiary here, had not up to 12:30 received official notice

TO KEEP UP PRICES.

CHEYENNE, Wyo., May 8.—The Wyoming Wool Growers' association has issued a circular advising sheepmen throughout the state that a conspiracy is being planned by eastern wool buyers to force down the price of wool in spite of manufacturers' demands. Producers are advised not to sell their wool under any circumstances less than the 1906 market and the association offers to buy the wool at last year's prices if eastern buyers will not pay as much.

Should the growers take advantage of the offer, the association will be incorporated and capitalized, becoming practically an independent exchange controlling the Wyoming output.

dently expected would be today. Neighbors had come in to take care of the 3-year-old child so the little woman could pay her entire attention to getting things in shape for Charles.

Mrs. Anderson's eyes brightened when told that definite news regarding her husband's case had been received from the president. She came forward eagerly to listen to the reading of the dispatch. When it was finished and she realized her husband would have to remain in prison nearly three months longer, she collapsed and gave way to a flood of tears. It was 10 minutes before she recovered herself sufficiently to speak.

"It is a terrible blow," sobbed Mrs. Anderson. "Three months will be so long for him. It will be a long time for me, too, but Lucille and myself can get along I suppose. I was confident that he would be pardoned immediately, but of course I am grateful that he is to be free and with us within three months."

IOWA MEN FLEECE BY OHIO SHARPERS

MARIETTA, Ohio, May 8.—One of the boldest bunco games ever played in this city developed today when Horace and Edward Napier of Burlington, Ia., complained that they had been robbed in the commonpleas court by persons representing themselves to be the judge of that court, the sheriff and a prominent lawyer.

The Iowans were here to foreclose a mortgage on a farm of their grandfather and were approached by a stranger who said he was an attorney. They went to the courtroom.

Judge Fremont Wood Reads Exhaustive Opinion in Court.

TIME TOO LATE FOR SUCH MOTION

Says Defendant Waived Right to Bill When He Pleaded to Indictment — Indictment Found Regular — Ben F. Eastman Excused as Juror to Attend Trap Shooting Tournament.

Yesterday morning Judge Fremont Wood overruled the motion of William D. Haywood, charged with the murder of former Governor Frank S. Taunton, for a bill of particulars. In deciding the defendant waived his right to such a bill, not only by pleading on the indictment, but further, by permitting the case to be set for trial before making his application.

In rendering his decision, Judge Wood fully reviewed the motion and the court records of previous proceedings. He pointed out the fact that the motion for a bill of particulars was filed in his court on April 17, the court having been almost in continuous session since April 1, when the cause was first set for trial. Judge Wood states in his decision that he is clearly of the opinion that it would now be an abuse of discretion to grant the motion, and under the bill of particulars, which in his opinion has been repeatedly waived, by pleading to the indictment, by repeated statements of attorneys for defense that they were ready for trial, and by permitting the case to be set and preparations made for trial upon the assumption that the defendant was ready for trial upon the charge against him.

The Spectators.

There were few spectators in the court room yesterday during the proceedings. There were 26 members of the local bar aside from the attorneys represented in the case, and 26 newspaper men in the court room. Aside from these there were not exceeded a dozen other spectators.

At 10:05 o'clock William D. Haywood, freshly shaved, was brought

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ordered the supposed sheriff to issue
an execution. They charged \$70 for
their services which were gladly paid
by the victims.

LABOR WORLD VIEWS PLEASES PRESIDENT

PITTSBURG, May 8.—John D. Pringle, editor of the Labor World of Pittsburg, tonight received the following letter from President Roosevelt in acknowledgment of an editorial recently published in his paper in connection with the Moyer-Haywood controversy:

THE WHITE HOUSE, WASHINGTON, D. C., May 7, 1907.—My dear Mr. Pringle:—Nothing that has been spoken or written that I have seen of the Moyer and Haywood controversy has pleased me as much as your letter and editorial. In my letter I wished to drive a wedge in between the honest, law abiding man with whom I feel such hearty sympathy, and those who preach anarchy and lawless violence; just as I wish to see a wedge driven between the capitalist who is an oppressor or swindler and the capitalist who strives to do right by all his fellows. Above all, I want to express my absolute agreement with your final paragraph, running as follows: "The Labor World has not a word to utter regarding the guilt or innocence of Moyer, Haywood and Pettibone in their present terrible position. We hope they are innocent and will be proved so, but what we want to point out is that their innocence of the preferred charge against them will not, in our estimation, exonerate them from the charge of preaching an industrial and social policy that is damning the best interests of the wage workers of the country."

With all good wishes, believe me, sincerely yours,
(Signed):
THEODORE ROOSEVELT.

ST. LOUIS PEOPLE IN COAL LAND SCHEME

ST. LOUIS, May 8.—Twenty-nine St. Louisians have been summoned to appear before the federal grand jury at Denver to tell what they know of a supposed scheme to combine a large number of coal land claims under the control of some syndicate whose identity has not been publicly established. The names of those subpoenaed have not been revealed. The Denver grand jury will meet May 23 and it is stated, will take up the matter as the result of a recent secret investigation conducted in St. Louis by secret service operatives and special officers of the interior department.

HUNDRED DROWN.

BUENOS AYRES, May 8.—One hundred passengers and crew of the French steamer Poitou from Marseilles, April 6, for this port have perished in the wreck of the steamer off the coast of Uruguay. It is understood here there were 200 persons on board.

the court by Deputy Demer, and was given a seat at the table used by the defense just to the left of E. E. Richardson. Attorney Clarence S. Law sat at Mr. Richardson's right. The other attorneys for the defense were not present.

For the first time at any proceedings in the district court here, all of the attorneys representing the prosecution were present. James H. Hawley and W. E. Borah sat side by side while Owen M. Van Duyn, county attorney for Canyon county, sat at the end of the table, and A. W. Stone, associate counsel, sat at Van Duyn's right.

Court convened at 10 minutes past 11 and after the reading of the minutes and the transaction by the court of some little business not connected with this case, Judge Wood asked if defendant Haywood was in the room. Upon an affirmative answer, he at once read his decision on the motion for a bill of particulars, as follows:

Judge Wood's Decision.

I have considered the motion of the defendant Haywood for a bill of particulars. The motion, after setting forth the fact of the indictment in three separate counts, sets forth that the defendant was not within the state of Idaho at the time of the commission of the alleged offense, and that the indictment does not give the defendant any information of any kind or character which will advise him of what specific and overt act the state intends to rely to secure his conviction. And further, that in order to connect the defendant in any way with the event which resulted in the death of Frank Steunenberg, the state must necessarily rely upon some overt act or acts alleged to have been committed either as an accessory before the fact, or as a co-conspirator with his co-defendants or other persons, tending to effect the murder of the said Frank Steunenberg. And further, that his is unadvised and uninformed, and not guilty of any such acts, and if the state has any such alleged act or acts of this defendant, it must be the evidence of some alleged act or acts of this defendant occurring at a time prior to the alleged murder of the said Frank Steunenberg, and taking place either in Colorado or at some point far distant from and without the state of Idaho.

The motion further sets forth that in order to make his defense it is necessary, his cause now being set for trial on the 9th day of May, A. D. 1907, that he should be forthwith and at once be advised of what, if any overt act or acts the state will rely upon to convict this defendant upon said charge. If any such act or acts is to be relied upon by the state, and that unless the state advises this defendant by a bill of particulars it would be unfair toward this defendant, and an improper advantage will be taken of him with respect to the charge upon which this defendant is now to go to trial; defendant therefore prays the court to enter an order requiring the state to set forth by a bill of particulars to be filed herein the overt act or acts upon which the state will rely to connect the defendant with the general charge of murder contained in said indictment, and that a copy of such bill of particulars be served upon this defendant or his counsel within a time to be limited by the court, which said time shall be prior to the trial hereof as now fixed, and that upon the trial of said cause the state shall be limited to proof of such overt act

(Continued on Page Three.)

PORTLANDERS OF BOISE

a street car ride to the soldiers' this forenoon, the car to leave danha corner at 10 o'clock, and the return, a trip to the Natator- and a plunge. Senator Fulton be the guest on the trips of Harry and Max Mayfield, who will ride soldiers' home and the Natator- in the former's automobile. rs will take members of the visit- party on automobile rides. e personnel of the party is as fol-

W. Ariss, Ariss, Campbell & Gault, mission brokers; A. H. Averill, dent A. H. Averill Machinery any; E. A. Bamford, Page & wholesale produce; F. E. Beach, Beach & Co., paints and oils; E. rannick, vice president Studer Bros. Co., northwest; A. H. man, Breyman Leather company; I. Brown, president Hazelwood n company; L. A. Brown, Allen & s, wholesale grocers; C. D. Brun, tary and treasurer Blake, Mc- company, wholesale paper; F. G. am, Buffum & Pendleton, cloth- T. T. Burkhart, treasurer Title antee & Trust company; Leslie- er, president Butler Banking com- Hood River; H. M. Cake, Cake ke, attorneys; A. C. Callan, man- Pacific Hardware & Steel com- R. B. Carey, Holmes & Menefee, estate; H. G. Carter, National Register company; L. A. Cod- on, stenographer Portland Com- ical club; Samuel Connell, presi- Northwest Door company; Dr. T. Cornelius, capitalist; Jasper e, W. P. Fuller & Co., paints and W. H. Dedman, Jr., wholesale el- and tobaccos; Adolph A. Dekum, ers' supplies and hardware; R. ooly, Jr., Dooly & Co., real estate insurance; Julius Durkheimer, president Wadhams & Co., whole- grocers; A. H. Eilers, secretary treasurer Eilers Piano House; C. English, merchant, Deer Island; J. P. Finley, J. P. Finley & Son, rtakers; J. B. Frem, manager banks, Morse & Co.; C. W. Fulton, ed States senator; J. K. Gill, The . Gill Co., wholesale books and onery; Thomas G. Halley, Cham- in, Thomas & Halley, attorneys; N. Harris, manager D. N. & E. ter & Co., wholesale carpets; W. olt, assistant cashier United States onal bank; T. R. Imbrle, farms timber lands; F. W. Isherwood, ager Bridge & Beach Manufactur- company, stoves and ranges; C. S. erson, Journal; E. C. Johnson, pres- Portland Seed company; W. G. rence, the George Lawrence com- y, harness manufacturers; T. W. ondon, assistant manager Balfour, hrie & Co.; S. M. Luders, the Ir- -Hodson Co., printers, blank book ers, etc.; J. H. McClung, capital- George M. McDowell, brick ma- ery and structural steel; William Murray, general passenger agent, R. & N. Co.; C. J. McPherson, sec- ry W. G. McPherson & Co., heat- and ventilating apparatus; F. E. chester, Sherwood & Sherwood; o Mangold, secretary and treasurer son, Ehrman & Co., wholesale gro- s; Charles L. Mastick & Co., whole- e leather; W. H. Moore, president on Trust & Savings bank; Dr. J.

MOTION FOR BILL OF PARTICULARS OVERRULED

(Continued from Page One.)

or acts as it may see proper to set forth and allege in said bill of particulars.

No Provisions for Bill.

"The statutes of this state make no provisions for a bill of particulars similar to the one now under consideration. The supreme court of California under a criminal practice act from which our own has largely been taken has ruled that the practice of delivery to defendant a bill of particulars in a criminal case is held not to prevail in that state. Our own supreme court, however, in State vs. Rathbone, 8 Idaho, 161, has considered the question not with reference to the power of the court to order a bill of particulars, but with reference to the question whether or not refusal of the trial court to order such bill, could be successfully assigned as error. In passing upon this question the court says: 'Owing to the fact that this is the first time this court has even been called upon to determine the right of the defendant to demand a bill of particulars in a criminal case, we have carefully examined all of the authority to which our attention has been called. Our statute makes no provision for such a demand, and all learned counsel for appellant claims is a legal right, not statutory. This being true, it would certainly be a matter of discretion in the trial court and should never be disturbed unless it is apparent that there has been a gross abuse of it.'

Time for Applying.

"In passing upon this question, even assuming the power of the court to grant a motion for a bill of particulars, I think the court should first take into consideration the purpose and object to be obtained thereby. The reason apparently for furnishing and supplying bills of particulars in explanation of indictments or informations, is to advise the defendant more specifically than the charge contained in the indictment or information of the charge upon which he is to be tried in order that he may properly meet the same and prepare his defense therefor. In other words, bills of particulars are usually furnished where it becomes apparent to the court that the defendant cannot prepare his defense by reference alone to the facts set forth in the indictment, and needs the more specific and detailed statement of a bill of particulars. If this is the reason, the application in my opinion should be made before the case is set for trial, and the weight of authority seems to be that the application should be made before the defendant has plead to the indictment. And counsel for defendant in support of their motion have cited a decision, or decisions, from the supreme court of the state of Florida.

"The question of the province of a bill of particulars in criminal causes has been very thoroughly considered by the supreme court of that state in Mathis vs. State, decided March 31st, 1903, which involved an indictment for murder of the first degree, and in the same indictment Mathis, the plaintiff in error, was charged with being an accessory before the fact of such murder. After plea to the indictment Mathis filed his verified application for a bill of particulars, alleging among other things that he

and George A. Pettibone, if he plead guilty or not guilty of the crime charged in the indictment, and thereupon each of the said defendants, William D. Haywood, Charles H. Moyer and George A. Pettibone, pleaded not guilty of murder as charged in the indictment. Whereupon counsel for said defendants made application for a speedy trial, which was denied by the court, to which ruling of the court defendants and each of them except."

Quotes from Records.

"The record upon this date further shows the following entry: 'It appearing to the court that it will be impossible to try this cause on account of the term being about to close, and a term in another county beginning on the 27th of this month, and the jury having been discharged before the plea of the defendants, this cause is hereby ordered continued for the term.'

"A further examination of the record discloses the fact that after argument by counsel on May 31, 1906, an order was entered staying all proceedings in this case until the appeal in the matter of a habeas corpus in the United States circuit court, district of Idaho, to the supreme court of the United States was finally determined. No other action appears to have been taken in the case until the March term, 1907, in Canyon county, when the defendants' application for a change of venue theretofore filed was heard by the court, and as a result of said application this cause was, on March 25th transferred from the district court of Canyon county to this county for trial. Immediately following the ruling of the court upon application for a change of venue, counsel for defendants in open court gave notice that the defendants would demand separate trials, and it was also stated that the defendants would be ready for trial at such time as might be fixed by the court. At the opening of the April term of court in this county, the defendant and his attorneys being in court and consenting thereto, the time for trial was fixed for May 9th, and I assume that preparations have been made therefor.

Filing of Motion.

"This motion appears to have been filed in this court on April 26th, the court having been almost in continuous session since April 1st when the cause was set for trial. If, in the exercise of the sound legal discretion of the court, the defendant is entitled to this bill of particulars, he will also be entitled to a continuance of the cause when the bill of particulars is presented, upon making a showing of necessity for further time to meet the specifications contained in the bill. And while the granting or refusing of the motion for a bill of particulars could not be assigned as error, yet the refusal to grant a continuance upon proper showing after the motion for a bill of particulars was allowed, would be assignable as error.

"The state has evidently been led to believe that the defendant in this case was ready and prepared for trial. Such have been the solemn declarations of his counsel upon several occasions, and I am clearly of the opinion that it would now be an abuse of discretion to grant the motion and order the bill of particulars, which in my opinion has been repeatedly waived, by pleading to the indictment, by repeated statements of readiness for trial, and by permitting the case to be set and preparations for trial made upon the assumption

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The Paraffin

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Going Save

Excursion rates plus \$2.00, rou Utah to the ter Denver and Ch Louis.

CHICAGO A \$44.
ST. LOUIS A \$39
MISSOURI R \$32

DATES OF SALE A —May 27 and 30, 14; final limit, Octob west of Missouri riv. Daily, through Star sleepers via scenic C over. Personally con- cursions frequently. Write or call. I your trip via the of the Burlington R. F. NE G. A. Burling 79 West Second Salt Lake C

Burlington Route

Wholesale grain merchants: A. Llo, manager Oregon Iron & Company; L. L. Paget, credit Fleischner, Mayer & Co., dry goods; F. L. Perkins, Telegram; George W. Hoyt, cashier Merchants' National A. Perry, merchant, Houlton, C. Uler, sales manager Marlis Hardware company; A. H. Pacific coast manager E. C. Co., saws; J. P. Rasmussen, en & Co., paints and oils; chardson manager Portland clial club; J. C. Roberts, Pe-Roberts Furniture company; Scott, assistant general pas-gent O. R. & N. Co.; Leslie regonian; D. H. Smith, circum-anager Journal; Jay Smith, Marshall-Wells Hardware; T. N. Stoppenbach, vice and treasurer Pacific Paper; L. Q. Swetland, Walter M. Co.; L. Therkelsen, advertis-ager Lowenberg & Going Co., anufacturers; M. G. Thorsen, Thorsen & Co., wholesale oils and glass; H. S. Tuthill, Oregon Casket company; C. department manager M. Sel-o., wholesale crockery; J. W. president Modern Confection-pany; Thomas C. Watts, mer-ten, Ore.; W. A. Williams, agent Continental Fire Insur-pany; B. H. Wickersham, sident Pacific Coast Biscuit

PERSONAL MENTION

Edie went yesterday to Glenn's business.
El McCConnell went to Caldwell on business.
Mason and daughter left yesterday for Portland for a visit.
Mrs. A. O. Carden of Baker is in Boise for a visit with

Rice left yesterday for Hazen, where she will make her home, accompanied her.

George Bryan departed yesterday for Los Angeles on a visit a part of the summer.
Falk, president of the Falk tile Co., Ltd., is in the city on his annual business

P. Tate and family have returned from California, after an absence of a few months. Mr. Tate has improved in health.

S. J. Wood and children left yesterday afternoon for Cambridge, where they will make their home. Food has been there for some

Lee, salesman for Swift & Co. was operated on a week ago at St. Alphonsus hospital for ap-tis, is doing as well as could be

Collins, editor of the Mississippian, is a visitor to the city having come here to report the findings in the Haywood case for

ing the visitors here to attend shooting tournament is L. A. as, the popular Short Line con- who was stationed here for a me. He is accompanied by his

oil for indigestion and dyspep- only digests what you eat, s the stomach and adds strength whole body. Makes rich, pure Kodol conforms to the Na- Pure Food and Drug Law. Sold druggists.

dictament charges him with access- rial acts beginning on the 1st day of February, 1902, and ending on the 3rd day of May, 1902, and on divers other days between the said 1st day of February, 1902, and the said 3rd day of May, 1902; that in the said indictment the nature and character of said acts are not set out or stated and that he is not prepared to defend himself against the same, not being advised of the nature, character or time when the said acts occurred, and that he is in absolute ignorance of the facts which may be attempted to be proved by the state against him. This motion was over-ruled by the trial court.

"The overruling of this motion was assigned as error, and when considering this assignment the supreme court of Florida said: 'We are of the opinion that the motion was made too late, and that it should have been interposed prior to pleading to the merits, and that by so pleading, the right to a bill of particulars, if any such right existed in the instant case, was waived. We have examined a large number of cases in which the right to a bill of particulars was considered and passed upon, as will appear later on in this opinion, and it seems to be established by the great weight of authority that the proper time to apply therefor is before pleading to the merits.'

"The court then enters into exhaustive examination and analysis of the authorities, both of this country as well as the English cases, and in my opinion fully sustains the conclusion which they first announced. The court further, in conclusion, says: 'Such motion should particularly set forth the portions of the indictment or information which the defendant claims to require amplification by a bill of particulars, and point out to the court wherein he desires a fuller statement of the facts.'

Indictment Is Specific.

"An examination of the indictment in this case discloses the fact that the offense charged in each count is set forth with great care and particularly the time and place are particularly the time and place are persons upon whom the assault was made, and the specific means by which the blow which produced death was struck. A bill of particulars could not convey any information to the defendant upon these questions which he does not already possess. The only question is this: Assuming that the state must prove a conspiracy and that the defendant was connected therewith, which conspiracy resulted in the death of Frank Steunenberg, is the defendant entitled to the particularization of the several acts or circumstances upon which counsel for the prosecution rely in order to connect the defendant with such conspiracy?

Defendant Has Waived Right.

"I do not think it necessary to state at this time what the court would do if this application had been presented before plea to the indictment or before the case was set for trial. As the court now views the matter, the defendant has waived his right to such bill of particulars, not only by pleading to the indictment, but further, by permitting the case to be set for trial without making such application. The plea of not guilty to the indictment herein, was entered, as shown by the record, on the 20th day of March, 1906.

"The record entered upon this date is as follows: 'Whereupon the court asked each of said defendants, William D. Haywood, Charles H. Moyer

Exception Preserved.

Upon the conclusion of the reading of the decision, Attorney Richardson arose, and said:

"We wish to preserve an exception, your honor."

"The record will so show," replied Judge Wood.

Mr. Darrow then rose and stated: "We wish to state that the defense is ready for trial. It appears from the wording of your decision that you have some doubts in that regard"—

"I merely referred to that as a possibility," interrupted Judge Wood. "My understanding was that you are ready."

Darrow then replied that the defense would be ready for the trial to proceed this morning. Haywood was remanded to the custody of Sheriff Hodgins, and was immediately taken to the jail below, and the proceedings were deemed closed.

Juror Excused.

Immediately after the prisoner was taken from the room, however, Ben F. Eastman, one of the regularly impanelled jurors for this term of court, made a request that he be excused from reporting this morning, as he wished to attend the trap shooting tournament, which begins this morning at 9 o'clock. Attorney Richardson had gone below with the prisoner, but Attorney Darrow for the defense, was still in the court room, and his attention, and that of Senator Borah for the prosecution, was called to the request of Mr. Eastman. They were asked if they had any objections to his being excused, and both expressed a willingness to excuse him. Mr. Darrow, however, stated that to regularly excuse him it would be necessary that the defendant be present in the court room when the order was made.

By the consent of both attorneys Haywood was brought back to the court room. Eastman renewed his request to be excused. The attorneys assenting, Judge Wood made the necessary order, and instructed that it go into the records of the court that the juror was excused, by the consent of the attorneys for both sides.

Judge Wood then announced that when the jurors reported for duty this morning there would be several who would ask to be excused for the term. He knew of two, Mr. Jullian and Mr. Morrow, whom he thought would have sufficient reasons to present why they should be excused.

This ended the proceedings as far as the case of the State vs. Haywood were concerned yesterday, but no adjournment was taken, as several civil cases of minor importance came up for hearing.

A specific for pain—Dr. Thomas' Electric Oil, strongest, cheapest liniment ever devised. A household remedy in America for 25 years.

Women's Exchange Specialties.

A la carte breakfasts every day. Luncheons week days, only 25 cents. Tea service week days, 3 to 9:30 p. m.

Cooked foods always on sale. Basement of First National Bank. MRS. J. C. DRESSLER, Manager.

The safe, certain, reliable little pills that do not gripe or sicken are Dade's Little Liver Pills. Best for sick headaches, biliousness and lazy livers. Sold by McCrum & Deary.

Only perfect talking machines and records at the Sampson Music Co. Tenth street, 35 steps from Main.

How Pa Grows M

Malt is the body of what makes beer a health-giving quality. Malt is barley sprouted and partially malted. Most malsters force process in three or four

Pabst takes the full as required by Nature result that Pabst gets strength-building ma

It takes Pabst longer Pabst more to make this but this Eight-Day Malt retains in

Pabst Blue Ribbon

The Beer of C

the fullest amount of nourishment of the barl richest in food values.

The Pabst Eight-Day Malt is much the same in its process of digestion. Partially pre-digested. Pabst Beer is actually ready to assimilate without the need of taxing the stomach to di



When ordering for Pabst Blue Made by Pabst at And bottled only at t

EMPIRE THE

WEEK OF MAY

FRANKLIN Illustrated Song, "After the Hay"

FRANK G. The Fun M

VICTORIA H. The Little, Pretty and

RANKIN AND LA Singing and Talking

VIVIAN AND Comedy Sketch

PROF. CHARLES MOVING PICT

The Wrestler's Wife's mined Credit

Three shows nightly Change of program Thursday. Candy M at 1:30.

TRIAL OF HAYWOOD STARTS TODAY

Twenty-Seven Regularly Em-
panelled Jurors to Report
This Morning.

DEFENDANT READY
FOR THE ORDEAL

Newspaper Men Compliment
Sheriff Hodgins on the Ac-
commodations He has Pro-
vided for Them—Better Than
in Thaw Case—Names of
Writers Here—Others Who
Are Expected Soon.

At 10 o'clock this morning the long delayed trial of the first of the three officers of the Western Federation of Miners, charged with the murder of former Governor Frank Steunenberg, will begin in the district court for Ada county. It is understood that all preliminary proceedings are now at an end, and that both sides are now fully prepared to begin the trial.

William D. Haywood, secretary-treasurer of the Western Federation, is the one to be tried first. The trials of Charles H. Moyer, president of the federation, and of George A. Pettibone, former member of the executive committee, will follow the trial just beginning. Which of the latter two will be tried first has not yet been announced by the attorneys for the state in whose hands that matter rests for determination.

There has been wide speculation as to the length of time that will be required to try the case against Haywood. Some predict it will take possibly two months. Others think it will take three, four and perhaps five months. Much depends upon how long it takes to secure a jury. The attorneys for the prosecution seem to be of the opinion that a jury will not be so difficult to secure as is generally predicted. A week, possibly a little longer, is their estimate. The attorneys for the defense say that it will take longer than that. It is the prediction of many that it will take about three weeks to secure the jury.

Up to late yesterday afternoon no subpoenas for witnesses had been issued in behalf of the defendant, but it is understood many subpoenas will be gotten ready before the end of this week. The state has summoned a large number of witnesses, the subpoenas being issued in blank. Of these about 20—possibly a few more than that—reside near by, most of them being from Canyon county.

The present term of court is a continuation of the April term, and the jurors drawn from the jury box at

that she may see her husband during all the proceedings.

Mrs. Haywood, her friends state, is exhibiting amazing fortitude in the face of the ordeal. It is said that since she arrived her influence over her husband has had a wonderful effect toward bracing him and giving him strength for the long strain of the trial.

Newspaper Writers.

Yesterday most of the newspaper men expected were in attendance and all who were on hand picked out seats at the tables and benches provided for their use during the trial. They were one and all very free in expressions complimentary to Sheriff Hodgins for the preparations he had made for their accommodation. Robert T. Small, who covered the Thaw trial for the Associated Press, stated that better facilities were provided the newspaper writers here than at that trial.

Several writers not heretofore mentioned arrived yesterday. They were A. A. Thomas of the New York Sun, Oscar King Davis of the New York Times and Herman F. Titus of the Socialist, Seattle. The complete list of newspaper men who are now here and who will probably be in court this morning follows:

R. J. Kennedy, superintendent Associated Press.

Martin Eagan, correspondent Associated Press.

Robert T. Small, correspondent Associated Press.

Hugh O'Neill, editorial writer, Denver Post.

James R. Noland, court reporter, Denver Post.

J. S. Dunnigan, Hearst's papers.

John Fay, New York World.

J. H. Mac Lennan, Denver Republican.

C. O. Broxon, Boise Capital News.

H. L. Crane, The Statesman.

J. E. Roberts, Idaho Unionist.

M. S. Parker, Portland Journal.

H. K. Davis, New York Times.

John E. Nevins, Publisher's Press.

Jacob Waldeck, Scripps-McRae.

C. N. Landon, Scripps-McRae.

George H. Shoaf, Appeal to Reason.

Bryan Walker, Appeal to Reason.

H. F. Titus, The Socialist.

Wade R. Parks, New York Daily

People.

Ida Crouch-Hazlett, Montana News.

A. E. Thomas, New York Sun.

Luke Grant, Chicago Record-Herald.

E. G. Leipheimer, Butte Evening

News.

James Gray, Minneapolis Journal.

Blaine Phillips, Brooklyn Eagle.

Aside from those mentioned above there are a number of special artists and sketch men and photographers here for various papers. Several magazine men are expected to arrive before the trial is very far unded way, among these being P. J. Connelly of Walla Walla, representing Colliers. John Tierney of the Denver News, Joel Priest of the Salt Lake Herald and J. Carberry of the Boston Globe are among newspaper men who have wired their intentions of being here some time this week.

HEAVED A BIG BRICK
AT THE PHONOGRAPH

No Machine Could Call Him
Names Without a Fight, Be-
gorry, Says James Hogan.

James Hogan, ("Hogan, the Star")

BRIEF LOCAL NEWS

BUSINESS OFFICE.

Bell147
Independent430

NEWS DEPARTMENT.

Bell 75
Independent (2 rings).....430

WEATHER.

Local forecast for Boise and vicinity—Thursday, fair weather. Forecast for southwestern Idaho, made at Portland—Thursday, fair. Yesterday's weather here: Maximum temperature, 73; minimum temperature, 45; mean temperature, 59; deficiency for the day, 4; deficiency for the month, 6; deficiency for the year, 361; total precipitation for the 24 hours ending at 6 p. m., 0; deficiency for the month, 40; excess for the year, 75; mean humidity, 36; minimum temperature at other points yesterday morning: Portland, 50; Spokane, 50; Lewiston, 46; Pocatello, 46; Salt Lake, 42; Omaha, 36; Chicago, 40; Washington, 52; Boston, 44; New Orleans, 64; St. Paul, 34.
eau.

Joined Defense—Edgar Wilson has become connected with the defense in the Steunenberg cases. He closed an arrangement with Mr. Darrow yesterday, receiving a large fee for his service.

Back From Portland—W. E. Pierce returned last evening from Portland, where he had been taking treatment in a sanitarium for a number of weeks. He is feeling much better and able to give constant attention to his business.

Left on Wedding Tour—James A. Waters, who is a bookkeeper for R. S. Shaw, and Phoebe I. Marohn, a trained nurse in one of the local hospitals, were married last evening. They left later on a wedding trip to Mexico.

New Prisoner—Traveling Guard Ackley returned yesterday from Blackfoot, having in custody John Lyons, who will serve one year in the penitentiary for forgery. Arthur Murdock, who was sentenced from Canyon county for a year for forgery, was released yesterday, his term having expired.

Memorial Day—Willard White and H. F. Reel, who are collecting money for the proper observance of Memorial Day, are making excellent progress and expect within a few days to secure quite a large sum to be expended in flowers, the hire of a hall for speechmaking, and other incidental expenses usually involved in the observance of a special program in honor of the dead soldiers.

Improvements—The Sampson Music company is having two especial record playing parlors built in the rear of the store on Tenth street. Each room will be sound proof, and people listening to records in one room cannot hear the records in the other. Doors in the rooms will be of glass almost entirely. Another improvement in the store is under way in the construction of a large balcony to be erected especially to hold records and musical instruments.

Real Estate Deals—E. B. Brown has sold to Margaret Pike lots 13, 14, 15 and 16, block 10, Brumback addition, being on the east half of the block on which is the Washington school. The consideration was \$1500. The sale was made by W. W. Dicks.

jurors drawn from the jury box at the opening of the term, just before the trial of William Simmons, are still on duty, with the exception of a number who were excused for the term, those serving at the close of the Simmons trial having been excused until this morning.

Concerning Jurors.

At the time the jurors were drawn for the April term 35 names were drawn from the jury box of 150 names. Of the 35 there were a number upon whom service could not be had, but the following jurors summoned reported in court.

John Breckenridge, A. L. Ewing, Samuel F. Russell, Samuel Wingate, Frank Newland, W. C. Lane, Samuel D. Gilman, W. W. Rudge, J. L. Waggoner, Albert Beck, Sylvester Gaunt, D. G. Caswell, J. B. Morrow, J. E. Yates, George Walker, George H. McIntyre, William H. Cathcart, Frank Foster, Sr., Paul A. Cowgill, William Van Orsdale, W. W. Bisby, Henry W. Baker, James L. Ayres, W. A. Simpson, Orin Cole, James A. Butte, John G. Jullion, C. L. Barber, L. L. Ormsby, James A. Bennett, Ben F. Eastman.

Of the above named jurors Barber, Ormsby and Bennett were all excused for the term at the time they first reported and Ben F. Eastman was yesterday excused for the term by consent of the attorneys for both sides.

This will leave 27 jurors of the regular panel who are expected to report in court this morning. Of these 27 men there are at least two, Mr. Jullion and Mr. Morrow, who will ask to be excused for statutory reasons, according to the announcement made yesterday by Judge Wood in open court to the attorneys. Of the 27 jurors now on the panel to report this morning, the following sat as a jury in the Simmons murder case:

The Simmons Jury.

Butte, Van Orsdale, Barber, Rudge, Simpson, Breckenridge, Morrow, Waggoner, Yates, Ewing and Foster. The other juror, A. Marsters, was selected from five summoned on a special venire. All those on the special venire were excused and will not report today.

At the Simmons trial eight were excused on peremptory challenges by the defense. William H. Cathcart and Henry W. Baker were excused for the reason that each claimed to have conscientious scruples regarding capital punishment and several others were excused for cause, being deemed unqualified to act as jurors in that particular case.

For Additional Venire.

It is a matter not yet settled as to what method will be adopted in summoning the second panel of jurors, should there be a failure to secure a jury from the 27 of the regular panel. There are left undrawn 115 names in the jury box. It is stated that these names may be drawn upon until exhausted and then a special venire ordered or that a special venire may be ordered as soon as the present list is exhausted at the discretion of the court. Which method Judge Wood will elect to adopt is not known, even the sheriff, not yet having been instructed.

Haywood Is Ready.

Attorneys for Haywood report that as the time approaches for the trial, Haywood appears more and more alert and cheerful. He says he does not particularly dread the ordeal and is glad to know that there is no probability for further postponement. His particular anxiety, they say, seems to be for his wife. He is fearful the strain upon her may prove too much. Arrangements have been made for Mrs. Haywood to attend the proceed-

James Hogan, ("Hogan, the Stiff") is again in the toils. He had kept his name out of the papers for several months, but yesterday he started something that another fellow would not stand for and now Hogan is at the county jail for a period of 25 days, in default of a \$50 fine.

Old Hogan never was especially fond of music, and yesterday when passing a cigar and tobacco store at 720 Main street he imagined that the phonograph, which was entertaining several people on the sidewalk, was calling him names. From the street Hogan procured a brick and he gave it a gentle heave toward the music box with the result that the phonograph was pretty badly smashed. He "would not stand for any talking machine calling him names," Hogan explained to the officer when the latter was taking him to Justice Savidge's court. The complaint was sworn to by C. F. McGinnis.

PEOPLE PASSING

Lawrence Hanson of Rock Creek, Twin Falls county, is in the city as a member of the Albion Normal school board. Mr. Hanson settled 31 years ago on the farm where he still lives, with his nearest neighbor 22 miles to the east, no neighbors at all on the north or south, and he didn't know how far it was to any one on the west. In that time he has lived in three counties, while not moving from the same farm—the county originally being Owyhee, then Cassia was cut off that, and Twin Falls is a still further amputation, his place being always in the dismembered portion. Mr. Hanson has served continuously as justice of the peace for 28 years. He announces his desire to prove up on his claim to this office at the next election and put it away for good. He says that the past winter has been an exceptionally good one for cattle, and that the cattle came through in the best of condition, with large quantities of hay still in the stacks.

W. E. Wheeler of Idaho Falls, one of the pioneers of Idaho journalism, is in the city, attending the meeting of the board of trustees of the State Normal school. Mr. Wheeler says that his town is growing steadily, the most noticeable mark of increasing prosperity being in the character of the houses being built. A few years ago a \$2000 house was considered one of "the finest." From that they have gone up by successive steps to \$3000, \$4000, \$5000, and just now one residence is being built there which will cost close to \$10,000. This condition, he says, is general through his part of the country, out on the farms as well as in the towns.

Sewer Investigation Notice.

An investigation of the recently constructed sewer will be made by the Board of Public Works on Saturday, the 11th, in accordance with a resolution of the city council passed on the 16th of April.

All persons having complaints to make because of the failure to place Y's in their proper place, or any other matter concerning the construction of the sewers are requested to make their complaints in writing to the undersigned, stating clearly what it complained of.

JOS. PERRAULT,
President Board of Public Works.

Thirty days treatment for kidney bladder troubles and rheumatism for \$1.00. Your money refunded if not cured.

The consideration was \$1000. The sale was made by W. W. Bisby & Son who also report the following sale: The cottage at 1611 North Twelfth street from Leslie Harvey to S. E. Huntzberg for \$1500. It was formerly the home of F. N. Blair who has moved to the Harvey ranch.

To Build Church—Trustees of the German-Lutheran church have applied to Boise architects for plans for a new church edifice to be constructed at the corner of Fort and Seventh streets which property was recently purchased by the church. If plans show that a church to suit the congregation can be built for \$30,000 they will be accepted and the work started as soon as possible, but if plans are not suitable it is likely an effort will be made to raise money with which to build a better edifice.

Municipal Court—Ed Becker was drunk when arrested Tuesday night and he paid \$8 in municipal court yesterday. Sentence was suspended in the case of C. E. Collins, an old soldier, also arrested on a drunk charge, on his promise of good behavior. Collins paid the cab fare charged to bring him to the station Tuesday afternoon when he was too drunk to walk. Jim Brown is a hobo, picked up for being drunk. The court gave him an "over the bridge" sentence and Officer Kelley saw him safely across.

Birthday Party—The fifty-eighth birthday of D. D. Rennington was made the occasion of a gathering of neighbors and friends to partake of a bountiful dinner given in his honor by his wife and daughters. The table was graced by a huge birthday cake which the host cut and served to his friends. Mr. Rennington was the recipient of many useful and pleasing gifts. After dinner the guests were entertained by music and the hours passed swiftly in social conversation. Later in the afternoon cake and ice cream were served.

Money Sent Chinese—Secretary F. W. Witham of the Boise Y. M. C. A., yesterday received a letter from L. Klopsch, editor of the Christian-Herald, New York, in which he thanked Boise people for their generous response to the call for funds for the suffering Chinese. The letter stated that \$400,000 in money and flour had been sent to China by the Christian Herald. Of this amount \$250,000 was cabled direct to the famine fields and the remaining \$150,000 represents a full cargo of flour sent through the courtesy of the United States government. Local donations thus far this week amount to \$4.50. Of this the W. C. T. U. gave \$2.50 and \$2 is credited to "cash."

FROST ENOUGH TO SEE, BUT NO HARM DONE

Under the influence of quiet air and clear sky another light frost was experienced in Boise on Wednesday morning, too light however to affect even tender vegetation. The western field of high barometric pressure is moving slowly eastward over this region, and the present period of fair weather is expected to continue at least till Thursday night.

In eastern, central and southern states the weather is decidedly unsettled, and precipitation has been general over a broad belt reaching from the Mexican boundary to New England, having been heaviest in Arkansas. The weather map of Wednesday showed snow falling in northern Michigan and

SOME FEATURES OF THE BIG TRIAL

Some Information Regarding the History of the Western Federation of Miners.

REGARDING SOME PROBABLE WITNESSES

D. C. Scott, Edwin Bell and Others From Colorado—Orchard's Wife to Testify—Spokane Capitalist, Also—W. S. Swain Coming.

There have been many inquiries of late from various quarters regarding the time of organization and facts regarding the growth and history of the Western Federation of Miners and concerning the big strikes in which the organization has been involved. The following is hereby published for the purpose of furnishing the information asked for regarding certain particulars:

The Western Federation of Miners was organized at a meeting held in Butte, Mont., on May 15, 1893. At that meeting there were 15 miners' unions represented. Forty delegates were present. John Gilligan was elected as the first president of the organization and W. J. Weeks was the first secretary-treasurer.

The federation had its headquarters at Butte until 1901, when the officers moved their offices to Denver. The last report of the commissioner of labor of the United States gives the information that the federation now includes a membership of close to 500,000 in good standing and representing nearly 200 local unions. The members of the federation are miners, mill men, smelter men and engineers.

The presidents of the organization since its organization have been as follows: John Gilligan, 1893 and 1894; W. J. Weeks, 1894 and part of 1895; P. H. Clifford filling out the unexpired term; S. M. Roberts, 1895, the unexpired term being filled by James Leonard; Edward Boyce, 1895, 1897, 1898, 1899, 1900 and 1902; C. H. Moyer, from 1902 until the present time. William D. Haywood was chosen secretary-treasurer of the federation in 1901 and held the office continuously from then until the present time. John H. Murphy, now in Boise attending the trial of Haywood, has been general counsel of the federation almost since the time of its organization. John M. O'Neill has been the editor nearly as long of the Miners' Magazine, which has been considered the official organ of the federation.

Principal Strikes.

Since its organization the Western Federation of Miners has been involved in the following big strikes



CAPTAIN W. S. SWAIN.

Chief of the Spokane Office, of the Thiele Detective Agency whose name is on the list of witnesses for the state in the Steunenberg murder trials.

bor troubles of 1892 Mr. Sweeney was a member of the Mine Operators' association in the Coeur d'Alenes.

The Spokesman-Review says: "During the labor troubles of 1892, the most serious disturbances occurred July 11, when the valuable Frisco mill on Canyon creek was blown up with dynamite and half a dozen men killed and 20 wounded in a pitched fight between the members of the union and nonunion men. After the disorders in the canyon above Wallace 400 union men went to Wardner in a special train and joined with the union men employed at the mines of that town.

"Mr. Sweeney was at Wardner and a committee waited upon him, and demanded that the nonunion men employed be discharged within 24 hours. If not a fuse would be lighted and the mills blown up. The operators were practically kept prisoners by the members of the union until they agreed to the demands of the union. Later Sweeney and the others signed the agreement that the nonunion men would be discharged if the concentrators were allowed to stand."

First Detective in Case.

One of the important witnesses for the state will be Captain W. S. Swain,

breaking in the door. After Orchard's arrest Miss Voiberg told the officers a story, which until recently was never made public. The story was gained from her after a great deal of questioning and was reluctantly told by her.

It seems that Orchard, who had been at the hotel for some weeks just previous to the murder and at intervals before that time, had a weakness for pretty faces. He was attracted, apparently, to Miss Voiberg, and she admits having been drawn toward Orchard—that she learned to like him much.

Orchard, she says, proved a very companionable man, a man with a very cheerful nature, apparently a perfect gentleman, a good conversationalist with a fund of good stories and anecdotes, in fact, a man whose company she greatly enjoyed. Their acquaintance began in the dining room and finally extended so far that they would take evening strolls and were together much of the time when she was not on duty at the hotel.

Rifle Practice.

She says that Orchard had a rifle at the hotel, and that he often took the rifle with him when he left on excursions to the edge of the town

the Coeur d'Alene district in Idaho, 1892-93; strike in the Cripple Creek district in Colorado, 1894; strike at Leadville, Colo., 1896-97; strike at Lake City, Colo., 1899; strike in Coeur d'Alene, 1899; strike at Telluride, Colo., 1901; strike at Roseland, B. C., 1901; strike at Northport, Wash., 1901; strike at Colorado Springs, 1903; strike at Denver, 1903; strike at Idaho Springs, Colo., 1903; strike at Cripple Creek, 1903-04; strike in coal fields of Colorado in 1903 and 1904.

That affairs in connection with some of the above troubles will be reviewed to greater or less extent in the coming trials of the Western Federation officials charged with the murder of former Governor Steunenberg, is suggested by the fact that several persons, who were active in some of the strikes are named on the list of witnesses filed by the state for indorsement on the indictment against the accused men.

Some Important Witnesses.

Edward Bell, sheriff in the community of some of the most serious troubles in Colorado, is one of the witnesses who will probably be called by the state. James H. Peabody, who was governor of Colorado at the time of the Cripple Creek and other mining camp disturbances is named on the list of state witnesses as is also Bulkeley Wells, adjutant general of Colorado formerly and at the time of the trouble in San Miguel county when that county was under martial law, a captain in one of the companies of the Colorado state militia there, is another. Harry Orchard's wife was present through some of the distressing times and she may be called upon to testify as to matters which occurred during the strikes.

One of the most interesting of the witnesses from Colorado it is thought will be D. C. Scott. He was one of the detectives for the Florence & Cripple Creek railway and was in charge of the investigations of the matter of two attempts to wreck trains of that road. He may have some testimony for the state tending to substantiate statements in the confession of Harry Orchard.

Attempted Wrecks.

On the night of November 14, 1903, a track walker on the above road discovered that the spikes had been removed from two lengths of rails on a curve near Anaconda. The discovery was made in time to warn an engineer on a train carrying a party of business men and their wives who were returning to Cripple Creek from a military ball at Victor. It has been alleged that Harry Orchard confessed to have tipped off the fact that the rails had been tampered with to the engineer of the train on that occasion and from this incident arose the contention of many on the miners' side of the case that Orchard was a detective in the employ of the Mine Owners' association.

On November 16 another attempt to wreck a train on the same road and at another curve near Anaconda was made. This was to wreck a train carrying about 200 persons many of whom were non-union miners. The engineer of that train, just before starting was also warned in a message that his train and the wreck was averted. D. C. Scott was one of the detectives who investigated the matter and his name appears upon the state's list of witnesses.

Spokane Capitalist on List.

Charles Sweeney of Spokane, president of the Federal Mining & Smelting company is on the state's list of witnesses. During the turbulent la-

Swain was the first detective to arrive in Caldwell after the murder of former Governor Steunenberg. The murder was on Saturday night, and he arrived the following Monday, accompanied by a large force of operators and immediately took charge of investigations for the state. Harry Orchard had previously been arrested under the name of Thomas Hogan, and it was through Swain's efforts that considerable evidence was gathered against Orchard and his true name discovered.

In February after it had been learned to the satisfaction of the Thiele detective that J. L. Simpkins had been connected with the murder, Swain's services were discontinued for the state and Pinkerton detectives under the superintendency of James McParland were employed.

After having been released by the state, Captain Swain and his men continued further investigations, not for the state, but for the Mine Owners' association, an organization for which the Thiele detectives had been working for years in matters connected with strikes and other troubles. Captain Swain for many years has been in close touch with mining troubles in north Idaho, and it is probable that he will be kept on the witness stand for considerable length of time as there are many matters upon which he may be asked to testify.

Another name on the list of the state's witnesses which gives rise to some conjecture is that of W. B. Easterly. Easterly is a prominent member of the Western Federation of Miners and was formerly one of the nine members of the executive committee of that organization, being a member of the executive committee at the same time that George A. Pettibone held a similar position. Easterly's name has appeared conspicuously in the reports of several of the big disturbances in Colorado.

Somewhat Romantic.

There is a story with a little touch of romance connected with it, which relates to the arrest of Harry Orchard on charge of the murder of former Governor Steunenberg, and which has never been published.

It will be remembered that when Harry Orchard was first suspected of having placed the bomb, the explosion of which killed Governor Steunenberg while he was entering his gate on the evening of December 30, 1905, that a witness at the Saratoga hotel in Caldwell the next day procured from the Jap servant at that hotel a pass-key, by which Joseph H. Hutchinson and another man gained an entrance into room No. 19, which was occupied by Orchard. The story of what they found in that room of an incriminating nature against the man under suspicion was fully related at the time.

It was reported that there were found some sticks of dynamite, some giant powder, a large quantity of plaster of Paris, or a white powder which resembled plaster of Paris, and several other things which were deemed incriminating. In fact, evidences were found which led the discoverers to believe that the bomb which killed former Governor Steunenberg was manufactured in that room.

Waitress Gave a Tip.

Miss Lizzie Voiburg is the name of the young woman who tipped off to the officers the fact that an investigation of Orchard's room might prove profitable and who provided a means for gaining an entrance without

accepted invitations from him to go out to the edge of town and practice shooting with the rifle at targets. After the murder she became convinced that in asking her to accompany him, Orchard had a motive beside that of wanting her company. She believed that she was asked to go on those excursions for the purpose of quieting or allaying any suspicious persons might have who might see Orchard carrying the rifle about with him so often.

It will be remembered that it was alleged that Orchard confessed that his first intention was to kill Steunenberg by shooting him with a rifle, and that at least on one occasion he was secreted near the house with the intention of shooting the former governor through the window of his home.

Change in Orchard.

Several days before the murder Miss Voiberg states that she suddenly noticed a great change in Orchard. He became sullen and morose, where before he had always appeared cheerful and care free. His smile had vanished; he became untalkative and appeared nervous at intervals. Her impression then was that he had received news of some kind which troubled him, now she believes that the change in his moods was the result of a visit by J. L. Simpkins. She believes that Orchard at about that time was visited by Simpkins and chided for his delay in carrying out the plans for killing Steunenberg, and that he was urged to consummate the plot.

Shortly before the murder, she said, she questioned Orchard regarding what troubled him, and he said: "I am a bad man. Sometime, perhaps, you will learn how wicked I am, and then you will loathe me and despise me."

Knew the Assassin.

"As soon as I heard that Governor Steunenberg had been killed, that Saturday night, before I saw Orchard, I was certain that he was the man responsible for the murder. When I heard the news of the murder, the conviction that he had been killed by Orchard flashed into my mind instantly. I can't tell why, but it was so."

Miss Voiberg says that Orchard came into the dining-room very soon after the explosion, that he appeared excited, that his face was white and that, as he sat down to the table, she noticed that he seemed agitated and that his hands were trembling.

"I was greatly agitated myself," she said, "and had great difficulty in controlling my own emotions, but I succeeded and waited upon him. As I approached the table to take his order, he did not look up and smile as usual. He did not look at me, but kept his eyes toward the table. I did not speak to him, only to take his order, and he was also silent. After dinner while they were talking about the murder in the hotel office, something seemed to tell me to rush out and point Orchard out to the crowd and denounce him as the assassin, but I couldn't do it. I was certain that he was guilty, and yet something told me that he was innocent."

"I passed a sleepless night, and resolved toward morning to tell the officers that I suspected Orchard, but it was not until afternoon that I got the courage to do so. Then I suggested to Mr. Hutchinson that it might be wise to search Orchard's

(Continued on Page Seven.)

WATCHES

WATCHES

right arm, caused by a teeter board.

Three Land Filings—Homestead entries were filed in the local land office yesterday by Rhoades J. Ellis of Boise, and Conner Gerlach of Midvale. A desert entry was filed by Malinda A. Williams of Caldwell.

Legal Examination—Frank B. Scott, who came from Illinois two months ago, and has been in C. F. Koelsch's law office during that time, took his examination yesterday before the supreme court, for admission to the Idaho bar. He will make his home in Boise.

Having Trouble—Manager Hackett of the telegraph office is having difficulty in getting boys of the required age to serve as messengers at night. Under the law he is not permitted to employ lads under 16 years of age during the night, and he must have boys over that age or grown men who can do the work.

Married—Ozro M. Fullmer, of Emmett, and Miss Louise Beck, of Chicago, were married at 7 o'clock last evening by Rev. George E. Paddock, pastor of the Congregational church, at the church parsonage, Tenth and Fort streets. The couple drove over from Emmett in the morning and returned after the ceremony.

Municipal Court—In municipal court yesterday Paddy McGee and A. J. Goodman could not pay fines for being drunk and were committed. Yesterday afternoon Arthur Alexander, an employe at the government dam, was arrested for carrying a large gun and for being drunk. He was released on a \$25 cash bond as a guarantee of his appearance in court Monday morning.

Fountain Running—For the first time in many seasons water tumbled yesterday from the east fountain in the state house yard. State Treasurer Hastings likes to hear the trickle of falling water and he had a hose connected with the fountain as a sort of an experiment just to see if it would work. Later the two fountains at the state house will be connected with the city main.

State Shoot Scores—The full scores of the state shoot will be published in tomorrow's issue of the Statesman. The scores will include the number of targets shot at by each participant in the various events, the number hit, and the percentage of the first day's events, and the percentages of a number of the high men at the end of the list. The scores made in the team shoot will also be published.

Given Judgment for Note—The civil case of G. W. Smith, administrator of the estate of D. W. Smith, deceased, against J. W. Goode and E. F. McCafferty for the recovery of a promissory note of the value of \$358.50, was heard in the probate court yesterday morning. Judge Leonard rendered a decision in favor of the plaintiff for the full amount of the note, together with interest to date and the sum of \$50 for attorney's fees.

Funeral Tomorrow—Mrs. Mary L. Lucas, who has been residing with her daughter and son-in-law, Mr. and Mrs. J. E. Grady, at their ranch about seven miles down the valley, died yesterday morning of an attack of paralysis at the age of 67 years. Mrs. Lucas had been living with her daughter for some time past and has been in feeble health for over two years. The funeral will be held from her late home at 2 o'clock tomorrow afternoon, when the services will be conducted by the Rev. F. H. Lemón of Boise. Interment will be made in the Dry Creek cemetery.

Died of Heart Failure—Edward A. Hewes, an inmate of the Soldiers' Home, died there yesterday morning of heart failure. The funeral services are to be held today at 2 o'clock from the undertaking parlors of

The cloudy and threatening weather of yesterday in this vicinity was due to the presence of a barometric depression of large proportions, which covered practically the entire west. This disturbance has caused the first measurable quantity of precipitation in this city since April 18th last, the rainfall of Friday evening amounting to .01 of an inch. For today in this section it is expected that unsettled conditions will continue, with occasional rain.

The weather Saturday along the Atlantic seaboard was cloudy and rainy. From the Appalachian mountains west almost to the Rockies clear skies prevailed, with low temperatures over the northeast quadrant of this area. The line of freezing temperature extended south to West Virginia. The temperature at Pittsburg fell from 53 degrees to 32 degrees, the latter figure being within 5 degrees of the lowest on record at this station for the month of May.

DISAPPOINTED NEWS WRITERS GOING HOME

They Find No Material Here for Legitimate Sensational Stories—Some Plan to Leave.

Already several of the newspaper writers who came to Boise to report the Haywood trial proceedings are planning to return to their homes. They say that the excitement they expected to find in Boise is not to be found. The Associated Press is fully covering the proceedings and there are no sensational features to write about. The first one to reach this conclusion was Mr. Gray of the Minneapolis Journal. He stated last evening that he would start for home today. Several others have wired home for instructions and it is likely they will start back within a short time. One other writer, J. W. Calberry of the Boston Globe, arrived yesterday. He was surprised to find no armed troops patrolling the streets and no artillery in front of the state house and the court house. He came prepared to find the city on the verge of being under martial law. He was greatly disappointed. The 10,000 word story he expected to wire his paper yesterday turned out to be a 10-word bulletin to the effect he had arrived and was about to take a nap.

Baseball today,
Riverside Park,
3 p. m.
Emmett vs. Boise.

Willard White, fire insurance, surety bonds. We safeguard your interests. 230 Sonna block. Bell phone 950.

Dolan's for oysters and fish.

Baseball today,
Riverside Park,
3 p. m.
Emmett vs. Boise.

Woman's Exchange Specialties.
A la carte breakfasts every day.
Luncheons week days, only 35 cents.
Tea service week days, 3 to 9:30 p. m.
Cooked foods always on sale.
Basement of First National Bank.
MRS. J. C. DRESSLER, Manager.

Baseball today.

We have the most extensive line of nice infants it is possible to imagine—little long and that are the sweetest things—it really is a genuinity that is displayed in the get-up of the clothes. Yes, we have little dresses at all prices with the very cheapest, but it is in the medium class of infants' and children's apparel that most pride, and these are the goods we like to because of the absolute satisfaction there is in

Infantile Necessities—Stork Diapers, three dozen in a sealed box, 75c, 90c and a dollar 10c; Rubber Pants for over the diaper, 35c; Fancy Diaper Bags, have several compartments tirely of rubber and is removable, made of come in pink, blue and white, price \$1.25. In proof Stockinet Sheets, 65c each. Catch-all

Don't forget the Infants' Soft Sole Shoes. And don't forget our sale of Infants' and Child Made Baby Bonnets.

From the Silk Department Dress Silks and Crepe de Chine

This will be a great season for Silks. And have we been in such a good position to serve season's most desirable and modish effects in fabrics as we are right now. Wide China printed pattern, navy blue, brown and white, yard. 19-inch Taffetas, fancy, 85c yard. and Louisanes, lovely, durable silks in splendid

Pure Silk Crepe de Chines, come 42 inch very soft and beautiful and come in all the colorings and black. You'll remember this usually wide, as the ordinary width is 36 inch. Price, \$1.25 yard.

A FIVE



The Moyer-Haywood-Pettibone Trial IS NOW ON

THE STATESMAN will publish the fullest account of the trial of the men accused of the assassination of ex-Governor Steunenberg. It will be the **ONLY COMPLETE REPORT OF THE GREAT TRIAL. IF YOU WANT ALL THE NEWS OF THIS TRIAL YOU MUST HAVE THE STATESMAN.** No other newspaper will furnish you the story in so satisfactory a manner.

We desire to call your attention at this time, also, to the excellent character of The Statesman's general news service. The Statesman is the only Idaho newspaper furnishing the complete Associated Press report—not an abstracted report, but everything of any importance in the news way that occurs in this country or abroad. The Statesman's state service is the best of its kind in the northwest. Besides a corps of special correspondents in the various towns of the state, who supply a continuous service, The Statesman's staff correspondent, who is continually in the field, furnishes articles covering industrial and other features of Idaho development in an entertaining and instructive manner.

This splendid world-wide and state-covering news service is supplemented by a live Boise service and a list of high class Sunday features. If you are not a subscriber send in your name at once. Use the attached order blank if you desire.

CUT THIS OUT AND MAIL

Statesman Printing Co.,
Boise, Idaho.

Inclosed find \$..... for which please send the Idaho Daily Statesman to the following address:

SUBSCRIPTION RATES: BY MAIL.	
Year	\$7.00
Six months	\$3.50
Three months	\$1.75

Name:
Address:

The Statesman will print the only complete report of the celebrated trial. Send your subscription orders now, so you will get the complete story.

BOOTH'S GOOD FURNITURE

It is about time to begin thinking of summer comfort. We have many articles that are almost necessary to comfort during the hot season. Note what we mention today; come to the store and investigate.

Vudor Porch Shades

Hung around the porch makes an extra room, one that is open to the air and yet closed to view from the outside. These shades are in sizes to fit most porches, priced as follows:

Keep your Hot Porch Cool



DIAMONDS DIAMONDS

WHO'S GOT THE DIAMONDS?
WE HAVE THE DIAMOND WORTH WHILE.
Diamonds for engagement

TO RESUME TRIAL OF HAYWOOD

Attorneys Will Have Hundred Talesmen From Which to Select Jury.

NAMES OF FIRST 97 SUMMONED

Warden Whitney Corroborates Report That Plot Was Laid to Shoot Orchard at the State Prison—Other Suspicions of Plans to Take His Life.

Sunday was another quiet day with everyone connected directly or indirectly with the trial of William D. Haywood. The prisoner received visits during the day from his attorneys and Mrs. Haywood and the daughters were with him part of the day. He also had his usual out-of-doors exercise and went over a large number of letters and papers. It is reported that within the past few weeks the mail which Haywood and his two companions are getting has increased very considerably, until now it takes about all one man's time to censor it.

Special Venire Names.

On Friday and Saturday Sheriff Hodgkin and his assistants served summons on 97 of the 100 talesmen to be called on the special venire to report today. The other three will be picked up this morning. Attorneys for both sides were yesterday given lists of the jurors already summoned as follows, over three-fourths of them being farmers:

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| James A. Flood | John Fisher |
| R. P. Burnes | Burt Illingsworth |
| Geo. F. Edwards | A. Lunstrom |
| Leroy Adams | A. V. Etchelberger |
| H. E. Champlin | John Henderlider |
| Dan L. Barker | Frank Marcellus |
| Frank E. Madden | George Cole |
| Homer Tolleth | Frank Gess |
| John F. Whitlock | E. M. Jackson |
| Geo. R. Deck | F. Maw |
| Ed Hartman | William Bingman |
| S. H. Nelson | David Potter |
| J. P. Wilburn | James S. Bogart |
| Lee Schrivener | Reilly Atkinson |
| Walter Shaw | M. C. Smith |
| Joel Mathews | John M. Johnson |
| Amos Prosser | William McGuffin |
| John A. McGath | Hans J. Roan |
| Ellsworth Lister | George W. Fletcher |
| T. C. DeClerg | |
| Henry C. Miller | Thomas B. Gess |
| James Stewart | Henry Ott |
| Raymond Jones | Thomas Martin |
| James R. Wilson | A. P. Burnes |
| William Schinder | Wesley Morse |
| Isaac Bedell | Mont Oliver |
| James B. William | J. W. Smeed |
| Dan Clark | J. F. Koelsch |
| Allen Pride | W. L. Thraikill |
| Geo. W. Masters | C. R. Shaw |
| Ed Ray | J. E. Clinton Jr. |
| W. F. See | J. A. Pinney |
| S. P. Glenn | Crawford Moore |
| William Harris | Joseph Perrault |
| John Uter | Sr. |
| Silas Tillotson | M. H. Goodwin |
| D. M. Henry | E. L. Miller |
| W. W. Hard | W. T. Booth |
| L. M. Campbell | S. M. Kempner |
| J. N. Lawrence | Milt Burnes |
| James Breshears | Ples. Harris |
| Peter Kuster | George Powell |
| William Goodall | John Hudson |

Little Difference Noticeable in Boise From Former Sabbath Days.

Pool Rooms Open But Tables Not Rented—The Vaudeville Theatres Close—Natatorium Open—W. F. Dolan Does Business; to Be Arrested.

The first Sunday in Boise under the new Sunday rest law was little different from the other Sundays that have come and gone for years. Indeed, practically the only noticeable difference was the idle pool tables at the resorts where so many young men were in the habit of congregating Sundays. The cigar stands seemed to do a more than ordinary business, for many gathered there in little knots to talk the matter over and to advance their views on the subject, as many different interpretations of the law being given as there were people to make them, and often more—for more than one self appointed authority got tangled in his elucidation of the mazes of the law and loudly gave voice to numerous and vague ideas of the effectiveness, the constitutionality, the propriety, the history and purpose of the law and so on ad infinitum.

W. F. Dolan, in accordance with his statement made on Saturday, kept his grocery store on Main street open, all day as he has done continuously on Sunday for some time past. He had if anything more business than usual. The advertisement drew attention to the place and every customer, indeed, nearly every passerby went into the store and joked with Mr. Dolan over the step he had seen fit to take for the purpose of making a test of the law.

The Natatorium kept open as usual and the crowd was just as large as ever. Manager Hyatt said that he had secured legal advice on the matter and he was told that he could keep open as usual without fear of the law.

The base ball game it was said was slow until some excited fan on the bleachers shouted "Come on, Emmett, wake up; the Sunday rest hain't got anything to do wid dis game." After that the visitors woke up a little and made the only two runs they managed to secure during the game.

It had been reported that the Orpheum theatre would be kept open but if the management had any idea of doing so it changed its mind for all the theatres in town were closed with the exception of the opera house where Clarence S. Darrow delivered a lecture in the evening.

DARROW LECTURES ON WALT. WHITMAN

Large Crowd at the Columbia Theatre to Hear Prominent Chicago Attorney.

The Columbia theatre was comfort-

To Be Coached by Experienced Independent Operators From Outside.

Grievance Committee of Striking 'Hello Girls' May Meet Manager Sinsel Today—Promise of Good Service Again Soon.

Manager Sinsel of the Independent Telephone company yesterday had nine Boise girls on the boards at the exchange taking the places of some of the striking operators who went out Saturday afternoon, and will have others on today. Yesterday and last night a number of independent operators came from Weiser and other places, and with Boise girls who are to be employed and worked into positions now to them. Mr. Sinsel says a competent force will be on very soon. He expects everything to be in perfect working order this afternoon. The employment of the outside operators is only temporary. They are to work only while new girls of this city are learning the boards. As near as possible, Boise girls will be employed to fill the vacated positions, Mr. Sinsel said.

The grievance committee of the striking operators, before all walked out, had planned to meet Manager Sinsel this forenoon at 10 o'clock for a settlement of differences if possible. Saturday a member of the committee stated that this meeting would be held if the plan was still acceptable to Mr. Sinsel. The latter stated last evening that he would be glad to meet the committee, and it is likely that the meeting will be held, although it seems certain that unless either side gives in there will be no settlement and the striking girls will not be taken back. Both sides are equally firm in their intentions not to deviate a particle from their original intentions, and unless something not now known is brought to bear the situation, so far as the girls are concerned, will not be changed by the conference.

Manager Sinsel makes a statement on the report that it was the intention of the company to cut the wages of the strikers. He says that while some of the girls received smaller checks for last month's work under the hour scale plan and others received larger checks, the difference in the checks of the former was fully made up. There was no intention to cut wages, he said.

It is evident that the striking girls are using their wits to circumvent any move the telephone people make to secure outside help, as they have appointed a committee of two of their number to meet all incoming trains and if prospective operators arrive they will be won over to the side of the strikers before the employers have an opportunity to see them if the wiles and pleadings of the girls avail them anything.

REPRESENTATIVE CLARK BUYS HOME HERE

Pays \$9000 for House and 100

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be entitled to a certificate of credit in the subject thus completed.

Regular students enrolled for work in the various courses will be charged a tuition fee of \$6. All fees are payable upon the date of enrollment.

Special students by permission of the conductor may secure the privileges of special lectures and culture courses. For this privilege a fee of \$2 will be charged.

Information concerning the cost of board and rooms may be secured by Addressing President George A. Axline of Albion, Idaho, concerning the summer school at Pocatello; President George H. Black of Lewiston, Idaho, concerning the summer school at Coeur d'Alene, and Superintendent J. E. Williamson, Boise, Idaho, concerning the summer school at Boise.

LITTLE PROGRESS IN SECURING A JURY

(Continued from Page One.)

in regard to the guilt or innocence of the defendant.

Richardson asked a few questions and then announced that the defense would admit the challenge. Henderlinder was excused.

Jackson Excused.

E. M. Jackson, a rancher down the valley, was next called. He said he had lived here about nine years. He formerly lived near Kendrick and had lived at times in Missouri and Kansas. He said, in answer to Borah's questions, he had always been a farmer and had never lived in a mining community.

Mr. Jackson said he had a speaking acquaintance with former Governor Steunenberg. He had read accounts of the murder and subsequent events in connection with the case in the Statesman.

He said from what he had read and from what he had heard he had formed an opinion.

It was such an opinion that he did not think he could set aside if chosen as a juror. He thought it would influence him. It was an opinion that would require very strong evidence to remove.

"We challenge the juror for implied bias," announced Borah.

"We admit the challenge," was Richardson's response. The juror was excused.

Also Had An Opinion.

George Cole, formerly of Nampa, but a resident of this county for five years, a real estate man, a rancher and a groceryman in Idaho and once a carpenter in New York city, next took chair No. 2.

Juror said, in answer to questions by Mr. Borah, that he had never belonged to a labor union. He said he had known former Governor Steunenberg. He had read the Statesman pretty faithfully. He had talked about the case with friends to a certain extent.

Cole said he had formed an opinion but not one that was positively fixed—not an opinion that would prevent him from coming to a fair and impartial verdict.

The juror said he was in a measure opposed to circumstantial evidence but could consider it as directed to do by cause.

In answer to Richardson, Cole said

occupy the warmest seat in the jury box.

Fixed Views.

William Burnes, a farmer in the Boise valley, was the next juror to be examined. Mr. Hawley asked the questions for the prosecution.

Juror said he had talked about the murder freely and had unreservedly expressed his views regarding the guilt or innocence of the accused. He had read both the Statesman and the Capital News. He said he had a fixed, settled, unqualified opinion as to the guilt or innocence of the accused.

"You now have a belief as to the guilt or innocence of the defendant?"

"I have."

"It is an opinion which prejudices you?"

"Yes, I have a prejudice."

Juror said he couldn't rid his mind of his prejudicial opinion if selected as a juror.

"Of course I'll do my best."

Hawley's challenge on implied bias was admitted by defense. Juror was excused and L. M. Campbell, a studious young man with slickly combed hair, a high collar and gold-rimmed nose glasses took the second chair.

Campbell said his business was real estate and farming. He had done more farming than real estate, but had worked, he said, in Falk's store. He said he had a real estate office in the city.

He said he never had a personal acquaintance with former Governor Steunenberg. He did not know Hayward or the co-defendants.

He had talked with friends about the murder and had read the Gem State Rural, Twin Falls News and the Statesman. He read other papers occasionally. The Unionist had been sent to him irregularly. He said he was not a subscriber to any Socialist papers, but had read a few of them that had been left at his office.

Juror said he had traveled a good deal over the state on real estate business.

"Where?" asked Hawley.

"All over between here and Payette."

Juror said he had formed an opinion regarding the merits of the case. It was a rather strong impression, he said, but was not an impression that he could not lay aside if chosen as a juror and be governed solely by the law and evidence in arriving at a verdict. He said he had a certain prejudice or illwill against either side of the case.

Objection to Questions.

"Have you a prejudice or illwill against the defendants?"

"I have not."

"Is it against the prosecution then?"

"We object to that line of questioning," interrupted Darrow.

Mr. Hawley did not demand an answer. He challenged the juror after several other questions on grounds of implied bias.

"We wish to question the juror before denying or admitting the challenge," said Edgar Wilson.

"Any impression you may have would not govern you in making up your verdict, would it? Is that right?" asked Wilson.

"Yes sir."

"We deny the challenge," said Wilson.

"Any more questions to be asked?" asked the court.

"We're ready for a ruling," said Hawley.

Judge Wood sustained the challenge and James A. Pinney, former mayor of Boise, was called.

Pinney Excused.

Pinney said he had known Steunenberg well, had had some union business dealings with the deceased man,

commit murder quicker than anyone else?"

"It's questionable what I think in that regard," was the answer.

"We admit the challenge," announced Borah.

Joel Matthews, a tall, past-middle-aged man, who said he had been a farmer all his life, was next called.

He told Mr. Borah that he had read the Capital News some, had talked some with his neighbors about the case. He said he had never formed an opinion regarding the guilt or innocence of the accused. He said he had been working hard most of the time and had read very little and "gossiped hardly any." He knew of no reason why he could not sit in the case. He was passed for cause by the state.

Mr. Wilson examined the juror. He said he came here from Missouri.

"What are your politics?"

"Well, I've always voted the Democratic ticket, generally."

He said he had not always lived in Missouri before coming to Idaho.

"I went to Texas once," he said.

"How long did you live in Texas?"

"Not very long."

"Well, how long?"

"Why, I went to one place in Texas and stayed about three monthse. The rest of the time I was in Texas I spent in getting bac kinto Missouri."

This juror had a very droll manner of giving his answers and kept the spectators as well as the attorneys in very good humor.

After a thorough questioning he was passed for cause by the defense.

"The next peremptory rests with the defense," announced the court.

"It's now time for adjournment," said Mr. Richardson, "and we would like to wait until morning before exercising a peremptory, your honor."

Judge Wood said he had intended to extend the afternoon session on account of there being no morning session. The attorneys replied that they had expected to get off at 4:30 and had made some engagements. The court told the mtg to use their challenge and then court would adjourn.

Juror Pride in the fifth chair was excused and Frank E. Madden was called.

Court was the nadjourned until 10 o'clock this morning.

UNIVERSITY PLANS FOR PROSPECTIVE BIDDERS

Architects Tourtellotte & Hummell are sending to prospective bidders on the construction work for the new university building at Moscow, complete plans showing them what work is to be done and also to several firms for a heating plant for the building.

Eighteen sets of blue prints are to be sent to contractors at Portland, Seattle, Salt Lake, Lewiston and Moscow and contractors in Boise who will bid on the construction work, for which bids are now being advertised. There are 27 blue prints, two and a half by three and a half feet, in the plans for construction work and seven blue prints of the same size for a heating plant. Specifications for both cover 150 typewritten pages. Such a large number of plans is sent out for the reason that the board of regents of the state university desire to get as much competition as possible with the view of keeping the cost of construction down.

The bids are to be opened by the executive committee of the board of regents at Moscow June 11.

ELABORATE CEREMONIES

TWENTY-FOUR JURORS OF SPECIAL VENIRE EXCUSED FOR SATISFACTORY REASONS

SECOND DAY OF TRIAL OF WILLIAM D. HAYWOOD

Guards Obligated to Close the Doors For First Time on Account of the Number of Spectators—Second Juror Called, Passed by Both Sides to Sit in Fourth Chair—Now 12 in the Box—Hours for Court Work Named.

HOW THE JURY STANDS.

At the close of yesterday afternoon's proceedings in selecting a jury for the trial of William D. Haywood there were 12 men in the jury box, the fourth seat having been filled after the examination of two men from the special venire. Of the 42 men the state had passed all for cause and the defense had passed upon four. At the opening proceedings this morning the defense will begin the examination for cause of the last eight, beginning with J. L. Waggoner in the fifth seat. The takersmen in the box now are as follows:

No. 1—A. L. Kating	No. 7—Orle Cole
No. 2—William Van Orsdale	No. 8—G. H. McIntyre
No. 3—Samuel D. Gilman	No. 9—W. W. Hisby
No. 4—Walter Shaw	No. 10—Samuel Wingate
No. 5—J. L. Waggoner	No. 11—W. W. Rudge
No. 6—George Walker	No. 12—Samuel F. Russell



Clarence S. Darrow.

The Latest Photo of the Eminent Chicago Attorney Who Will Take a Leading Part in the Defense of William D. Haywood.

At promptly 2 o'clock yesterday afternoon the district court convened for the purpose of resuming proceedings in selecting a jury for the trial of William D. Haywood, charged with the murder of former Governor Stevenson. For the first time since the trial started or since proceedings of any nature in regard to the case in connection with the murder have been had in any of the courts, it was necessary to close the court room doors.

The room was not absolutely packed but every available seat was taken and about 20 persons were standing in the rear of the room. There were in the crowd of spectators about 30 women. It was the first time that members of the gentler sex have seemed to take any sort of an interest in the trial.

Mrs. Haywood in Court.

A few moments before time for court to convene Mrs. Haywood was wheeled into the court room in her invalid's chair by two men, one of whom was Joseph Hutchinson, formerly secretary of the Burke Miners'

occupied by Attorney E. F. Richardson, was reserved for the defendant. Haywood was brought into court just before court convened.

Haywood Alert.

The defendant entered the court room with the same alert, confident step which has been habitual with him in all proceedings in court. He stepped quickly to his chair and immediately greeted his family. Then he spoke to Attorney Darrow and Attorney Nugent and then glanced curiously over the court room.

During the proceedings he seemed very attentive regarding everything that transpired. Nothing seemed to escape him, but he engaged in no conversations with his attorneys during the proceedings. Several times he talked in a whisper to his younger daughter who sat beside him and who, during a part of the afternoon assumed a posture with her knees in the chair to elevate herself so that she could place her left arm across her father's shoulder and partly around his neck.

Attorneys Present.

All of the attorneys for both sides were present yesterday. Even Leon Whittel, the Wardner youth who has been assisting the attorneys for the defense in various ways the past year, having a seat at the table for the defense. E. F. Richardson did all the work yesterday so far as questioning jurors was concerned. To his right sat Clarence S. Darrow and John F. Nugent. Next to Nugent and at the corner of the table sat Edgar Wilson, and at Mr. Wilson's right sat Fred Miller and John Murphy.

James H. Hawley did all the questioning for the state yesterday. Senator Borah sat next to him at the side of the table and, at the end of the table, sat Owen M. Van Duzen and W. A. Stone.

close, he said, each day at 4:30 o'clock.

An improvement was noticeable regarding the comfort of the court room, one of the large electric fans having been installed—the one in the ceiling just below the cupola for the purpose of carrying off the hot air.

One Vacant Chair.

When the proceedings of securing a jury were resumed yesterday afternoon the following jurors were in the box, the fourth chair being the only one vacant.

William Van Orsdale, A. L. Ewing, W. W. Rudge, Orle Cole, J. L. Waggoner, George Walker, George H. McIntyre, W. W. Hisby, Samuel Wingate, Samuel F. Russell, Samuel D. Gilman.

Of the above all had been passed by the prosecution after examination by Mr. Hawley or Mr. Borah for cause and William Van Orsdale, A. L. Ewing and S. D. Gilman, occupying the first, second and third chairs respectively had been passed by Mr. Richardson of the defense upon examination for cause.

Upon roll call takersmen summoned to report as jurors on the special venire answered to their names as follows:

James A. Flood	John Henderlider
R. P. Barnes	Frank Marcellus
Geo. F. Edwards	George Cole
Leroy Adams	Frank Gess
Frank E. Madden	E. M. Jackson
Homer Tolleth	F. Maw
John F. Whitlock	William Bingman
Geo. R. Deck	David Potter
Ed Hartman	James S. Bogart
S. H. Nelson	Relly Atkinson
J. P. Willburn	M. C. Smith
Lee Schrivener	John M. Johnson
Walter Shaw	William McGuffin
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C. H. Evert was excused because of his wife's illness.

J. H. Perrault asked to be excused for the reason that his duties as chairman of the board of public works of Boise were very important just at present. He was excused for the reason that public interests demanded his attention.

Mr. Bogart asked to be excused because he was administrator of several estates which he said required his constant attention. He was not excused.

Thomas Martin was excused for the reason he was a probation officer.

Many Excuses.

James Stewart asked to be excused because his health was poor. He had "been under the weather" for some time he said. He was 76 years old. By agreement of both sides he was excused.

C. R. Shaw wanted to be excused because of sickness at home and because he had made arrangements to leave the city the next day.

"Then the illness does not require your attention at home?" asked the judge.

No answer. Shaw said he had a large business that needed his constant attention.

The court stated he knew something of Mr. Shaw's business and that he probably would suffer by neglecting it. He was excused by agreement of attorneys.

By agreement of attorneys B. H. Coleman was excused for reasons that his business required his attention.

John A. McGath asked to be excused for the reason he was road overseer. He was excused. A Lunnstrom was a ditch rider on one of the irrigation ditches and he said



At 10 o'clock yesterday afternoon the district court convened for the purpose of resuming proceedings in selecting a jury for the trial of William D. Haywood, charged with the murder of former Governor Steunenberg. For the first time since the trial started or since proceedings of any nature in regard to the cases in connection with the murder have been had in any of the courts, it was necessary to close the court room doors. The room was not absolutely packed but every available seat was taken and about 20 persons were standing in the rear of the room. There were in the crowd of spectators about 30 women. It was the first time that members of the gentler sex have seemed to take any sort of an interest in the trial.

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W. A. Stone,

Caldwell Attorney Who Will Take an Active Part as Associate Attorney in the Prosecution of Haywood, Moyer and Pettibone.

union and, at the last annual meeting of the Western Federation of Miners, chosen as a member of the executive board of that organization to take the place of Jack L. Simpkins, the Idaho member of the board, who, since the murder of former Governor Steunenberg, has been a fugitive from justice.

Mrs. Haywood was wheeled to a position just back of the row of chairs reserved for counsel for the defense of her husband. Two chairs to her right were occupied by her nurse and one of her daughters and the older daughter occupied a chair to her right. The third chair to her left, immediately behind the seat oc-

cupied by Attorney E. F. Richardson, was reserved for the defendant. Haywood was brought into court just before court convened.

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Julian Steunenberg Present.

Among the visitors in the court room yesterday was Julian J. Steunenberg. He was given a chair inside of the railing and to the right of the bench. He stated that he would probably attend all of the proceedings in all of the trials. He said he had recently returned from a long visit in California, where he had expected to buy a home for his mother, thinking that climate would be beneficial to her; but had given it up at her request. She prefers to live at the old home in Caldwell. Julian said that his mother's health just now was very poorly. She will probably be one of the witnesses for the state.

Contrary to expectations, the attorneys for the prosecution did not file any additional names of witnesses yesterday to be indorsed on the indictments against Moyer, Haywood, Pettibone and Simpkins, but Mr. Hawley said an additional list might be presented in open court today.

Hours for Court.

During the proceedings Judge Wood announced that during the trial of William D. Haywood regular court hours would be observed. Court would convene, he said, each morning at 10 o'clock; a recess would be taken from 12 o'clock noon until 2 o'clock in the afternoon and the day's session would

begin at 10 o'clock. An improvement was noticeable regarding the comfort of the court room, one of the large electric fans having been installed—the one in the ceiling just below the cupola for the purpose of carrying off the foul air.

One Vacant Chair.

When the proceedings of securing a jury were resumed yesterday afternoon the following jurors were in the box, the fourth chair being the only one vacant.

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Lee Schriverer	John M. Johnson
Walter Shaw	William McGuffin
Joel Mathews	Hans J. Roan
Amos Prosser	George W. Fletcher
John A. McGeath	Thomas B. Gess
Ellsworth Lister	Henry Ott
Henry C. Miller	Thomas Marth
James Stewart	A. P. Burnes
Raymond Jones	Wesley Morse
James R. Wilson	Mont Oliver
William Schneider	J. W. Smeed
Isaac Bedell	J. F. Koelsch
James E. William	W. L. Thraikill
Dan Clark	C. R. Shaw
Allen Pride	J. E. Clinton Jr.
Geo. W. Masters	J. A. Pinney
Ed Ray	Crawford Moore
W. F. See	Joseph Perrault
S. P. Glenn	Sr.
William Harris	M. H. Goodwin
John Utter	E. L. Miller
Silas Tillotson	W. T. Booth
D. M. Henry	S. M. Kempner
W. W. Hard	Mit Burnes
L. M. Campbell	Ples. Harris
J. N. Lawrence	George Powell
James Breshears	John Hudson
Peter Kuster	Charles Mace
William Goodall	Geo. Gribble
C. H. Frank	Clinton Matlock
Julius Miller	Levy Smith
C. H. Evert	John H. Gakey
Geo. Fisher	Joseph Chinn
J. M. Evans	D. L. Barker
J. R. Carpenter	H. E. Champlin
Joe Breshears	T. A. Sloan
John Fisher	W. Sumner Dee
Burt Hingsworth	B. H. Coleman
A. Lunstrom	R. P. Barker
A. V. Elchelberger	

T. C. De Clerg was the only one who did not respond. The sheriff stated that he had been served by personal service by Deputy Wooden and the return so showed.

"Issue an attachment, Mr. Clerk," directed the judge.

The court then read the statute regarding the grounds upon which a juror might be excused. Those who had such excuses to offer were invited to come forward.

At the suggestion 29 rose and crowded toward the bench.

"You understand, gentlemen, I don't want any but legal excuses," said the judge. They still pushed forward.

Jurors Excused.

W. W. Hard was the first to be excused. His excuse was on a doctor's certificate. M. C. Smith was next excused on a doctor's certificate.

Le Roy Adams was excused on account of his wife's illness.

J. R. Carpenter was excused on a doctor's certificate.

Several asked to be excused because they were on duty as grand jurors in the federal court and excused from duty there until June 17. Judge Wood asked for an opinion on the subject.

It was Mr. Borah's opinion it was not a statutory excuse. The court denied the excuses for the time be-

cause C. H. Evert was excused because of his wife's illness.

J. H. Perrault asked to be excused for the reason that his duties as chairman of the board of public works of Boise were very important just at present. He was excused for the reason that public interests demanded his attention.

Mr. Fogart asked to be excused because he was administrator of several estates which he said required his constant attention. He was not excused.

Thomas Martin was excused for the reason he was a probation officer. Many Excuses.

James Stewart asked to be excused because his health was poor. He had "been under the weather" for some time he said. He was 75 years old. By agreement of both sides he was excused.

C. R. Shaw wanted to be excused because of sickness at home and because he had made arrangements to leave the city the next day.

"Then the illness does not require your attention at home?" asked the judge.

No answer. Shaw said he had a large business that needed his constant attention.

The court stated he knew something of Mr. Shaw's business and that he probably would suffer by neglecting it. He was excused by agreement of attorneys.

By agreement of attorneys B. H. Coleman was excused for reasons that his business required his attention.

John A. McGeath asked to be excused for the reason he was road overseer. He was excused. A. Lundstrom was a ditch rider on one of the irrigation ditches and he said farming interests might suffer by his absence. He was excused.

George F. Fletcher said his banking business needed his attention all the time and asked to be excused. He was not excused at that time.

J. M. Evans was excused because his business needed his constant attention.

John Hudson was excused because not physically able to serve.

Peter Kuster was excused because of sickness in his family and Hans J. Roan was excused because of personal physical disability.

D. L. Barker was excused because his duties as an irrigator required his attention in order that prospective crops might not suffer.

Amos Prosser was excused because of illness in his family.

S. P. Glenn was excused for the benefit of public interests that might suffer should he be required to serve.

James R. Wilson asked to be excused because of physical disability. He had no certificate from a physician but he was excused by consent of attorneys.

Rural Carrier Exempt.

George R. Deek was excused because of being a rural mail carrier.

John Fisher asked to be excused on the ground that his fruit ranch would suffer by his absence and he had no one to look after it. He was not excused.

John M. Johnson asked to be excused as he had been summoned both as a juror and as a witness. That, he was informed, was not a sufficient excuse. Johnson said that his business as a wool buyer needed his immediate attention. He was excused there being no objections by the attorneys.

J. N. Lawrence asked to be excused because he was too old—past 73, he said. He was not at that time excused.

The application of Ellsworth Leslie to be excused on the grounds that his hay crop needed his personal attention, was denied.

James Breshears asked to be excused because of his wife's illness. He said he had a grown son and two daughters but his wife needed some person's attention all the time. He was excused.

The application of George Fisher, who claimed physical inability to serve was granted.

Seventy-Six Left.

There were left upon the panel 75 jurors present and another juror for whom an attachment has been issued. The sheriff was instructed to bring in the jurors in the box at 3:20 o'clock. Before the jurors arrived, Mr. DeClerg announced that

(Continued on Page Ten.)



Home of the Jury.

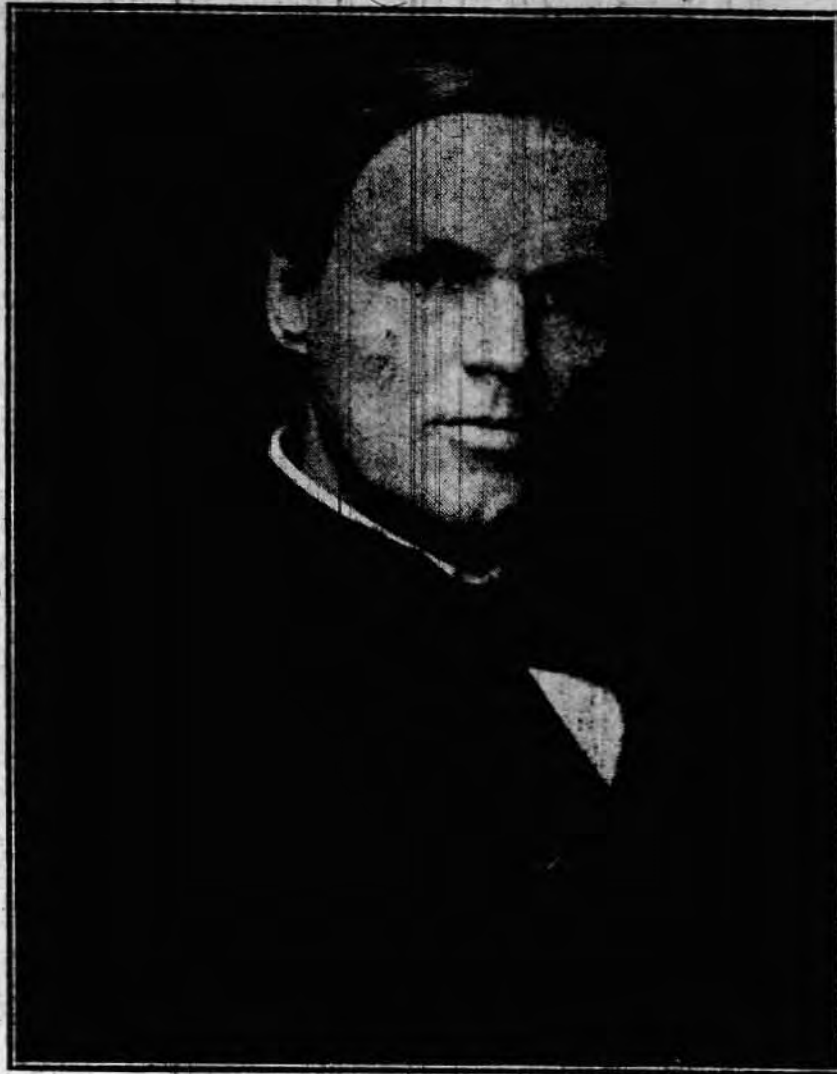
The Konrad House at the Corner of Sixth and State Streets Which Has Been Rented and Furnished for a Home for the Jurors Who Will Serve in the Trial of William D. Haywood.

F. Rem to Ticks

JURORS OF SPECIAL VENIRE FOR SATISFACTORY REASONS

TRIAL OF HAYWOOD

12 Jurors For First
Member of Special
Venire Passed by
Court—Now 12
Members Named.



Clarence S. Darrow.

The Latest Photo of the Eminent Chicago Attorney Who Will
Take a Leading Part in the Defense of William D. Haywood.

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after the examination
2 men the state had
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y are as follows:

- McIntyre.
- Bisby.
- Wingate.
- Rudge.
- Russell.

Attorney E. F. Richardson
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IT A POLITICAL FINESSE?

Questions Arising From the Election of Boss Cox of Cincinnati.

Ability That the "Interests" are Determined to Go for to Head Off the Demand for a Second Elective Term for Roosevelt.

WASHINGTON, May 9.—These are strange happenings, politically. Cox of Ohio, heretofore a fore-opponent of Secretary Taft, out with an announcement that for the nomination of the war as the Republican candidate president in 1908. He literally flatters before the fight between "Boss" Penrose of Pennsylvania-machine politician through and on, comes out with a declaration of the most profound friendship for Taft and favors the renomination of Taft as president. Cox stands by the man who has been advertised as Taft's choice and Penrose to the Roosevelt fold, a place where he must feel that he is among the winners.

What does it all mean? Why did Cox surrender before there had been a test of strength between the two factions, which he was leading the Taft faction which he was opposing? He says it is to preserve unity in the party, but Cox has before been anxious for party unity. In past campaigns he has led the party to divide into factions and has seen it go down to defeat, knowing all the time that if he surrendered to the other faction, the Taft party could carry the state. Before Cox was willing to risk his leadership rather than bow down to the man now known as the Taft faction. Then why is this change of front?

At the time Penrose came out in a declaration in favor of giving Roosevelt another term the Republicans of Pennsylvania winked knowingly, and all around to discover his reason for changing front. Some of them added that Penrose had no concern about Roosevelt, but a great deal of concern about himself. They figured that Penrose had discovered the tremendous popularity of the president in Pennsylvania, and feared that he showed signs of friendliness toward the national administration that next Pennsylvania legislature will arrange to give him an indefinite leave of absence and send to the state some man in sympathy with Roosevelt and Roosevelt policies.

On the days of Quay and corruption Penrose was a lieutenant on the side of the Pennsylvania boss. Like Boss, he had no regard for popular opinion. Money was his chief asset in local warfare, and as the ring had

TWENTY-FOUR JURORS OF SPECIAL VENIRE EXCUSED FOR REASONS

(Continued from Page Seven.)

he was in court—had been a trifle late, but had a good excuse. He was instructed to take his seat in the body of the room with the rest of the talesmen of the special venire.

Florence Hartley was appointed as assistant court stenographer and the fact made a matter of record.

The 11 jurors took their places and all responded to the call of their names by the clerk. The name of Ellsworth Leslie was called, and he took his seat in the vacant fourth chair.

Before the examination of Leslie by Mr. Hawley, the chief attorney for the state briefly stated the nature of the case about to be tried.

Leslie Challenged.

Leslie said he had lived in Idaho 11 years, and was a farmer near Star. He never knew former Governor Steunenberg nor the defendant.

Leslie said he had heard the murder of Steunenberg discussed considerably; he had discussed the matter himself to some extent. He said he read The Statesman and the Capital News, but no others. He said he had formed a definite opinion regarding the guilt or innocence of the accused.

Leslie, in answer to further questions, said he had formed an unqualified opinion regarding the guilt or innocence of the prisoner, and that it would require strong evidence to change it. He was challenged for cause, by the prosecution and the challenge was sustained.

Walter Shaw Called.

The next juror called was Walter Shaw, a young, smooth faced farmer from near Star, where he had lived for about two years. He had come from Everett, Wash. He said he was 29 years of age. He was slightly acquainted with former Governor Steunenberg. He knew none of the defendants. He took the Capital News and had been a subscriber since the first of 1906. He said he had never talked about the case with neighbors or friends and had never formed any opinion regarding the guilt or innocence of the defendant.

He said he had never sat as a juror in a criminal case. He knew of no reason why he would not be a good juror. He had no prejudice against circumstantial evidence if it was of a convincing nature. He said he was not opposed to the death penalty for the crime of murder. He was passed by Mr. Hawley.

To Mr. Richardson's questions the talesman said he read only the Capital News, reading his brother's paper. He admitted his brother was a member of the last legislature. He didn't know how his brother had voted on the bill appropriating money to prosecute this case. He had heard opinions expressed regarding the case. His brother, he said, had never expressed any opinion in his presence. He didn't know what his brother's views might be if he had any. He had read the Ladies' Home Journal and Everybody's magazines. He said he didn't go to church and didn't know what church there was at Star.

He maintained that he had never

formed any conclusion regarding the guilt or innocence of the defendant. He said he had a wish as to how the case should turn out but it would not actuate him in arriving at a verdict. He said he would be willing to be tried by a person holding such a "wish" as he had. Later he said he couldn't answer as to that matter. He said his wish wouldn't affect his verdict.

Had Been Union Man.

After a long tiresome list of questions Mr. Richardson finally learned that the juror had once belonged to the meat cutters' union and later dropped his membership for the reason he left the city where he had belonged. He said his membership in a union would not affect his action if chosen as a juror. He had never heard of a citizens' alliance.

Shaw said his brother voted for Senator Borah, and was asked by Richardson:

"What are your politics?"

"Republican."

"Have you any prejudice for or against Democrats as such?"

"No."

"Or Socialists?"

"No."

"You wouldn't believe in hanging a man simply because he is a Socialist would you?"

"No" the proposed juror laughingly replied.

The interest of Secretary Taft as president in this case, Shaw said, would not influence his judgment in any way. Asked if he had read the president's "undesirable citizens" letter, Shaw replied:

"I did read a piece in the paper about it I believe."

Shaw was finally passed for cause and Mr. Richardson was about to begin his examination of J. L. Waggoner, the juror in the fifth chair, who, with all those seated, had been passed for cause by the prosecution, when Judge Wood interrupted and said:

"Gentlemen, it is now within 15 minutes of 4:30 o'clock at which hour the court has decided to adjourn each afternoon during the proceedings in this trial. It may take some time to examine the next talesman and for the reason many of the jurors on the special venire were summoned very recently it may be not more than fair to give them all the time possible today to so arrange any matters they may have on hand so that they can leave them in good shape should they be required to serve on the jury. I think we had better adjourn now." It was 15 minutes past 4 o'clock.

Judge Wood admonished all members of the panel not to talk about the case on trial and not to allow others to talk with them. If anyone persisted in talking with them about the case he requested that the names of those persons be reported to the court. The jurors in the box were instructed not to talk even among themselves regarding the case and they were then turned over to the bailiffs.

The defendant was then remanded to the custody of the sheriff and court was adjourned until 10 o'clock this morning.

RAPID GROWTH OF VALE

Oregon Town Now Forging Ahead in Most Satisfactory Manner.

Prospect That Oil and Gas Will Be Developed—First National Bank Putting Up First Building—Fine Water Works and Lighting Plant.

(Staff Correspondence.)
VALE, Ore., May 12.—The Malheur Gas & Oil Development company, which Judge Aiken is president, George Benson, secretary, was organized at Union to engage in the business indicated by its corporate name. Representatives of this company have looked over the prospects of Vale, the result of which may be the leasing of certain oil lands here for development and production. There is some talk of organizing a local company for similar work. The company represented by C. W. Taylor, who has leased a body of land near Ontario is also taking an interest in the field; and, altogether, some development in this direction may be anticipated.

The First National bank of Vale is constructing a two-story stone brick building, 25x77 feet, the first story to be occupied as its bank house and the second story for offices. The building is expected to be ready for occupancy by June 1. Of this bank J. T. Morrison is president; W. R. Wilkerson, vice president and J. P. Dunaway, cashier. W. Davies of Caldwell has the contract to erect the building.

The First Bank of Vale, of which Elmer A. Clark is cashier, announces that a new two-story brick and stone building will be erected this season. It will be 74x94 feet in size and will have all modern appliances. The front and corner rooms will be occupied by this bank, the remainder will be utilized as a first-class hotel. The new structure, which will be commenced soon, will represent an investment of \$30,000. Native sandstone is used in all of this construction work where stone is required.

Considerable other building is also being done here, including an I. O. O. F. building, a lodge rooms above and stores below. Its size will be 60x80 feet. Three or four brick buildings, for mercantile uses, are also planned. Gas turbines will have charge of some of the construction referred to.

A new electric generator has been received for an electric light plant. It will be installed in the mill building where water power from Malheur is already provided.

To a local company has been granted a franchise to operate a light plant and water works; and it is proposed to sink 60-foot wells on the banks of the river to obtain a water supply; then pumps are to be installed to raise the water to a reservoir to be built on a hill above the town. Thus within a year it is hoped

TRADE THAT IS EXTINCT

Dealer Says There's No Longer a Demand for His Leeches.

THE IDAHO DAILY CATALANESMAN.

TEN PAGES.

BOISE, IDAHO, WEDNESDAY MORNING, MAY 15, 1907.

PRICE FIVE CENTS.

MUCH ACCOMPLISHED YESTERDAY TOWARD SELECTING JURY TO SERVE IN THE TRIAL OF WILLIAM D. HAYWOOD

NINE JURORS PASSED FOR CAUSE BY ATTORNEYS FOR DEFENSE

ANOTHER VEINIRE IS NOT PREDICTED

Attorneys Think Full Jury May Be Selected by Saturday.

WILSON AND DARROW CONDUCT EXAMINATIONS

Haywood's Family in Court as Usual—Mrs. Steve Adams Sits and Chats With Mrs. Haywood—Not So Large a Crowd as on Monday—Defendant Shows Great Interest in Proceedings.

HOW THE JURY STANDS

At the close of proceedings in selecting a jury for the trial of William D. Haywood yesterday afternoon there were 12 men in the jury box as follows:

- 1—E. E. Fawcett.
- 2—William Van Orsdale.
- 3—Samuel Gilman.
- 4—Walter Shaw.
- 5—Alva Frazier.
- 6—D. W. Henry.
- 7—G. H. McIntire.
- 8—W. W. Bridges.
- 9—Eric Cole.
- 10—W. W. Bibby.
- 11—Samuel F. Russell.
- 12—Samuel Wingate.

All the above taken men all have been examined for cause and passed by the prosecution. The defense has examined all but the last two and have passed time for cause. In the case of D. W. Henry the defense passed him temporarily for cause, reserving the privilege of questioning him further this morning.

At the close of the third day's proceedings in the district court in selecting a jury to sit in the trial of William D. Haywood, charged with



James H. Hawley, attorney for the state in the prosecution of William D. Haywood and the co-defendants, Moore and Pettibone.

alleged to have confessed to Detective McParland.

The Haywood Family.
During the forenoon and afternoon sessions Mrs. Haywood occupied the rear of the courtroom and the seat of choice occupied by the counsel for the defense. The elder daughter sat at her right during the forenoon and the afternoon. Between the forenoon and afternoon sessions Mrs. Haywood sat the younger daughter as usual. The three children were present all but the last two and have passed time for cause. In the case of D. W. Henry the defense passed him temporarily for cause, reserving the privilege of questioning him further this morning.

Haywood Interested.
The defendant entered the court at each session just before the time on commencing. He always appears in court in the same manner accompanied by a deputy by the post railways through the interior of the judge's office and the court room into the jury box by the same route.

DISORDER RULES SAN FRANCISCO

Missile of All Descriptions Fill the Air Despite the Presence of Police.

MANY PASSENGERS SUFFER INJURIES

Number of Persons Brutally Beaten by Riotous Crowds—Strikebreakers Make a Demand for Guns Declaring Ability to Protect Themselves

SAN FRANCISCO, May 14.—Today, one week after the Turk street battle which marked the recent street strike as the bloodiest labor disturbance in the history of San Francisco was the worst day of violence during that struggle. The forenoon passed with little disturbance, but throughout the hour of the afternoon from 12 o'clock until 1 o'clock a flow on Mission street from Fifth to Twentieth, a distance of about three miles, and the lives of many passengers as well as those of the non-union operators of the 30 cars on that line were almost constantly in danger. There were nearly 100 policemen, a few of them mounted, were stationed along Mission street under the command of Captain Anderson and Duke Volante was not prevented and comparatively few arrests were made. In some instances passengers narrowly escaped great injury or death from flying cobbles, stones and bricks. Several passengers were assaulted by the crowds, numerous strike breakers were stoned and pieces of glass were smashed and persons alighting from cars were chased, and in some instances knocked down and beaten.

At the car barn on Mission street at Twenty-fourth street, after the last sign had been run into the motor room and the cars had been taken to the street to carry arms during the Turk street battle of a week ago, presented their case to Associate President Melville. "We have shown that we are nervous as average men. We are not afraid to talk with you and we are not afraid to take you into our homes. We have had bricks and stones and personal assaults for seven days. Now we have found out that the only way to get away in our hands every time we go out on these cars. The police are either unable or unwilling to protect us. We will take the cars through any day in our hands. We will not allow you to allow us to protect ourselves. But some of us have made up our minds as a result of today's experience that we will take out no more cars unless you give us revolvers."

The striking car men made a new issue in causing over 100 John Doe warrants to be issued for strike breakers on the charge of violation of an ordinance which makes it a misdemeanor for a non-union man to conduct

DEFENSE IN LAID FRAUD CASES ASK GREAT STRUGGLE FOR BILL OF PARTICULARS

Arguments Occupy Afternoon Session of Federal Court at Moscow and Case Is Taken Under Advisement.

(Special Dispatch.)
MOSCOW, May 14.—(Special.)—For the defense in the north Idaho land fraud cases do not like the wording of the indictment charging the six defendants with conspiracy to defraud the government of timber land in Shoshone county and in exhaustive arguments this afternoon insisted that Judge DeLoach should order the prosecution to issue a bill of particulars setting forth what constitutes the alleged overt acts, what proof the government has substantiating on the acts alleged and the names of the persons designated in the indictments as "John Doe, Richard Roe and other persons unknown to the grand jury."

The arguments occupied the entire afternoon session of the federal court. The matter was taken under advisement until tomorrow morning at 10 o'clock, at which hour the six defendants have been ordered to appear in court and enter their pleas to the indictments. At the same time it is expected the defense will file demurrers to the indictments.

The indictments, besides naming W. F. Kettelbach, George W. Kester, William Dwyer, Clarence W. Robinson, L. N. Smith, J. H. West, defendants to

conspiracy charges, include "John Doe, Richard Roe and other persons unknown to this grand jury." The defense first asked that the government give the names of these other defendants. Then it demands that the prosecution detail by what overt acts it will attempt to prove the crime of conspiracy, and, third, what acts the government would attempt to prove for the purpose of proving intent.

On this third point Judge DeLoach asked for authorities which are to be submitted tomorrow morning.

Replying to the arguments on the defense, United States District Attorney Rulick contended that the indictments were sufficiently definite in their allegations, that it is not incumbent upon the prosecution to reply to the bill of particulars asked for and that the asking for a bill is but an attempt on the part of the defense to force the prosecution to disclose its evidence at this time.

Clarence Robinson appeared in court today.

Attorney for William Dwyer, the banker of Coeur d'Alene, indicted for alleged land frauds, interposed a demurrer, pleading the statute of limitations. This is raised for the first time.

and into the United Railroads cannot be with a great portion of the residents not riding on the cars.

"I cannot speak on the box-car question, but you can understand what effect that can have when it is enforced."

Seeking Solution.
Mayor Schmitz and the committee of 25 have spent the day in persistent effort to formulate some definite plan that will make for industrial peace and the restoration of normal commercial activity, but without success. Gordon Gillett decided today to make his headquarters in this city indefinitely for the purpose of giving the situation his personal observation.

Troops Wanted.
It is understood that President Callahan will make an effort to lay before Governor Gillett a detailed account of today's many acts of violence. It is the belief of the officials of the company that the police force of San Francisco is not large enough to cope with the situation and that this fact has been clearly demonstrated by the incidents of the last seven days. Four companies of policemen, according to Chief Dwyer, were employed on the streets today in an effort to protect the company's property and safeguard the lives of operators and passengers. The total police force, exclusive of 100 specials, is 700 men. Several times were reported today the largest number of times in the system is more than 20. No effort has yet been made, nor will be for at least 10 days under present conditions, to operate cars after dark.

A policeman, accompanied by a man wearing the badge of a union picket, sought and obtained permission today to enter part of the company's yards and walk to a place on some employees.

WILL OGLY TERMINATE BY THE RETIREMENT OF SENATOR FORAKER

OR SECRETARY TAFT FROM PUBLIC LIFE—TAFT MEN TO SMOKE OUT STATE OFFICIALS.

CHAIRMAN CALLS OFF COMMITTEE MEETING

Will Only Terminate by the Retirement of Senator Foraker or Secretary Taft From Public Life—Taft Men to Smoke Out State Officials.

Washington, May 14.—For the second time, the probability of a successful political battle between the Taft and Foraker-Pinch factions in this state has passed. The fight is still in progress, however, and the situation is such that it will continue only with the retirement from public life of either Senator Foraker or Secretary Taft.

Today's chairman Walter P. Brown of the state central committee, called off the meeting of that body, which was to be held at the hotel, tomorrow, by the departure of a program to such member of the body.

The meeting was to have been an adjourned session of the annual conference of party leaders scheduled for tomorrow which was suddenly called off and might by Senator Foraker. The Foraker party for all time claimed that the control of the party machinery was in their hands, and that was an important issue among members of the committee of the state central committee. The time had come to prove the loyalty of this committee. Foraker's party and Foraker's message, gained by all morning to Chairman Brown and Arthur J. Vaux, the two campaign managers, holding that the message of the state central committee to be held tonight the fact that the larger conference was not to meet.

"Chairman Brown's message statement of last night that the conference if held, could have, in his opinion, immediately induced Secretary Taft for the presidency, and planning him, similar to the state's following, proceeded to early orders to hold conferences with prominent Republicans. His first and last message, however, of course, with a plan to be retained for an hour. When I have visited the office of Mr. Taft, and that came to my mind, I saw at the time, the latest meeting that the objection was finally reached to all off the meeting of the state central committee, that the state central committee had been based upon in accordance with the state central conference of the management of the state central committee. It is my original intention, the chairman did not believe that the should stand upon a meeting of this kind. It is my original intention that I should not be invited to the meeting, but I am in the office of the state central committee. The fact is that I am about about being invited. They are about

TO ANSWER CHARGE OF MURDER

George Melville to Be Tried in Montana for Killing W. C. Guthrie.

Melville Admits Slaying Guthrie But Declares It Was Done in Heat of Passion—Melville

SHOT TO DEATH BY A WOMAN

Jack Burnett Killed by Mrs. Annabel Hall at Priest River.

Sits and Chats with Mrs. Haywood—Not So Large a Crowd as on Monday—Defendant Shows Great Interest in Proceedings.

HOW THE JURY STANDS

At the close of proceedings in selecting the jury yesterday afternoon there were 12 men in the jury box as follows:

- 1—Ewing.
- 2—William Van Orsdale.
- 3—Samuel Gilman.
- 4—Walter.
- 5—Eben Price.
- 6—D. W. Henry.
- 7—G. H. McNeillie.
- 8—W. W. Hudges.
- 9—W. C. Bly.
- 10—W. H. Hoby.
- 11—Samuel F. Russell.
- 12—Samuel Huggins.

The other gentlemen all have been examined for cause and passed by the prosecution. The defense has examined all but the last two and have passed nine for cause. In the case of D. W. Henry the defense passed him, possibly for cause, reserving the privilege of questioning him further this morning.

At the close of the third day's proceedings in the district court in selecting a jury to sit in the trial of William D. Haywood, charged with the murder of former Governor Frank Steiwer, it was ascertained that the jury which had been selected for the purpose of sitting in the trial of the defendant had been passed for cause by the state, and the jury which had been selected for the purpose of sitting in the trial of the defendant had been passed for cause by the state.

There was a much smaller attendance of spectators in the court room yesterday morning at the first court day in the trial of the defendant than in the previous afternoon. No one was obliged to stand during the forenoon's proceedings and the court room was well filled during the afternoon session. Quite a number of women were among the spectators and among the most interested of them was Mrs. Adams.

Mrs. Adams in Court.
Mrs. Adams, about whom there is considerable interest for the reason that she will figure as one of the conspicuous witnesses for the state, occupied a seat in the body of the court room during the morning session, but in the afternoon she came into the room with the family of the defendant and occupied a seat beneath the gallery. She was dressed very neatly, wearing a particularly neat suit of some soft, dark blue material and a neat, white shirt waist, and on her head was jauntily poised a new spring hat trimmed with two shades of green ribbon and artificial dried grasses. She appeared entirely free from care or worry and during proceedings showed no special or cheerful remarks with Mrs. Haywood. Both women often smiled over whispered remarks made by Mrs. Adams.

The close intimacy exhibited yesterday between Mrs. Adams, the Haywood family and the attorneys for the defense, led some to entertain the possibility of the rumor that the woman who has been summoned as a witness for the state in this trial will willingly go upon the stand to testify against the defendant. It is thought that there can be no foundation for the report and she has regretted having repudiated her first statement. It is thought the truth of her husband's confession and is now ready to do what she can toward corroborating what Adams is

throughout the trial. The jury was selected from 12 of the 24 men who were in the jury box at the close of the proceedings in the trial of the defendant. The jury was selected from 12 of the 24 men who were in the jury box at the close of the proceedings in the trial of the defendant. The jury was selected from 12 of the 24 men who were in the jury box at the close of the proceedings in the trial of the defendant.

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MELVILLE, Mont., May 14.—The court here today sentenced George Melville to be tried in Montana for the murder of William C. Guthrie. Melville is charged with the murder of Guthrie in the city of Helena, Montana, on the 12th of last month.

Melville Admits Slaying Guthrie But Declares It Was Done in Heat of Passion—Melville and Wife of Notorious Reputation in State.
MELVILLE, Mont., May 14.—The court here today sentenced George Melville to be tried in Montana for the murder of William C. Guthrie. Melville is charged with the murder of Guthrie in the city of Helena, Montana, on the 12th of last month.

Extensive Road Building in Cuba
HAVANA, Cuba, May 14.—Information has been received from Havana that the Cuban government is making plans to carry out contracts for extensive road improvements in the island. The work will include the building of 1,000 miles of road.

St. John Inquisition Held to Be Valid
GOLDFIELD, Nev., May 14.—In the district court today Judge J. J. J. held to be valid the St. John inquisition. The court ruled that the inquisition was a legal proceeding and that the defendant was bound by its findings.

Republican Reunion at Next Convention
WASHINGTON, May 14.—An interesting feature of the next Republican national convention will be a reunion of the delegates to the national convention in Chicago in 1890 who for 16 years supported General U. S. Grant for the presidency of the United States.

Knowles Court Martial
FORT HILL, Okla., May 14.—Arrangements were begun here today in the court martial of Corporal Knowles, charged with the murder of a soldier in the 10th Cavalry. The court martial is expected to begin tomorrow.

Meyer Takes Command
SAN ANTONIO, Tex., May 14.—Brigadier General A. L. Meyer is in command of the department of Texas. Meyer was promoted to this position on the 1st of this month. He will remain in command until the 1st of next month.

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SHOTS TO DEATH BY A WOMAN
JACK BURNETT KILLED BY MRS. ANNABEL HALL AT PRIEST RIVER.
A woman shot her husband to death with a revolver in the city of Priest River, Idaho, today. The woman, Mrs. Annabel Hall, shot her husband, Jack Burnett, in the back of the head as he was walking down the street.

Couple Quarreled and Burned Attempted to Force an Entrance to the House When Woman Shot Through Door with Fatal Effect.
A man and a woman were quarreling in the city of Priest River, Idaho, today. The woman shot the man through the door of the house, killing him. The man was shot through the door of the house, killing him.

Must Operate Road or Give it to the City
SAN FRANCISCO, May 14.—The directors of the Geary street railroad met today to consider the resolution passed by the board of supervisors yesterday calling upon the company to operate its road, which is operating under a reversionable lease from the municipality. The supervisors asked that the road would be taken away from them if the cars were not run again at once.

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Shrewd and he probably understood the case better than the average man and had not read that paper all the time. He had never taken any pains to inquire as to the methods used in bringing the men to the city. He said he had never been much interested. He said he had talked regarding the probable outcome of the case.

"You were interested in what the outcome would be, then?" was asked.

"Not particularly. I thought if he was guilty he should be punished; if not, he should be turned free."

Stines said he had no prejudice one way or the other. He said he never read any of the Socialist papers, or the Appeal to Reason. He had not read the Communist. He said he would be prejudiced against circumstantial evidence. He said he had no faith in circumstantial evidence.

The juror was challenged by Mr. Hawley under the section of the statute relating to conscientious scruples against capital punishment.

"That section says nothing about circumstantial evidence," said Richardson.

Judge Wood said: "I want to ask the juror some questions."

Against Circumstantial Evidence.

"If circumstantial evidence is introduced and the court instructed you that the evidence should be considered, would you follow the court's instructions?"

"I think not," was the startling reply.

"You wouldn't follow the instructions of the court? If the court instructed you regarding the law, you would not be governed thereby?"

"Oh, yes, I'd be governed by the instructions."

Richardson asked the juror a few questions but to no use. Judge Wood instructed the prosecution to again state the grounds of the challenge for cause and Hawley asked to be allowed more questions. He was granted permission.

"Do you have any conscientious scruples against capital punishment?"

"No, sir."

One of two other questions were asked and then Mr. Hawley challenged the talesman on grounds of actual bias.

The challenge was resisted and Darrow asked a few questions. The challenge was still resisted but the court sustained the challenge on grounds of actual bias.

Also, Pride, a farmer, was called. In answer to Mr. Hawley's questions the talesman said he had known the ex-governor by sight. He did not know the defendant. He said he had read the reports of the murder and of defendant's connection with the case. He said he took the Capital News and Woodman of the World.

Pride said he had never formed any opinion regarding the guilt or innocence of the defendant and had no bias or prejudice one way or another.

Regarding circumstantial evidence, Pride said he had no objections to it if it was of such a nature as to be convincing and such that the court instructed it should be considered. He had served as a juror in criminal cases before. He understood the rules

of the law and he had no prejudice against Specialists.

The fact that the defendant was a prominent officer of the Western Federation of Miners, he said, would not affect his mind as a juror.

In answer to other questions it developed that the deputy sheriff who served the summons on Pride, looked dinner with Pride's family and that the deputy had told them that he had been ordered to the millitary when he (the deputy) had formerly been a guard. This opened up a long list of questions from the prosecution which developed no startling information. As near as could be deducted from the answers the talk of the deputy had been entirely truthful. No opinions regarding the merits of the case had been expressed. Pride said he never had belonged to a labor organization. He had read President Roosevelt's "un-desirable citizen" letter, but said it could not swerve his actions if he was chosen as a juror.

"Imagine yourself in the defendant's shoes, would you want a man on the jury whose mind is in the same condition as your own?"

"I'd hate to be in such a predicament," was the reply.

"You'd want a fair jury—?"

"Yes."

"And you think you could be fair?"

"He might do worse."

Juror and attorney looked each other straight in the eye. Darrow hesitated and then said:

"And he might do better. Isn't that so?"

"Perhaps," was the quick reply, "but I think not."

Pride Finally Passed.

Darrow asked many more questions, going over much of the ground previously covered. The juror was finally passed for cause and Darrow stated that later the defense might ask to examine Deputy Roberts, the deputy who served the summons on Pride.

Mr. Darrow then took up the examination of George Walker, the Boise butcher, who occupied the sixth chair. He had been passed for cause by the prosecution.

Walker said he had read the papers, had formed an opinion that would require strong evidence to remove. He was challenged for cause on the ground of implied bias and no objections being made by the state, he was excused.

Raymond Jones was called. He said he was a single man and was now working on his father's farm two miles from Blair. He had formerly been a sawmill hand. He had never known former Governor Steunenberg. He did not know the defendant. He had done considerable trading in Caldwell.

Jones said he read the Statesman. He had taken it only two months and prior to that never took any local paper. He had participated in discussions of the murder and subsequent events, but not lately. He had never talked the case over with any one who purported to know the exact facts in the case, he said.

To a certain extent, he said, he had formed an opinion as to the guilt or innocence of defendant. He said

along the lines the state had adopted in previous cases. The juror was not in sympathy with circumstantial evidence, but would be willing to consider it if instructed to do so by the court. He was passed after a few questions and then challenged the juror on the grounds of his deafness. Darrow had been addressing the juror from near the witness box.

Challenge Resisted.

Mr. Hawley resisted the challenge. He said Mr. Darrow had talked in an ordinary tone and that the juror had not once hesitated in answering. The challenge was overruled. Darrow insisted upon Mr. Frank stating that he had formed an opinion in the case challenged the juror on the grounds of implied bias.

"We resist the challenge," said Mr. Hawley, but after a few questions, he admitted the challenge. Frank was called and took the sixth chair at excused and Burt Illingsworth was sworn in at 12 o'clock. Before his examination the court took a recess until 2 o'clock.

Jurors Excused.

Immediately upon the convening of court, Pies Harris, one of the special venire of jurors was excused upon presenting a certificate from a physician that he was not physically able to sit as a juror.

W. I. Thrallkill, another juror, asked to be excused for a limited period to attend to an important business engagement. By agreement of attorneys for both sides he was excused until Thursday morning.

Mr. Hawley for the prosecution filed the name of four additional witnesses who might be called to testify in some of the trials pending. The names were Fred McConnell, city engineer of Boise; A. Burch, a well known mining man; James Kerwan, acting secretary-treasurer of the Western Federation of Miners; Gus Paulson, a man from northern Idaho.

Mr. Hawley then took up the examination of the juror called just before the noon recess was taken. Burt Illingsworth, in the sixth chair.

Illingsworth is a farmer. He was challenged for cause on the ground of implied bias and no objections being made by the state, he was excused.

"Have you ever formed a decided opinion as to the guilt or innocence of the accused?"

"Yes, sir, I have," was the answer.

"Is it an opinion that is so fixed that it could not be changed by evidence?"

"Well, it would take some right smart strong evidence to change it," the juror replied.

"You formed the opinion from what you read?"

"For the most part."

"Do you believe everything you read?"

"Pretty much all, yes sir."

The talesman said, if selected as a juror, he believed he could render a verdict upon the law and evidence alone, but later he admitted that the opinion he had already formed, he thought might influence him to a great extent.

He was excused on being challenged on the grounds of implied bias.

South Boise Carpenter.

D. W. Henry, a carpenter from South Boise, was next called. He said he had been in Idaho 12 years. He had never been a member of a carpenter's or any other labor union. Henry had never had a personal acquaintance with former Governor Steunenberg. He did not know Haywood. He said he had been a regular subscriber to the Capital News for five or six years. He took no other papers. He had not talked about the case to any great extent. He didn't know much about the case and said he had never formed an opinion regarding the guilt or innocence of the accused, and that he thought his mind was perfectly free from bias or prejudice against either side of the case. He said he was not prejudiced against circumstantial evidence or capital punishment. He was passed for cause by Mr. Hawley. Mr. Darrow began the examination for the defendant.

Juror stated that he occasionally worked on contract, sometimes for other contractors by the day as carpenter. He was at home in South Boise at the time of the murder of former Governor Steunenberg. He said he had heard his neighbors discuss the murder and subsequent events to some extent. He could not remember that any opinions had been expressed. He said he might have voiced his own ideas at the time of the murder, but could not remember of having done so.

Darrow asked the talesman if he took any stock in what he read in the papers.

"Not much," was the reply.

"Why?" was asked.

"I consider about 90 per cent of the news, as the paper is called for the paper, was the answer."

"Do you know the defendant by name?"

"Yes."

"Who is on trial now?"

"Hayes, Harwood and Pettibone."

"You are not a member of any other political party. It would make no difference either," Rudge said, resuming the examination.

Rudge said he would go into the trial with no bias against the accused and his verdict would be governed solely by the evidence.

He said he had no prejudice against any political party. It would make no difference either, Rudge said, resuming the examination.

Not Well Passed.

The talesman hesitated, "No," he

some of the common words of the English language would often be used in the trial.

The challenge was resisted by the prosecution and was overruled by the court. Darrow continued to question the man.

The juror said he could sit in the case and would be governed only by the evidence and the law, as explained by the court. In arriving at a verdict he would be guided by the court.

"But I'd rather not be in this case," said Henry.

Henry maintained that if he was a criminal charged with murder by a would not object to the present with such as his own at the time sitting in the trial of his case. "I would expect justice from such a juror," he said.

Passed Temporarily.

Mr. Darrow here stopped and held a general whispered conversation with his associate, all but Mr. Miller entering into the animated discussion.

Mr. Darrow then announced he would like to ask the juror regarding some certain conversations and wished to pass him for the present with the hope of returning to him later. Mr. Darrow said he had some matters in regard to those conversations which he would have to look up in the evening.

Henry was passed for the time being and the examination of the prospective juror in the seventh chair, O. H. McIntyre, was taken up.

Mr. McIntyre is a farmer, who was passed without challenge by the state Thursday. Asked if he had any prejudice against labor unions, the talesman said that under certain circumstances he did. This prejudice was because of things he had heard the unions had done.

Mr. McIntyre said, extended to the Western Federation of Miners. He did not think—in fact, he was positive—this prejudice would not affect his judgment in the light of evidence.

"Did you read something Roosevelt wrote about these defendants?" asked Mr. Darrow.

"Yes, sir."

"Would you permit what he said to influence you in any way?"

"No, sir. I don't know that I could, exactly. I would presume him innocent."

"You would be no feeling of personal prejudice?"

"No, sir."

Mr. Darrow had no further questions and allowed the talesman to remain in the box.

Mr. Wilson Works.

Edgar Wilson took up the examination of W. W. Rudge, a farmer who has lived in the Boise valley for many years. Mr. Wilson's questions were delivered in a quiet tone of voice—short, quick, sentences and the answers were prompt.

"What are your politics?"

"Republican."

"Do you vote that ticket?"

"Yes."

"How regularly?"

"Every two years." (Laughter.)

Rudge said he was not a church member. He never knew Steunenberg. He knew where the governor was but had never heard him speak. He never read a speech of the governor delivered at Caldwell and published in the Statesman. He thought he had read a part at least of the governor's message to the last legislature. He didn't hear Taft's speech in Boise last fall but thought he read the address in The Statesman; he couldn't recollect much about it. He had read some references to the president's "undesirable citizens" letter, but it had made no impression upon his mind.

Rudge said he had no opinion regarding the guilt or innocence of the defendant and had never in his recollection ever discussed the matter of the guilt or innocence of the accused. He had read the daily Capital News and the twice-a-week Statesman. He had read those papers faithfully but nothing he had read had influenced his mind, he said.

The talesman said he knew that the defendant must be presumed innocent until proved guilty. The defendant was now presumed to be innocent by Rudge, he said. He said he belonged to no labor organization, but had no prejudice against them. He had heard of the Western Federation of Miners and knew the organization had a large membership in Idaho. He remembered the Coeur d'Alene mining trouble, but had never been in the Coeur d'Alene country himself and he retained no prejudice as a result of his recollections of those troubles. He had never sat on a jury in a murder case.

Rudge said he was not a client of Mr. Hawley nor of Senator Borah and never had been that he remembered of. He said he had never heard anything or read anything that had prejudiced his mind.

Rudge said he could go into the trial with no bias against the accused and his verdict would be governed solely by the evidence.

He said he had no prejudice against any political party. It would make no difference either, Rudge said, resuming the examination.

Not Well Passed.

The talesman hesitated, "No," he

He had never been deputy sheriff. He said he understood the law that a defendant in a criminal case was to be presumed innocent until proved guilty; that the burden of proof was on the state and not on the prosecution. He said he did not belong to a citizens' alliance. He said he never belonged to any organization engaged in the prosecution of criminals and never belonged to the Idaho militia. He knew about the Western Federation of Miners but had no prejudice against the organization. He said neither Mr. Hawley nor Senator Borah had ever been employed by him as an attorney.

Keeps Back on Time.

The clock struck and Borah asked: "At 4:30, is it 4:30 we quit?"

"At 4:30," replied the judge.

"We pass the juror for cause," announced Mr. Wilson, after a short parley with the other attorneys for the defense city.

W. W. Bisby, in the tenth chair, was then examined by Mr. Wilson.

Bisby is in the real estate business in Boise and has been in the business for about two years—as long as he has been in the city.

Before coming here, he stated, he lived in Iowa, where he was engaged in the fire insurance business. He said he belonged to no church and attended no particular church regularly. Politically, he said, he was a Republican. He was a subscriber to the Statesman. He read the news in the paper regularly but had no time to read the editorials—had very seldom looked at the editorial page.

He remembered the murder of Governor Steunenberg and said the murder had been widely discussed. He said he had never formed any opinion in regard to the guilt or innocence of Moyer, Haywood or Pettibone. He said he had talked about the case very little and could not recollect of ever discussing the case as regarded where the responsibility for the crime should be placed.

Bisby said he had no speaking acquaintance with Governor Gooding, but had met him once at a reception to Senator Borah. He said he had never talked to the governor about this particular or any other criminal case.

The governor's printed speeches, his message to the legislature, Taft's address or the president's "undesirable citizen" letter had not influenced Mr. Bisby's mind, so he said, regarding the guilt or innocence of the defendants. He had no prejudice against Haywood or his co-defendants.

After a short consultation with the other attorneys Mr. Wilson passed the juror for cause.

At nearly 4:30 Mr. Wilson suggested an adjournment be taken before any further examinations. After giving the usual instructions to the jurors and remanding the prisoner to the custody of the sheriff, court was adjourned until 10 o'clock this morning.

Forced Sale.

I have a client who feels that he must sell his farm within the next few days. And while the conditions do not justify the "scarehead" at the beginning of this article, I have taken this means of attracting your attention to this property. This tract consists of 480 acres of bench land, all partially improved, and a part of it well improved. Located within easy reach of town, railroad and sugar beet dump. The growing crop all farm implements, stock, etc., go with the farm if taken at once.

L. L. FOLSOM.

Wonderful Eczema Cure.

"Our little boy had eczema for five years," writes N. A. Adams, Henrieville, Pa. "Two of our home doctors said the case was hopeless, his lungs being affected. We then employed other doctors, but no benefit resulted. By chance we read about Electric Bites, bought a bottle and soon noticed improvement. We continued this medicine until several bottles were used, when our boy was completely cured." Best of all blood medicines and body building health tonics. Guaranteed at all drug stores. 50c.

Special Rates to the East.

Round trip tickets to Chicago, St. Louis and most points west thereof will be on sale at O. S. L. stations in Idaho at one fare plus 7.75 on following dates:

May 27, 28; June 2, 7, 12 and 14. Transit limit 10 days in each direction. Final limit October 31, 1907. Diverse routing privileges allowed. See O. S. L. ticket agents for particulars.

D. P. STUBBS.
D. G. & P. A.

Willard White, Fire Insurance, Surety Bonds. We safeguard your interests, 129 Sonoma block. Bell phone 850.

The New York Life is still doing business in Idaho. Call Smith, Bell phone 1144 red.

Blickensderfer, \$50.00.
Idaho Typewriter Exchange, 19th st.

Food for Poultry.

We keep everything in the poultry line. Buffalo's Chick Feed, cracked corn, wheat and barley. Grain of all kinds. Poultry supplies. Western Seed & Grain Co., 1015 Main street.



E. F. RICHARDSON.
The eloquent and brilliant Denver attorney, who has a leading role as counsel for Haywood, Moyer and Pettibone.

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PROCEEDINGS OF THE FOURTH DAY IN THE JOY HAYWOOD TRIAL MORE INTERESTING

SPATS BETWEEN THE ATTORNEYS TEND TO SHARP BLOW FOR BREAK THE USUAL MONOTONY HARRIMAN

DEFENSE CALLS IN A WITNESS

Statement of Henry Refuted by
Testimony of Lovelace.

TWELVE JURORS ARE
PASSED FOR CAUSE

State Uses One of Its Peremptory Challenges—No Session Today on Account of Funeral of Judge Nugent—Crowd of Spectators Not Unusually Large—Proceedings of Yesterday in Detail.

The fourth day's proceedings in the district court in choosing a jury to sit in the trial of William D. Haywood, charged with the murder of former Governor Steunenberg, proved to be in a number of particulars more interesting to spectators than any previous day. At several intervals the monotony of examining jurors was relieved by contentions between the attorneys and on one occasion there was a dispute between Senator Borah and the two leading attorneys for the defense, which came close to warm remarks of a personal nature.

But there were no lives lost. In answer to a remark from Mr. Darrow that he thought Mr. Borah was using too much latitude in examining a certain juror, Borah quickly replied that in the face of the latitude the attorneys for the defense had used in juggling the names of Taft, Roosevelt and others he thought Mr. Darrow should stand a little latitude on the part of the prosecution.

This called for a reply from Richardson to the effect that Roosevelt had "butted-in" to the case against his clients and Borah boosted back an opinion that Teddy Roosevelt could always take care of himself wherever he was.

"I doubt that, too," returned Richardson.

It took a word of admonishment from the court to stop the fusillade.

Witness Introduced.
The feature of yesterday's proceedings perhaps was the introduction of a witness for the defense in the person of R. Z. Lovelace of South Boise to controvert the answers of D. W. Henry, in the sixth chair, to certain questions, by Mr. Darrow the previous day.

It will be remembered that while being examined by Darrow for cause Henry was asked if he had had a conversation with a man by the name of Lovelace. Henry replied that he



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Superintendent of western division of the Pinkerton Detective agency, who has gathered most of the evidence for the prosecution of Moyer, Haywood and Pettibone. He will be one of the state's most important witnesses.

HOW THE JURY STANDS.

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- 1—A. L. Ewing.
- 2—F. Maw.
- 3—Samuel Gilman.
- 4—Walter Shaw.
- 5—Allen Price.
- 6—William McGuffin.
- 7—G. H. McIntyre.
- 8—W. W. Rudge.
- 9—Orin Cole.
- 10—W. W. Bishop.
- 11—A. P. Burnes.
- 12—Samuel Russell.

Of the above jurors all have been passed by the prosecution on examination for cause and all have been passed for cause except F. Maw in the second chair, his examination by the defense not having been quite completed at adjournment time yesterday afternoon.

In the sixth chair, the defense attorneys after examining him for cause, after he had been passed by the prosecution, stated that they would pass upon him at that time only temporarily, reserving the

testimony to be adduced, but the challenge was allowed and an exception noted by the defense.

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The Haywood Family.

Mrs. Haywood and her daughters were not present at the morning session of the court, but they were there

Recommendation of Kellogg and Severance of Railroad Inquiry Made Public.

Declare Contracts Between Lines for the Control of Other Roads is in Violation of Law—Recommends Proceedings Be Brought by Attorney.

NEW YORK, May 15.—Part of the recommendations of Attorneys F. E. Kellogg and Charles Severance to the interstate commerce commission concerning the Harriman railroad investigation have been published here. The report reviews the testimony and holds that the contracts between the Union Pacific and Rock Island as to control of the Chicago & Alton railroad and the contracts between the Union and Southern Pacific and control of the Illinois Central and San Pedro road are all in violation of the Sherman anti-trust act. It recommends that the attorney general of the United States begin proceedings to annul these contracts. The report also recommends that there should be a new and effective law to prevent inflation of securities and declares that the profits of the great railroads of the far west are being used to buy stocks and control systems in the east instead of building more roads for the development of the west as they should be.

COMMISSION HAS NOT REACHED A DECISION

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"It may be that the briefs or memoranda submitted by counsel have become known in some quarters and the mistaken inference drawn therefrom that the commission has agreed upon a report."

No further information than is contained in the statement is authorized.

Chairman Knapp reiterated that the commission had not reached any conclusion respecting the case and probably would not for some time. He declined to indicate what might be the conclusion. He said it was entirely too soon to consider that phase, as the commission thus far had given it very little consideration.

Members of the commission would not admit that even Attorney Kellogg and Severance had made a report, but it is known that Mr. Kellogg has submitted to the commission an epitome of the facts adduced at the hearings and perhaps some suggestions. No member of the commission would admit that the report published is an accurate resume of that of Mr. Kellogg. It is likely that if the com-

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It will be remembered that while being examined by Darrow for cause Henry was asked if he had had a conversation with a man by the name of Lovelace. Henry replied that he had, but denied, when questioned further, that he had remarked to Lovelace that Moyer, Haywood and Pettibone, in his estimation, must be connected in some way with the murder of former Governor Steunenberg or they would never have been arrested. Darrow on Tuesday was unable to get Henry to contradict himself and finally passed the juror for cause temporarily reserving the privilege of questioning him further the following day.

When Darrow yesterday asked permission to place Lovelace on the witness stand to testify the attorneys for the state objected strongly and there was some discussion as to the provisions of the statute in that respect. The court finally ruled that the testimony of Lovelace could be taken in the presence of the jurors.

In answer to Darrow's question: "Did Henry say to you that Moyer, Haywood and Pettibone must have been mixed up in this murder or they would never have been brought to Idaho?" Lovelace promptly answered in the affirmative. He gave the same answer to Mr. Borah on cross-examination.

When he was excused the juror involved was examined and admitted that he might have said something of the kind to Lovelace, but he did not remember doing so; he would not swear that he had not. Henry was excused on Darrow's challenge.

In the above instance the attorneys for the defense came off victorious in the first contest of any importance to come up during the preliminary proceedings of the trial.

Good Progress.

From the progress made yesterday it seems more than ever certain that a jury will be secured before the close of this week. All but Maw of the 12 jurors in the box have now been passed for cause by both sides, and the state, in excusing William Van Orsdale from the second chair, has taken advantage of its first peremptory challenge. There are now left of the special venire about 60 talesmen available for examination as jurors. The state has nine peremptory challenges left and the defense has its full 10.

As near as can be determined the state will probably use about four of its peremptory challenges on the jurors now in the box and the defense will probably use at least six. The complexion of the jury by tonight will probably be altered considerably.

Show Passed for Cause.

It will be remembered that in the case of Walter Shaw in the fourth

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- 4—Walter Shaw.
- 5—Allen Pride.
- 6—William McGuffin.
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- 8—W. W. Rutledge.
- 9—Orin Cole.
- 10—W. W. Bishop.
- 11—A. P. Burns.
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Of the above jurors all have been passed by the prosecution on examination for cause and all have been passed for cause except F. Maw in the second chair, his examination by the defense not having been quite completed at adjournment time yesterday afternoon.

chair, the defense attorneys after examining him for cause, after he had been passed by the prosecution, stated that they would pass upon him at that time only temporarily, reserving the privilege of returning to him later. Yesterday they waived the privilege of asking Shaw any further questions and passed him with the 12 then seated for cause.

The attorneys for the defense also waived the right to further question Pride in the fifth chair, whom they had passed only temporarily on Tuesday. Pride in his statements on examination, it will be remembered, stated that the deputy sheriff who had summoned him to appear as a juror had talked with him about Harry Orchard at the time he came to serve the subpoena.

Out of court an attorney for the defense stated to the writer yesterday that since their examination of Pride they had looked the matter up and had come to the conclusion that Deputy Richards had said nothing out of the way to Pride. The officer had merely told Pride that he had formerly been a guard at the penitentiary and had seen Orchard. He described Orchard's appearance to Pride; that was all. The matter was not again brought up in court and Pride, with the others, was passed by the defense for cause.

Unusual Circumstances.

A somewhat unusual circumstance was that in connection with the excusing of Samuel Wigham from the jury, Wigham occupied the seventh chair. He had been passed for cause by the state on Thursday. He was examined yesterday by Richardson and was passed for cause by the attorney for the defense.

Richardson's questions developed a confession from Wigham that he would be prejudiced against Harry Orchard as a witness.

After he had been passed by Mr. Richardson, Mr. Borah asked to re-examine the juror for the state, for cause and was granted permission, the judge stating that he intended to be very liberal with both sides and to give them all the privileges possible in examining jurors for cause before passing them finally. His remarks were understood to mean that he would allow both sides to re-examine as many of the jurors already passed upon for cause as was desired.

After a few questions to lead up to the point he wished to make Senator Borah asked of the juror:

"Your bias against Orchard is an abiding conviction?"

"Yes, sir," was the reply.

Mr. Borah challenged the talesman for cause—for actual bias. The defense resisted, saying the juror had a right to put his own weight upon the

testimony to be adduced, but the challenge was allowed and an exception noted by the defense.

Death of Judge Nugent.

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The Haywood Family.

Mrs. Haywood and her daughters were not present at the morning session of the court, but they were there during the afternoon proceedings, the invalid being wheeled into the courtroom in her chair as usual. The family occupied their usual seats, the chairs just behind those used by the attorneys for the defense and in the same row with the chair occupied by Haywood. Mrs. Haywood did not seem particularly interested in the proceedings nor did the older daughter. The younger daughter, as usual, sat as close to her father as possible.

Haywood, himself, showed a great deal of interest in the selection of jurors. He paid very close attention to all that was said and on several occasions held whispered conversations with his attorneys on matters which seemed to be in connection with the examinations of talesmen.

The Attorneys.

Attorney Hawley was not at the table of the prosecution during the forenoon session and took very little part in any of the proceedings during day, although he was present at the afternoon session. All the examination of jurors for the state was conducted by Senator Borah. Attorneys Stone and Van Duyn were present at both sessions.

John Nugent was the only attorney for the defense not present, he being absent because of the death of his father. At the table with the counsel for Haywood were Clarence Darrow, E. F. Richardson, Edgar Wilson, Fred Miller, John Murphy and Leon Whitteil.

Attorney Murphy, general attorney for the Western Federation of Miners, is not taking any active part in the trial. He has not, in fact, been entered upon the records of the court as an attorney for Haywood in this trial and it was stated yesterday there was no probability that he would be. He may not stay here during the whole trial. His health is very poorly and he is not able physically at this time to do any considerable amount of work in the case. He occupies a seat at the table for the defense, however, and is plainly taking a very active interest in the proceedings.

Two Jurors Excused.

Court convened promptly at 10 o'clock in the morning and the jurors had marched in and were in their places before that time. Haywood was brought in while the minutes were being read.

Immediately after the minutes had been read and approved John H.

(Continued on Page Ten.)

and control systems in the east instead of building roads more roads for the development of the west as they should be.

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EDITOR OF CHRISTIAN HERALD DECORATED

NEW YORK, May 15.—The decoration of the order of the "Morning Sun" was today conferred upon Dr. Louis Kloppsch, editor of the Christian Herald, by Baron Takewaka, personal envoy of the emperor of Japan, in recognition of the doctor's work in relieving famine sufferers in Japan last year. More than a quarter of a million dollars was raised by the Christian Herald for this purpose.

Test of Submarines.

NEWPORT, R. I., May 15.—The submarine boats Lake and Octopus were submerged late today near the naval coaling station at Bradford, for their 24 hours submerged habitability test. The members of the trial board decided not to go down, but will remain on the gunboat Hist and the submarine tender Nina. There are nine men on board the Lake and 16 on the Octopus. At the point where the boats went down the water is from 24 to 29 feet deep.

Charged With Murder.

HELENA, Mont., May 15.—County Attorney Haywood this afternoon filed an information in the district court charging George Melville with murder in the first degree for the killing of Winfield Guthrie at Bald Butte last Sunday, and the hearing was set for Monday. Melville admits the slaying of Guthrie, but says it was done in the heat of passion. Mrs. Melville has been released from jail, no charge having been preferred against her.

Kuroki in New York.

NEW YORK, May 15.—General Kuroki and party arrived this afternoon and were met at the Jersey City terminal by the Japanese consular general and Japanese merchants. The general was heartily cheered. The visitors proceeded to the city hall and paid their respects to Mayor McClellan. The Japanese warships Tanikawa and Cherika arrived from Jamestown later.

PROCEEDINGS OF THE GRAND JURY

(Continued from Page One.)

Ganey and H. J. Roan, members of the grand jury, were excused from serving on the special venire.

One of the jurors in the box, W. W. Rudge, who had been passed by both prosecution and defense, stated that he believed he had a legal reason for being excused. Judge Wood suggested that the attorneys for the prosecution examine him, in answer to questions by Mr. Borah. Rudge said he was a road overseer and under bonds as a county officer. No action was taken immediately. It was decided to go on with the examination of the two last jurors in the box first.

Mr. Richardson began the examination of Samuel Wingate in chair No. 11.

Juror said he lived in South Boise, had been born in Ohio 52 years ago. He was a farmer in Ohio and Missouri and has been a farmer and irrigator here.

He said he was in South Boise at the time of the murder of former Governor Steunenberg. The first he heard of the murder was when he got the paper the next morning. He never knew Governor Steunenberg. He remembered the Coeur d'Alene troubles, but was not greatly interested in them. He took no part in the troubles. All the opinion he ever formed regarding those troubles was that the governor's course was right. He thought the miners were in some respect and partly by sympathy with the miners in their actions. He said the trouble never caused him to become biased or prejudiced against the Western Federation of Miners as an organization. During those days the juror said he was working by the day and took no papers—had little time to read.

Read the News.

After the governor's death, the juror said, he read the Capital News regularly. He was a regular subscriber and read every issue. He read in the paper that the Western Federation of Miners was responsible for the murder but said that he never had much faith in what he saw in the paper.

The juror, he said, was not particularly a matter of great discussion in South Boise at that time. "There was some excitement right at first," he said, "but it soon quieted down." He didn't think that the arrest of Mayer, Hayward and Pettibone added very much fuel to the fire of excitement. He didn't pay much attention to the statements made by McParland and took little stock in them anyway.

After the confession of Orchard, he said, he came to a conclusion, but not

der, had read accounts of the murder and of subsequent events in the home papers and had heard the case discussed some, but not to any great extent. He had never been acquainted with former Governor Steunenberg. "Have you ever formed an opinion regarding the guilt or innocence of the defendant?"

"I have an opinion."
"A fixed opinion?"
"One that would require much evidence to remove."
"Have you expressed that opinion to others?"

"Yes."
Upon challenge by the state upon grounds of implied bias, which was supported by the defense, the talesman was excused and Henry Ott, formerly a rancher but for six years a resident of the city, was next called. He was examined by Mr. Borah.

Ott knew all the participants in the Steunenberg case and had read the Capital News much of the time. He had talked about the case very little, he said. Juror was examined much as others had been examined before him. He answered the questions to the satisfaction of Senator Borah and was passed for cause by the prosecution.

"You have an opinion?" asked Richardson.
"Yes."
"Can that be changed by the introduction of testimony?"

"Yes."
"If the evidence was conflicting your opinion would influence you in arriving at a verdict?"

"Perhaps."
Ott was excused after a challenge on the grounds of implied bias made by Richardson and A. P. Burns was called.

Burns Called.

Burns said he had formerly been a carpenter. He answered the usual questions satisfactorily to Mr. Borah. Regarding Orchard, if he should testify, he said he would not be willing to give his testimony on the stand as much weight as some other witnesses, perhaps.
"Would you be prejudiced against Orchard as a witness?"
"No, only that I would not consider his testimony as strong as that of an ordinary witness."
Juror said he had no prejudice against defendant. He had no conscientious scruples against capital punishment. He was passed for cause by Senator Borah.

"Mr. Burns," began Richardson, did you read in the paper a statement by Senator Borah to the effect that it was necessary to bring these men clandestinely from Colorado here?"

Here's a Tip.

Mr. Borah interrupted: "That is an axiomatic proposition."
"Let the witness answer," returned Richardson and Darrow together.
"The supreme court handed down an opinion on that question," said Borah.
"No, it didn't," exclaimed the two leading attorneys in chorus.
"The supreme court refused to go into a discussion of the legality of the defendants being brought from Colorado at all," said Richardson.
"Gentlemen, do not get into an examination," admonished Judge Wood.
The prospective juror said he did not remember reading such a statement by Senator Borah and did not think it would affect his course as a juror if he had.

Further questions by Richardson deducted the information that the talesman had formed an opinion in the case, but that his opinion was one that could be easily changed by evidence. Richardson asked a tiresome lot of questions regarding the opinion.
"In absence of evidence your opinion would influence you in arriving at a verdict?" asked the Denver attorney.
"My verdict would be for acquittal if there was no evidence of the defendant's guilt introduced."
Juror said he used to belong to the first carpenter's union in the city; he left the union at the time he moved onto a farm, not because of any trouble with the union. He had no objections to organized labor; he had never belonged to a citizens' alliance. He did not belong to the union for the purpose of combatting capital punishment.

WILLIAM D. HAYWOOD.

a conclusion as to the guilt or innocence of the accused nor as to the guilt or innocence of Harry Orchard. Juror said he could not sit in the trial of Orchard and render a fair and impartial verdict.

"How would the opinion effect you as a juror?"
"I would be prejudiced against that witness."

"Take your hand down away from your mouth and speak out so we can hear you," ordered Judge Wood, rather impatiently. The court reporter had several times requested the juror to speak louder.
"You know you don't have to believe all a witness says," asked Richardson.

"No, I thought I had to believe all they said," was the reply. "Well, I couldn't believe Orchard under oath," exclaimed the juror.

Richardson explained that it was not necessary for the juror to believe all any witness said. He said he merely had to follow the rules laid down by the court. The juror thought he could follow the rules providing the court did not order him to believe that one witness.

"Have you any prejudices against Democrats?"
"No."
"Of Socialists?"
"No."
"Do you attend church?"
"When I can."
"The same church Brother Borah

concordance with the law and evidence. "What are your politics?"
"I am for prohibition."
"You didn't vote for Borah, then?"
"Yes, I had—once."
"How long have you been a prohibitionist?"
"About 15 years."
"Before that?"
"I was a Republican."
"Borah didn't get here quick enough?"
"No, he was too young."
Juror said he had served before on a jury in a murder trial. It was some years ago in this county.
"Did you ever hold a public office?"
"I was a justice of the peace once."
"Have any cases before you?"
"Oh, yes, I had—once."
"You didn't hang the defendant at that time, did you?"
"No, and I didn't let him go Scott free, either."

The talesman in regard to speeches by the governor, said they had never influenced him; that he thought the governor had been unwise in making any speeches in reference to the case.
At this point a recess was taken until 2 o'clock.

Death of Judge Nugent.

Immediately after the roll of jurors in the box had been called at the opening of the afternoon session, Judge Wood stated that he was going to announce the death of Judge Edward Nugent. He spoke of the record of Judge Nugent as a member of the bar and an early judge of this district. He said that it would be his duty to conduct the funeral for his funeral and that proper resolutions should be drawn, adopted and spread upon the minutes of the court. He asked for opinions from members of the bar.

W. H. Hawley suggested that a committee on resolutions be named by the court and that court be adjourned this forenoon at the time of the funeral in respect for deceased.
Edgerton responded, coinciding with the suggestions of Mr. Hawley.

Judge Richards, who succeeded Judge Nugent on the bench, also spoke in approval of the suggestions.
Judge Wood appointed a committee on resolutions Judge Morgan, Judge Richards and General Frank Martin.

As a committee to arrange for the representation of the bar at the funeral of Judge Nugent the following were appointed: Frank Wiman, T. D. Cahalan, A. A. Fraser, James H. Hawley and Edgar Wilson.
The work of examining jurors was then taken up where left off.
"Do you read the paper?" asked Darrow.
"Do you wish to examine any other jurors for cause?" asked Judge Wood.

"Yes," replied the Chicago attorney, "we wish to question Mr. Henry."
Henry examined.

Mr. Darrow then reverted to D. W. Henry, at No. 5, who was questioned Tuesday as to certain conversations he had had with a man named Lovelace.
"Didn't you say to Lovelace," asked Mr. Darrow today, "that you thought Socialist and anarchism were the same things as devilism?"
"I told him," replied Henry, "that I had no use for Socialism, anarchism or devilism."
"Then you have a feeling of prejudice against Socialism?"
"No, I haven't."
"What made you say what you did to Lovelace?"
"I just said it to shut him up."

At this point Mr. Darrow asked permission of the court to call Lovelace as a witness on challenges for actual and implied bias against Henry. He said Lovelace had promised to be present at 2 o'clock.
R. Z. Lovelace was called by the clerk. He arose from the body of the room and came forward and took the witness chair after being sworn. As he took the chair, Mr. Hawley said:
"Under my observations it has not been a recent practice to examine a witness in open court in controversion of statements of a prospective juror under examination for cause."
"Have you the statute here," asked the court.
Mr. Hawley had not the law book but named the reference and the sheriff was instructed to get it from the juror's private library. Judge Wood excused the witness and asked:
"I do not see that there has been any material change in the statute from the old law. I think the witness may be examined in front of the juror."
"There is no objection to that," said Borah, "but I want to know what the record will show regarding the challenge."

The record showed it showed two separate challenges—one for implied bias and one for actual bias.
These must be considered separately, said Borah. There is no evidence shown in support of the challenge for implied bias. We accept the efficiency of either challenge. There are no grounds stated.
"What grounds are these challenges on," asked the court.
Darrow stated the general grounds for the implied bias challenge and also for actual bias.
Borah denied both challenges and asked for a ruling of the court.
Darrow was instructed to go on and examine the witness.

Lovelace said he had lived one year and five months in South Boise. He said he was an engineer and fireman for constructional work. He had been an engineer seven years. He had a family.
Lovelace said he knew D. W. Henry

questions the witness had reported the conversation to Mr. Workman. He admitted Workman was employed. He said he could not say whether he had reported to Workman the previous day. He said he was in the court room for the purpose of hearing the answers of various jurors to questions.

Working for Nothing.

"Who pays you for this work?" was asked.
"Nobody has yet."
"Who will pay you?"
"I don't know."
"Do you expect any pay?"
"I don't."
"How long have you been doing this work in getting prospective jurors' views?"

"That was the first I had done." Lovelace said he had talked with Henry 15 or 20 minutes. He could add nothing to what he had already said regarding what Henry had said. Witness was excused.

Borah then asked the juror: "Mr. Henry, you have heard Mr. Lovelace's statement. What do you say about it?"
"I merely told him of what one of the strikers at Pittsburg told me he had done there."

He said Lovelace brought up the conversation; that he had no recollection of telling Lovelace that the defendants must be connected with the murder of Steunenberg or they would not be under arrest.

In answer to Darrow's question, "What do you mean by 'radical'?" the juror replied:
"When a man says he can get out and kill off half a town in half a day I would call that a radical statement. Debs I call radical." (Laughter throughout the court room.)

In answer to direct question by Darrow, Henry admitted that he did say something to Lovelace to the effect that the defendants must have been mixed up in the crime in some way or they wouldn't have been arrested.
"I think that's all," answered Darrow.
"The court will allow the challenge," said Judge Wood.

Henry was Excused.

Henry was excused.

Goodall Called.

William Goodall, a rancher whose farm is near Eagle, was called to the sixth chair vacated by Henry. He had lived in Idaho 11 years, 10 years on his farm.
Goodall said he did not know Steunenberg. He said he was a trader of the Statesman; got the Unionist of Boise free, and had recently subscribed to the Appeal to Reason.
"Do you read that paper?" asked Borah.

"No, I don't."
"Have you discussed the case very much?"
"Oh, not much."
"Have you ever expressed an opinion regarding the case?"
"More than once."
"Yes, I think so."
"Have you discussed the matter lately?"

"Not long ago. A party visited me about two weeks ago."
"Come for the purpose of discussing the case?"
"I took it that way. He came to talk Socialism."
"Who was it?"
"Just a 'stranger'."
"Friend?"
"Just a good neighbor; yes, a friend."
"Did he express an opinion about the guilt or innocence of the defendant?"
"I think not."
"Did you?"
"No."
"Did either of you express an opinion about the merits of the case?"
"I think we both did."
Mr. Goodall said he had never formed an opinion regarding the guilt or innocence of the man on trial. He had no opinion that could not be changed by evidence. He thought, however, that his mind was not such as a juror should have to render a fair and impartial verdict. He said he had a feeling of prejudice of several years' standing.
"Since 1899?"
"Yes."

"Did you take any part in the troubles of 1899?"
"No."
"Any friends in that trouble?"
"No."
The talesman said he had formed an opinion during the Coeur d'Alene troubles that had prejudiced his mind to the extent that he believed no evidence could entirely remove.
Mr. Borah challenged the juror on the grounds of actual bias. Mr. Darrow asked the juror a few questions and stated the defense would not resist the challenge. Goodall was excused.

McGuffin the Next.

William H. McGuffin, a resident of Boise for 25 years, and feed dealer, was called to fill the vacant seat. He came here from Iowa where he lived on his father's farm.
In answer to Mr. Borah's questions the talesman said he knew former Governor Steunenberg only by sight. He said he read the Statesman, Capital News and several other papers. He had read part of one Appeal to Reason which had been thrown in his yard. He had read the paper off and on—not regularly. He said he was too busy to always read the news. Sometimes several days would elapse without his looking at a paper.
He had discussed the Moyer-Haywood-Pittsburg case to some extent. He did not know that he had ever expressed an opinion. He said he had

ing in," declared Mr. Darrow. Judge Wood overruled the objection as to the Orchard question, but Borah insisted that the defendant's guilt his question so as to read: "If Harry Orchard would testify, would that of itself prejudice you or cause you to entertain any bias against either side?"

Richardson objected but the objection was overruled and the defense preserved an exception.

Witness said he thought the fact that Orchard might be a witness would not prejudice him one way or another.
Juror was passed for cause by Mr. Borah.

Questioned by Mr. Darrow, McGuffin said he would presume the defendant innocent until he was proved guilty. McGuffin was accepted without challenge and the jury box was full.

Jury Box Filled.

There was a long and earnest conversation between the prisoner and his counsel before the defense announced that it finally accepted the challenge. The exercise of peremptory challenges was then begun.
Judge Wood announced that the application of William Rudge to be excused, offered during the morning session, would not be allowed. Rudge wanted to go for the reason that he was a road overseer and under bonds to the county. The court concluded he was not exempt from jury service on those grounds.

After a long discussion the attorney for the defense stated they did not care to make any further examinations for cause. The first peremptory challenge of the state was then used.
"We excuse Mr. Van Orsdale," announced Mr. Borah.

Rancher Called.

F. Maw was called to chair No. 2 and Mr. Borah began the examination.

Maw said he was a rancher. He did not know Steunenberg, but he had read the account of the murder in the local papers. He had heard the case discussed. Several persons had stated what they purported to be the facts regarding the case. He said he had never expressed an opinion. He had no bias or prejudice toward the defendant. He was not opposed to capital punishment. He was to some extent opposed to circumstantial evidence in a murder trial but could be guided by the court's instructions regarding the value of such evidence. He said he had never belonged to any labor union, had never lived in a mining camp. He said he was not opposed to labor organizations "if they kept their place." He was passed for cause after a very short examination.

Mr. Darrow took up the examination.
"Maw said he was 28 years old and a married man. He had had a home of his own for five years. He had lived in Idaho about six years. He was engaged in general farming."
"What's your politics?"
"I have no regular politics; I lean toward the Democrats."
"How about religion?"
"I don't pretend to have any."

He said he belonged to the Modern Woodmen. Asked in regard to his seeming apathy to labor unions he said he had worked at carpenter work at one time where union men were employed. He had been talked to about labor unions at great length and had read about them. He said he had been impressed that unions did not always keep their place—that they kicked up some unnecessary trouble. They were all right if rightly managed. He wouldn't count labor unions as far as their principles were concerned.
"Have you got a strong prejudice against labor unions?"
"Yes sir."
"You don't believe in them at all?"
"Oh, yes, I do, to a certain extent."
"Are you against all labor unions?"
"By no means."

He said the fact that Hayward was a member of the Western Federation of Miners did not prejudice him against the accused, but he was prejudiced against the Western Federation as an organization. The death of Steunenberg had caused his prejudice to some extent.
On close questioning he said his mind might have been affected some because of the defendant's connection with the Western Federation.
Question of Memory.
Maw said his father had expressed an opinion regarding the murder, about a year ago, but didn't know what his father's opinion was now. He had not talked with him in over a year.
"Did you have an opinion at that time?"
"I had some sort of an opinion that I supposed was correct."
"Do you know what it was?"
"I don't remember; it was quite a while ago."
Maw said he remembered his father's opinion of a year ago, but could not say what his own opinion was at that time.
He had talked with neighbors about the case but had never voiced an opinion of his own regarding the guilt or innocence of the accused.
"Have you an opinion right now as to whether defendant is or is not guilty?"
After deep thought Maw replied slowly:
"Why, I presume I have such an opinion. He must be one of the

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The Western Federation of Miners was an organization. During those days the juror said he was working by the day and took no papers—had little time to read.

Read the News.

After the governor's death, the juror said, he read the Capital News regularly. He was a regular subscriber and read every issue. He said the Western Federation of Miners was responsible for the murder but said that he never had much faith in what he saw in the paper.

The murder, he said, was not particularly a matter of great discussion in South Boise.

There was some excitement right at first," he said, "but it soon quieted down." He didn't think that the arrest of Mayer, Haywood and Pettibone added very much fuel to the blaze of excitement. He didn't pay much attention to the statements made by McParland and took little stock in them any way.

After the confession of Orchard, he said, he came to a conclusion, but not

that the defendants must have been mixed up in the crime in some way or they wouldn't have been arrested.

"I think that's all," answered Darrow.

"The court will allow the challenge," said Judge Wood.

Henry was excused.

Goodall Called.

William Goodall, a rancher whose farm is near Eagle, was called to the stand by Henry. He had lived in Idaho 11 years, 10 years on his farm.

Goodall said he did not know Steunenberg. He said he was a reader of the Capital News and had never subscribed to the Appeal to Reason.

"Do you read that paper?" asked Borah.

"All I want to."

"Have you discussed the case very much?"

"Oh, not much."

"Have you ever expressed an opinion regarding the case?"

"Oh, yes."

"-On any one?"

"-Yes, I think so."

"Have you discussed the matter lately?"

"Not long ago. A party visited me about two weeks ago."

"-Came for the purpose of discussing the case?"

"-I took it that way. He came to talk Socialism."

"-Who was it?"

"-I don't know."

"-Friend?"

"-Just a good neighbor. Yes, a friend."

"Did he express an opinion about the guilt or innocence of the defendant?"

"I think not."

"Did you?"

"No."

"Did either of you express an opinion on the merits of the case?"

"I think we both did."

Mr. Goodall said he had never formed an opinion regarding the guilt or innocence of the man on trial. He was changed by the evidence. He thought, however, that his mind was not such as a juror should have to render a fair and impartial verdict. He said he had a feeling of prejudice of several years' standing.

"-Yes, sir."

"Did you take any part in the troubles of 1899?"

"No, sir."

"-Any friends in that trouble?"

"No."

The spokesman said he had formed an opinion during the Coeur d'Alene troubles that had prejudiced his mind to the extent that he believed no evidence could entirely remove it.

Mr. Borah challenged the juror on the grounds of actual bias. Mr. Darrow asked the juror a few questions and stated the defense would not resist the challenge. Goodall was excused.

Journal this forenoon at the time of the funeral in respect for deceased.

Edgar Wilson responded, coinciding with the suggestions of Mr. Hawley.

Judge Richards, who succeeded Judge Sweeney on the bench, also spoke in approval of the suggestions.

Judge Wood appointed as committee on resolutions Judge Morgan, Judge Richards and General Frank Martin.

A committee to arrange for the representation of the bar at the funeral of Judge Nugent the following were appointed: Frank Wyman, T. D. Cahalen, A. A. Fraser, James H. Hawley and Harry Wood.

The work of examining jurors was then taken up where left off.

"We pass Mr. Russell for cause," said Darrow.

"Do you wish to examine any other jurors for cause?" asked Judge Wood.

"Yes," replied the Chicago attorney. "We wish to question Mr. Henry."

Mr. Darrow then reverted to D. W. Henry, at No. 6, who was questioned Tuesday as to certain conversations he had had with a man named Lovelace.

"Didn't you say to Lovelace," asked Mr. Darrow today, "that you thought Socialism and anarchism were the same things as devilism?"

"I told him," replied Henry, "that I had no use for Socialism, anarchism or devilism."

"Then you have a feeling of prejudice against Socialism?"

"No, I haven't."

"No, you don't say what you did to Lovelace?"

"I just said it to shut him up."

At this point Mr. Darrow asked permission of the court to call Lovelace as a witness on challenges for actual and implied bias against Henry. Mr. Lovelace had promised to be present at 2 o'clock.

R. Z. Lovelace was called by the clerk. He arose from the body of the room and came forward and took the witness chair after being sworn. As he sat down, Mr. Hawley said:

"Under my observations it has not been a recent practice to examine a witness in open court in controversion of statements of a prospective juror under examination for cause."

"My verdict would be for acquittal if there was no evidence of the defendant's guilt introduced."

Juror said he used to belong to the first carpenter's union in the city; he left the union at the time he moved onto a farm, not because of any trouble with the union. He had no objections to organized labor; he had never belonged to a citizens' alliance. He had not joined the union for the purpose of combatting capital.

"What are your politics?" was asked.

"I am a Republican."

"If defendant is a Socialist, would that fact prejudice you against him?"

"No."

"You don't care what the defendant's social or political views are?"

"No."

"They would not influence you?"

"No."

Juror didn't hear Taft's speech but had read the speech in the Statesman.

"Did you endorse his views?" asked Richardson.

"I really don't remember what Taft said in the answer."

Regarding the governor's speeches Richardson asked:

"Did you read in the Statesman a speech in which the governor stated that the Western Federation of Miners was responsible for the loss by fire of the state university building at Moscow?"

The juror hesitated and finally answered: "I believe I did read something like that."

"Did it influence you?"

"No."

The juror was finally passed for cause by the defense and allowed to retain his seat in the seventh chair.

Attorney Richardson then passed to Samuel F. Russell, the gray-haired veteran in the last seat who had been passed by the state last Thursday.

"Where were you born?" asked Richardson.

"On a farm."

"Yes."

"Worked on a farm as a boy?"

"I mostly worked at splitting rails."

"Who with—your father, Lincoln?" asked Richardson. (Laughter.)

"No, sir, I split rails alone and I did a good job of it. I could beat Abe Lincoln all hollow at rail-splitting," was the reply that set the room in a roar.

Very Good Wife.

A few minutes later, in answer to questions by Richardson, Mr. Russell said that when he was a young man in Iowa he got married; that his wife went to teaching school.

"What did you do?" asked Richardson.

"Why, I spent the money."

"When order was restored Richardson continued:

"You have read in the papers about this case?"

"Well, not lately," was the reply.

"I suddenly began reading the papers about this case?"

"When was that?"

"I don't know," said in this jury box last Thursday.

Russell is known to further questions and he gave an opinion regarding the guilt or innocence of the accused. He said he had an opinion but that he was not sure of it. He said he was sure of it in his own mind.

an. Mr. Borah began the examination.

Maw said he was a rancher. He did not know Steunenberg. He had read the account of the murder in the local papers. He had heard the case discussed. Several persons had stated what they purported to be the facts regarding the case. He said he had never expressed an opinion. He had no bias or prejudice toward any defendant. He was not opposed to capital punishment. He was to some extent opposed to circumstantial evidence in a murder trial but could be guided by the court's instructions regarding the value of such evidence. He said he had never belonged to any labor union, had never lived in a mining camp. He said he was not opposed to labor organizations "if they kept their place." He was passed for cause after a very short examination.

Mr. Darrow took up the examination.

Maw said he was 28 years old and a married man. He had had a home of his own for five years. He had lived in Idaho about six years. He was engaged in general farming.

"What's your politics?"

"I have no regular politics; I lean toward the Democrats."

"How about religion?"

"I don't profess to have any."

He said he belonged to the Modern Woodmen. Asked in regard to his seeming apathy to labor unions he said he had worked at carpenter work at one time where union men were employed. He had been talked to about labor unions at great deal and had read about them. He said he had been impressed that unions did not always keep their place—that they kicked up some unnecessary trouble. They were all right if rightly managed. He wouldn't condemn labor unions as far as their principles were concerned.

"Have you got a strong prejudice against labor unions?"

"Yes."

"You don't believe in them at all?"

"Oh, yes, I do, to a certain extent."

"Are you against all labor unions?"

"By no means."

By no means. He said the fact that Haywood was a member of the Western Federation of Miners did not prejudice him against the accused, but he was prejudiced against the Western Federation of Miners as an organization. The death of Steunenberg had caused his prejudice, to some extent.

On close questioning he said his mind might have been affected some because of the defendant's connection with the Western Federation.

Question of Memory.

Maw said his father had expressed an opinion regarding the murder, about a year ago, but didn't know what opinion his father might have now. He had not talked with him in over a year.

"Did you have an opinion at that time?"

"I had some sort of an opinion then, I suppose."

"Do you know what it was?"

"I don't remember. It was quite a while ago."

Maw said he remembered his father's opinion of a year ago, but could not remember what his own opinion was at that time.

He had talked with neighbors about the case but had never voiced an opinion of his own regarding the guilt or innocence of the accused.

"Have you an opinion right now as to whether defendant is or is not guilty?"

After deep thought Maw replied slowly:

"Why, I presume I have such an opinion. He must be one of the two." (Laughter.)

"Have you an opinion as to which of the two is right?"

"No, sir."

Maw said his prejudice against the Western Federation of Miners did not extend to the officers of that organization.

"Have you any litigation in court?"

"Yes, you."

"What, you? I know of. I belong to an irrigation district that is having some proceedings."

"In court?"

"Why, I guess so."

"Don't you know?"

"No, I do not; I have taken no part in the proceedings personally. I expect I'll have to pay part of the bill."

"Who are your attorneys in those proceedings?"

"Mr. Cavanaugh is one of them."

"Mr. Borah?"

"I don't think so."

"They are partners, are they not?"

"I don't know; I never heard they were."

Some further questions were asked by Darrow and then he stated that he had about finished the examination, but as it was near closing time, he desired to refrain from passing upon the juror unless examination until the next session in case some might object. He said to ask a few additional questions.

After the jury had been excused Judge Wood announced that the funeral of Judge Nugent would be held at 10 o'clock in the morning and he instructed the sheriff to adjourn court until 2 o'clock this afternoon.

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WILLIAM D. HAYWOOD.

a conclusion as to the guilt or innocence of the accused nor as to the guilt or innocence of Harry Goodall.

Juror said he would not sit in the trial of Orchard and render a fair and impartial verdict.

"How would the opinion affect you as a juror?"

"I would be prejudiced against that witness."

"Take your hand down away from your mouth and speak out so we can hear you," ordered Judge Wood, rather impatiently. The court reporter had several times requested the juror to speak louder.

"You know you don't have to believe all a witness says," asked Richardson.

"No, I thought I had to believe all they said," was the reply. "Well, I couldn't believe Orchard under oath."

Richardson explained that it was not necessary for the juror to believe all any witness said. He said he merely had to follow the rules laid down by the court. The juror thought he could follow the rules providing the court did not order him to believe that one witness.

"Have you any prejudice against Democrats?"

"No."

"Of Socialists?"

"No."

"Do you attend church?"

"When I can."

"The same church Brother Borah attends?"

"I think not."

"Haven't seen him there lately?"

"No."

"Nor Mr. Haasby?"

"No."

Juror said he belonged to no union labor organization. He didn't belong to a citizens' alliance. He had one time, 16 years ago, served as a juror in a murder trial.

Taft's speech in Boise last fall had no influence over him. He had no recollection of reading Governor Goodell's speech at Cullendale. He said the governor's views would have no influence over him. He had read part of the governor's message to the last legislature but not that part regarding the Steunenberg case. The juror was passed by the defense for cause.

Challenged by Borah.

Senator Borah asked permission to reopen the examination of the juror by the state for cause.

"I understood you to say," asked Borah, "that you have a deep-seated prejudice against any testimony that Orchard might give in the case?"

"I couldn't help it."

"We challenge this juror for direct bias," announced Borah.

"We resist," exclaimed Richardson.

"The juror has a perfect right to a bias against any particular line of testimony."

"The challenge is allowed," ruled the court. "Call another juror."

Kempner Excused.

R. M. Kempner, a farmer residing on the bench, was called to chair No. 11. Mr. Borah began to examine him. Kempner said he had been a resident of Ada county about five years. He was here at the time of the mur-

der.

Mr. Borah interrupted: "That is an axiomatic proposition."

"Let the witness answer," returned Richardson and Darrow together.

The supreme court handed down an opinion on that question," said Borah.

"No, it didn't," exclaimed the two leading attorneys in chorus.

"The supreme court refused to go into a discussion of the legitimacy of the defendants being brought from Colorado at all," said Richardson.

"Gentlemen, go on with the examination," just said it by Judge Wood.

The prospective juror said he did not remember of reading such a statement by Senator Borah and did not think it would affect his course as a juror if he had.

Further questions by Richardson deducted the information that the spokesman had formed an opinion in the case, but that his opinion was one that could be easily changed by evidence. Richardson asked a tiresome lot of questions regarding the opinion.

"In absence of evidence your opinion would influence you in arriving at a verdict," asked the Denver attorney.

"My verdict would be for acquittal if there was no evidence of the defendant's guilt introduced."

Juror said he used to belong to the first carpenter's union in the city; he left the union at the time he moved onto a farm, not because of any trouble with the union. He had no objections to organized labor; he had never belonged to a citizens' alliance. He had not joined the union for the purpose of combatting capital.

"What are your politics?" was asked.

"I am a Republican."

"If defendant is a Socialist, would that fact prejudice you against him?"

"No."

"You don't care what the defendant's social or political views are?"

"No."

"They would not influence you?"

"No."

Juror didn't hear Taft's speech but had read the speech in the Statesman.

"Did you endorse his views?" asked Richardson.

"I really don't remember what Taft said in the answer."

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The juror hesitated and finally answered: "I believe I did read something like that."

"Did it influence you?"

"No."

The juror was finally passed for cause by the defense and allowed to retain his seat in the seventh chair.

Attorney Richardson then passed to Samuel F. Russell, the gray-haired veteran in the last seat who had been passed by the state last Thursday.

"Where were you born?" asked Richardson.

"On a farm."

"Yes."

"Worked on a farm as a boy?"

"I mostly worked at splitting rails."

"Who with—your father, Lincoln?" asked Richardson. (Laughter.)

"No, sir, I split rails alone and I did a good job of it. I could beat Abe Lincoln all hollow at rail-splitting," was the reply that set the room in a roar.

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"What did you do?" asked Richardson.

"Why, I spent the money."

"When order was restored Richardson continued:

"You have read in the papers about this case?"

"Well, not lately," was the reply.

"I suddenly began reading the papers about this case?"

"When was that?"

"I don't know," said in this jury box last Thursday.

Russell is known to further questions and he gave an opinion regarding the guilt or innocence of the accused. He said he had an opinion but that he was not sure of it. He said he was sure of it in his own mind.

Justice Sweeney on the bench, also spoke in approval of the suggestions.

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A committee to arrange for the representation of the bar at the funeral of Judge Nugent the following were appointed: Frank Wyman, T. D. Cahalen, A. A. Fraser, James H. Hawley and Harry Wood.

The work of examining jurors was then taken up where left off.

"We pass Mr. Russell for cause," said Darrow.

"Do you wish to examine any other jurors for cause?" asked Judge Wood.

"Yes," replied the Chicago attorney. "We wish to question Mr. Henry."

Mr. Darrow then reverted to D. W. Henry, at No. 6, who was questioned Tuesday as to certain conversations he had had with a man named Lovelace.

"Didn't you say to Lovelace," asked Mr. Darrow today, "that you thought Socialism and anarchism were the same things as devilism?"

"I told him," replied Henry, "that I had no use for Socialism, anarchism or devilism."

"Then you have a feeling of prejudice against Socialism?"

"No, I haven't."

"No, you don't say what you did to Lovelace?"

"I just said it to shut him up."

At this point Mr. Darrow asked permission of the court to call Lovelace as a witness on challenges for actual and implied bias against Henry. Mr. Lovelace had promised to be present at 2 o'clock.

R. Z. Lovelace was called by the clerk. He arose from the body of the room and came forward and took the witness chair after being sworn. As he sat down, Mr. Hawley said:

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LITTLE PROGRESS MADE IN SECURING A JURY AB

Twelve Talesmen Examined Before Vacancy in Panel Is Filled.

DEFENSE USES FIRST PEREMPTORY CHALLENGE

Afternoon's Proceedings Dull and Uninteresting—Examination of Talesmen Monotonous and Temperature of Court Room Decidedly Uncomfortable—Allen Pride Excused by the Defense.

HOW THE JURY STANDS.

At the close of the proceedings in selecting a jury for the Haywood trial yesterday afternoon, there were but two changes from the list of jurors in the box the previous day. Joel Matthews now occupies seat No. 2 in the place of F. Maw, and Allen Pride, being excused on a peremptory challenge, Frank E. Madden now occupies the fifth chair. Here is the way they now stand:

- 1—A. L. Ewing.
- 2—Joel Matthews.
- 3—Samuel Gillman.
- 4—Walter Shaw.
- 5—Frank E. Madden.
- 6—William McGuffin.
- 7—G. H. McIntyre.
- 8—W. W. Rudge.
- 9—Oric Cole.
- 10—W. W. Busby.
- 11—A. P. Burnes.
- 12—Samuel Russell.

Frank Madden, in the fifth chair has not yet been examined for cause either by the prosecution or defense.

If the work accomplished at yesterday afternoon's session of the district court may be taken as an index of progress in proceedings from now on in selecting a jury for the trial of William D. Haywood it is not at all probable that a trial jury will be selected this week, and it now looks very probable that another special venire may be necessary before 12 men acceptable to both sides can be secured.

At the close of proceedings Wednesday 12 jurors had been accepted for cause and the state had used one peremptory challenge. F. Maw, called to sit in the second seat after the challenge, was excused on a challenge by the defense based on implied bias and then the following men after shorter or longer examinations were called, challenged and excused: John Henderlinder, E. M. Johnson, George Cole, Charles Mace, Milton Burnes, L. M. Campbell, James A. Pinney, J. E. Clinton, Jr., John Utter, A. V. Eichelberger.

Near the end of the afternoon Joel Matthews was finally passed for cause, after a long and careful examination by each side and the defense was called upon to exercise its first peremptory challenge. It was then close to 4:30 o'clock and Mr. Richardson, for the defense, asked that an adjournment be taken and the defense be given until this morning to state its challenge.

Judge Wood replied that, on account of there having been no forenoon session he had planned to keep court in session longer than usual in the afternoon.



SCENE IN JUDGE WOOD'S COURT.

Shows Judge Wood on the bench and jurors in box while attorneys are selecting men for the jury to sit in the trial of William D. Haywood.

NEWSPAPER MEN HAVE A TALK WITH HARRY ORCHARD

He Consents to Be Interviewed After Seventeen Months Silence—Pen Pushers Ask Him Many Questions.

"I have nothing in particular to say but I might say that anything I may have said I said of my own free will and accord after taking plenty of time to deliberate. There never was any force or coercion used at any time or any threats by word or deed. There have never been any promises made of any kind."—Statement made to newspaper men last evening by Harry Orchard.

by the court and was finally excused for the term.

Mr. Darrow stated that he wanted to ask Mr. Maw a few questions. Maw had been passed for cause by the state and had been examined for 20 minutes at the time court adjourned the previous day. Mr. Darrow, just before adjournment had said: "We pass juror for cause," and was interrupted by Richardson. They talked in whispers for a moment and then Darrow said the defense would not pass the juror for cause, at least until after being questioned further.

Maw, in answer to questions, said that he did not think he could sit in the trial and render a verdict entirely upon the evidence in the court room. He thought he would be influenced to a certain extent by outside matters. He was challenged on ground of implied bias.

"We shall deny the challenge, at least until we have asked a few questions," said Borah.

In answer to Borah's questions Maw said he had such a prejudice against labor unions that it would affect him in reaching a verdict, but he later said his prejudice toward labor unions did not extend to the defendant. Finally he said he was not qualified as a juror.

"We join in the challenge," announced Borah.

Henderlinder Excused.

Maw was excused and John Henderlinder a member of the jury and was

After a year and five months, Harry Orchard, the man upon whose testimony, supported if possible by substantial proofs in many respects, the state is relying in the prosecution of William D. Haywood, Charles H. Moyer and George A. Pettibone, on charge of the murder of former Governor Steunenberg, yesterday consented to be interviewed by news-

Governor Steunenberg and other crimes at 5 o'clock yesterday afternoon, but, through a misunderstanding between those who were arranging the matter, the larger party of news writers did not get to the state prison until nearly 8 o'clock. In the party were the following: Governor Gooding, Governor's Secretary Charles Elmer, C. N. Landon of the

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S FOR STATE NORMAL SCHOOLS

to Be Held in Boise.
Pocatello and Albion From
July 15 to August 23.

L INSTRUCTORS
ARE TO BE SECURED

Announcement of Ses-
sions at Albion—Competent
Instructor Being Secured for
School—Interesting
of Sessions.

Primary announcement has
out from Albion concerning
normal school work this sum-
mer provided by an act of the last
legislature. Schools are to be con-
ducted at Pocatello, Coeur d'Alene
and Lewiston. The announcement is of
interest to those interested in normal
school work. Schools are to be con-
ducted in the three cities from July
15 to August 23.

Along the normal at Albion a
announcement states that the
managers is doing its best
to secure the best talent obtainable
by members. Part of the
list has been selected and is as

George A. Axline, Albion State
School, conductor, education
work.

John W. Slaughter, Idaho
Academy, science and mathe-

Harry E. Ureh, Lewiston State
School, English.

W. C. Thompson, Albion State
School, history and civics.

W. E. Gustison, principal Lin-
coln, Boise, reviews, etc.

Instructor in primary methods,
drawing and elementary man-

aging and a lecturer on gen-
eral topics for two weeks
has yet been selected.

The announcement further states
that it is the intention to give a
course in reviews for those
especially desire this work.

By all of the members of the
committee will assist in the work. This
will embrace reviews in all of
the subjects required in the state
examinations. No one
is expected to take this course
concurrently.

It is believed that in this sum-
mer work, the teachers should
do something more than the
view work, "culture courses"
are provided which it is be-
lieved will give teachers a broader
view of the work which can be received in the re-
gion. Special courses will be
given in English as outlined in the
announcements. In addition,

be entitled to a certificate of credit in
the subject thus completed.

Regular students enrolled for work
in the various courses will be charged
a tuition fee of \$5. All fees are pay-
able upon the date of enrollment.

Special students by permission of
the conductor may secure the privi-
leges of special lectures and culture
courses. For this privilege a fee of
\$2 will be charged.

Information concerning the cost of
board and rooms may be secured by
Addressing President George A. Ax-
line of Albion, Idaho, concerning the
summer school at Pocatello; President
George H. Black of Lewiston, Idaho,
concerning the summer school at
Coeur d'Alene, and Superintendent J.
E. Williamson, Boise, Idaho, concern-
ing the summer school at Boise.

LITTLE PROGRESS IN SECURING A JURY

(Continued from Page One.)

in regard to the guilt or innocence of
the defendant.

Richardson asked a few questions
and then announced that the defense
would admit the challenge. Hender-
linder was excused.

Jackson Excused.

E. M. Jackson, a rancher down the
valley, was next called. He said he
had lived here about nine years. He
formerly lived near Kendrick and had
lived at times in Missouri and Kansas.
He said, in answer to Borah's ques-
tions, he had always been a farmer
and had never lived in a mining com-
munity.

Mr. Jackson said he had a speaking
acquaintance with former Governor
Steunenberg. He had read accounts
of the murder and subsequent events
in connection with the case in the
Statesman.

He said from what he had read and
from what he had heard he had
formed an opinion.

It was such an opinion that he did
not think he could set aside if chosen
as a juror. He thought it would in-
fluence him. It was an opinion that
would require very strong evidence to
remove.

"We challenge the juror for implied
bias," announced Borah.

"We admit the challenge," was
Richardson's response. The juror was
excused.

Also Had An Opinion.

George Cole, formerly of Nampa,
but a resident of this county for five
years, a real estate man, a rancher
and a groceryman in Idaho and once
a carpenter in New York city, next
took chair No. 2.

Juror said, in answer to questions
by Mr. Borah, that he had never be-
longed to a labor union. He said he
had known former Governor Steunen-
berg. He had read the Statesman
pretty faithfully. He had talked about
the case with friends to a certain ex-
tent.

Cole said he had formed an opinion
but not one that was positively fixed—
not an opinion that would prevent
him from coming to a fair and impar-
tial verdict.

The juror said he was in a measure
opposed to circumstantial evidence but
could consider it as directed to do by
court.

In answer to Richardson, Cole said

occupy the warmest seat in the jury
box.

Fixed Views.

William Burnes, a farmer in the
Boise valley, was the next juror to be
examined. Mr. Hawley asked the
questions for the prosecution.

Juror said he had talked about the
murder freely and had unreservedly
expressed his views regarding the
guilt or innocence of the accused. He
had read both the Statesman and the
Capital News. He said he had a fixed,
settled, unqualified opinion as to the
guilt or innocence of the accused.

"You now have a belief as to the
guilt or innocence of the defendant?"
"I have."

"It is an opinion which prejudices
you?"

"Yes, I have a prejudice."
Juror said he couldn't rid his mind
of his prejudicial opinion if selected
as a juror.

"Of course I'll do my best."

Hawley's challenge on implied bias
was admitted by defense. Juror was
excused and L. M. Campbell, a stu-
dious young man with slickly combed
hair, a high collar and gold-rimmed
nose glasses took the second chair.

Campbell said his business was real
estate and farming. He had done
more farming than real estate, but
had worked, he said, in Falk's store.
He said he had a real estate office in
the city.

He said he never had a personal ac-
quaintance with former Governor
Steunenberg. He did not know Hay-
wood or the co-defendants.

He had talked with friends about
the murder and had read the Gem
State Rural, Twin Falls News and the
Statesman. He read other papers oc-
casionally. The Unionist had been
sent to him irregularly. He said he
was not a subscriber to any Socialist
papers, but had read a few of them
that had been left at his office.

Juror said he had traveled a good
deal over the state on real estate busi-
ness.

"Where?" asked Hawley.
"All over between here and Pay-
ette."

Juror said he had formed an opin-
ion regarding the merits of the case.
It was a rather strong impression, he
said, but was not an impression that
he could not lay aside if chosen as a
juror and be governed solely by the
law and evidence in arriving at a ver-
dict. He said he had a certain preju-
dice or illwill against either side of
the case.

Objection to Questions.

"Have you a prejudice or illwill
against the defendants?"

"I have not."

"Is it against the prosecution then?"

"We object to that line of ques-
tioning," interrupted Darrow.

Mr. Hawley did not demand an an-
swer. He challenged the juror after
several other questions on grounds of
implied bias.

"We wish to question the juror be-
fore denying or admitting the chal-
lenge," said Edgar Wilson.

"Any impression you may have
would not govern you in making up
your verdict, would it? Is that right?"
asked Wilson.

"Yes sir."

"We deny the challenge," said Wil-
son.

"Any more questions to be asked?"
asked the court.

"We're ready for a ruling," said
Hawley.

Judge Wood sustained the challenge
and James A. Pinney, former mayor
of Boise, was called.

Pinney Excused.

Pinney said he had known Steunen-
berg well, had had some union busi-
ness dealings with the deceased man,

commit murder quicker than
else?"

"It's questionable what
that regard," was the answer.
"We admit the chal-
lence," announced Borah.

Joel Matthews, a tall, yel-
low haired man, who said he had
farmer all his life, was next
called.

He told Mr. Borah that he had
read the Capital News some,
some with his neighbors
case. He said he had never
an opinion regarding the
innocence of the accused.
He had been working hard
time and had read very
"gossiped hardly any."
no reason why he could not
case. He was passed for
state.

Mr. Wilson examined the
juror and said he came here from

"What are your political
views?"
"Well, I've always voted
Democratic ticket, generally."

He said he had not always
Missouri before coming to
Idaho.

"I went to Texas once."
"How long did you live
there?"
"Not very long."

"Well, how long?"
"Why, I went to one place
and stayed about three
months of the time I was
spent in getting back into
Idaho."

This juror had a very
pleasant way of giving his answers
and was well liked by the
spectators as well as the
court. He had a very
good humor.

After a thorough ques-
tioning was passed for cause by
the court.

"The next peremptory
challenge," announced the
court.

"It's now time for ad-
mission," said Mr. Richardson, "an
admission to all until morning
admission, exercising a peremptory
challenge."

Judge Wood said he had
extended the afternoon ses-
sion, but that there being no ad-
mission. The attorneys replied
that they had expected to get off
before and had made some engage-
ment with the court to use the
court and then court would adjourn.

Juror Pride in the fifth
excused and Frank E. Linder
called.

Court was the adjourn
at 6 o'clock this morning.

UNIVERSITY PLANS PROSPECTIVE

Architects Tourtellotte
are sending to prospectively
the construction work for
university building at Moscow
plans showing them what
be done and also to sever
a heating plant for the building.

Eighteen sets of blue
prints will be sent to contractors
in Seattle, Salt Lake, Lewiston,
Coeur d'Alene and contractors in
Boise to bid on the construction
work which bids are now being
received.

There are 27 blue prints
half by three and a half
plans for construction work
blue prints of the same
heating plant. Specifications
cover 150 typewritten pages
large number of plans is
the reason that the board
of the state university desires
much competition as possi-
ble in view of keeping the cost
down.

The bids are to be opened
by the executive committee of the
regents at Moscow June 15.

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be entitled to a certificate of credit in the subject thus completed.

Regular students enrolled for work in the various courses will be charged a tuition fee of \$6. All fees are payable upon the date of enrollment.

Special students by permission of the conductor may secure the privileges of special lectures and culture courses. For this privilege a fee of \$2 will be charged.

Information concerning the cost of board and rooms may be secured by Addressing President George A. Axline of Albion, Idaho, concerning the summer school at Pocatello; President George H. Black of Lewiston, Idaho, concerning the summer school at Coeur d'Alene, and Superintendent J. E. Williamson, Boise, Idaho, concerning the summer school at Boise.

LITTLE PROGRESS IN SECURING A JURY

(Continued from Page One.)

in regard to the guilt or innocence of the defendant.

Richardson asked a few questions and then announced that the defense would admit the challenge. Henderlinder was excused.

Jackson Excused.

E. M. Jackson, a rancher down the valley, was next called. He said he had lived here about nine years. He formerly lived near Kendrick and had lived at times in Missouri and Kansas. He said, in answer to Borah's questions, he had always been a farmer and had never lived in a mining community.

Mr. Jackson said he had a speaking acquaintance with former Governor Steunenberg. He had read accounts of the murder and subsequent events in connection with the case in the Statesman.

He said from what he had read and from what he had heard he had formed an opinion.

It was such an opinion that he did not think he could set aside if chosen as a juror. He thought it would influence him. It was an opinion that would require very strong evidence to remove.

"We challenge the juror for implied bias," announced Borah.

"We admit the challenge," was Richardson's response. The juror was excused.

Also Had An Opinion.

George Cole, formerly of Nampa, but a resident of this county for five years, a real estate man, a rancher and a groceryman in Idaho and once a carpenter in New York city, next took chair No. 2.

Juror said, in answer to questions by Mr. Borah, that he had never belonged to a labor union. He said he had known former Governor Steunenberg. He had read the Statesman pretty faithfully. He had talked about the case with friends to a certain extent.

Cole said he had formed an opinion but not one that was positively fixed—not an opinion that would prevent him from coming to a fair and impartial verdict.

The juror said he was in a measure opposed to circumstantial evidence but could consider it as directed to do by cause.

In answer to Richardson, Cole said

occupy the warmest seat in the jury box.

Fixed Views.

William Burnes, a farmer in the Boise valley, was the next juror to be examined. Mr. Hawley asked the questions for the prosecution.

Juror said he had talked about the murder freely and had unreservedly expressed his views regarding the guilt or innocence of the accused. He had read both the Statesman and the Capital News. He said he had a fixed, settled, unqualified opinion as to the guilt or innocence of the accused.

"You now have a belief as to the guilt or innocence of the defendant?"

"I have."

"It is an opinion which prejudices you?"

"Yes, I have a prejudice."
Juror said he couldn't rid his mind of his prejudicial opinion if selected as a juror.

"Of course I'll do my best."

Hawley's challenge on implied bias was admitted by defense. Juror was excused and L. M. Campbell, a studious young man with slickly combed hair, a high collar and gold-rimmed nose glasses took the second chair.

Campbell said his business was real estate and farming. He had done more farming than real estate, but had worked, he said, in Falk's store. He said he had a real estate office in the city.

He said he never had a personal acquaintance with former Governor Steunenberg. He did not know Hayward or the co-defendants.

He had talked with friends about the murder and had read the Gem State Rural, Twin Falls News and the Statesman. He read other papers occasionally. The Unionist had been sent to him irregularly. He said he was not a subscriber to any Socialist papers, but had read a few of them that had been left at his office.

Juror said he had traveled a good deal over the state on real estate business.

"Where?" asked Hawley.

"All over between here and Payette."

Juror said he had formed an opinion regarding the merits of the case. It was a rather strong impression, he said, but was not an impression that he could not lay aside if chosen as a juror and be governed solely by the law and evidence in arriving at a verdict. He said he had a certain prejudice or illwill against either side of the case.

Objection to Questions.

"Have you a prejudice or illwill against the defendants?"

"I have not."

"Is it against the prosecution then?"

"We object to that line of questioning," interrupted Darrow.

Mr. Hawley did not demand an answer. He challenged the juror after several other questions on grounds of implied bias.

"We wish to question the juror before denying or admitting the challenge," said Edgar Wilson.

"Any impression you may have would not govern you in making up your verdict, would it? Is that right?" asked Wilson.

"Yes sir."

"We deny the challenge," said Wilson.

"Any more questions to be asked?" asked the court.

"We're ready for a ruling," said Hawley.

Judge Wood sustained the challenge and James A. Pinney, former mayor of Boise, was called.

Pinney Excused.

Pinney said he had known Steunenberg well, had had some union business dealings with the deceased man,

commit murder quicker than anyone else?"

"It's questionable what I think in that regard," was the answer.

"We admit the challenge," announced Borah.

Joel Matthews, a tall, past-middle-aged man, who said he had been a farmer all his life, was next called.

He told Mr. Borah that he had read the Capital News some, had talked some with his neighbors about the case. He said he had never formed an opinion regarding the guilt or innocence of the accused. He said he had been working hard most of the time and had read very little and "gossiped hardly any." He knew of no reason why he could not sit in the case. He was passed for cause by the state.

Mr. Wilson examined the juror. He said he came here from Missouri.

"What are your politics?"

"Well, I've always voted the Democratic ticket, generally."

He said he had not always lived in Missouri before coming to Idaho.

"I went to Texas once," he said.

"How long did you live in Texas?"

"Not very long."

"Well, how long?"

"Why, I went to one place in Texas and stayed about three monthse. The rest of the time I was in Texas I spent in getting bac kinto Missouri."

This juror had a very droll manner of giving his answers and kept the spectators as well as the attorneys in very good humor.

After a thorough questioning he was passed for cause by the defense.

"The next peremptory rests with the defense," announced the court.

"It's now time for adjournment," said Mr. Richardson, "and we would like to wait until morning before exercising a peremptory, your honor."

Judge Wood said he had intended to extend the afternoon session on account of there being no morning session. The attorneys replied that they had expected to get off at 4:30 and had made some engagements. The court told the mto use their challenge and then court would adjourn.

Juror Pride in the fifth chair was excused and Frank E. Madden was called.

Court was the nadjourned until 10 o'clock this morning.

UNIVERSITY PLANS FOR PROSPECTIVE BIDDERS

Architects Tourtellotte & Hummell are sending to prospective bidders on the construction work for the new university building at Moscow, complete plans showing them what work is to be done and also to several firms for a heating plant for the building.

Eighteen sets of blue prints are to be sent to contractors at Portland, Seattle, Salt Lake, Lewiston and Moscow and contractors in Boise who will bid on the construction work, for which bids are now being advertised. There are 27 blue prints, two and a half by three and a half feet, in the plans for construction work and seven blue prints of the same size for a heating plant. Specifications for both cover 150 typewritten pages. Such a large number of plans is sent out for the reason that the board of regents of the state university desire to get as much competition as possible with the view of keeping the cost of construction down.

The bids are to be opened by the executive committee of the board of regents at Moscow June 11.

ELABORATE CEREMONIES

...eeks evidence to remove?
"In a measure, but I would put my opinion aside if I was called as a juror. I would stand by my oath to be governed entirely by the evidence."
"But your opinion would have some weight in coming to a verdict?"
"Perhaps."
"If you were on trial would you want a man on the jury with an opinion like your own?"
"Yes, if he was honest."
"Honest?"
"Yes sir."
"That leaves us, I suppose, to determine whether or not you are honest?"
"That's about it, I reckon."
"But you have an unqualified opinion?"
"I may have."
After a few more questions Mr. Richardson challenged the juror for implied bias.
State Denies Challenge.
Mr. Borah, before resisting the challenge, asked the juror a few questions. Juror said he was not prejudiced; he had an opinion—an impression—but not a fixed one.
"We deny the challenge," said Borah.
"Suppose you were sworn as a juror—what effect would any opinion you now hold have in arriving at your verdict?" asked Judge Wood.
"Not a particle," was the reply.
"I will deny the challenge," ruled the court.
Mr. Richardson then asked several more questions. Juror said he had an opinion which in the absence of evidence might affect his verdict.
"I submit, your honor," said Judge Wood, "that this man is not the kind of a juror we are entitled to in this case. He says he has an opinion that it would take evidence to remove."
The judge asked a few more questions. The juror said he was qualified as a juror along the lines he had been examined upon but that he did not think he was physically able to sit on the jury, having been an invalid for six years.
"He can't get any sympathy on his appearance," said Richardson, looking over the stocky figure and full, round, ruddy face of the juror.
"I know I don't look it but I've been a very sick man."
"Challenge the juror on account of his physical disability," shouted Richardson, and a roar of laughter followed his shout.
Suggestion By Court.
"You might examine the juror along that line," suggested the court. "It might save me the trouble of deciding how to rule on the other challenge." Richardson took the tip.
It developed that the juror had been very ill at intervals for six years when he had had a severe attack of erysipelas. He said he was liable to be taken down any time and hang up the jury if he was chosen.
On challenge by Richardson, supported by the prosecution, the juror was excused.
Charles Mace, another rancher, was the next juror to sit in chair No. 2, which had been warmed by four farmers up to that time. He answered the usual questions of the prosecution in an apparently satisfactory manner to Mr. Borah. He was passed by the state and turned over to Mr. Richardson.
Mace was under examination by Richardson for nearly half an hour. He said he had an opinion which would require strong evidence to remove. A challenge by the defense was opposed by counsel for the state, but sustained by Judge Wood.
"Step aside, Mr. Mace," ordered the court, and another man was called to

...Mr. Pinney said he had an unqualified opinion regarding the guilt or innocence of defendant.
He was immediately challenged by Hawley, the defense supporting the challenge, and was excused. He was in the chair less than three minutes.
Clinton Also Walks.
J. A. Clinton, Jr., was next called. He was examined very briefly by Mr. Borah and in answer to the fifth or sixth question said he had formed a fixed opinion regarding the guilt or innocence of the accused.
He was challenged for cause on the grounds of implied bias; the challenge was admitted, and Mr. Clinton was excused. He had been in the chair about two minutes.
John Utter of South Boise was next called. He answered most questions of Mr. Borah very satisfactorily and finally Borah asked:
"Do you know of any reason why you are not qualified to sit as a juror in this case?"
"I think I do."
"What is it?"
"Conscientious scruples."
"You are opposed to capital punishment?" asked Borah.
"I am where circumstantial evidence is the ground for conviction," was the reply.
Borah asked a few other questions to learn how strong juror's prejudice was and then challenged Utter on the ground of direct bias.
Mr. Wilson asked the prospective juror a few questions regarding his views of circumstantial evidence.
Utter Excused.
Utter claimed that no circumstantial evidence could ever move him to find a defendant guilty of murder, no matter how strong it was. He could on direct evidence, but he said:
"It would have to be all direct evidence."
Wilson finally announced: "We resist the challenge."
"You what?" asked Judge Wood, in a surprised tone.
"We resist the challenge," repeated Wilson.
"Well, the challenge is sustained," replied the judge. "You are excused, Mr. Utter."
A. V. Eichelberger, a rancher and fruit raiser, was next called. He answered the usual preliminary questions of the prosecutions as most of the jurors had answered before him. He said he had formed an opinion which might interfere with his arriving at a verdict entirely based on the evidence and law. He wasn't opposed to capital punishment of circumstantial evidence if it was of convincing nature.
He said he could give the defendant the benefit of a reasonable doubt but he was quite certain, he said, that he couldn't lay aside his opinion regarding the merits of the case. His opinion did not affect the prisoner personally. He approved of labor organizations.
"You may examine," said Borah, and Richardson asked immediately:
"Latter Day Socialists."
"What is the cause of your prejudice?"
"I have no use for latter-day Socialists."
"Latter-day Socialists," repeated Richardson, with the accent on the "day." "They have nothing in common with the Latter Day Saints, have they?"
"No sir; I believe not. What I mean is Debs-Socialists."
Richardson asked a few more questions and finally challenged the juror on grounds of direct bias.
Borah asked the juror this question:
"Do you think a Socialist would

MADRID, May 15.—The condition of Queen Victoria and Prince Alfonso is satisfactory. The prince will be christened May 18.
The representative of King Edward at the christening will be Prince Arthur of Connaught; Emperor William's representative will be Prince Frederick Leopold of Hohenzollern; the emperor of Austria will be represented by the Arch Duke Eugene of Austria, and the Duke of Oporto, brother of King Charles of Portugal, will represent the latter.
Active preparations are under way to make the ceremony equal in pomp and splendor to the wedding of King Alfonso and Queen Victoria. It is announced that 41 delegates will take part in the baptism ceremony.
The bulletin issued tonight declares the condition of Queen Victoria and Prince Alfonso to be most satisfactory.

MONTANA CONVICT RECEIVES A PARDON

HELENA, Mont., May 15.—Through the efforts of C. E. Bell, mayor of Marshall, Ill., and a boyhood friend of Seth Dix, convicted in June, 1901, of murder in the second degree, Governor Toole today pardoned Dix.
Four years ago Mr. Bell offered to come to Montana and try to secure a pardon if Dix paid his actual expenses. Through the sale of hair bridles, Dix secured the necessary sum and Bell arrived here Monday, looked up the facts and laid them before the governor who acted favorably.
Dix was convicted of the killing of Ben Davis at a roadhouse near Billings. Each man pulled a gun but Davis was a trifle slow and was shot dead.
Charged With Forgery.
NEW YORK, May 15.—A warrant charging forgery against one of the defendants in the case of George R. Scrugham, manager of the international policy holders' committee, Charles F. Carrington and Charles Stirrup, under arrest on a charge of conspiracy, will be asked by the prosecution, according to an announcement by Assistant District Attorney Smythe in court today.

Longshoremen's Strike.
NEW YORK, May 15.—Today 100 men from New England were put to work on South Brooklyn piers. The Prinz Eitel Frederick arrived from Kingston with 50 negroes, who had been added to the crew that they might do the work of stevedoring.
The scheduled sailings of steamers were made on time and according to the steamship officials, with nearly full cargoes.

Fruit Evaporator for Sale or Exchange.
The large Fruit Evaporator at Weiser, 26 tons per day capacity. Largest in state. Cost \$10,000. Will sell at a bargain on easy terms, or will exchange for farm, town or other property in state. Apply to Gooding & Fuller, Weiser, or Alfred Eoff, Boise.
Woman's Exchange Specialties.
A la carte breakfasts every day. Luncheons week days, only 35 cents. Tea service week days, 3 to 9:30 P. M.
Cooked foods always on sale. Basement of First National Bank. MRS. J. C. DRESSLER, Manager.
Dolan's for oysters and fish.

ATTORNEYS IN HAYWOOD TRIAL ARE INVITED TO GIVE THEIR OPINIONS IN MATTER

INVESTIGATION BY COUNTY ATTORNEY

Judge Wood Calls Attention
to Stories in The
Statesman.

ATTORNEYS FOR DEFENSE
MAKE STRONG CHARGES

Senator Borah Maintains if In-
jury Has Been Done It Is to
Prosecution and Not to De-
fense—No Intent to Influence
Probable Jurors—Matter Ar-
gued in Absence of Jury and
Defendant — Routine Pro-
ceedings Resumed.

None of the newspaper men who
attended the proceedings in the dis-
trict court yesterday had any cause to
complain that the session of the fore-
noon was monotonous, dull, tiresome,
lacked life or was devoid of features
that would make a good story.

Right from the start there were
things doing and the excitement start-
ed immediately after the court had
convened and the minutes of the previ-
ous session had been read and ap-
proved. It was before the jurors in
the box had been brought in and be-
fore the defendant was brought up.
The excitement lasted just an hour—
from 10 o'clock until 11 o'clock—and

county attorney may play a prominent
part.

It was all over the interview that
certain newspaper men had with
Harry Orchard and the ball was op-
ened when Judge Fremont Wood an-
nounced that he had read in the morn-
ing paper several articles concerning
an interview with the state's most im-
portant witness against the defend-
ant.

Judge Wood declared the publica-
tions were highly improper, coming
as they did during the empanelling of
a jury. He invited an expression from
the attorneys and the attorneys were
not slow in accepting the invitation to
speak. The remarks that were made,
as taken from the special court stenog-
rapher's notes, were as follows:

Judge Wood's Criticisms.

The Court—My attention has been
called this morning to the reading of
the morning paper (not by anyone
representing either side here) to an
article or series of articles published
in the morning paper relating perhaps
to what may be a phase of this case,
and when I instructed the jurors in
this case who had been summoned
here and who had not been examined
as to their qualifications not to talk
in relation to this case and not per-
mit anyone to talk with them, I per-
haps overlooked instructing them or
requesting them that they should not
read at least the local daily papers or
read anything in reference to this
case. But I overlooked that and this
morning there appears something in
the papers that appears to the court,
perhaps not an attempt, but as these
presented is calculated to influence
the jurors that have not been called
in this case; and it occurs to the court
that something has got to be done to
prevent a recurrence of this in the fu-
ture in order to get a jury in this case.
I am going to ask now either side
for any suggestions they may have to
make in relation to this matter. The
court very much questions the prop-
riety of these publications with this
case on and with these jurors subject
to examination.

Hawley's Remarks.

Mr. Hawley—So far as we are con-
cerned, if your honor please, on the
part of the prosecution we are now
and always have been bitterly opposed
to anything being published in the
newspapers that would forestall or
prejudice or bias either for or against
the defendant, and we regret exceed-
ingly that the zeal of the newspaper
men sometimes prompts them to over-
step those boundaries. As to how we
could prevent this or how the court
could without it was done by the court
making a personal request is some-
what of a doubt in my mind. That it
should be done, I have no doubt in
the world, and so far as counsel are
concerned—

The Court—If it is done to pre-
judice the case, it is not proper.

HOW THE JURY STANDS.

At the close of proceedings
yesterday in the district court
the following jurors occupied
the 12 chairs:

- 1—Thomas B. Gess.
- 2—Isaac Bedell.
- 3—Samuel Gilman.
- 4—Walter Shaw.
- 5—George Gribble.
- 6—William McGuffin.
- 7—G. H. McIntyre.
- 8—W. W. Rudge.
- 9—Oric Cole.
- 10—John Fisher.
- 11—A. P. Burnes.
- 12—Samuel Russell.

During yesterday the defense
used its second peremptory
challenge in excusing W. W.
Bisby in the tenth chair and
the prosecution used its sec-
ond and third peremptory
challenges in excusing A. L.
Ewing from the first and Joel
Matthews from the second
chair. Jurors examined yester-
day and excused on challenges
for cause were as follows: By
prosecution, R. E. Madden (5),
James A. Williams (5), Reilly
Atkinson (5), Edward L. Mil-
ler (10), Amos Prosser (10);
by defense: Mont. Oliver (5),
J. F. Koelsch (10).

The last juror to be called
was Isaac Bedell. He had been
passed for cause by the prose-
cution at the close of proceed-
ings, but had not been exam-
ined by the defense.

If the request of the court is not suf-
ficient, it strikes me that the power of
the court might be exerted in order
to prevent a recurrence of any matter
that would cause prejudice. I am not
speaking of any particular publica-
tion this morning because I have not
read the accounts in the papers this
morning. I haven't had time even to
read anything except merely the head-
lines of the telegraph news. I want
to say generally on the part of the
prosecution that we heartily assent—
we have been attempting to prevent
the opinion of any juror from being
forestalled and would heartily assent
to any method that the court might
adopt to prevent this.

The Court—There is what purports
to be a signed interview or a signed
statement of two newspaper men, and
in addition to that there is what pur-
ports to be an interview from the chief
executive of the state given out at the
same time.

Mr. Hawley—That, if your honor
please, I know nothing about. I have

ceedings Resumed.

None of the newspaper men who attended the proceedings in the district court yesterday had any cause to complain that the session of the forenoon was monotonous, dull, tiresome, lacked life or was devoid of features that would make a good story.

Right from the start there were things doing and the excitement started immediately after the court had convened and the minutes of the previous session had been read and approved. It was before the jurors in the box had been brought in and before the defendant was brought up. The excitement lasted just an hour—from 10 o'clock until 11 o'clock—and the court and the leading attorneys for each side all had a hand in the program.

While it was all very exciting it was not at all stages an entertainment which the newspaper men seemed to enter into with a spirit of bubbling-over hilarity. But it was a proceeding that certainly deeply concerned most of the newspaper men and the course of events was watched with close attention by every pencil pusher in the room. They are still interested for it is understood that there may be another chapter to the story in which the

court very much questions the propriety of these publications with this case on and with these jurors subject to examination.

Hawley's Remarks.

Mr. Hawley—So far as we are concerned, if your honor please, on the part of the prosecution we are now and always have been bitterly opposed to anything being published in the newspapers that would forestall or prejudice or bias either for or against the defendant, and we regret exceedingly that the zeal of the newspaper men sometimes prompts them to overstep those boundaries. As to how we could prevent this or how the court could without it was done by the court making a personal request is somewhat of a doubt in my mind. That it should be done, I have no doubt in the world, and so far as counsel are concerned—

The Court—If it is done to prejudice these jurors, there is a way to reach it.

Mr. Hawley—I think the parties, in that event, would be guilty of contempt—the same as a thing that occurred this morning. I understand expressions have been used by others in the presence of jurors, not perhaps with reference to guilt or innocence, but that would be calculated to create a wrong impression done apparently purposely. Any of these things, it seems to me, that are done would really be a contempt of the court, that is liable to prejudice and all that, and

to prevent a recurrence of any matter that would cause prejudice. I am not speaking of any particular publication this morning because I have not read the accounts in the papers this morning. I haven't had time even to read anything except merely the headlines of the telegraph news. I want to say generally on the part of the prosecution that we heartily assent—we have been attempting to prevent the opinion of any juror from being forestalled and would heartily assent to any method that the court might adopt to prevent this.

The Court—There is what purports to be a signed interview or a signed statement of two newspaper men, and in addition to that there is what purports to be an interview from the chief executive of the state given out at the same time.

Mr. Hawley—That, if your honor please, I know nothing about. I have not read the paper this morning, as I said, except the headlines. Any interview at this time on the part of anyone, affecting or that might affect this case in any shape, form or manner, would not be proper and would not be indorsed by the prosecution in any way, any more than would an interview or any article published that would tend to prejudice against us.

Mr. Richardson—If your honor please, we don't know and we don't say that anything that has appeared

(Continued on Page Six.)



AT THE TABLE OF THE DEFENSE.

This is a court room scene taken during the examination of jurors. It shows the group of attorneys for the defense. Defendant Haywood is in the center of the picture and there are good views of Attorneys Richardson and Barrow.

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(Continued From Page One.)

in the morning newspapers has come from those who are conducting the prosecution here in this court room. But it is very obvious—and the presence of the jury alone compels me to refrain from saying what I otherwise would if the jury were not here.

Jurors Excused.

The Court—Excuse me just a moment. The court will excuse all the jurors who have not been examined in this case from further attendance upon this court until 11 o'clock. I will ask you all to retire from the court room. I will ask you to all come in promptly at 11 o'clock.

The jurors all retired from the court room.

Mr. Richardson—If your honor please, now that the jury is excused, I may say, I think, what I would like to have said or what I suggested that I would like to have said, and in so doing I want, in the first place, to exonerate counsel for the prosecution from any participation in the matters which occurred yesterday, but I shall nevertheless speak, I think, with some vigor upon what did occur. For a period of more than 15 months Mr. Orchard has been incarcerated in the penitentiary in this state and secluded from all observers so far as possible and guarded in every possible way to prevent any communication with the outside. It occurred in the examination of one of the jurors here, I think day before yesterday—I am quite certain it was day before yesterday—that there was some question as to the amount of credence which would be placed upon the testimony of Mr. Orchard. The governor of this state, who has done things which have been questioned throughout the entire United States, if not the civilized world, having the supreme charge of the penitentiary of this state, and his appointee, Mr. Warden Whitney, who has at all times been his subservient and agreeable adviser and alder in all that he has done, took the newspaper men, all the entire newspaper fraternity—I said the "entire," I take back part of that—he took the Associated Press representatives and that particular portion of the newspaper fraternity who are reporting this case agreeably and colorably upon the side of the prosecution, to the penitentiary yesterday to interview Harry Orchard. It is as patent as the fact that I stand here that it was done for the express purpose of influencing these jurymen for the purpose of rehabilitating Mr. Orchard; for the purpose of giving him credibility in the eyes of this jury and in the eyes of the world, and it was a dastardly outrage upon this defense, if your honor please, and whatever steps this court may take to protect itself or to protect these jurors or to protect this defendant in having a fair and impartial trial, which the constitution guarantees to him, will be seconded by every effort that the defense can maintain. Now, in saying this, I want to say that counsel for prosecution—and we have watched them closely, and if they think that they are doing anything that we don't know about they are very much mistaken—have had no part or parcel in this matter; and I call upon them to denounce what was done yesterday and to denounce the action of the governor of this state and of the warden of the penitentiary as strongly as we denounce it. If your honor please, with respect to this, I haven't had any time to consult with my associate this morning upon the subject, since he got down rather late this morning, and I would like to have your honor hear him also about what he has to say about it. I am informed he has not read the paper until just this morn-

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Sends for Koelsch.

The Court—Excuse me a moment, Mr. Darrow. Mr. Sheriff, I wish you would telephone Mr. Koelsch to come into the court room.

Mr. Darrow (continuing)—I was going to suggest, your honor, that we want our substantial rights saved so far as we can. To condemn this thing or that thing or the other thing perhaps amounts to little. I haven't really thought of this enough to know what we ought to do. It might be possible, on considering it, that we would feel as if the case ought not to be tried at this time, although we have gone to work at great expense and with as much care as we could to prepare for this trial and want to finish it. But we are entitled to have a fair and impartial jury. We are entitled to try this case in this court room by witnesses who meet their accuser face to face and who are subjected to cross-examination, and I had thought every effort was being made in that direc-

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Newspaper Responsibility.

Mr. Darrow—But of course there may not be one of those jurors left when we get through, and it is the same thing to influence a juror who is subpoenaed here, whose attendance is asked for, and it is pretty near the same thing to influence anybody in this county who may possibly be called, and we know anybody might be called. Of course there was one case that came before your honor where some person talked with a prospective juror, whom your honor promptly sent for, and anything that any individual can do is nothing compared with what a newspaper does when it is placed promptly in the hands of every individual in the community. Now, I think the court has a full conception of this matter and I am perfectly satisfied at this time to leave it with the court.

Mr. Hawley—If your honor please, since this discussion first commenced I have for the first time read this article. I think, if your honor please, while I regret this matter exceedingly I think that there is a considerable of a misapprehension upon the part of the defense, and possibly on the part of the court.

The Court—There are several articles there, Mr. Hawley.

Mr. Hawley—I have only read the one article, "Harry Orchard as he Appears and Talks Today."

The Court—There are several there.

Publications for Defense.

Mr. Hawley—I haven't read them, except what alleges to be an interview with the governor in regard to the matter. It has been since the inception of this case a matter of extreme regret to the attorneys for the prosecution that much has been said which would forestall public opinion. I think the local papers have had less to do with this kind of matter than the other papers that are published in other places. We have been met with this condition of affairs, that all kinds of reports absolutely unfounded, in fact to a very large extent have been circulated in the press. There has been seemingly in the interest of the defense, not by the consent I imagine of counsel for the defense in any way, a constant circulation of news-

this matter; and I call upon them to denounce what was done yesterday and to denounce the action of the governor of this state and of the warden of the penitentiary as strongly as we denounce it. If your honor please, with respect to this, I haven't had any time to consult with my associate this morning upon the subject, since he got down rather late this morning, and I would like to have your honor hear him also about what he has to say about it. I am informed he has not read the paper until just this present moment, and he will probably have something to say with respect to it.

The Court—I want to hear from both sides fully.

Governor's Interview.

Mr. Richardson—Of course it is unnecessary for me to say that here is a purported interview with the governor of this state as to what he has done with respect to the credence to be given this testimony, if your honor please, and what he has got this man to say or what he has said. If not in his presence, in the presence of his warden with he himself sitting in an adjoining room, with respect to the testimony and the credence which shall be placed upon it in this case, what rewards and punishment which are promised, or which has not been promised, as the case may be, all of which was down for the purpose of rehabilitating, as I said before, this main witness that the prosecution relies upon to secure a conviction of this defendant. If it was not entirely patent to the whole civilized world that the governor of this state never in-

possible, on concerning a public opinion. I think the local papers have had less to do with this kind of matter than the other papers that are published in other places. We have been met with this condition of affairs, that all kinds of reports absolutely unfounded, in fact to a very large extent have been circulated in the press. There has been seemingly in the interest of the defense, not by the consent I imagine of counsel for the defense in any way, a constant circulation of papers throughout this county unsolicited by those who have received them, a systematic effort to malign the prosecution, to raise a wrong impression in regard to the object of the prosecution, on the part of the community and to misstate what purported to be evidence or would be evidence in regard to this matter. Notably, however, those papers, in speaking of this particular witness, spread broadcast throughout the country, and intentionally, without a doubt—I absolve counsel from the defense from having anything to do with that—the condition of the particular witness who has been referred to in the paper this morning. We have not desired nor have we tried to retaliate nor to do anything that would affect public opinion. But, on the contrary, on the part of the prosecution, we have at all times, although these things were being done, although this injury was being worked, although public opinion was being forestalled in this absolutely unwarranted way, refrained from anything which upon our side might be construed as affecting public opinion. We know that there are parties connected with the defense, not as counsel but whose sympathies are with the defense, who have taken pains to talk in the presence of prospective jurymen in reference to matters which would absolutely and naturally prejudice those jurors, leave an impression upon their minds that the subject matter of the prosecution was connected with this case, and thus poison their minds to a certain extent. Such an occurrence, so I am informed by an officer of this court, happened this morning on the ground of this court house where a party whose sympathies are well known as being absolutely with the defense took occasion to speak to another party whose sympathies are absolutely with the defense in a loud tone of voice and in the presence of seven or eight men who have been called here as jurymen to make utterances which would imply that he had been in the employ of the prosecution and had not been treated right by another special officer of the prosecution. One of the officers has informed me in regard to this—a matter that would be calculated to develop deep prejudice and would absolutely impair the usefulness of those jurymen, and possibly, in view of statements that might hereafter be made, would cause them to be prejudiced to a very large extent against the prosecution.

Regarding Orchard. But to take up this particular matter: This particular witness, it has been stated through the press of the country, sometimes was in one condition and sometimes another mentally. His condition has been absolutely misstated and misunderstood. We have at all times desired no publicity in regard to the matter, and although solicited upon many occasions by newspaper men for interviews, have not assented to it. If in taking this matter up, in seeing this witness the representatives of the Associated Press have been permitted to see this man and without conversation with him except in regard to his



HAYWOOD LEAVING JAIL.

Picture of Defendant now on trial, taken as he was leaving the jail in the basement of the court house to mount the iron stairs leading to the rear of the court room floor.

we would feel as if the case ought not to be tried at this time, although we have gone to work at great expense and with as much care as we could to prepare for this trial and want to finish it. But we are entitled to have a fair and impartial jury. We are entitled to try this case in this court room by witnesses who meet their accuser face to face and who are subjected to cross-examination, and I had thought every effort was being made in that direction until I picked up this paper this morning—or, rather, until I heard late last night of what was going on in the town and what had been going on during the afternoon. Now, at least, to make this specific, I think the governor of this state should be called in here before this court. There isn't another citizen of the state who has as much responsibility and who should be held under as strict accountability, because he is the executive officer of the state and is here to see to the enforcement of the laws that protect liberty and protect life, and I think he at least first should be called in and examined and if this matter calls for punishment for contempt should be punished; but that matter should be thoroughly investigated. I think Mr. Whitney, whom I regard as simply his messenger boy, and do not consider responsible with him, but still responsible, because he has the keeping of this man, I think he should be called in. I want to say since I have been in this city, since this case has

But to take up this particular matter: This particular witness, it has been stated through the press of the country, sometimes was in one condition and sometimes another mentally. His condition has been absolutely misstated and misunderstood. We have at all times desired no publicity in regard to the matter, and although solicited upon many occasions by newspaper men for interviews, have not assented to it. If in taking this matter up, in seeing this witness the representatives of the Associated Press have been permitted to see this man and without conversation with him except in regard to his

WITNESSES WITH BROWARD

(Continued From Page 12.)

health have satisfied that desire which is expressed throughout the country to know in regard to his condition, I would be unable to see how that in the slightest degree would prejudice the cause of the defense or how it would have any effect whatsoever upon a jury, even published as a part of the Associated Press news here in this place, because I fail to understand how it would be possible for anything, so far as the physical or mental condition of this party is concerned becoming known or even commented on, how anything of that kind could have any wrong influence. I am frank to say that, and I am frank to say that I do not believe that the authorized representatives of the Associated Press in seeing this man and publishing anything in regard to his physical or mental condition would place themselves in a position where they were influencing public opinion upon the part of jurors or otherwise, nor can I see how any expression of that kind would militate to the slightest extent or to the slightest degree against the defense here, because that would not be a reference to anything connected with the case so far as evidence was concerned or anything of that sort, but would simply be an expression in regard to the physical or mental condition of a witness, as they would have a right to publish in regard to any witness and might satisfy the people at large in the United States in regard to that mooted question which has been misstated and intentionally misstated in some quarters, unintentionally in others in regard to that matter, I don't think that could have any effect. I don't believe there would be anything wrong in permitting these representatives—I can't understand how it would be possible to be anything wrong. So far as the other gentlemen of the press are concerned, if their desire upon that point has been gratified by simply an opportunity to see this man at that time I cannot understand how it will affect the defense in any way.



EDGAR WILSON.

The Boise Attorney, Former Congressman, Who Was Recently Entered as Associate Counsel for the Defense of William D. Haywood.

I cannot understand how any right of the defense would be impaired. I cannot comprehend how any interest of the defense would be jeopardized, nor do I believe that there would be any effect produced upon the mind of any jurymen in any way, shape or manner. Leave that as it may, an interview or a publication that would indicate that anyone in an official position was attempting to influence public opinion might have a bad effect. In that I agree with counsel

advised as to his duty in the matter. Mr. Hawley—Any opinion that a person might now express after reading this opinion might have to modify it to a very great extent. I do not desire to be misunderstood in regard to the matter in its inception. I do not believe, as I have said, that there will be anything wrong or was anything wrong in permitting the Associated Press reporters or agents to see this party, nor do I believe that there was anything wrong in permitting the reporters of the various newspapers, so far as any newspaper which had a standing was concerned, of simply allowing them to see this man without going into any matters which would affect the judgment of the jury, although I will say very frankly that so far as that was concerned our first knowledge that had been done was last night after the whole transaction had transpired—one newspaper, I understand, the party didn't see this man.

Mr. Richardson—There were several of the newspapers represented here who had no knowledge of it.

Mr. Hawley—There was one local newspaper, I would say, very frankly, told me so this morning. I told him while we knew nothing about this interview on the part of the newspaper men, that so far as that was concerned all should have had the same privilege, but that we have been opposed to that matter upon the part of the prosecution.

Mr. Richardson—Several of them here regard themselves as having been handed a lemon by not being advised.

Mr. Hawley—We are not here representing any newspaper. So far as we are concerned we have tried to be as consistent as the gentlemen of the press alike in regard to that.

Mr. Richardson—We exonerate you entirely in regard to that.

Mr. Hawley—I don't know that we need any exoneration, because I think whatever kick is coming it is coming from our side.

The Court—I is perhaps fortunate for the others that they were not advised of this.

Mr. Hawley—I think whatever kick is coming on this is coming from our side, your Honor, for we are the parties that will be injured, not the defense. That is the way I look at it.

NEARBY BROWARD'S REMARKS.

Mr. Borah—I don't know that I can suggest anything in particular, if your honor please, in addition to what has been suggested. But it has been suggested by counsel upon the other side that this was evidently an attempt upon the part of certain newspapers who are here for the purpose of writing this trial colorably to the prosecution to influence this jury and to get this court by some action, and that it likely transpired by reason of the fact that it was developed here a few days ago, or a day or two ago, that a certain juror had certain views with reference to Orchard. Now I can entirely disabuse the counsel's mind of the proposition that this arose after that incident in the court room. When these newspaper men came here, and they are among the first newspaper men in the United States, all of them—the papers have evidently selected the first men that they have upon their papers to represent them here in this cause—men of standing and character, as the papers—when they first came here, the first request, their first earnest solicitation upon their part almost universally was to see Orchard, and that has been a matter which has been without a newspaper matter, as a matter which the newspaper men wished to handle, from the time they arrived in the city until this opportunity was given them upon yesterday and this discussion upon this matter with reference to their seeing Orchard, in view of the articles, stories which have been sent out here, not without a purpose either, that he was in a certain condition, those matters have been con-

rectly to this question," and they suggested they were willing to cut it out, although every newspaper that I know of in the United States published that article, and his pictures from 20 years ago up to today to show the similarity of the two men, to identify him with the affairs in Chicago, and if this was done, and it was done unquestionably, it was not with an idea of publishing evidence or publishing anything which the newspaper men as newspaper men believed would control this situation. Now I will submit, if your honor please, that from a juror's view and from our view, the newspaper idea of it is entirely different from ours, and I do resent and I earnestly resent the proposition that it was intended upon the part of the newspapers to control this situation. Now I will submit, if your honor please, that from a juror's view and from our view, the newspaper idea of it is entirely different from ours, and I do resent and I earnestly resent the proposition that it was intended upon the part of the newspapers to control this situation. Now I will submit, if your honor please, that from a juror's view and from our view, the newspaper idea of it is entirely different from ours, and I do resent and I earnestly resent the proposition that it was intended upon the part of the newspapers to control this situation.

The Court—Was it intended upon the part of anyone?

Mr. Darrow—That is the question the court wants to know.

WITNESS'S REQUESTS.

Mr. Borah—I don't know whether it was or not. I cannot believe, if your honor please, that it was. I know this much, that Mr. Hawley and I have had a large portion of our time taken up in an effort upon the part of all newspapers, regardless of whether they represented Mr. Hearst's papers or the New York Sun or the Chicago papers or any other papers, to see Mr. Orchard, and if he had been in my keeping I would have put him on exhibition long ago and ended this thing, for we know the very minute that this was done that this entire condition of affairs would arise, that a discussion would follow, and necessarily, and therefore we did what we could to hold this matter within a certain range, and I say, as Mr. Hawley has said, that when you come to read what Mr. Orchard says, I say if it reflects upon anybody it reflects upon the prosecution in this case. If it hurts anybody, it hurts the prosecution in this case. It can't hurt the defense, anything that appeared in my judgment in the case, and he has not been anything that passed from under the control of the prosecution in this case which was calculated to hurt it. In this case, the three men who are on trial, it would be an impossibility, if your honor please, for us to go out and censor the press in this situation. I would like to censor some of them, but there have been some features of this which the articles themselves disclose was written for a specific purpose, but we could not do that, and we paid no attention to it. We have simply done the best we could under the circumstances, and if this jury is so unfitted to try this case, if there is to be a trial, it is our loss, to our disadvantage, not the defendant's in this case. And I do not believe that we are connected with the prosecution, Governor Gooding or Mr. Whitney or anybody else, would intentionally disqualify us from getting on the jury in this trial. It would be certainly together to our loss and to their.

THE GOVERNOR'S RIGHT.

Mr. Richardson—What right has Governor Gooding in a connected with the prosecution of a criminal offender?

Mr. Borah—What right has he?

Mr. Richardson—He has no right.

Mr. Borah—Well, that would take a few moments to answer, but I am perfectly willing to answer you.

Governor Gooding is the governor of this state, and he has committed a crime, and he has committed this crime in the integrity of this state and I say that if Governor Gooding had ever said down in the face of this tragedy that he would be unfit for the position which he occupies today.

Mr. Darrow—Did he ever lay down, or should the regular court officers prosecute it as they do any other

articles in one of which other newspaper men had a talk with Orchard, and the two signed articles published on another page signed by two newspaper correspondents and also an article published in this morning's Statesman that appears to have been sent out by the Associated Press.

It is the desire of the court that the prosecuting attorney shall investigate this matter and after he has investigated it shall, without fear or favor, if he ascertains that there has been an attempt in any way to influence the jurors who are about to be examined in this court, I want him to take such action as the law may seem to justify.

The court will leave the matter for the present at least with the prosecuting attorney of this county and go on with the prosecution of this case. I thought it was the duty of the court to call attention to this matter.

Mr. Hawley—There is another matter connected with this to which I desire to call the attention of the court incidentally, and that is, statements made in the presence and hearing of the jury by the parties connected directly with the defense and I would ask—

The Court—I will ask the prosecuting attorney to furnish the prosecuting attorney with any information you may have in the matter and the court will direct him to investigate the matter and take such proceedings as he may think proper.

SOME MORE EXCITEMENT.

There was some more excitement during the afternoon session when an argument regarding the law as applied relating to the charges was engaged led to another clash of arms between the attorneys. The court desired to hear argument as to whether the law as applied to the Haywood case. Mr. Hawley said the authorities all held that laws which simply affected procedure, and did not change the punishment for the crime were applicable in cases on trial in which the crime charged was committed previous to the passing of the law.

Mr. Richardson, for the defense, admitted the weight of authorities as they were stated, but he claimed that the law, approved March 3, 1907, was unquestionably passed to meet the emergency of the Moyer, Haywood and Pettibone case, and that the prosecution to insist on applying the prosecution to 10 instead of 15 peremptory challenges. Under these circumstances he believed the case would be considered differently by the authorities.

Mr. Hawley resented the inference of the defense, declaring it was calculated to influence the state's case before the jury.

Judge Wood told Mr. Richardson that unless he had some other reason for his attitude, he would hold him in contempt. He declared he would not assume for a moment that the legislature had anything but proper motives in passing the law, and he would not be deterred by the law applied to the case on trial and the defense would be allowed to challenge.

After two or three warm arguments of the session the proceedings were about the same as usual. During the course of the trial, the second peremptory challenge, existing in the case, and the prosecution on its second and third peremptory challenges were used, and the jury was sworn.

Three or four warm arguments of the session the proceedings were about the same as usual. During the course of the trial, the second peremptory challenge, existing in the case, and the prosecution on its second and third peremptory challenges were used, and the jury was sworn.

Attorneys Not Large. Attendance of spectators at both morning and afternoon sessions. Mr. Haywood and his daughters did not appear here in their accustomed places in the afternoon and accompanied by the nurse and Mrs. Steve Adams, Attorney Edgar Wilson for the defense did not attend the morning session but was present in the afternoon. John

murder and subsequent events and he had heard the matters discussed in a great deal. He said he had formed an opinion as to the guilt or innocence of the accused, but it was an opinion that he could put aside if sworn as a juror—one that evidence could remove.

He said he had no feeling of prejudice or bias for or against the defendant. He stated he was not opposed to capital punishment, and entertained no prejudice against circumstantial evidence.

Mr. Darrow at once took up the matter of the juror having been sheriff, and then asked:

"Your son-in-law is the county attorney?"

"Yes sir."

"His name?"

"Charles F. Koelsch."

"Has he had any active part in this case?"

"Not that I know of."

"Have you ever talked to him about the case?"

"Not to any extent."

"Have you at all?"

"Why, we may have talked a little about matters printed in the papers."

"You knew Steunenberg when you were sheriff in an official capacity?"

"Yes, and in a business way and socially. I remember of selling him a buggy at one time."

"Normally you were shocked at the news of his death?"

"I was. I thought it was a bad thing, if it was so."

In answer to further questions the juror said he had read the papers carefully, and he said at the present time he had formed an impression as to who had committed the crime.

"Evidence could remove the impression, though."

Juror said he had undoubtedly expressed his opinion many times regarding where he thought the responsibility for the former governor's death should rest. It would take strong evidence to change that opinion.

EX-SHERIFF EXCUSED.

"Do you think you could be a fair and impartial juror?" Change places in your mind with the prisoner."

Well, I guess not."

Juror was excused upon challenge for cause by Darrow, admitted by the prosecution.

James A. Williams, for nine years a farmer in Ada county, was next called and Mr. Hawley began the examination. He had a record of what had been published regarding the murder of former Governor Steunenberg in the Examiner and Capital News, and formed no opinion regarding the guilt or innocence of anyone in the case. He thought he could as a juror render a verdict entirely upon the facts.

He had a prejudice against circumstantial evidence. He couldn't find a verdict of guilty in a criminal case without some direct evidence. He believed the evidence was partly circumstantial and partly direct evidence. He was not certain that he could consider the circumstantial evidence, even if directed to do so in the instructions of the court. He said it would have to be direct evidence that he would have to consider to convict.

Mr. Darrow questioned the juror regarding his understanding of what constituted direct and circumstantial evidence. Juror said that if circumstantial evidence was introduced he would stick to direct evidence if he considered it worth. He said on circumstantial evidence he would act with great caution.

"I believe I said I wouldn't consider such evidence at all," he said. "I didn't mean just that. I couldn't convict a man on circumstantial evidence unless the direct evidence itself was strong enough to convince me of the defendant's guilt."

After Darrow's questions the challenge was admitted by the court, the defense taking an exception.



Very characteristic picture taken of James H. Hawley as they were passing the state house grounds on the way to the court house. Judge Wood and Attorney Gribble are carrying a cane.

ON THE WAY TO THE COURT HOUSE.

The state house grounds on the way to the court house. Judge Wood and Attorney Gribble are carrying a cane.

not passed as an emergency to ascertain the state of the trial of Moyer, Wood and Pettibone, he said.

For these reasons I am convinced to believe that the supreme court of the state and the supreme court of the United States may take a different view of the state than I have in other cases."

Gribble said he was not opposed to capital punishment and had no prejudice against circumstantial evidence. In regard to his opinion, Gribble said he could not divest his mind of it to the extent that it would not have some influence over his decision. The juror was challenged on grounds of implied bias.

Before raising the challenge, Darrow asked a few questions. He drew from the juror that while he had an opinion he was by no means certain his opinion was well based. He had no real opinion regarding the guilt or innocence of the accused. He wouldn't really have an opinion of any weight until he had heard the evidence. He believed the defendant should have a fair trial. He said he was a man who didn't take rumors or unspoken words as his basis for a verdict. He used his own judgment in deciding matters in which he was called upon to act. That was what he always did in politics, he said.

"Darrow said, 'We resist the challenge.'"

Mr. Hawley asked a few additional questions and then announced that the state would withdraw its challenge.

"We pass the juror for cause. Thank the juror, Mr. Darrow."

Mr. Darrow questioned the juror regarding his membership in the Knights of Labor. Juror said he had not had trouble with the organization, that was not the reason he left it. He had moved away. He said he had no prejudice against labor unions. He remembered Mr. Darrow's name from his troubles. At the time of those troubles he considered both sides to blame in many particulars. He had no preju-

dicted as an emergency to ascertain the state of the trial of Moyer, Wood and Pettibone, he said. For these reasons I am convinced to believe that the supreme court of the state and the supreme court of the United States may take a different view of the state than I have in other cases. I believe that if Mr. Richardson had some proof to back his statement, I interrupted Mr. Borah. "We had apprehended that that line would be crossed. We object to his influencing the court without proof." The court will not be influenced. But he is influencing persons in our quarters, your honor," said Mr. Darrow. "We object to his making statements of that kind before the jury."

Judge Wood, after ascertaining that Richardson had no other argument to present, stated that the legislature had, by its estimation, passed the act solely to help the state in the present case, and that the legislature had not intended to interfere with the trial of the defendant. He said that the new law would be followed in the present trial. The defendant was preserved an exception. Mr. Darrow was instructed to use the second peremptory challenge for the

PREJUDICE CHALLENGE.

We excuse Mr. Ewing. He announced that he was not a juror, who, after last Thursday, had the patience in the first chair, and that through most of the proceedings he was wakened and told that he had been excused.

Thomas H. Cook, a white-mustached, middle-aged farmer and real estate agent of the county, who had been in the county since 1861 and who knew Governor Steunenberg very well, was called to the stand.

Mr. Borah, on examination, stated that he had formed an opinion re-

WARM DISCUSSION OVER PUBLICATION OF INTERVIEWS WITH ORCHARD

(Continued from page nine)

one that had prejudiced him for or against the accused. He was challenged for implied bias and the defense admitted it.

J. F. Koelsch, brother of County Attorney Koelsch, for 15 years a resident of the city, a former alderman and prominent citizen, was next called. He knew the former governor quite well. He had never expressed an opinion regarding the guilt or innocence of the accused. By what he had read he had a suspicion, he said, regarding defendant's guilt or innocence, but not a suspicion that would affect his action in arriving at a verdict if selected as a juror. He had no prejudice against capital punishment or circumstantial evidence. He was passed by the state.

"Have you ever talked with your brother regarding this case?" asked Darrow.

"Yes, to some extent—in a general way."

"How many times?"

"Oh, a good many times."

"Was it he who created that suspicion in your mind?"

"No, I got that elsewhere."

Mr. Koelsch said he had never followed up any parts that his brother may have taken. He had been interested in learning who were responsible, but had taken no unusual methods of finding out.

Koelsch said if he was on trial for his life he would be willing to have a juror sit in the case whose state of

he had voiced his opinion regarding the probable guilt or innocence of the accused. He now had, he said, a settled opinion regarding the guilt or innocence of the accused.

"It is an opinion that would require evidence to remove?"

"Yes, sir, strong evidence."

The juror was challenged for implied bias. Darrow then questioned the man and finally admitted the challenge.

The next man called to seat No. 2 was Isaac Bedell, another gray-whiskered rancher, who had lived in the state 22 years.

In answer to questions by Borah, the juror said he had once engaged in quartz mining in Colorado. He had read the local papers and the Appeal to Reason had been thrown in his yard a few times. He said he had never formed an opinion regarding the guilt or innocence of the accused. He said he had no bias or prejudice that would unfit him for a juror. He was not opposed to capital punishment. He was passed for cause by the state. The examination by the defense was not taken up as the hour for adjournment had arrived.

The bailiffs were sworn and the jurors in the box retired.

Judge Wood announced that today there would be an afternoon session to last only until 3:30 o'clock, but that he planned to adjourn court for the afternoon on Saturdays after the actual proceedings of the trial began.

An adjournment was then taken until 10 o'clock this morning.

WHITE HOUSE CROW GREAT WEATHER PROPHET

Has Had Its Home Near Mansion Since President Grant Began His Term.

Many folks in this city as well as elsewhere have been talking about the old crow which is known to have established his headquarters long ago in the White House grounds and whose skill as an augur has been advanced recently by a warning he gave that Easter Sunday would certainly be a moist and unpleasant day.

To the east of the mansion on the north front, in a little grove of elms, the old bird has his habitation. Generally he occupies a tree very near to the north portion. There is a large hollow in the trunk of this tree and in the topmost branches his sable plumage is nearly always to be seen. Some of the policemen on duty about the grounds keep an eye on the old fellow at times, but the majority of them ignore him. "I have as much as I can do," said one of the blue-coats, when the crow's methods were mentioned to him, "to keep my attention riveted upon the crowds of people that swarm here every day without giving any thought to the crow."

But there are others about the White House who have paid considerable attention to him. One old retainer, who went into the service when General Grant became president says this same crow was stationed near the house when he first took up a humble position there. "And we all know," said this old fellow, "that as a weather prophet he can give cards and spades to the bureau officers and beat them."



E. L. WHITNEY.

Warden of State Penitentiary in Which Harry Orchard Is Confined and in Which Moyer, Haywood and Pettibone were for a Time Held for Safe Keeping.

mind was the same as his own at the present time.

Koelsch admitted that if chosen as a juror he would enter his work with a suspicion that the defendant was guilty and that evidence would be required to remove it.

He was challenged by the defense; the challenge was resisted by the prosecution but allowed by the court.

Another Rancher Called.

John Fisher, another rancher whose hair and beard were well mixed with gray, who had farmed in Ada county

IN THE COMMER

WHEAT OPTIONS GO HIGHER

New Record Marks for the Season Established on Board of Trade.

July Goes to 102½ and Whole Market Is Nervous With Trading on an Enormous Scale—Leading Brokers Are Swamped With Orders.

CHICAGO, May 17.—New high record marks for the season on all the leading options of wheat were established on the board of trade here today during a session that for volume of trading eclipsed any previous session. Wheat for July delivery today sold at \$1.02½, more than 2c above the former high record point. Part of the gain was lost on profit-taking but the market closed strong, with July showing a net gain for the day of 1½c.

The wheat market throughout the entire day was extremely nervous and trading was of such huge proportions that it was almost impossible to follow. At the start the market was subjected to heavy selling pressure, which caused initial losses ranging from ½ to 2c in the leading options compared with the previous close. A few minutes after the opening, however, all of this loss had been regained and the prices had advanced fully 1 cent above the final figures of yesterday. There seemed to be no limit to the amount of wheat buyers. All the leading private wire houses were swamped with buying orders which came from all sections of the country. The only sellers were those who had good profits in sight or elevator concerns who were hedging against cash purchases. The highest point of the day was reached about the noon hour, following which prices declined fully 2c from the top. Fresh reports of damage to the wheat crop in Kansas, Nebraska and Missouri were accountable for a portion of the bullish sentiment which overwhelmed the pit, but the chief reason for the sensational demand was the seemingly universal opinion that this year's crop of wheat in America will be greatly below the normal yield. Improved weather conditions for seeding in the Canadian northwest had apparently no effect on the majority of the traders. The market closed excited and strong. July closed ½c up at \$1.00½. September closed at \$1.01½. December closed at \$1.02½.

Corn prices also touched new high records for the season. The close was strong. July closed ¼¢ up at 53¼¢ @ 53¼¢ @ ¼c.

Cash wheat, No. 2 Red	95½ @ 99½
July wheat	100½
July corn	54½
July oats	46½
July pork	\$16.70
July lard	9.27½
July ribs	9.00

mind was the same as his own at the present time.

Koelsch admitted that if chosen as a juror he would enter his work with a suspicion that the defendant was guilty and that evidence would be required to remove it.

He was challenged by the defense; the challenge was resisted by the prosecution but allowed by the court.

Another Rancher Called.

John Fisher, another rancher whose hair and beard were well mixed with gray, who had farmed in Ada county for about nine years, was next called.

He told Borah he had known former Governor Steannenberg to a certain extent.

He had heard the case discussed, but not to a great extent. He said he had never formed an opinion as to the guilt or innocence of the defendant. He said he was 57 years of age. He had no prejudice against capital punishment and believed in circumstantial evidence only as it was to a degree substantiated by direct evidence. He could consider it, however, and give it certain weight. He was passed by the prosecution for cause.

Darrow took up the examination. He drew from the juror that he was a staunch Presbyterian, had never met Borah at church. He was interested in the case to the extent that he hoped the guilty persons would be brought to justice. Immediately after the murder, he said, he went to Missouri on a visit and read little of what was in the papers for a period of several months. He didn't read the papers very regularly that were published or circulated in the localities he visited. He said he had never read any accounts of the three defendants being arrested in Colorado and being brought to Idaho.

Darrow's questions were evidently offered in an endeavor to get the juror to admit he had a prejudice against the defendant.

Juror said he had read the Statesman and the Capital News. He believed a man by the name of Cobb owned the former paper; who owned the latter paper, he said, he believed was generally considered a mystery—he didn't know, at least. He said he didn't take a whole lot of stock in what he read in either of those papers.

Another Fisher.

"Do you know a man by the name of C. P. Allen?"

"No."

Darrow asked him if he could remember having a conversation with a man in his orchard last fall about this case.

"No."

"You are from Maple Grove precinct?"

"Yes."

Darrow picked up a sheaf of typewritten sheets and referred to them. Then he asked:

"Is there another John Fisher in your precinct?"

"Yes, I have a neighbor by that name," was the answer.

"It must have been the other man, then," said Darrow.

"You have read that Governor Gooding has had considerable to say about this case?"

"Yes."

"Has that affected your mind any?"

"No, sir, I don't like Governor Gooding very well, anyway." (Laughter).

Darrow asked three or four more of the usual questions regarding the juror's knowledge that the defendant was entitled to the benefit of a reasonable doubt if there was one and finally passed the juror for cause.

On its third peremptory challenge the prosecution excused Joel Matthews in the second chair.

Amos Prosser of Star was next called and was first examined by Mr. Borah.

He said he had had a speaking acquaintance with former Governor Steunenberg. The murder and subsequent events had been quite widely discussed in his community. He said

people that swarm here every day without giving any thought to the crow.

But there are others about the White House who have paid considerable attention to him. One old retainer, who went into the service when General Grant became president says this same crow was stationed near the house when he first took up a humble position there. "And we all know," said this old fellow, "that as a weather prophet he can give cards and spades to the bureau officers and beat them."

The man who could probably give more information, if he would, about the White House crow is that old veteran of the clerical force, Colonel Crok, who has been stationed in one capacity or another about the executive quarters ever since the days of President Lincoln.

He has observed the bird's flights and heard his warning calls for many years and can testify to his presence in the grounds adjacent to the house for all this time.

There is no one of the officials, high or low, who will venture conjecture concerning this crow's age. Their guesses range anywhere from 27 years to time when the memory of man runneth not to the contrary, but there is a consensus of opinion that no matter how old he is, he is a wise bird.

That he possesses some influence is evident from the fact that his forecast of the weather for Easter prevented the ladies of some of the members of the minor offices about the White House from venturing out and risking a detriment to their beautiful spring finery.

"How long this old fellow will remain with us no one can tell," said one of the clerks. "He knows he has a good place where no hunter can take a pot shot at him, and no wanton little boy can hurl a rock at him, so he is wise enough to stand pat."—Washington Post.

POWER FROM ELECTRIC EELS

Result of Recent Experiments by a Venezuelan Scientist.

Professor de Esperando, head of the government college at Caracas, Venezuela, had a hundred average-sized electric eels captured and copper wire encircled around their necks just below the ears, and then connected them with a motor, the eels remaining in the river near the shore.

Their violent floppings and contortions proved a most uncertain sort of electric current, so he procured another hundred and put them into a zinc bath which he had in his house, and connected it with the motor and found that they produced about 20-horse power. With this he ran a mill and lighted up his house and grounds. The power from electric eels sufficed to produce 45-candle incandescent lights.

Professor de Esperando also has found that a motor car can be run for 24 hours with 100 eels in a tank 3 feet long and 1 1/4 feet square and weighing complete less than 200 pounds.

It is claimed that the largest ocean steamers afloat can be run with 200,000 eels, producing 40,000-horse power and contained in a tank not larger than 10x10x15. This plant of course will have to be duplicated so that when the energy in one is exhausted it can be hoisted from the hold to the deck so that the light from the sun can infuse new energy into it while the power is furnished by the relay plant.—Chicago Tribune.

In Its Favor.

"I am afraid, madam," said a gentleman who was looking for country lodgings, "that the house is too near the station to be pleasant."

"It is a little noisy," assented the landlady, "but from the front veranda one has such a fine view of people who miss the trains."—Illustrated Bits.

July closed % up at \$1.00 1/4. September closed at \$1.01 1/4. December closed at \$1.02 1/4.

Corn prices also touched new high records for the season. The close was strong. July closed % @ % up at 53 % @ 53 % @ % c.

Cash wheat, No. 2 Red.	95 1/2 @ 99 1/2
July wheat	100 1/2
July corn	54 1/2
July oats	46 1/2
July pork	\$16.70
July lard	9.27 1/2
July ribs	9.00

SPECULATORS NEGLECT THE STOCK MARKET

NEW YORK, May 17.—The stock market today continued to show almost entire neglect on the part of the general world of capital and finance. Such speculative interest as exists finds more attraction in the grain and cotton markets. An important effect on the trading is produced also by the retirement of some of the habitual traders whose plunging operations in the past have filled up the measure of stock market activity. Not only are the individual operations of this class of leaders lacking in the present market, but there has been withdrawn in their wake an important following. Disgust with heavy losses in the recent severe declines or hopelessness of any early substantial revival of general interest are severally advanced in explanation of these retirements. A published report attributing to President Roosevelt an intention to move for a commission to appraise the railroad property and the belief that further action against some of the great corporations is imminent at Washington, were cited as grounds for discouragement of any active operations in the market. Bonds were heavy. Total sales par value \$1,412,000. U. S. bonds were unexchanged on call.

Railway Stocks.

Atchison	88 1/2
Baltimore & Ohio	96
Canadian Pacific	173 3/4
Denver & Rio Grande	27 1/2
Erie	23 1/2
Illinois Central	138
Interborough & Metropolitan	21 1/2
Missouri Pacific	74 1/2
New York Central	113 1/2
Northwestern	151 1/2
Pennsylvania	122 1/2
Reading	107 1/2
Rock Island	20 1/2
St. Louis & Southwestern	19 1/2
St. Paul	131 1/2
Southern Pacific	81
Union Pacific	143 1/2

Miscellaneous.

Northern Pacific	131
American Smelting & Refining	129 1/2
Copper	94 1/2
American Car & Foundry	36 1/2
General Electric	143 1/2
National Lead	64 1/2
Pacific Mail	26 1/2
Sugar	125
United States Steel	35 1/2
United States Steel preferred	99 1/2
Western Union	82 1/2
Tennessee Coal & Iron	146 1/2

Bonds

United States 3's registered	102
United States 3's coupon	102

LIVESTOCK MARKETS

Omaha.

OMAHA, May 17.—Cattle—Receipts 1600; market strong. Natives, \$4.25 @ 5.75; cows and heifers, \$3 @ 4.85; western steers, \$3.50 @ 5.25; stockers and feeders, \$3 @ 4.85; calves, \$3 @ 5.50; bulls and stags, \$3 @ 4.75.

Hogs — Receipts, \$500; market steady. Heavy, \$4.10 @ 6.25; mixed, \$3.15 @ 4.30; light, \$4.25 @ 6.25; pigs, \$5.50 @ 6.

Sheep — Receipts, \$500; market steady. Yearlings, \$4.75 @ 6.75; weth-

NO IMPROPER MOTIVES SAYS KOELSCH

REPORT OF COUNTY ATTORNEY ON INVESTIGATIONS REGARDING ORCHARD INTERVIEWS

KOELSCH KNOWS WHAT CONSTITUTES NEWS.

"Orchard, the chief actor in the tragedy that was perpetrated in the murder of ex-Governor Steunenberg, had been denied to all newspaper men; for months no one had heard anything authoritative about him. He became mysterious. Speculations concerning him were indulged in. Stories of his mental and physical breakdown were circulated and found their way into the press. Any wonder that newspaper correspondents should wish to see and interview him? Any wonder that newspapers should overlook the impropriety of publishing such interviews at this time?"

—Extract from report of County Attorney Koelsch to the district court.

FILED IN COURT AS PART OF RECORD

Court Sustains Prosecution in Denying Challenge of Defense.

COSTS DEFENSE ONE ARBITRARY CHALLENGE

State Has Now Used Five of Its Ten Peremptory Challenges and Defense Has Used Four—Some Changes in the Jury Box—Conceded That Another Special Venire Will Be Needed—One Juror May Have to Be Excused on Account of Ill Health.

County Attorney Charles F. Koelsch, after making a thorough investigation of the matters in connection with the publication of inter-



GEORGE A. PETTIBONE.

Cut from picture of Geo. A. Pettibone as he posed for the photograph in his day cell at the county jail. The guard is George Porter.

RUSSIA INTERESTED IN GREAT TRIAL

Roosevelt's Utterances as to the Prisoners Attracts Wide-spread Attention.

Similarity Between Murder of Ex-Governor Steunenberg and Political Crimes in the Empire Cause for Interest Manifested.

ST. PETERSBURG, May 18.—President Roosevelt's utterances in which he used the words "undesirable citizens" in referring to E. H. Harriman and Messrs. Haywood, Moyer and Pettibone have just been received here by mail and are attracting widespread attention. The phrase has a particular interest for Russia on account of the intimate connection between political and industrial questions here and the similarity between the murder of ex-Governor Steunenberg and political crimes in this country.

The Novoe Vremya has published an editorial in which, after ignoring the reference to the capitalist, it hails Mr. Roosevelt's utterances with regard to the officials of the Western Federation of Miners as the all-important statement needed to impart to the discussion of industrial problems that sincerity which for so long has been lacking. The paper suggests that the outspokenness of President Roosevelt may perhaps inspire the douma, which shrinks from the discussion of terrorism.

KANSAS CITY POLICE FORCE TO BE SHAKEN UP

KANSAS CITY, May 18.—There will be a complete reorganization of the Kansas City police department as a result of the investigation that is to be begun here next Tuesday by the local board of police commissioners. The shake up will include several of those high-ups.

This statement was made late today by an official high in authority and coming on top of a two days' personal investigation of the situation by Gov. Folk is taken to mean that sensational results may be expected to follow closely after the meeting of the board next week.

Governor Folk departed for Jefferson City tonight after probing thoroughly into the charges of police corruption.

He declined to discuss conditions. However he is quoted as having expressed surprise at some of the evidence laid before him.

Because of alleged sensational developments late tonight, Governor Folk decided to remain in Kansas City until Monday and possibly longer and continue to personally aid in the police investigation.

The governor would make no statement as to what the developments were that kept him here, but it was learned from other sources that unless present plans miscarry at least two prominent police officials, John Halpin, chief of detectives, and Dr. G. B. Longan, police surgeon, both of whom have been on the force for years, will be removed Tuesday immediately on convening of the board of police com-

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County Attorney Charles F. Koelsch, after making a thorough investigation of the matters in connection with the publication of interviews with Harry Orchard in The Statesman, at the request of Judge Fremont Wood, yesterday submitted to the court a written report in which he declared that his investigation failed to disclose any improper motive actuated by anyone connected with the publication under investigation. The interviews, he said, were published merely as a matter of news.

The presenting of this report constituted the principal feature of yesterday's proceedings in connection with the trial of William D. Haywood, and that matter was not such a feature as it would have been had the report been an oral one. The report was handed to the judge at noon but nothing was said about it until time to adjourn yesterday afternoon. Then Judge Wood merely stated that the county attorney had made a report upon the investigations ordered by the court; that the report would not be read in court but would be filed with the clerk of the court to be made a matter of record.

"I do not deem it necessary to read this report or to have it read," announced Judge Wood, "but I shall order that it be filed with the clerk and be made a matter of record of the court. That will end the matter for the present and later, if necessity arises, further action may be taken."

Judge Wood did not evidently think it necessary to carry out the suggestions of the county attorney that the court make an order forbidding the publication of anything that could in the slightest degree tend to obstruct the proceedings of the court, for no such order was made. He probably relies upon the papers to carry out the spirit of the suggestion without such an order. The report in full follows:

Hon. Fremont Wood, Judge of District Court—Dear sir: In compliance with your request to investigate the matter of the publication of purported interviews with Harry Orchard, and other article on that subject in the Idaho Daily Statesman of yesterday, I beg to say that I have complied with such request and respectfully submit the following report:

I, of course, investigated the matter with the view solely of determining whether there had been any infraction of our penal laws or contempt upon the court. I take it for granted that with the question of the propriety or taste of the publications under consideration I have nothing to do, at least not in any official way. In order to come within the purview of our



GEORGE A. PETTIBONE.

Cut from picture of Geo. A. Pettibone as he posed for the photograph in his day cell at the county jail. The guard is George Porter.

statute defining and punishing improper attempts to influence a juror or person summoned as a juror, such attempt must have been made intentionally and corruptly; if so done, it is a felony. A publication during the course of a trial which reflects on the court or assails the litigants or seeks to intimidate witnesses or spreads before the jury an opinion upon the merits of the controversy, or threatens them with public odium, or attempts to dictate their decision or in any improper way endeavors to influence the determination is a contempt of court.

No Improper Motives.

I am able to report that my investigation of the matter entirely disproves that any improper motive actuated any one connected with the publication under consideration. What was published was purely as a matter of news, news which the correspondents had been eager to get for a long time but had been denied the opportunity of getting. When this opportunity was finally given to them they seized it with avidity, and with no thought other than that it would be front page, scare-head-line matter. This was natural. Orchard, the chief actor in the tragedy that was perpetrated in the murder of ex-Governor Steuneger, had been denied to all newspaper men; for some months no one had heard anything authoritative about him. He became mysterious. Speculation concerning him were indulged in. Stories of his physical and mental breakdown were circulated and found their way into the press. Any wonder that newspaper correspondents should wish to see and interview him? Any wonder that newspapers should overlook the impropriety of publishing such interviews at this time?

Persistency.

The Associated Press men and others became so insistent to see him that their request was finally granted. I am able to state, and do state, that this privilege was granted them solely because of their repeated requests—the slow yielding to their persistency. It never even entered into the minds of those who granted this privilege that there could be anything improper in their action, and no improper motive actuated them.

I want to emphasize that my investigation absolutely disproves any improper motives on the part of anyone who permitted these interviews. That the other statements contained in the publications under consideration, were

- HOW THE JURY STANDS.**
- 1—Thomas B. Gess.
 - 2—Isaac Bedell.
 - 3—Samuel Gilman.
 - 4—Dan Clark.
 - 5—T. C. DeClercq.
 - 6—William McGuffin.
 - 7—G. H. McIntyre.
 - 8—Joseph Chinn.
 - 9—Orin Cole.
 - 10—A. P. Burnes.
 - 11—Samuel Russell.

not made at this particular time with any improper intent, is also further evidenced by the fact that similar statements have repeatedly, for a long time prior thereto, appeared in the public press.

Defense Publications.

During the investigation my attention was directed to the fact that for a long time a certain paper had devoted itself almost exclusively to publishing matter tending to discredit persons likely to be called as witnesses in the pending case, and when I answered that two wrongs could never make one right—that because others had not been punished for contempt was not a defense. I was assured by both The Statesman and by the Capital News and by each correspondent of outside papers circulating in Ada county, whom I was able to interview, that they would gladly obey and abide by such general rule as your honor might lay down forbidding any publication that would in the slightest degree tend to obstruct the proceedings of this court, or anything in the nature of an opinion as to the merits of the cause on trial.

I therefore recommend that your honor make and promulgate an order along these lines, as stringent as the law will permit, and I promise to make every effort within my power and authority toward a rigid enforcement of the same, and to bring before the proper court every infraction of the same, regardless of who the offender shall be.

Very respectfully yours,
CHAS. F. KOELSCH,
 Prosecuting Attorney.
 Some Progress Made.

The proceedings yesterday in so-

(Continued on Page Eleven.)

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Governor Folk was still in conference with the police commissioners at midnight.

Governor Folk had intended to leave the city late tonight, but in the light of the developments changed his plans quickly at the last moment.

JAPANESE GENERAL CHEERED AT RACETRACK

NEW YORK, May 18.—General Baron Kuroki and his staff received a remarkable welcome from race track enthusiasts at Belmont Park today. Spectators and bookmakers alike applauded and cheered as the Japanese hero made his way across the lawn.

It was about Withers handicap time when he strolled across the lawn. He was in citizen dress, but the crowds knew him and as he walked into the betting ring they surged about him until the men with slates and pencils were pushed off their stools. He was pleased with the experience.

Tonight General Kuroki and his staff and the American officers accompanying him had an evening of rest at the hotel.

Franco-Jap Treaty Concluded.
PARIS, May 18.—The Franco-Japanese treaty has been completed. The text was cabled to Tokio May 16 for the approval of the Japanese government and a reply is momentarily. Former Minister Pichon and M. Kurino, the Japanese minister to France, will then sign for their respective governments.

FATAL PANIC.

FORT GIBSON, I. T., May 18.—At the graduating exercises of the Fort Gibson colored schools here tonight a lamp on the stage exploded causing a panic among the 300 negroes, men, women and children present. The audience stampeded, trampling to death three persons. Over 20 others were seriously injured. Their names are not obtainable tonight.

The bodies of the three persons killed were so badly crushed that they were hardly recognizable.

been making. The paper suggests that the outspokenness of President Roosevelt may perhaps inspire the dauma, which shrinks from the discussion of terrorism.

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Ready Roofing

has stood the test of time—the test that tells. For a quarter of a century P & B Ready Roofing has been sold on merit—not looks. Today it covers many of the best known structures in the north west.

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WHEN the Bowels are filled with undigested food we may be a great deal worse off than if we were half fed.

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Well, when food decays in the Bowels, high delayed and overdue action, what ensues?

The millions of little Suction Pumps line the Bowels and Intestines then draw on from the decayed Food, instead of Nourishment they were intended to.

This Poison gets into the blood and, in spreads all over the body, unless the cause of Constipation is promptly removed, that cause of Constipation is Weak, or Bowel Muscles.

When your Bowel-Muscles grow flabby need Exercise to strengthen them, not "psic" to pamper them.

There's only one kind of Artificial Exercise for the Bowel-Muscles.

Its name is "CASCARETS," and its price is Ten Cents a box.

So, if you want the same natural action as a six mile walk in the country would give you, (without the weariness) take one Cascaret at a time, with intervals between, until you reach the exact condition you desire. Use one Cascaret at a time will properly give you a full Breath, or Coated Tongue.

Don't fail to carry the Vest Pocket Cascaret Box with you constantly.

All Druggists sell them—over ten million boxes a year.

Be very careful to get the genuine. It is only by the Sterling Remedy Company and never sold in bulk. Every tablet is stamped "CCC."

(Continued from Page One.)

lecting a jury were, as usual, monotonous and devoid of particular features. Considerable progress was made, however. At the close of proceedings the state had used half of its peremptory challenges, five; the defense had taken advantage of its fourth arbitrary challenge.

During the day 12 talesmen were examined. Of these Ed Ray was excused on challenge for cause by the defense; Clinton Matlock and Julius Miller were excused on challenges for cause by the prosecution; the defense used its third peremptory challenge in excusing Walter Shaw and its fourth in excusing M. H. Goodwin. On peremptories the state excused W. W. Rudge and George Gribble.

The defense challenged Goodwin for cause on grounds of implied bias after he had been passed for the prosecution. The prosecution denied the challenge and the court sustained the denial. Goodwin was then challenged by the defense on grounds of direct bias and again the court ruled in favor of the prosecution.

Jurors passed for cause by both sides yesterday were Joseph Chinn, Dan Clark and Isaac Bedell. T. C. DeClerq, in the fifth chair was passed by the prosecution for cause and the defense notified the court that it would challenge the juror on Monday morning.

Sick Juror.

Shortly after noon Judge Wood and the leading attorneys for each side had a consultation regarding an application from Oric Cole to be excused from jury duty. He is one of the jurors in the box. It was the report that he was in poor health. It was decided to take no action on the application until Monday at least, as the juror was feeling better in the afternoon and arrangements had been made for him to see his physician in the presence of the bailiffs.

The crowd was smaller in the court room yesterday than for any other day of the week. There were many empty seats. Mrs. Haywood and her daughters were not present during the forenoon, but attended in the afternoon, occupying their usual places back of the attorneys for the defense. All of the attorneys for each side were present.

It is apparent now that the fine work of selecting a jury is in progress. Every precaution is being taken by each side in drawing out from each talesman every fact that shows his undesirability and every challenge almost is being hotly contested by the opposite side. Great interest in the proceedings is being taken by visiting attorneys, many of them being present at each session. Attorneys for each side now concede that it will be impossible to get a jury before after the middle of the coming week. The present venire will probably be exhausted by Tuesday, and the next special venire to be ordered will probably be for 50 talesmen.

At the opening of court yesterday morning there were in the box 12 jurors, one of whom had not yet been passed by the defense for cause. The state had exercised three of its 10 peremptory challenges and the defense two, and there were left to be called 34 jurors of the special venire of 100.

Right on the Minute.

The Jurors were brought in a few minutes before 10 o'clock and right on the strike of the clock Judge Wood entered the court room from his private office and took his seat. Defendant Haywood was brought in while the minutes were being read by Deputy Clerk Otto Peterson.

Without any preliminary work, Mr.

to Mississippi, where he stayed for four years.

"Then did you leave Mississippi?" "You bet I did; I left in a hurry. It was in 1861."

Juror said he went back to Maine, then to California—to San Francisco—then to Portland and then to the Cascades, then to Boise basin.

"And you have been here ever since?" suggested Richardson.

"Well, I hadn't got here yet," was the reply. "I was at the basin."

"Oh, well, what do you call this—the Boise pitcher or the Boise wash bowl?"

Juror said he had never belonged to a labor union—had never had any prejudice against a labor union. He had never heard of a citizens' alliance.

"Have you ever been connected with the Barber Lumber company?" was asked.

"I am not and never have been."

He said both Hawley and Borah had at different times advised him as attorneys in legal matters.

Mr. Goodwin said he had a prejudicial opinion against the Western Federation of Miners, and presumed that, as an officer of that organization, Haywood was probably included in that prejudice.

He was not influenced by any speech of Taft or letters by the president, or addresses by the governor. Some he had read or heard; others he had no knowledge of as they were mentioned by Richardson.

"You have an opinion which will require evidence to remove?"

"Perhaps I have," was the rather reluctant answer.

"We challenge the juror for implied bias," announced Richardson.

Challenge Denied.

"We deny the challenge," returned Hawley.

In answer to Hawley's questions the juror said he had no bias; the feeling which he had against the Western Federation of Miners, he said, could not affect his mind in arriving at a verdict against an officer of that organization.

He said he thought he could be a fair and impartial juror in the case.

"We resist the challenge," repeated Hawley.

Richardson said that the challenge should be sustained because the juror had shown an opinion, which subjected him to a challenge for implied bias.

Hawley defended his action in resisting the challenge.

"The court is satisfied from the testimony of this juror that he has not formed or expressed an unqualified opinion. The challenge will be denied," ruled the court.

"We take an exception. I want to ask the juror some more questions," said Richardson.

In answer to Richardson the juror said that the prejudice he had formed against the Western Federation of Miners probably extended to the officers of that organization, as officers, to Haywood as an officer.

Richardson then challenged the juror on the grounds of direct bias.

"We deny the challenge," said Hawley.

"You don't know Haywood at all, do you?" asked Hawley.

"I don't."

"You have entertained a feeling against the Western Federation of Miners because of newspaper accounts you have read?"

"Yes."

"You don't know that what you read was true?"

"No."

"You merely accepted them as matters of news, until they had been contradicted?"

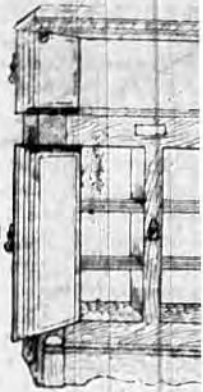
"Yes."

"And if evidence was presented your feeling of prejudice would be removed?"

"Yes."

Judge Wood asked a question: "Do you think if chosen as a juror you

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Don't fail to carry the Vest Pocket caret Box with you constantly. All Druggists sell them—over ten million a year.

Be very careful to get the genuine, and only by the Sterling Remedy Company and never sold in bulk. Every tablet stamped "CCC."

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the eyes were never considered as any but local diseases. It is abundantly demonstrated and today all unprejudiced at pathological conditions in cases of divers and sundry nature occasioning only slight cases, in which not only is the very seat of reason is universal physical and mental cases may be due to faulty eyes. We will freely tell you—TO DELAY.

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state and exercised three of its 10 peremptory challenges and the defendant two, and there were left to be called 34 jurors of the special venire of 100.

Right on the Minute.

The jurors were brought in a few minutes before 10 o'clock and right on the strike of the clock Judge Wood entered the court room from his private office and took his seat. Defendant Haywood was brought in while the minutes were being read by Deputy Clerk Otto Peterson.

Without any preliminary work, Mr. Richardson, for the defense, began the examination of Isaac Bedell, the juror in the second chair, who had been passed by the prosecution for cause at the close of proceedings Friday.

Bedell said he was here during the mining troubles of the Coeur d'Alenes in 1892 and in 1899, but said that he never formed any opinion as to the rights or wrongs of those taking part in those troubles. He said he had known former Governor Steunenberg. He read The Statesman's accounts of the murder and subsequent events. He said he had never discussed the case—at least not to any extent. He had never attended any gatherings in his neighborhood where the case had been discussed. He said he believed in labor organizations. He never had belonged to a citizens' alliance. He knew of no reason why he could not qualify as a juror.

Bedell said that Borah had at one time—last spring—been his counsel. The matter, he said, was now closed up. That matter, however, had no influence on him, he said.

"He charged you for what he did and you paid him?"

"Yes, sir."

"That's good," said Richardson. "I always like to see a lawyer get his fees."

Defense Excuses Shaw.

Bedell was finally passed for cause by the defense and in exercising the third peremptory for the defense Walter Shaw was excused from the fourth chair.

M. H. Goodwin, a lumber dealer, was called to the vacated chair, and in answer to questions by Mr. Hawley, said he had known the former governor slightly and was in the city at the time of his assassination. He was a subscriber to both Boise daily papers and had read most of the accounts in each of them that had any bearings on the case. He said from what he had heard or read he had formed an opinion regarding the guilt or innocence of the accused, but he said it was not an unqualified opinion—not an opinion that caused prejudice in his mind for or against the defendant. He said he would be unwilling to determine the guilt or innocence of Haywood without evidence. He was not against capital punishment. He was passed for cause by the state.

In answer to Mr. Richardson, the juror said he had acted on juries in criminal trials several times, but never in a murder case.

"What papers have you read regarding this case?" asked the tall Denver man.

"The Statesman principally; also the Capital News."

"Those papers had pronounced views that the defendant was guilty, didn't they?"

"I don't know what their views were; I read the news printed in those papers."

"You mean what they called news, don't you?"

"It wasn't labeled; I called it news," was the answer.

Traveled Some.

The juror said he had been raised on a Maine farm; went from there to Boston at the age of 18, learned the carpenter trade and then went to Minneapolis, where he worked for three years at his trade; then he went

you have read?"

"Yes."

"You don't know that what you read was true?"

"No."

"You merely accepted them as matters of news, until they had been contradicted?"

"Yes."

"And if evidence was presented your feeling of prejudice would be removed?"

"Yes."

Judge Wood asked a question: "Do you think if chosen as a juror, you could try this case strictly upon the law and evidence?"

"I can," was the prompt response. The court denied the challenge and the juror kept his seat. The next peremptory was with the prosecution.

Hawley Excuses Rudge.

"We pass Mr. Rudge," announced Mr. Hawley.

Joseph Chinn, a local cab driver, formerly rural mail carrier and a farmer, was called to take the vacated eighth chair.

Chinn, in answer to Hawley's questions, said that he knew former Governor Steunenberg. He answered the usual questions asked satisfactorily to Mr. Hawley and was finally passed for cause. He was examined by Richardson and admitted he had an opinion which touched the guilt or innocence of the accused and which it would require evidence to remove. Chinn said that in 1893 and 1894 he was on the police force. He had never held office under Governor Steunenberg.

"Do you know Frank Powell?"

"Yes, sir."

"Have you ever talked with him about the case?"

"No, sir."

"What is he doing?"

"I don't know."

"Do you know he is a detective working for the prosecution?"

"I do not."

"Don't know anything about it?"

"No, sir."

He said he knew Hawley and Borah. Neither had ever been his counsel in any matter. He knew nothing about socialists or their views. He said he never belonged to a labor union.

"Did you ever refuse to join a labor union?"

"No, sir."

"Were you ever a strike breaker?"

"No, sir."

Chinn said he never had any prejudice against the Western Federation of Miners or its officers. He had never belonged to a citizen's alliance. If there was one in Boise he didn't know it. He had never been a detective.

"Do you know Governor Gooding?"

"By sight."

"Are you a Republican?"

"No."

"What are you?"

"A Democrat."

Two Kinds of Democrats.

"Which faction do you belong to? I understand there are two factions in this state."

"I guess I must belong to both of them, then," was the reply.

Chinn said he did not know what Governor Gooding's views were on the case. He didn't hear Taft's speech here.

"Did you read the famous letter of the president?"

"I don't remember what was in the letter."

"Well, he called Mr. Haywood an 'undesirable citizen,' with others. He mentioned a man by the name of Harriman, whom you may know—also Moyer—and I think he had Hearst mixed up in it," said Richardson.

"Would that statement from the president affect you?"

"I think not."

Richardson passed Chinn for cause, and in exercising the fourth peremptory challenge for the defense, excused

(Continued on Page Thirteen.)

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PRICES PER 100 LBS	
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(Continued from Page Eleven.)

M. H. Goodwin from the fourth seat. Ed Ray, a young Ada county farmer, was next called. He was examined by Borah.

Ray said that at the time of the murder of Steunenberg he was working on John McMillan's ranch. He had read The Statesman almost exclusively—other papers occasionally. He had not read all the newspaper accounts of the case.

Ray said he had at the present time an opinion touching upon the guilt or innocence of the accused. He did not think he had a prejudice against the accused. He had expressed the opinion to others, he said. He thought he could enter upon the trial as a juror and divest his mind of his opinion and render a verdict entirely upon the law and evidence. He did not object to capital punishment and had no prejudice against circumstantial evidence. He was passed for cause by the prosecution.

Richardson took up the examination. The juror said he came to Idaho from Oregon when 3 years of age. He lived six miles from Orchard. He had been married about four years. He was about 18 years old at the time of the troubles of 1899. He didn't remember much about them.

"But this last affair you took an interest in?"

"Yes."

"And you resented the crime?"

"Yes."

"And formed an opinion as to who were guilty?"

"From what I had read, I had an opinion, I suppose."

"But not such an opinion as could be called fixed or unqualified?"

"It was not fixed. Evidence would remove it."

Juror said he had once sat on a jury on a murder trial in this county and in answer to the next question said it was the "Daly case" that he had been connected with.

Before the examination was concluded a recess was taken to 1:30 o'clock.

Mysterious Consultation.

As soon as the roll of jurors in the box had been called at the afternoon session, Judge Wood called Hawley and Richardson to the bench. He said he wished to make a suggestion to them. The attorneys and the court held a whispered conversation lasting several minutes. As soon as the attorneys were again seated they entered into earnest conversation with their associates.

Judge Wood interrupted to say: "You may proceed, gentlemen, with the examination of jurors."

"Just a minute, your honor," requested Richardson. The Denver attorney continued to talk with his associate attorneys for the defense and with the defendant.

Without any remarks that would give an inkling as to what the conference with the court had been about, the examination of jurors was continued by Mr. Richardson from the point where he had been interrupted at the time a recess had been taken.

Ray, after close questioning, said the opinion he had entertained was one that he would probably carry with him into the jury box if chosen as a juror. "It was one that might influence him," he said, "if the evidence were close."

Juror was challenged for implied bias, the prosecution denied the challenge and Borah asked a few questions to bring out that the juror had no opinion that he had not gathered entirely from newspaper accounts and that he thought he could divest himself of any opinion he said, if chosen as a juror, but was doubtful about the matter.

"We submit to the court for a ruling," said Borah.

"Challenge allowed," said Judge Wood.

ardson. "We'll make it 'sermons they do preach,' and there was some laughter.

Richardson for 35 or 40 minutes asked question after question to get the juror to admit that he had an opinion that would influence him at coming to a verdict if called as a juror.

Finally Richardson asked the juror if he were in Haywood's place if he would be willing to have a man feeling like himself on the jury. He said he would.

Challenged at Last.

The juror was finally challenged on the grounds of implied bias on the grounds that juror and Borah stood as attorney and client.

Mr. Borah objected. He said Cavanaugh was the juror's attorney; that the case defended by Cavanaugh had nothing to do with the firm of Borah, Blake & Cavanaugh; it was old business which had never come into the firm.

It developed that in the matter of an estate Cavanaugh represented Clark as an heir and Borah was the attorney for the wife of the deceased in an adverse action.

"And you belong to the same firm?"

"Yes."

"There won't be much of a contest, then?" asked Richardson.

"On the other hand," said Borah, "the matter will be hotly contested, I imagine."

"I don't see how you can act in that manner—two members of the same law firm on opposite sides of a case," said Darrow.

"That is a matter, Mr. Darrow, which we will endeavor to settle strictly among ourselves," was the senator's reply.

The court decided there was no evidence to show that there was any relation between the juror and Mr. Borah as client and attorney.

The defense took an exception and asked for the privilege of later presenting evidence to support their contention, if they could find such evidence. Richardson further questioned the juror.

"What are your politics?"

"Democrat."

"Which faction of that party do you belong to?"

"We object to that question," shouted Hawley.

Richardson looked toward him in surprise.

"It's a libel on the party," said Hawley, in answer to the inquiring look and there was considerable laughter.

Juror said he did not know there were different factions in the Democratic party. After many more questions, taking nearly half an hour to propound and answer, he finally passed the juror for cause, with the understanding that he could, if he found evidence to show the relation of attorney and client existed between the juror and Mr. Borah, re-open the matter on Monday.

State Excuses Gribble.

The state was here called to exercise its fifth peremptory challenge, and Mr. Gribble in the fifth chair was excused by Mr. Hawley.

Julius Miller, a middle-aged rancher, was called to take Gribble's place. He said he had known former Governor Steunenberg very slightly—not intimately. He had read and talked about the murder case "quite a lot." He had formed an opinion regarding the guilt or innocence of the accused. It was a fixed, settled opinion, such as he could not lay aside if selected as a juror.

He was challenged by Mr. Borah on the grounds of implied bias; the defense admitted the challenge.

The next juror called to seat No. 5 was T. C. De Clercq, a farmer of near Star.

"Where do you live Mr. De Clercq?" asked Borah.

"In Boise City."

"How long have you lived in Boise?"

"Since last Monday morning," was the reply, which caused general laughter.

TO PASTORS—To insure publication Sunday morning, notices should reach The Statesman editorial room not later than Friday evening.

FIRST PRESBYTERIAN—Corner of State and Ninth streets. Rev. R. A. McKinley, D. D., pastor. Morning service at 11:30 a. m., subject, "The Distinctive Features of Christian Faith"; evening service, 8 p. m., subject, "Defense from Unseen or Unsuspected Foes." Rev. M. S. Bush of Baker City, Oregon, will preach at both morning and evening service.

UNITARIAN—Grand Army hall. Sunday school at 11:30 a. m.; services at 8 o'clock p. m., subject, "The Essentials and Nonessentials of Christian Theology." Residence of pastor for the coming year, 1610 Franklin street, telephone No. 1507.

CHRIST CHURCH—Rev. D. H. Jones, pastor. Morning service at 11 a. m., subject, "The Pentecost"; evening service at 8 p. m., subject, "The Pentecost"; Sunday school at 3 p. m.; Friday services at 7:45 p. m., choir practice Tuesday at 7 p. m.

FIRST METHODIST EPISCOPAL—Corner of Tenth and State streets. Rev. Charles B. Dalton, pastor. Morning service at 11:30 a. m.; evening service at 8 p. m., subject, "Contrasts." Miss Mary E. Williams of Baroda, India, will speak in the morning. The pastor will preach at night. Sunday school at 10 a. m., H. E. Neal, superintendent; Epworth league at 6:45 p. m., Professor J. Fred Williams, president.

ST. MICHAEL'S CATHEDRAL—Dean Edward Hinks, pastor. Morning service at 11:30 a. m.; evening service at 8 p. m. Holy communion at 8 a. m.; Sunday school at 10:15.

CONGREGATIONAL—Corner State and Seventh streets. Rev. George E. Paddock, pastor. Sunday school at 10 a. m.; Christian Endeavor at 7 p. m.; services at 11:30 a. m. and 8 p. m. Morning subject, "Christian Sympathy." Evening subject, "Fear Not."

FIRST BAPTIST—Corner of Tenth and Jefferson streets. Rev. P. Monroe Smock, pastor. Morning service at 11 a. m., subject, "Sunday School Work"; evening service at 8 p. m., subject, "The Greatest Thing in the World or the Eleventh Commandment"; Sunday school at 10 a. m. Special music at both services.

GRACE EPISCOPAL—Corner of State and Walnut streets. Rev. R. A. Curtis, pastor. Sunday school at 3 p. m.; evening service at 8 p. m.; evening prayer, litany and adults' Bible class every Friday night at 8 o'clock.

CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS—Corner of Fourth and Jefferson streets, Herbert Q. Hale, presiding elder; Sunday school, 10 a. m.; evening service, 7:30 p. m., subject, "The Gospel of Reason." Joseph H. Peterson will be the speaker.

CHRISTIAN SCIENTIST—State street between Eighth and Ninth streets. Morning service at 11:00 o'clock. Subject of lesson-sermon, "Mortals and Immortals;" testimonial meetings Wednesday evening at 8:00 o'clock.

SALVATION ARMY—Meetings Sunday in the Army's auditorium, 615½ Main streets as follows: At 11 a. m., holiness meetings; 2 p. m., Sunday school; 3 p. m., Christians' gathering; 6:30 p. m., Young People's Legion; 8 p. m., grand battle for souls. Adjutant and Mrs. Hawk, officers in command. A hearty welcome is extended to all, especially to those who do not attend services any place.

SHELTERING ARMS—115 North Thirtieth street. Sunday school at 3:30 p. m.

ST. JOHN'S CATHEDRAL—Eighth and Fort streets. Rt. Rev. A. J. Glorieux, bishop. Early mass at 8 a. m.; High mass at 10:30 a. m.

with him into the jury box if chosen as a juror. It was one that might influence him, he said, if the evidence were close.

Juror was challenged for implied bias, the prosecution denied the challenge and Borah asked a few questions to bring out that the juror had no opinion that he had not gathered entirely from newspaper accounts and that he thought he could divest himself of any opinion he said, if chosen as a juror, but was doubtful about the matter.

"We submit to the court for a ruling," said Borah.

"Challenge allowed," said Judge Wood.

Matlock Excused.

Clinton Matlock, a rancher near Meridian, was next called. He has been a resident of the state 25 years, all of which time he has followed ranching. He has lived in the county about 10 years.

In reply to questions by Mr. Borah Matlock said he had known former Governor Steunenberg by sight only. The first news he had received of the murder, he said, had been by phone. He had heard the case discussed. He had engaged in general conversations but never remembered of having expressed his own opinion in the matter. He was an old subscriber of The Statesman. He had read a few copies of the Capital News. He said he had formed an opinion regarding the guilt or innocence of the accused. He still retained that opinion and said it would require good evidence—not very strong evidence—to remove it. Later he said it would take strong evidence.

He was challenged for cause; the challenge was admitted by the defense and the juror was excused.

A stock raiser, Dan Clark, was next called.

"Where were you born, Mr. Clark?" asked Borah.

"In Missouri."

"Came from there to Idaho?"

"Yes."

"How old were you when you left Missouri?"

"As near as I can remember I was about six months old," was the reply which caused much amusement.

"That must have been hear-say evidence," suggested Darrow.

"I think if you object to it," said Borah, "that we can corroborate it."

Clark knew Steunenberg by sight. He had discussed the case with his neighbors. Like most others, he said he had formed an opinion—or, rather, had an impression touching the guilt or innocence of the accused, but was unprejudiced. He thought he was perfectly able to set aside any impression he might have and come to a verdict based strictly upon the testimony and law in the case.

He said he had no conscientious scruples regarding capital punishment providing the evidence of guilt was absolutely conclusive. If not conclusive, he said, he could not vote to hang a man. He was finally passed for cause.

Mr. Richardson examined the juror in the same exhaustive methods he had used with nearly every talesman that passed through his hands. After learning that the man had only known the former governor by sight, had never enjoyed any political plums under the Steunenberg administration and had never ridden on railway passes, Mr. Richardson asked:

"Are you a church member?"

"No, sir."

"Ever attend church?"

"Yes."

"What church?"

"Sometimes the Methodist, sometimes the Catholic."

"And you like one just as well as the other?"

"Yes."

"Just go to church to get what good you can; not to take in the sermons they try to preach."

"Please leave out that word 'try,'" suggested Borah.

"I stand corrected," returned Rich-

ardson about the murder case "quite a lot." He had formed an opinion regarding the guilt or innocence of the accused. It was a fixed, settled opinion, such as he could not lay aside if selected as a juror.

He was challenged by Mr. Borah on the grounds of implied bias; the defense admitted the challenge.

The next juror called to seat No. 5 was T. C. De Clercq, a farmer of near Star.

"Where do you live Mr. De Clercq?" asked Borah.

"In Boise City."

"How long have you lived in Boise?"

"Since last Monday morning," was the reply, which caused general laughter.

De Clercq said he moved to the city from his ranch near Star. He had lived on that ranch three years, haying come to Idaho from Iowa. He had always been a farmer, he said.

He said he had never formed any settled opinion regarding the guilt or innocence of the accused, but it had prejudiced him, he thought, and was of such a nature that it would probably influence him in arriving at a verdict if he was chosen to serve as a juror.

"You may examine the juror," announced Mr. Borah.

"We challenge this juror upon the examination made by the prosecution, your honor," announced Richardson.

Before the court ruled Richardson said he would withdraw the challenge until Monday morning.

Judge Wood then called attention to the report of County Attorney Koelsch and court was adjourned until 10 o'clock Monday morning.

Just after adjournment Judge Wood explained that in the matter he had spoken with the attorneys about just after court convened for the afternoon

—in regard to the illness of Juror Orin Cole—the juror said he felt better and there would be no further consideration of an application for an excuse for him at least until Monday. This was the first information of what the consultation between the court, Hawley and Richardson had been about.

Judge Wood announced that Cole had not been feeling at all well, but was now better and that it had been arranged for him to see his physician for treatment in the presence of bailiffs.

It was suggested that, if agreeable to attorneys for both sides, hours for holding court next week might be changed so as to make the afternoon sessions shorter by beginning at 9:30 instead of 10 o'clock in the morning.

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SALVATION ARMY—Meetings Sunday in the Army's auditorium, 615 1/2 Main streets as follows: At 11 a. m., holiness meetings; 2 p. m., Sunday school; 3 p. m., Christians' gathering; 6:30 p. m., Young People's Legion; 8 p. m., grand battle for souls. Adjutant and Mrs. Hawk, officers in command. A hearty welcome is extended to all, especially to those who do not attend services any place.

SHELTERING ARMS—115 North Third street. Sunday school at 3:30 p. m.

ST. JOHN'S CATHEDRAL—Eighth and Fort streets. Rt. Rev. A. J. Glorieux, bishop. Early mass at 8 a. m.; High mass at 10:30 a. m., and evening service at 8 o'clock.

IMMANUEL METHODIST EPISCOPAL—Corner Twelfth and Eastman streets. Rev. C. L. Bent, pastor. Morning service, 11:30 a. m. Evening service, 7:30 p. m. Sunday school at 10 a. m. Epworth League at 6:15 p. m.

SECOND PRESBYTERIAN—South Boise at end of Broadway bridge. Rev. E. N. Murphy, pastor. Morning service, 11 a. m. Evening service, 7:30 p. m. Sunday school at 10 a. m. Senior Endeavor, 7 p. m. Junior Endeavor, 3 p. m.

BETHANY PRESBYTERIAN—Cole school district. Rev. E. N. Murphy, pastor. Preaching at 2 p. m. Sunday school at 3. Christian Endeavor at 7:30 p. m. Preaching in evening.

ST. PAUL BAPTIST CHURCH—808 Bannock street. Rev. L. J. Jones, pastor. Morning service, 11:30 a. m. Evening service, 7:30 p. m.

SWEDISH LUTHERAN—Corner of First and Bannock streets; Rev. A. H. Franzen, pastor. Evening service, 8 p. m. Pastor's residence, 1016 North Sixth street.

THE CHURCH OF GOD—No. 415 Fourteenth street. Service at 11 a. m. General Bible reading at 3 p. m. Service at 8 p. m. J. W. Baker, D. D., district officer, ex-officio pastor.

SEVENTH-DAY ADVENTIST—Corner Thirteenth and State streets; Elder Willard H. Saxby, pastor. Sabbath school at 10:30 a. m., and preaching at 11:30 every Sabbath (Saturday); also preaching each Sunday evening at 7:30.

FRIENDS CHURCH—Corner of Twelfth and Eastman streets. Rev. Aaron Bray, pastor. Sunday school at 10 a. m. Preaching at 11 a. m. Christian Endeavor at 6:45 p. m.

HOTEL ARRIVALS

CAPITOL—S. D. McLain, A. P. Cheris, Nampa; M. M. Myers, Idaho City; M. M. Brooks, Caldwell; M. Manasse, Coshocton, Ohio; Mrs. J. E. Urquhart, Blackfoot; O. B. Newman, Nyssa; Mrs. W. N. Maxwell, Nampa; F. C. Hayward, Omaha; A. Lillard, Nampa; J. J. Ollsen and wife; Ogden; D. McTaggard, John McTaggard, James McTaggard, Charles McTaggard, Butte; A. Bales, Newton, Ia.; G. L. Martin, Jefferson, Ia.; Mrs. G. A. Candland, Mrs. J. Prinzing, Ontario; J. F. Young, Fred D. Fry, Caldwell; J. R. Anderson, Tacoma; C. V. Richardson, Mountainhome; Mrs. H. B. Westhaven, Idaho City.

IDANHA—S. A. Alexander, New York; F. T. Vincent, Salt Lake; J. H. Foley, Salt Lake; O. E. Silverthorn, Portland; W. G. Saunders, Chicago; M. I. Brandy, St. Louis; M. Grunbaum, C. G. Stewart, Chicago; G. C. T. French, Moscow; Charles A. Ingall, Boston; S. Alexander, New York; George A. Vernon, Denver; E. F. Rockfellow, New York; J. C. Weeter, Pocatello; A. C. Cole, Victor, Colo.; John M. Thompson and wife, Beaford, Ia.; H. W. Walker, Philadelphia; David Mann, New York; N. Resailon, Portland; L. E. Thom, Chicago.

Dolan's for fruit and fish.

Wonderful Eczema Cure.

"Our little boy had eczema for five years," writes N. A. Adams, Henrietta, Pa. "Two of our home doctors said the case was hopeless, his lungs being affected. We then employed other doctors, but no benefit resulted. By chance we read about Electric Bitters; bought a bottle and soon noticed improvement. We continued this medicine until several bottles were used, when our boy was completely cured." Best of all blood medicines and body building health tonics. Guaranteed at all drug stores; 50c.

Special Rates to the East.

Round trip tickets to Chicago, St. Louis and most points west thereof will be on sale at O. S. L. stations in Idaho at one fare plus \$7.00 on following dates:

May 27, 30; June 3, 7, 12 and 14. Transit limit 10 days in each direction. Final limit October 31, 1907. Diverse routing privilege allowed. See O. S. L. ticket agents for particulars.

D. P. STUBBS,
D. G. & P. A.

Bell Rings at Pullman Bar.

Five minutes before train leaves. Budweiser. Four doors from depot. Nampa.

Wickensdorfer, \$50.00.

Idaho Typewriter Exchange, 10th st.

MOYER, HAYWOOD AND PETTIBONE SPEND VERY QUIET SUNDAY AT COUNTY JAIL

DEFENDANTS HAVE NO VISITORS

Rain Keeps Mrs. Haywood and Mrs. Moyer from Visiting Husbands.

WITNESSES FOR STATE ARRIVE IN TOWN

Sheriff Sutherland and A. J. Dunn Come from Wallace and Go on to Twin Falls to Look at Land—Adams Said to Be in Good Condition—Captain Swain Has Not Been Summoned—Court May Adjourn Wednesday to Summon More Talesmen.

At 10 o'clock this morning the district court will convene and the work of selecting a jury for the trial of William D. Haywood will be taken up where left off on Saturday afternoon. The first move at today's proceedings in all probability will be a challenge for cause by the defense against T. C. DeClereq, the last juror called on Saturday to occupy the fifth seat. On Saturday Mr. Richardson at first announced a challenge against this talesman on the grounds of implied bias as brought out in the examination by the attorneys for the prosecution. Then, as it was time for adjournment, Mr. Richardson asked to be allowed to withdraw his challenge until this morning.

When work is resumed this morning there will be, aside from DeClereq, 11 jurors in the box who have been passed for cause by both sides and there will be left of the special venire of 100 who reported last Monday, just 22 talesmen who may be called for examination. At the ratio which has heretofore prevailed of those accepted for cause it is expected that the first special venire will be exhausted by tomorrow afternoon and that it will be necessary, perhaps, to adjourn court over Wednesday in order to give the sheriff time to summon a second special venire of about 50. It is predicted that a jury cannot now be secured before the last of this week and there is a strong probability that it may take until the middle of next week.

Every Inch Contested.

Every inch of ground is now being fought by the attorneys on both sides. No juror is accepted for cause until every possible question has been asked in an effort to learn his true state of mind in regard to the case. Nearly every challenge from now on will be resisted if there is a shadow of a chance for a favorable ruling by the court. It is very interesting to note what a thorough history the attorneys for state and defense each have on each man called as a prospective juror. The preparation for this test has been as near perfect as could be. It would seem, in watching the examinations, that the attorneys have the life history of almost every available man for jury duty in Ada county, from the cradle to the minute his name is called by the clerk.

Many members of the bar are



ATTORNEYS FOR THE STATE.

Photograph taken on the steps of James H. Hawley's residence on Main street. O. M. Van Duyn, county attorney of Canyon county, is standing. Senator Borah is sitting at the left and James H. Hawley at the right. W. A. Stone of Caldwell is the central figure.

Caldwell very shortly after Orchard's arrest with W. S. Swain of Spokane the detective of the Thiele agency who first took up the investigations for the defense. Orchard was in jail under the name of Thomas Hogan and Sutherland was the first officer to recognize him as the man known as Harry Orchard.

Sutherland said that Detective Swain had not been summoned as a witness in the Haywood trial and did not expect to be called in this case.

Sutherland has done some good work for the state, it is said, in the present case, and he was for years an officer for the state in north Idaho. He was active during the Odeur d'Alene troubles and his testimony is said to be deemed of great importance. He is the officer who came to Boise

THREE YOUNG COLLEGIANS DROWN IN LAKE WASHINGTON

SEATTLE, May 18.—Three young college students, two men and a girl, were drowned in an accident on Lake Washington today. Another young man barely escaped with the assistance of friends who went to his rescue in a sailboat while a squall was raging on the lake.

The two men were J. J. Grosshorn, son of Robert Grosshorn, editor of the *Kalamazoo News*, and...

...were out in the lake in a small canoe when a sudden squall came up and struck them. The canoe filled with water and sank, leaving the occupants struggling in the choppy waves.

White almost succeeded in getting the girl to the canoe when both the other men threw their arms around him and the four sank. White alone coming up. Three students in a small

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Many members of the bar are watching the contest in the court room with great interest. The younger lawyers particularly regard this opportunity as one of the most fortunate that could come their way. They are taking notes on questions asked and are showing keen interest in the manner in which the lawyers are covering the ground.

Quiet Day for Prisoners.

Yesterday was about the most quiet Sunday at the county jail since Charles H. Moyer, William D. Haywood and George A. Pettibone have been detained there. It was the first Sunday that the prisoners have entertained no visitors. Mrs. Pettibone was the only person all day to visit the jail. It was expected that Mrs. Haywood would visit her husband in the afternoon, but the rain kept her home. Being an invalid, it was not thought best for her to be out, and Mrs. Moyer is still weak as the result of her recent illness and did not venture out in the damp weather.

It was not a particularly quiet day yesterday, however, for the attorneys. During the afternoon the lawyers on both sides were exceedingly busy—those for the prosecution at the office of J. H. Hawley and those for the defense at the defense headquarters in the Overland building. In view of it being necessary to call a second special venire the defense was yesterday getting into shape the pages of typewritten data concerning men who may be called on the panel so that as soon as the jury list is announced the papers needed might be speedily put into shape for reference during the examinations.

Witnesses Arrive.

Angus Sutherland, formerly sheriff of Shoshone county, arrived in Boise yesterday accompanied by A. J. Dunn, postmaster at Wallace and proprietor of the Wallace Press. Both have been summoned as witnesses in the Haywood trial. They were summoned to appear today at 10 o'clock, but finding how matters stood and that they would not be needed as witnesses for a week or more, they consulted with the attorneys for the state and left yesterday afternoon to accompany quite a party of citizens from their part of the state to Twin Falls to look over some desert land near there in which they expect to invest.

Sutherland is now a deputy sheriff, but at the time of the Steunenberg murder he was sheriff. He arrived in



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Photograph taken on the steps of James H. Hawley's residence on Main street. O. M. Van Duyn, county attorney of Canyon county, is standing. Senator Borah is sitting at the left and James H. Hawley at the right. W. A. Stone of Caldwell is the central figure.

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Sutherland has done some good work for the state, it is said, in the present case, and he was for years an officer for the state in north Idaho. He was active during the Coeur d'Alene troubles and his testimony is said to be of great importance. He is the officer who came to Boise to get Steve Adams at the time the latter was released at the penitentiary on a writ of habeas corpus and took the latter to Wallace where he was tried for the murder of Tyler.

Adams in Good Condition.

Speaking of Adams, Sutherland said that he was in the best of health, but not in excellent spirits. He said Adams had not yet been subpoenaed as a witness in this case, but it was the general opinion there that he would be called upon as a witness. There was plenty of time yet for him to be called, he said, if he was wanted, because it was not likely his testimony would be required until after the case was well under way.

"I can't tell you very much about Adams," said the ex-sheriff. "For I don't see him very much. Adams, you know, hates me like poison and will not talk with me, anyway."

Postmaster Dunn has been in the Coeur d'Alene country for years. He has seen and been through the mining troubles in that country. It is not known just what testimony he is expected to give when called. Speaking of the Adams trial he said the result had been no surprise to those who were acquainted with the personnel of the jury. He is of the emphatic opinion that Adams will be called upon to stand a second trial. The report that the state would in the end dismiss the charge against Adams of the murder of Fred Tyler, he said, was unfounded. Adams would have to go to trial again.

Bulkeley Wells Here.

Bulkeley Wells, former adjutant general of Colorado, another witness summoned for the state in the Haywood case, arrived last evening. He was in charge of the train on which the three accused men were brought here from Denver, and he was one of those who dug up the bomb at the gate of the residence of Judge Goddard. Wells has been on a trip to California, and has also been in the north to look after some matters in the Coeur d'Alenes.

Detective Johnson Here.

Andy Johnson, who, at the time of the murder of former Governor Steunenberg, was a plain clothes officer on the Boise police force and who was one of the first detectives to arrive on the scene, arrived in Boise yesterday.

(Continued on Page Five.)

THREE YOUNG COLLEGIANS DROWN IN LAKE WASHINGTON

SEATTLE, May 19.—Three young college students, two men and a girl, were drowned in an accident on Lake Washington today. Another young man barely escaped with the assistance of friends who went to his rescue in a sailboat while a squall was raging on the lake.

The two men were J. J. Grosshain, son of Robert Grosshain, editor of the Kallispell, Mont., Intereake, and a junior at Stanford university, and Glen Jacques, son of a Kallispell, Mont., engineer and a sophomore student at the same institution. The girl is Edith Vogt, a junior in the university of Washington.

These three, with Eugene White, another Washington university student,

were out in the lake in a small canoe when a sudden squall came up and struck them. The canoe filled with water and sank, leaving the occupants struggling in the choppy waves.

White almost succeeded in getting the girl to the canoe when both the other men threw their arms around him and the four sank. White alone coming up. Three students in a small sailboat made a sensational rescue, picking him up while the boat was going at a high rate of speed.

The Stanford students were on their way home. The university had closed for the year, and they were visiting at the home of Miss Vogt, who is also from Kallispell, Mont. Miss Vogt was prominent in university affairs.

BURGLARS FOILED IN ATTEMPT CRACK MISSOULA COUNTY STRONG BOX

MISSOULA, Mont., May 19.—Crackmen shattered the doors of the treasurer's vault of Missoula county at an early hour today, but when they were almost in reach of the money they were frightened away. The treasurer's office in the court house is within 75 feet of the county jail and the sheriff's office. The explosion was heard by the prisoners in the jail, but owing to the fact that the deputies were engaged in arresting several suspicious characters elsewhere in town, nobody in authority knew of the attempted burglary until later.

The burglars used nitro-glycerine, filing the crevices about the huge door with soap. The explosive shat-

tered the frame about the door so that it would have been the work of a few minutes to pry it off and to secure several thousand dollars inside. There is no inner safe within the vault.

It is supposed that the return of the sheriff's deputies with several prisoners frightened the robbers into leaving their work unfinished. The officers passed by the window of the treasurer's office, and when they arrived at the jail the prisoners inside gave the information that an explosion had occurred a few minutes previously. An investigation showed that the county's strong box had been blasted but no trace was found of the burglars.

SOME OF THE NEWS EVENTS TO COME UP THIS WEEK

Many prominent educators and statesmen will gather at Lake Mohonk, N. Y., on Wednesday to take part in the three days' session of the thirtieth annual meeting of the Lake Mohonk conference on international arbitration. Among those who will address the conference are Enrique C. Cuel, Mexican ambassador to the United States; Nicholas Murray Butler, president of the Columbia university, and John Barrett, director of the bureau of American Republics.

The National Association of Manufacturers, which will begin its conven-

tion in New York city Monday, is to hear the result of a poll of its 3000 members on the tariff question, which has been taken during the past year at the direction of the 1904 convention. The tariff committee sent out several questions intended to show if possible not only how much revision is desired, but also when and how the revisionists want the problem undertaken.

Other subjects to be discussed by the convention, with the names of the

(Continued on Page Two.)

MOYER, HAYWOOD AND PETTIBONE SPEND VERY QUIET SUNDAY

(Continued From Page One.)

day in answer to a summons to appear as a witness for the state in the Haywood trial. Andy is now located in Washington. He said he did not know just what he would be called to testify upon.

For several weeks after the murder Johnson took an active part in the investigations. He was one of those who entered Orchard's room at the Saratoga hotel the day following the assassination. He may be called upon to tell what was found there. He also secured the trunk that Orchard had at the depot which had never been taken to the hotel and in which incriminating evidences were found. Johnson is the officer who swore to the complaint charging Orchard with the murder of

former Governor Steunenberg, upon which the warrant was issued on which Orchard was arrested.

Excitement at Nampa.

Johnson tells a story of an exciting time the police officers of Nampa recently had over a report that was circulated there that a crank in the town was constructing an infernal machine for the purpose of killing Harry Orchard when he was being brought from the penitentiary to the court house to testify. Johnson said the officers made a thorough investigation and learned that the rumor was not well founded, but that they were sweating blood for a day or two.

As the story goes, the police of Nampa had for a long time been closely watching a certain man there who was deemed mentally unbalanced and who had become greatly excited from reading the Appeal to Reason and other socialist papers. The man had several

times declared that he would like to see the state house and the penitentiary "blown to smithereens," and had made other anarchistic statements. He had been carefully watched.

It was reported to the police that the man had stated to a sympathizer that he had accumulated a lot of giant powder and dynamite stolen secretly from the supply used by those at work on the government reclamation project and that he was going to make some bombs that would "set Moyer, Haywood and Pettibone free." Diligent work of the police officers, Johnson says, disclosed the fact that the man had, in all probability, made the statement credited to him, but that it must have been a crazy utterance; that the man had no powder and that there were no indications that he had or would make any infernal machines. He is being watched, however, but is regarded only as a dangerous crank.



ATTORNEY FOR DEFENSE OF MOYER, HAYWOOD AND PETTIBONE.

The above picture of the attorneys for Moyer, Haywood and Pettibone was taken at the defense headquarters office in the Overland block. The four men seated, beginning from left to right are Edgar Wilson, John F. Nugent, Clarence S. Darrow and E. F. Richardson. Fred Miller is standing between Darrow and Nugent. The other person is Leon Whitzel, who is not entered as an attorney, but has been actively employed in small matters for the defense.

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DEFENDANTS AT COUNTY JAIL.

Picture taken just outside of sheriff office. William D. Haywood, now on trial, is in the center. George A. Pettibone is at the left of the picture and Charles A. Moyer at the right.

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PRESBYTERIANS IN WARM DEBATE

Proposed Change in Form of Government of Church Causes Discussion.

Executive Committees for Presbyteries, Synods and General Assembly Recommended and Will Be Referred to Presbyteries for Adoption.

COLUMBUS, Ohio, May 20.—After a spirited discussion, during which it was charged that an attempt was being made to build up a Catholic hierarchy the Presbyterian general assembly today adopted the report of the special committee on administrative agencies referring to the presbyteries four overtures relating to changes in the form of government of the church, which provide for the establishment of executive committees by the presbyteries, synods and general assembly, of which the moderator of the respective organizations shall be the head. If a majority of the presbyteries approve these overtures, the committee will report to the next general assembly a plan for the executive committee of the general assembly. The report of the

GOULD DIVORCE SUIT.

NEW YORK, May 20.—Counsel for Mrs. Howard Gould said today that Mrs. Gould's suit for permanent separation from her husband had been filed but the papers in the case have not been served on Mr. Gould. Mr. Shearn said that Mrs. Gould brought suit upon the ground of cruel and inhuman treatment covering a period of more than three years. The lawyer also declared that the suit would be tried in open court, adding: "Mrs. Gould desires that full publicity be given to it and she refuses to spare anyone engaged in the plot against her."

temperance federation and the anti-saloon league will be threshed out on the floor of the assembly. Reports of the board of missions for freedmen, the college board and the committees on Christian work among sailors and soldiers were also presented and adopted today.

PETER BREEN MAY JOIN DEFENSE

Well Known Butte Attorney May Be Retained by Unions of That Place.

Breen Was Connected With the Trouble in the Coeur d'Alenes in 1892 and Was for 11 Weeks in Jail With Pettibone—Darrow's Views.

(Special Dispatch.) BUTTE, Mont., May 20.—Peter Breen, the well known Butte criminal lawyer, was seen this afternoon regarding the statement of Clarence Darrow, given at Boise today, that he would be enrolled as chief counsel for Moyer, Haywood and Pettibone should the Butte unions decide to send him to Idaho. Mr. Breen said: "I am not informed regarding the intentions of the Butte unions other than that last January the miners, engineers and smeltermen took up the question of engaging me to appear in the federation cases. Under no circumstances would I permit myself to be enrolled as chief counsel. The case is already in good hands." Attorney Breen is an old Coeur d'Alene. He was connected with the troubles of 1892 and was for 11 weeks

ORDERS REVISION OF VULGATE

Pope Said to Have Entrusted the Work of the Benedictive Order.

SELECTING JURORS SLOW WORK

Eighteen Examined Yesterday and Only Two are Passed for Cause.

EACH SIDE USES ONE PEREMPTORY

Defense Introduces Witness to Disprove Statements Made by John Fisher But Witness Testimony Proves Insufficient and Challenge is Overruled by Court—Hard Fight to Save Peremptory Challenge of No Avail—Few Interesting Features.

HOW THE JURY STANDS.

- Thomas B. Gess.
- Isaac Bedell.
- Samuel D. Gilman.
- Daniel Clark.
- George Powell.
- John F. Whitlock.
- George McIntyre.
- Lee Schriener.
- Orlic Gble.
- John Fisher.
- A. P. Burns.
- Samuel F. Russell.

At the close of the long-drawn-out, tiresome, monotonous session of the district court yesterday the attorneys for the state and for the defense of William D. Haywood had waded through the examinations of 18 talesmen, of whom two were passed for cause by each side, of whom the defense challenged for cause and got excused four who had passed by the prosecution, and of whom the prosecution challenged and got excused 12. Those excused for cause on challenges by the defense were James H. Bogart, T. C. DeClerck, George W. Masten and Frank Marcellus; those excused on challenges by the prosecution were George W. Fletcher, Frank Gess, W. I. Thrallkill, Sumner Dee, W. F. Roe, Crayford Moore, J. H. Breashear, George B. Fisher, Homer Tolbeth, Ed Hartman, W. T. Booth, Hans J. Reed. John Whitlock was called just before closing time. He was examined by the prosecution and passed and partly examined by the defense. His examination will be continued by the defense upon court convening this morning. At the close of proceedings yesterday there were 101 nine men on the last special venire of 100 and it is thought that in all probability these will have been examined and either excused or passed by noon today. In that case it is likely that an adjournment of proceedings will be taken over until Thursday in order to give the sheriff and his deputies an opportunity to summon more talesmen. The second special venire is predicted will

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COLUMBUS, Ohio, May 20.—After a spirited discussion, during which it was charged that an attempt was being made to build up a Catholic hierarchy the Presbyterian general assembly today adopted the report of the special committee on administrative agencies referring to the presbyteries four overtures relating to changes in the form of government of the church, which provide for the establishment of executive committees by the presbyteries, synods and general assembly, of which the moderator of the respective organizations shall be the head. If a majority of the presbyteries approve these overtures, the committee will report to the next general assembly a plan for the executive committee of the general assembly. The report of the committee was presented at the morning session, but action was not taken on it until the closing hours of the afternoon. The recommendation for the establishment of executive committees met with vigorous opposition, Rev. Doremus of Michigan, declaring that it was an attempt to set up a Catholic hierarchy and Rev. Dr. Alexander T. Kerr of Pennsylvania, denouncing it as born of the spirit of oligarchy and a blow at the basic principles of the church.

The proposition found warm supporters, however, and a strong defense was made for it by the chairman of the committee, Rev. Dr. James D. Moffatt, president of Washington and Jefferson university. He declared the proposed change in the form of government was in perfect harmony with the principles of the church, that it should not mean a concentration of power, but rather an execution of power.

The committee, in its report, suggested that the general assemblies executive committee should consist of 15 members, of which the moderator is to be the head, that officer being elected to serve for an entire year instead of during the session of the general assembly as at present. Under this plan any question except that of a judicial nature, may be referred to the committee for adjustment during the interim between the sessions of the assembly. This plan necessarily extends the powers of moderator, who would act as the representative of the church as occasion may require, visit the synods, presbyteries and other bodies as may be deemed advisable in the interest of the work of the church and council with the committees and boards of church when required to do so. The committee would counsel with the moderator on all matters which he may choose to lay before them, take such action as may be required to further the orders of the assembly and make an annual report with such recommendations as they may deem advisable to the assembly. The adoption of the report of the committee today does not bind the assembly to these suggestions.

By unanimous vote the assembly made the report of the committee on temperance a special order for Wednesday afternoon, at which time the controversy between the interchurch

GOULD DIVORCE SUIT.
NEW YORK, May 20.—Counsel for Mrs. Howard Gould said today that Mrs. Gould's suit for permanent separation from her husband had been filed but the papers in the case have not been served on Mr. Gould. Mr. Shearn said that Mrs. Gould brought suit upon the ground of cruel and inhuman treatment covering a period of more than three years. The lawyer also declared that the suit would be tried in open court, adding: "Mrs. Gould desires that full publicity be given to it and she refuses to spare anyone engaged in the plot against her."

temperance federation and the anti-temperance league will be thrashed out on the floor of the assembly. Reports of the board of missions for freedmen, the college board and the committees on Christian work among sailors and soldiers were also presented and adopted today.

ORDERS REVISION OF VULGATE

Pope Said to Have Entrusted the Work of the Benedictive Order.

LONDON, May 20.—In a dispatch from Rome the correspondent of the Times says he learns that the pope has issued a decree entrusting the entire revision of the Vulgate to the Benedictive order. This is the most important decision yet announced, the correspondent continues, as an outcome of the Biblical commission appointed toward the end of the pontificate of Leo XIII. In an editorial article, the Times says it is difficult to over-estimate the importance of this step. "No book," the paper declares, "has exercised a wider and more powerful influence in moulding the faith, morals, thought and traditions of the literature of the European world than the Latin version of the Scriptures, which we know as the Vulgate. For 1500 years it has been setting its impression upon the lives and the whole mental heritage of countless millions of men."

The paper adds the step is a bold one, but it will be hailed with satisfaction by many within as well as without the church of Rome.

GEN. KUROKI VISITS YALE UNIVERSITY

NEW HAVEN, Conn., May 20.—The visit to Yale university of General Kuroki today was brought about by the desire of the distinguished soldier to see the institution in which many Japanese officers received a portion of their education. Many of these officers served with distinction at Port Arthur and the battles on Manchurian soil.

General Kuroki's party included General O. W. Wood, U. S. A., retired, and Major Lynch of the general staff. The party visited various departments of the college and at Woodridge Hall were received by President Hadley.

Luncheon was served at the graduate school. There were present Secretary of State Root, Governor Woodruff, President Mellen of the New Haven railroad and a number of professors and faculty men.

The party then visited the university hall, where Yale men numbering 1,000 arose and gave the long Yale cheer. At 4 o'clock the general and party left for New York.

PETER BREEN MAY JOIN DEFENSE

Well Known Butte Attorney May Be Retained by Unions of That Place.

Breen Was Connected With the Trouble in the Coeur d'Alenes in 1892 and Was for 11 Weeks in Jail With Pettibone—Darrow's Views.

(Special Dispatch.)
BUTTE, Mont., May 20.—Peter Breen, the well known Butte criminal lawyer, was seen this afternoon regarding the statement of Clarence Darrow, given at Boise today, that he would be enrolled as chief counsel for Moyer, Haywood and Pettibone, should the Butte unions decide to send him to Idaho. Mr. Breen said: "I am not informed regarding the intentions of the Butte unions other than that last January the miners, engineers and smeltermen took up the question of engaging me to appear in the federation cases. Under no circumstances would I permit myself to be enrolled as chief counsel. The case is already in good hands."
Attorney Breen is an old Coeur d'Alene. He was connected with the troubles of 1892 and was for 11 weeks the occupant of a cell adjoining that of George Pettibone.

Clarence S. Darrow, when shown the above dispatch last evening, said: "I am not certain, but I believe that Peter Breen will soon join us in the defense of Moyer, Haywood and Pettibone. As far as chief counsel is concerned, there is no chief counsel on our side. We are all on an equal footing and if Mr. Breen comes to assist he will be on the same footing with the rest of us."
"Peter Breen is a well known criminal lawyer. He is very well posted on the Coeur d'Alene troubles and if, as appearances seem to indicate, the prosecution endeavors to bring up many events of those troublous times in this trial I have no doubt that Mr. Breen will prove of invaluable assistance to us. We will all welcome him in the case if the Butte union decides to employ him."

ARABS REVOLT AGAINST TURKISH AUTHORITIES

CONSTANTINOPLE, May 20.—No confirmation has yet been received here of the annihilation, reported May 6, of seven batteries of Turkish troops during a battle with rebels in the province of Yemen, Turkish Arabia, although the position of the troops was known to have been perilous. According to mail advices from Damascus, there was an engagement the latter part of March on the eastern frontier of Yemen, between the Muntefik and Rousla branches of the Anaseh tribe in which 600 of the former and 200 of the latter were killed.
The Arab tribes of the Euphrates and Tigris are again in revolt, and the Turkish authorities have proved themselves unable to suppress the movement.

Destroyer Ashore.
YARMOUTH, England, May 20.—A British torpedo-boat destroyer, the name of which was not known tonight, grounded today on Darbor sands, six miles north of Great Yarmouth. Other destroyers are standing by the stranded warship and lifeboats have been sent to the wrecked destroyer to render assistance should occasion arise.

- Thomas B. Gess.
- Isaac Bedell.
- Samuel D. Gliman.
- Daniel Clark.
- George Powell.
- John F. Whitlock.
- George McIntyre.
- Lee Schrivener.
- Oric Cole.
- John Fisher.
- A. P. Burns.
- Samuel F. Russell.

At the close of the long-drawn-out, dreary, monotonous session of the district court yesterday the attorneys for the state and for the defense of William D. Haywood had waded through the examinations of 18 talesmen, of whom two were passed for cause by each side, of whom the defense challenged for cause and got excused four who had passed by the prosecution, and of whom the prosecution challenged and got excused 12.

Those excused for cause on challenge by the defense were James H. Bogart, T. C. DeClercq, George W. Masten and Frank Marcellus; those excused on challenges by the prosecution were George W. Fletcher, Frank Gess, W. I. Thrallkill, Sumner Dee, W. P. Kee, Crawford Moore, J. H. Breashear, George B. Fisher, Homer Tollett, J. Hartman, W. T. Booth, Hans J. Ross, John Whittlock was called just before closing time. He was examined by the prosecution and passed and partly examined by the defense. His examination will be continued by the defense upon court convening this morning.

At the close of proceedings yesterday there were left nine men on the last special venire of 100 and it is thought that in all probability these will have been examined and either excused or passed by noon today. In that case it is likely that an adjournment proceedings will be taken over until Thursday in order to give the sheriff and his deputies an opportunity to summon more talesmen. The second special venire, if it is predicted, will be only 50, although the court has as yet given no hint as to how many may be ordered.

Joseph Chinn Excused.
In passing Joseph Chinn, the Boise cab driver, from the eighth chair yesterday forenoon the defense exercised its fifth peremptory challenge and the prosecution used its sixth arbitrary challenge in the afternoon in excusing William C. Guffin from seat No. 6. Those were the only peremptory challenges used yesterday. The defense now has five left and the state four. It is expected on both sides that with one day's adjournment it will take until some time on Saturday to secure the jury and that not until next Monday and perhaps Tuesday will the time arrive for the statement of the case to the jury.

Although yesterday's proceedings were more dry and uninteresting than usual and there were fewer spats than usual between the attorneys, there were one or two features that caused considerable interest.

Defense's Objection Overruled.
When the court announced that the prosecution might employ its sixth peremptory challenge Mr. Richardson arose and strongly objected to the state exercising that right. He said that the court had ruled that the state was entitled to 19 challenges under the law as amended by the last legislature, but that he wished to make an objection at that time in legal verbiage so that the record would be complete. His objection was based mainly upon the grounds that the crime for which the defendant was being tried took place before the new law was framed, passed and went into effect and, for that reason, could not be effective in the present trial.

The objection was not argued by the prosecution, the matter having been gone over previously. Judge Wood overruled the objection. When the prosecution excused the next juror on its sixth peremptory Richardson again rose and entered an objection, stating that for the purpose of keeping up the record the defense would enter the same objection on each future peremptory challenge of the state. The last objection was immediately overruled and Richardson asked that exceptions be preserved in the record for the defense to all rulings against them.

(Continued on Page Four.)

ONLY NINE TALESMAN LEFT

(Continued from Page One.)

on these motions and the court so ordered.

Hard Hit for Defense.

The most interesting feature of the day, and one which resulted in a hard blow to the defense, came when Mr. Darrow asked that he be allowed to further question John Fisher in the tenth chair. He said he wished to ask the man some further questions regarding a conversation he was supposed to have had with a man by the name of C. P. Allen in his orchard last fall. He was granted the permission.

Asked if he knew a man named Allen, the juror said he did not. Mr. Darrow then called Allen from the spectators' section and confronted the juror. Fisher quickly recognized the man, but said he had never known his name, their acquaintance being limited to one meeting.

"Didn't you say to Allen that you had read about these defendants and they ought to be strung up?" asked Mr. Darrow.

"I didn't say just that, but I'll tell you what I did say," replied Fisher. "I said I had read about men being blown up in Colorado and I said that if these men were guilty of that they ought to have been strung up before they were brought to Idaho." Fisher declared he had no prejudice against the Western Federation of Miners as an organization but he had a strong feeling about some of the things charged to it.

"And you accepted the crimes charged to the organization as a part of the history of the industrial troubles of the country?" asked Mr. Darrow.

"Yes, sir; I did."

"Just as you accept the historic incident of the surrender of Cornwallis at Yorktown or Lee at Appomattox?"

"Now, you are getting at it right," commented the juror amid laughter.

taken his accustomed chair and immediately plunged into conversation with those near him or become interested in whatever happened to be going on in the room.

The same is true of the members of his family. They are not always present, but when they are they conduct themselves more like interested spectators than the persons in the court room supposed to be most vitally interested in the proceedings.

Lately Mrs. Haywood and the children have not been present during the morning proceedings, but they have always appeared in the afternoon. It is thought that on account of Mrs. Haywood's invalidism it is not wise for her to try and attend all the sessions of the court during the selection of a jury, as she may need her strength later to attend the full proceedings after the actual trial has started.

Faithful John Murphy.

The faithful attendance of John Murphy, the Denver attorney, who for years has been the general counsel of the Western Federation of Miners, and his apparent deep interest in every move made by both sides, has been noted and commented upon considerably. At times Murphy's eyes will glare with an intensity that shows he is fairly aching to get into the case actively and at these moments one cannot help but feel a pity for him because of his well nigh helpless condition. Day after day he sits close to the table of the attorneys for the defense occasionally making some remark—probably of advice to the attorneys—his pale, sunken cheeks, his hollow eyes and his shriveled skin portraying the terrible hold that dread disease consumption has taken of his body. Occasionally when the attorneys for the defense have seemed to have gained or made a point his pale cheeks will for a moment tinge as with delight and he will turn to the

mother had been a member of the same church. He had voted the Republican ticket mostly. He said he had taken the daily Capital News and the Dallas County News of Iowa. He said he took no other paper but some came to him through the mails. He had read all that came his way.

"You keep pretty well informed?"

"Yes."

"Have you read about socialism?"

"Yes, sir."

"Recently?"

"All along."

"Have you any prejudice against socialists?"

"No, sir."

"You would have no prejudice or bias against the defendant for the reason that he is a socialist?"

"No."

"In answer to further questions the juror said he had kept posted regarding the events in connection with the murder. He said he had not debated the question of where the responsibility for the murder should rest.

He had heard and read statements that seemed to point in several directions. He said he had not tried to hold his mind away from an opinion except that he had tried not to form any unjust opinion.

"If you were on trial you would want 12 unprejudiced jurors, wouldn't you?"

"Yes."

"Would you be willing to be tried on a charge of this kind by a man who had your present mental attitude—a man who looked toward you as you now look toward the defendant?"

"Yes, sir."

The juror said, in answer to further questions, that he had formed a suspicion as to the guilt or innocence of the accused. He said he would have to know that Haywood was innocent before he could presume he was innocent—that he would have to have evidence to presume the innocence of the defendant. Later he said he thought if chosen as a juror he could put his suspicion aside and go into the trial presuming the defendant innocent until proofs to the contrary had been furnished.

"You believe this defendant guilty?"

"I have a suspicion."

"Would you like to be tried by a man who had a suspicion that you were guilty?"

"Hardly."

Darrow challenged the juror for actual bias.

Mr. Borah asked a few questions before denying the challenge.

De Clerk said that all he knew about the case was what he had read in the papers. He said if chosen as a juror he might set aside his suspicions and let his verdict be determined by the evidence.

He said, however, that his mind was not such as a good juror should have.

Masters Next Called.

The prosecution admitted the challenge and George W. Masters was called to the fifth seat. In answer to Borah's questions, Masters said he was a farmer from near Meridian. He said he had not known former Governor Steunenberg. He had discussed the crime and the subsequent events and had read most of the accounts in The Statesman.

"Have you ever formed an opinion as to the guilt or innocence of the defendant?"

"I may have."

"Have you an opinion now?"

"I have not."

"Have you any bias or prejudice one way or the other?"

"I don't know as I have."

"Do you know you haven't?"

"I can't say."

"What's your politics?"

"Republican."

"Have you read any papers other than the one mentioned?"

"Several papers have been put in my box."

"What were they?"

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LATEST PICTURE OF CHARLES H. MOYER.

Fisher added, however, that he would not be afraid to be tried for his life by a juror feeling as he did.

Mr. Darrow challenged the juror for actual bias and called C. P. Allen to the witness stand. Allen said he was a rancher and carpenter. He came to Idaho five years ago from Cripple Creek, Colorado. Allen declared that Fisher told him he knew what Moyer, Haywood and Pettibone had done in Colorado and that they "ought to be strung up."

Cross examination by Hawley brought out the facts that the man was a Socialist, that he was being paid \$3.50 a day to work for the defense in polling Maple Grove precinct to learn the sentiments of possible jurors; that all the conversation he had with Fisher had been the previous fall and that what he had said in regard to that conversation had been from memory. He had taken no notes.

Allen's Word Disputed.

After Allen had been excused as a witness Judge Wood asked Fisher a few questions. Darrow made a short argument and when Hawley started to reply Judge Wood announced:

"There is no need of further argument, Mr. Hawley, I shall overrule the challenge." The defense preserved an exception.

Another Defense Attorney.

Another attorney was yesterday added to the force for the defense of Haywood in the person of Thomas D. Cahalan, who has lived and practiced law in Ada county since, as he expresses it, "they turned the water into Boise river."

He has been here many years and has served as prosecuting attorney and in other positions in days gone by. He ran last fall on the Democratic ticket as district judge against Judge Fremont Wood. He has a wide acquaintance in Ada and surrounding counties and his advice in selecting a jury is deemed to be of great help to the defense. He had been considering a proposition to become associated with the defense for some days and yesterday accepted the offer made him. Yesterday he sat with the defense attorneys.

Not a Solemn Trial.

It has been surprising to many of the casual visitors in the court room that the usual solemnity attending proceedings in a murder trial—a trial of this nature, seems to be lacking in this case. Occasionally the attorneys wrangle over legal points, but more often they are engaging in pleasant badinage. The attorneys for the defense in particular seems to be very fond of engaging in humorous remarks and the levity they exhibit at times has been the cause for considerable wondering comment.

Up to now Haywood has conducted himself in court far differently from what one would expect a man on trial for so serious an offense would act. He has at every session entered the room with an alert, quick, springy, athletic step, with a smile upon his face for his family if they are present and for his attorneys. He has always

wife of the accused man and give her an encouraging smile.

Crowds Not Large.

The extra officers in the court room have so far had very little trouble. But once since the trial began has it been necessary to bar visitors from the court room because of crowded conditions. Yesterday there was plenty of room in the spectators' section to accommodate a third larger crowd than occupied the benches and many of the newspaper men from out of town were not at the court house at all, being outside looking for special features of more interest than could be picked up inside.

While the attorneys are fighting every inch of ground and expect that there will be many more prospective jurors examined before a jury is finally selected, they express the opinion that a jury will in time be found that will be eminently satisfactory to both sides. When the jury is at last found the attorneys for the defense are satisfied that it will be to their liking. They say they know from what they have learned in polling the county that there are plenty of unbiased, unprejudiced men fit for jury service in this trial to be found in Ada county if the sheriff will only bring them in.

Beginning this morning it is the intention to convene court at 9:30 o'clock and keep in session until 12; to convene again at 2 o'clock and do business up to 4 o'clock, making the morning session half an hour longer and the afternoon session half an hour shorter.

Those Alling Jurors.

There was nothing further said in court yesterday morning regarding the health of Oric Cole in the ninth seat. He had been reported not very well on Saturday and it was intimated that an application from him to be excused might be entertained yesterday. The application, however, was not renewed. He appeared looking very well, and, outside of court, a bailiff stated that the juror had been treated by his physician and was feeling much better. The jurors in the box hereafter will be given more exercise than they have been enjoying and it is thought that will have an invigorating effect on all of them. Samuel Russell has fully recovered from the slight illness he experienced for a couple of days last week.

Court Opens Promptly.

Court opened promptly at 10 o'clock yesterday morning and the usual program of bringing in the defendant and the jurors and reading the minutes of the previous session were followed. There was no delay in getting down to business where it had been left off on Saturday afternoon.

The examination of T. C. De Clerk a farmer of near Star, was commenced immediately by Darrow for the defense.

Juror said he was now living in the city, having leased his ranch. He had lived in Ada county three years. He had come from Iowa. He was a member of the Christian church. His

"What's your POSITION?
"Republican."
"Have you read any papers other than the one mentioned?"
"Several papers have been put in my box."
"What were they?"
"Why, I can't"—
"The Unionist?"
"Yes, that was one of them."
"What other?"
"The Appeal to Reason."
"Have you read those papers?"
"Yes—some."
"Have they so affected your mind that you are prejudiced for or against the defendant?"
"No, sir."
"Are you opposed to capital punishment?"
"No, sir."
"Take the juror," said Borah to the defense.

"Darrow first asked: "Do you live in Boise?"
"No, sir."
Darrow referred to the typewritten notes in his hand, then asked: "You used to live here?"
"No, sir."

In answer to other questions the juror said he used to live in Kansas, where he worked in mines part of the time. He had never done anything but farm and ride ditches since coming to Idaho. He used to belong to the Christian church, but not since coming west.

Juror Hard to Hear.

At this point Judge Wood, who had several times instructed the juror to speak louder, interrupted the juror and stated:
"These answers must be spoken loud enough that the court can hear. It may be necessary to place the juror in the witness box and give him a megaphone, but I've got to hear his answers."
"Perhaps, your honor," suggested Hawley, "if Mr. Darrow would step back a reasonable distance the juror would talk up. This is no way to examine a juror—get up close to him and carry on a confidential exchange of views."

Darrow was standing directly in front of the juror and leaning over the back of a chair while asking his questions.
"Perhaps if the juror would sit up in his chair in a natural manner I might hear him better," suggested Judge Wood. The man was sprawled out in the chair, sitting more on his shoulder blades than on that part of the body which nature intended should be used while assuming a sitting posture.

Masters grinned at the suggestion of the court and Darrow smilingly requested him to raise up so that the court could see the back of his head over the back of the chair. Reluctantly Masters raised his head an inch or two.
Hawley again objected to Darrow standing so close to the jury box. Judge Wood said he was not inclined to dictate as to where attorneys should stand in questioning the jurors but would require them to talk so they could be heard.

A few more questions were asked and Masters was finally challenged by Darrow for cause on grounds of implied bias in that he had both favored and expressed an opinion touching upon the guilt or innocence of the defendant.

Borah, for the state, denied the challenge and cross-examined the juror.

Masters insisted he had formed an opinion in the case, which only strong evidence could remove. The prosecution then admitted the challenge.

Another Rancher.

Frank Marcellus, a rancher living a few miles west of Boise, was next called to the fifth chair. He had read the papers, principally The

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ONLY NINE TALESMAN LEFT

(Continued From Page Four.)

Statesman; he said he thought he had expressed his opinion regarding the case.

"Have you an opinion regarding the guilt or innocence of the accused?"

"No, sir."

"How could you express an opinion if you never formed one?" was asked.

"Well, I don't know as I have any definite opinion. I think I have had an impression regarding the case. I think I have talked about the case with others a good deal and I think I probably expressed myself. I don't remember that I ever did, or to whom I talked."

After long examination by Borah the juror said he owned his ranch; he didn't belong to any labor organization; had read only The Statesman and some farming papers; had never received free copies of socialist publications and had no prejudice for or against the defendant. His answers were seemingly satisfactory to the prosecution and he was passed up to the defense.

Darrow's examination was very short and sweet.

"Have you a brother George?" he asked suddenly.

"Yes, sir—oh, no, sir," answered the juror excitedly.

"Do you know for 'sure'?" asked Darrow with a smile.

"I guess I do."

"Do you know a George Marcelinus?"

"Yes, he lives about five miles from me."

"What does he think about the case?"

"I don't know."

"Never talked with him about it?"

"But," asked Darrow slowly, emphasizing each word, "you have told somebody, haven't you, that the defendant is either guilty or innocent? Is not that true?"

"Yes, sir."

"We challenge this juror for implied bias," said Darrow.

"We join in the challenge," announced Borah.

George Powell Called.

Marcelinus was excused and George Powell, a white-whiskered rancher who resides on a ranch on the Meridian line was called to the vacated seat.

Mr. Borah examined him shortly and challenged him for cause, on the grounds of implied bias, in that he had formed an unqualified opinion as to the guilt or innocence of the defendant. The challenge was denied temporarily by the defense and Darrow asked a few questions regarding the opinion.

"You have formed an opinion regarding either the guilt or innocence of the defendant?"

"Yes, sir, and on something besides that, too."

"Could you give the defendant a fair trial if you were a juror?"

"It would depend upon the evidence."

He said he thought he could decide a verdict on the evidence.

Several times the juror was admonished by the court to talk louder and he finally turned in his seat and said to the court:

"Well, sir, my throat is sore and I can't talk loud. It hurts me."

"I can hear what you say very plainly now," replied Judge Wood. "Just talk like that and there will be no trouble."

Darrow continued to ask questions for 10 or 15 minutes, when Judge Wood interrupted to ask if the attorney for the defense intended to go through the entire examination of the juror on denying the challenge of the prosecution.

"Are you not through?" asked Darrow of Borah.

"There is just one question I wish to ask," was Borah's reply.

The court instructed the prosecuting attorney to ask his question.

Borah asked the juror if he was deaf. The juror said he could not hear ordinary conversation unless he closely watched the lips of the speaker.

Borah made no comment on the answer.

"I believe the man's hearing is sufficient," said Darrow.

was very shortly excused on challenge by the prosecution, he having said he had an unqualified opinion regarding the guilt or innocence of the defendant.

George Schrivener was next called but before his examination had begun the noon hour had arrived and a recess was taken until 2 o'clock.

Schrivener Passed.

Immediately after the roll of jurors in the box had been called at the beginning of the afternoon session, Mr. Hawley, for the prosecution, took up the examination of the last juror called.

Schrivener said he had followed farming most of his life and now lived on a ranch of his own five miles from Eagle. He did not know former Governor Steunenberg. He was on his ranch at the time of the murder. He had read The Statesman and the Capital News quite regularly. He had heard the murder and events connected with it discussed some but not to a great extent. He said he had not formed what he could term an opinion or belief.

"You have some opinion?"

"Well, now, I have my views," was the reply.

"An impression?"

"I would hardly call it an impression—not so strong as that."

Schrivener said he had no prejudice against or for the defendant. He could enter the jury box and do exact justice to both the state and the defendant.

"Are you opposed to capital punishment?" was asked.

"I am to a certain extent," was the answer.

In answer to further questions the juror said that if the proof warranted a conviction beyond a reasonable doubt he would not hesitate to vote a verdict of guilty. He was opposed to capital punishment as a matter of principle. He was passed for cause.

In answer to Darrow, Schrivener said he had once for two years been a sheriff in a small, sparsely populated county in Kansas. He had been born in Lincoln county, Ohio. He had lived 17 years in Illinois, where he had farmed. He said the fact that he had been a sheriff would not bias him against the defendant. He said he had always been a Republican.

"Do you belong to any church?"

"Not now."

"You were once a church member?"

"Oh, yes, about eight years ago."

"What church?"

"Methodist."

He said that he would not be prejudiced against any person because of their political views. He didn't know much about socialists. He wouldn't convict a socialist any quicker than he would a Republican. He said he had no prejudice against labor unions. He wasn't here, he said, at the time of the O'eur d'Alene troubles and knew nothing of them, to speak of; he had read nothing about those events.

As to the guilt or innocence of Haywood, the juror said he had formed no opinion at all.

Schrivener said he had been a juror in criminal cases, but never in a murder trial. He said he could go into the case with the presumption that the defendant was innocent. He understood the duty of a juror in this kind of a trial in this respect.

He said he cared nothing for what any public man had said or thought regarding the case on trial. The juror was passed for cause.

Back to John Fisher.

Darrow requested that he be allowed to ask John Fisher a question that he was not certain about how it had been answered. It was in regard to a conversation with a man by the name of Allen.

"You said the other day, Mr. Fisher, that you had never talked with a man by the name of Allen in your orchard?"

"I know no such man," declared Fisher.

"Never heard of him?"

"No, sir."

"In the fall of 1906 did you wear a beard?"

"I think not."

Darrow summoned a middle-aged, medium-sized, weazen-faced man from the audience and asked him to come forward.

chard and that Fisher said he knew the "outfit" in Colorado and that they all ought to be strung up.

In answer to Hawley, Allen said he had been employed by the defense to poll Maple Grove precinct; that he had been working for about 10 days. He said he had done his work at home.

"Did the people of your precinct come to your home to tell you how they stood in the matter?"

"No, sir; I just made notes on what I had heard them say previously."

The witness said at the time Fisher had spoken to him he had taken notes. In reporting him to the attorneys for the defense he had relied on his memory.

The witness said he was getting \$3.50 a day from the defense, the same as he got for doing carpenter work.

"Are you getting pay for today's work?"

"Yes, sir."

"Are you doing any other work besides appearing here as a witness?"

"No, sir."

"You are a socialist, are you not?" asked Hawley.

"I was born a Republican, sir."

"I didn't ask you how you were born. I asked you what you were today. Are you a socialist now?"

"Yes."

The socialists are taking a very decided interest in this case in sympathy with the defense, are they not?"

Darrow objected to the question and the court sustained the objection.

Hawley, however, drew from the witness that he was working not merely for money but for the reason that he sympathized with the defendant.

Fisher's Strong Denial.

The witness was excused and Hawley asked Fisher if he ever had a conversation such as Allen claimed to have had with him on the witness stand.

"I never said what that man said I had said," he declared positively.

Judge Wood asked the juror several questions and Fisher stuck to his original answers. Darrow then, in support of his challenge, claimed that the juror had plainly shown that he was prejudiced against the defendant because he believed the organization to which Haywood belonged was responsible for the Cripple Creek troubles.

Mr. Hawley started to answer but the court said: "There is no use wasting any time in argument, Mr. Hawley. The court will overrule the challenge."

"We preserve an exception," exclaimed both Darrow and Richardson together.

"Your exception is allowed," said the court. "The next peremptory challenge is with the state."

Objection to Sixth Challenge.

At this point Mr. Richardson objected to the state being allowed any more peremptory challenges on the grounds that the law which extended the number of peremptories for the state in a murder case from five to ten had been passed by the legislature after the crime for which defendant was on trial had been committed.

The objection was overruled by Judge Wood and an exception noted for the defense. To preserve the record Mr. Richardson announced that he would object from then on each time the state should exercise peremptory challenges.

On its sixth peremptory the state, through Mr. Hawley, excused William McGuffin from the sixth chair and Joseph H. Breshears, a farmer living 11 miles north of Boise was called by the clerk. After a few questions he was challenged by the state on the grounds of implied bias. Darrow asked a few questions and admitted the challenge.

George B. Fisher, a white-haired, white-whiskered rancher living on a leased farm 11 miles from Boise, was next called.

He said he had read the Capital News and occasionally some sample copies of The Statesman. He said he had formed an opinion regarding the case. He had a prejudice against either the defendant or the state. He could lay aside his opinion but on no conditions, said he, could he forget his prejudice.

"Are you opposed to capital punishment?" was asked.

"That's where my prejudice comes in," he said.

"You have conscientious scruples against capital punishment?"

"I have."

He was challenged by Mr. Borah on

direct evidence alone was sufficient to convict. He was challenged for actual bias against the state.

The challenged was allowed and the defense noted an exception.

W. T. Booth, a Boise furniture and real estate man, aged 49, a friend of former Governor Steunenberg, was next called. A few questions from Mr. Borah brought out the fact that the talesman had an opinion at the present time as to the guilt or innocence of the accused. He was challenged on grounds of implied bias and was instructed to step aside by the court.

Hans J. Roan, a Dane by birth but a citizen of the United States and for three years in the real estate and insurance business in Boise, was the next juror called for examination. He was questioned much as his predecessor had been and the answers were practically the same. He was quickly excused on challenge by Borah.

A Good Democrat.

John Whitlock, a Meridian nurseryman, formerly a clerk in a store there and for a time a ditch tender, was the next man to occupy the well-warmed sixth chair.

He said he had known former Governor Steunenberg very well. He had heard the case discussed. He could not say that he had formed any opinion regarding the guilt or innocence of the accused. He said he had no bias or prejudice regarding the case. He knew no reason why he could not sit as a juror and render a perfectly fair and impartial verdict. He was passed by the prosecution for cause.

The examination was taken up by Mr. Darrow, who conducted a tiresome and monotonous examination.

The juror said he had always been a Democrat.

"Were you a particular admirer of Steunenberg?" was asked.

"No, not more than of any other good Democrat," was the answer which caused some amused smiles.

The juror said he belonged to no church but that 10 or 12 years ago he was a member of the Methodist church. He was a steady subscriber he said, of the twice-a-week Statesman. He had read about the case in the Unionist and the Appeal to Reason which, he said, had been sent to him gratis through the mails for about six weeks. They formed no impression on him, he said.

Juror said that in 1898 he sat in the murder case of the State of Idaho vs. Nelson. He had sat in four or five other cases—not murder cases.

Shortly after 4:30 Darrow announced he would like to question the juror further, but would rather wait until the next morning.

The jury was excused as usual, after instructions from the court and an adjournment was taken until 9:30 this morning.

TO EXPERIMENT ON FORAGE CROP

Frederick V. Colville to Develop Increase if Possible in National Forests.

Frederick V. Colville, of the bureau of plant industry, has been placed in charge of a series of experiments in certain national forests which are to be conducted by the forest service in cooperation with the bureau of plant industry. The object of the experiment is to develop an increased forage crop on areas that have been over-grazed.

It is planned to carry on experiments this year in the Sawtooth, Imnaha, Pike's Peak and perhaps other national forests. The fencing of various small areas will be necessary, and in the Imnaha forest it is proposed to fence an area sufficient to pasture a band of sheep during the season.

Forester Pinchot regards this work of great importance in its bearing on the future of the stock industry. For the best success of the experiments the forest supervisors in the several

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Forester Pinchot regards this work of great importance in its bearing on the future of the stock industry. For the best success of the experiments the forest supervisors in the several sections are requested to give Mr. Colville all assistance possible. They are also authorized to place at his disposal any particular tract of land for the conduct of the experiments. After the plans for fences have been completed they will be erected under the supervision of the attaches of the forest service.

The Girl in Red.

Twenty years ago Pierre Roquet and his family, consisting of Mme. Roquet and two sons, reached Colorado direct from France. As America was to be their future home, this family of pioneers decided it would be wise to follow the profession of stock raising on a higher plane than was ever known in the west. Strange to say, in this story of foreign adventure into new lands, the family was comparatively rich in this world's goods, and not of the poor immigrant class so well known in western history. The sons were well educated and brought up as becomes parents of intelligence in the old world.

Shortly after their arrival a baby girl appeared on the scene, and joy was supreme, for now the big brothers had a little wee pet sister. Marie Roquet grew to womanhood in the free open air of Colorado, and under her brothers' tutelage became the foremost horsewoman in the entire west.

Pierre Roquet decided then to visit the scenes of his early career, and little Marie begged to see her parents' old homestead in France. At this time M. Roquet conceived the idea of a convent education for the beautiful daughter. But after her free life in her wild western home, she not only rebelled, but for 10 years was an unknown quantity in the family history, all the while keeping her mother and brothers informed as to her welfare.

One night, after a performance at the Circus Carre, Amsterdam, of "The Girl in Red," a gray-haired old Frenchman pushed his way through the throngs to the dressing tent, and while the applause of the multitude resounded in his ears he embraced the most famous circus rider of the day, exclaiming: "My little Marie!" Now known throughout the old world as "Mam-selle Rouge," this same little Colorado girl has become celebrated as the champion premiere equestrienne of the circus world. After a year's negotiation it has finally been contracted for her appearance twice daily the coming season with the great Sells-Floto Shows, and her many admirers and acquaintances will most readily recognize "The Girl in Red." The Sells-Floto Shows will be in Boise next Monday.

Feed for Poultry.

We keep everything in the poultry line. Shepherd's Chick Food, cracked corn, wheat and barley. Grain of all kinds. Poultry supplies. Western Feed & Grain Co., 1212 Main street.

convict a Socialist. He said he had no prejudice against labor unions. He wasn't here, he said, at the time of the Cœur d'Alene troubles and knew nothing of them, to speak of; he had read nothing about those events.

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"You said the other day, Mr. Fisher, that you had never talked with a man by the name of Allen in your orchard?"

"I know no such man," declared Fisher.

"Never heard of him?"

"No, sir."

"In the fall of 1906 did you wear a beard?"

"I think not."

Darrow summoned a middle-aged, medium-sized, weazen-faced man from the audience and asked him to come forward.

"This is Mr. Allen," said Darrow.

"Did you ever see him?"

"Yes, I have seen that man, but never knew his name," was the reply.

"Did you ever talk with him about this case?"

"No, sir; I think not."

Darrow asked if the juror remembered that Allen came to his orchard to buy apples and at that time talked about the case. The juror said many persons had come to the orchard to buy apples; he never remembered that Allen had been among them. He might have been there and he might have talked about the case. He could not remember of it, however.

Did you tell Allen that these three defendants were probably guilty and they should be hanged?"

"No, sir."

After some further questions the juror finally remembered that Allen was in the orchard and that he had talked with him about the case. He said Allen had remarked that the defendants had been charged with losses of life during the Cripple Creek disturbances.

What Fisher Said.

"I think I replied that if it was true that these men were responsible for those crimes they should have been strung up before they were brought here."

Mr. Darrow finally succeeded in getting the juror to admit that he had some prejudice against the Western Federation of Miners for some of the trouble the organization had caused; perhaps he had a prejudice against the officers of the organization.

"Now, Mr. Fisher," said Darrow, you know we want unprejudiced as well as honest men on this jury."

"I don't think that you are going to let me serve on this jury," replied Fisher with a twinkle in his eye.

In answer to further questions Fisher said he honestly believed that he had no prejudice against the defendant. He believed that he was perfectly qualified as a juror.

"I would not," he declared, "be afraid, if innocent, to be tried by a jury composed of men whose minds were in the same condition as mine is right now."

"You wouldn't?"

"No, sir, I would not."

"Don't you think that this defendant is responsible for those murders in Colorado?"

"Perhaps I do. I want to be honest in the matter. I hardly know what I think."

Mr. Darrow challenged the witness on grounds of actual bias and called C. P. Allen as a witness.

Allen's Testimony.

Allen was sworn. In answer to Darrow's questions he said he was a painter and carpenter; that he lived on a ranch near the fair grounds. He said he came to Idaho from Cripple Creek, Colo.

He said he met Fisher in his or-

dered the number of peremptories for the state in a murder case from five to ten had been passed by the legislature after the crime for which defendant was on trial had been committed. The objection was overruled by Judge Wood and an exception noted for the defense. To preserve the record Mr. Richardson announced that he would object from then on each time the state should exercise peremptory challenges.

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He said he had read the Capital News and occasionally some tangle copies of The Statesman. He said he had formed an opinion regarding the case. He had a prejudice against either the defendant or the state. He could lay aside his opinion but on no conditions, said he, could he forget his prejudice.

"Are you opposed to capital punishment?"

"That's where my prejudice comes in," he said.

"You have conscientious scruples against capital punishment?"

"I have."

He was challenged by Mr. Borah on grounds of conscientious scruples against capital punishment. Mr. Darrow asked him this:

"Are you opposed to capital punishment in all cases?"

"No, sir; in some cases I would be in others I wouldn't be."

"You haven't conscientious scruples against capital punishment itself?"

"No, sir."

"That's enough, I think," said Darrow.

In answer to another question by Borah the juror said he would be opposed to capital punishment in this particular case.

Mr. Borah stated his original challenge and it was overruled.

Then he challenged for actual bias on the grounds that the juror was biased against the state. This challenge was allowed.

Quick Work on Two.

Homer Tolleth, a Meridian business man, was next called. In answer to questions by Borah the juror said he had known former Governor Steunenberg by sight. He said he had an opinion—settled and fixed—regarding the guilt or innocence of the accused. He was challenged for cause and excused.

James H. Bogart of Boise was called. He knew Steunenberg very well. He said, in answer to Borah's third question, that he had an unqualified opinion as to the guilt or innocence of the defendant. He was challenged by Borah for implied bias. Mr. Darrow started to ask a few questions when Borah interrupted:

"Let me ask another question or two."

"All right," said Darrow.

"Mr. Bogart, are you opposed to capital punishment?"

"No, sir."

"To circumstantial evidence?"

"No, sir."

"We withdraw the challenge," said Borah, amid a roar of laughter.

"Are you trying to work me?" demanded Darrow.

"No—just trying to save time," replied Borah, smiling.

Darrow then asked Mr. Bogart a few questions regarding his opinion and then said:

"We will challenge this juror ourselves." (Laughter).

"We admit the challenge," said Borah.

Butcher Is Excused.

Ed Hartman, a butcher of Meridian, was next called. He formerly resided near Caldwell and had known former Governor Steunenberg.

The juror said he had read The Statesman—had never expressed his opinion, but had an opinion which had caused him to be biased in the case. He thought he could put it aside, however, and disregard it, if chosen as a juror, but he wasn't quite certain. He also had a kind of a prejudice against circumstantial evidence. He would not consider it unless the

You have formed an opinion regarding either the guilt or innocence of the defendant?"

"Yes, sir, and on something besides that, too."

"Could you give the defendant a fair trial if you were a juror?"

"It would depend upon the evidence."

He said he thought he could decide a verdict on the evidence.

Several times the juror was admonished by the court to talk louder and he finally turned in his seat and said to the court:

"Well, sir, my throat is sore and I can't talk loud. It hurts me."

"I can hear what you say very plainly now," replied Judge Wood.

"Just talk like that and there will be no trouble."

Darrow continued to ask questions for 10 or 15 minutes, when Judge Wood interrupted to ask if the attorney for the defense intended to go through the entire examination of the juror on denying the challenge of the prosecution.

"Are you not through?" asked Darrow of Borah.

"There is just one question I wish to ask," was Borah's reply.

The court instructed the prosecuting attorney to ask his question.

Borah asked the juror if he was deaf. The juror said he could not hear ordinary conversation unless he closely watched the lips of the speaker.

Borah made no comment on the answer.

"I believe the man's hearing is sufficient," said Darrow.

"I think so, too," responded Borah.

Born to Be Contrary.

"Well, perhaps if you think that way I may conclude to think different," replied Darrow jokingly, and all of the attorneys laughed in a good-natured way.

After a long drawn out examination Darrow resisted the challenge and Borah withdrew the challenge of the prosecution, thus making it unnecessary for the court to rule.

On the exercise of its fifth peremptory challenge the defense excused Joseph Chinn, the cab driver in the eighth chair, and George W. Fletcher, the Boise banker, was next called.

Fletcher, in answer to Borah's fourth question, said he had an unqualified opinion as to the guilt or innocence of the accused; that he still had the opinion and that nothing but very strong evidence would remove it. He was excused on challenge by the prosecution for cause.

Frank Gess, a stout, well-groomed man, who said he was engaged in farming and stock raising, was the next juror called. He had read the papers and had discussed the case considerably. He said he had formed and expressed an opinion as to the guilt or innocence of the accused and that it would require strong evidence to remove that opinion. He said he was biased and prejudiced. He was challenged for cause by Borah and excused.

Telephone Man Excused.

W. I. Thrallkill, a telephone man for seven years, was next called. He said he had been a member of the Electrical Workers union—not at present. He knew Governor Steunenberg to speak to him. He heard of the death about 10 minutes after it happened, by telephone. He had heard the murder very widely discussed. He said he had formed no opinion and was not biased or prejudiced for or against the defendant.

He said he was conscientiously opposed to capital punishment and was promptly excused on challenge for cause.

Sumner Dec, for 17 years engaged in business at Caldwell, well acquainted with the former governor and present in Caldwell at the time of the murder, was next called. He was very shortly excused on challenge by Borah on grounds of implied bias.

Forest See, a stock raiser living 10 miles north of Boise, was next called. He had lived in Idaho 19 years. He came from Wisconsin while quite young. In answer to Borah he stated that he had a fixed and unqualified opinion as to the guilt or innocence of the accused and was excused on challenge by the prosecution.

Crawford Moore, age 34, a banker of Boise, was next called. He said he had not known former Governor Steunenberg personally. He had read all the local newspaper accounts. He

FIRST SPECIAL VENIRE NOW EXHAUSTED

**Court Orders Sixty More
Talesmen to Report
Tomorrow.**

**COLE IS EXCUSED
ACCOUNT OF HEALTH**

**Ninth Seat Now Vacant—De-
fense Excuses John Fisher on
Arbitrary Challenge—One
Juror Passed for Cause Out
of Last Nine Examined—Ad-
journment to 2 o'Clock To-
morrow.**

At 11 o'clock yesterday forenoon the special venire of 100 talesmen had been exhausted by the attorneys who are selecting a jury for the trial of William D. Haywood, charged with the murder of former Governor Steunenberg. The court ordered the sheriff to summon a second special venire of 60 talesmen to report at 2 o'clock tomorrow afternoon and further proceedings in the big case were adjourned until then.

Of the jurors so far called, counting out those who had been released from duty on legal excuses, 88 men were called and examined and of this number 24 were passed by both sides for cause and 64 were excused on challenges from one side or the other. All but eight of the challenges were based on grounds of actual or implied bias and the majority of the eight challenges were on the grounds of conscientious scruples against capital punishment.

When court adjourned there were but 11 men in the box, the ninth seat being empty. This seat had been occupied by Eric Cole, the juror who had for several days been threatened with illness. Judge Wood stated in court that Cole's physician had certified that the man was not physically fit to sit on the jury and that he might become sick at any time and hang up the jury indefinitely. The attorneys for both sides consented to his being excused for the term. Cole was one of the original twelve passed by the state and had put in time in the jury box since the day the trial started being one of the regular panel for the term.

An effort was made to find a talesman to fill the ninth chair. Several were examined but the venire was exhausted before one was found upon whom both sides would pass for cause.

Defense Excuses Fisher.

One peremptory challenge was used yesterday by the defense and Mr. Darrow excused John Fisher, the man in the 10th chair whom the defense on Monday fought hard to

HOW THE JURY STANDS.

- 1—Thomas B. Gess.
- 2—Isaac Bedell.
- 3—Samuel D. Gilman.
- 4—Daniel Clark.
- 5—George Powell.
- 6—John F. Whitlock.
- 7—George McIntyre.
- 8—Lee Schrivener.
- 9
- 10—Levi Smith.
- 11—A. P. Burns.
- 12—Samuel T. Russell.

that the state would not waive any of its peremptories—that all of the 10 would probably be used. The defense stated that it all depended upon the jurors yet to be examined whether the defense would use all of its peremptory challenges or not. Sheriff Hodgins states that he had made arrangements for the new venire and that the full 60 would be summoned today; that all would be on hand at the specified time tomorrow. They will be selected by the same method used in securing the last venire and all the deputies that can be spared from the jail will be busy all day today.

Objection of Defense Overruled.

At the beginning of proceedings yesterday Attorney Hawley for the state presented a list of names of additional witnesses to be filed with the clerk for endorsement on the indictments against Moyer, Haywood, Pettibone and Simpkins. There were six names on the list and Attorney Richardson for the defense entered an objection to more names being added to the state's list at that late date. Hawley said that the statute gave him the privilege of so doing and that besides such an agreement had been made to his knowledge and that he ought to know about it if there had been.

Judge Wood said that he would allow the names to be filed in accordance with the state statute and Attorney Richardson, as usual, preserved an exception to that ruling. The names were A. D. Campbell, William Schunenberg, William O'Neill, Stanley P. Fairweather, C. Sinclair and S. W. Wetmore.

Small Attendance.

There was the smallest attendance at yesterday's proceedings of any so far at any session of the court since the trial began. Spectators seem to have grown tired of the monotonous work of examining talesmen and are evidently waiting now until the real trial begins. The court room will be able to accommodate all the persons attracted to the court house until after the jury has been finally selected. All of the attorneys on each side were in their places. Mrs. Haywood and daughters were not in court.

Court convened promptly at the appointed hour of 9:30 o'clock and there was no delay in taking up the work where it had been left off the previous day—the examination of Juror Whitlock in the sixth chair by Mr. Darrow.

"Mr. Whitlock, have you reconsidered any of the answers over night to the questions you were asked yesterday?" asked Darrow.

REPUDIATE BILL OF LIBERALS

**Convention of Representat
Irishmen Rejects Plan fo
Limited Irish Council.**

**COUNTRY UNITED
AGAINST MEASU**

**Action of Convention Kills
Hope of Home Rule Legis
tation by Present Parliam
and Creates Serious Split
Government's Forces.**

DUBLIN, May 21.—The most representative and most harmonious convention which ever assembled in Ireland today repudiated the plan for a limited Irish council, which was the Liberal government had to do in fulfillment of its campaign promises. This action killed the hope any home rule legislation by present parliament, created a serious split in the government's forces and may have far reaching results.

The temper of the convention plain from the beginning. No man had a word to offer in behalf of the bill. Home rule or nothing was the unanimous sentiment, and the resolution rejecting the measure, proposed by John Redmond commanded a vote.

The Irish parliamentarians had been deluged with resolutions from town councils and all sorts of official and unofficial bodies since they gathered in Dublin, all denouncing the bill. The country spoke in an unmistakable voice and the Irish members of parliament cheerfully acquiesced in its will.

Three thousand delegates came to attend the convention and after the doors of the mansion had been opened it was impossible to get into the building, which was packed most uncomfortably. The gathering was quieter than most Irish parliament meetings. It lacked the spirit of the home rule gatherings of Davitt, Dillon, Healy and other orators had the center of the stage. The speeches were temperate and there was little denunciation of government. Except for the outburst of a priest who attempted to make a bill a church issue and was rebuffed, everything went smoothly. The American delegation were all greeted enthusiastically. The keynote of speeches and of several resolutions introduced that the bill was an insult to Ireland.

Richard Croker was cheered at an evening session of the convention when the chairman announced he had contributed \$500 to the parliamentary fund.

Subsequently resolutions were adopted calling on the government to fulfill its pledges of legislation for the relief of evicted tenants as well as for university and primary education.

Mr. Redmond had requested De O'Sullivan of San Francisco to "God Save Ireland" and before

that he might become sick at any time and hang up the jury indefinitely. The attorneys for both sides consented to his being excused for the term. Cole was one of the original twelve passed by the state and had put in time in the jury box since the day the trial started being one of the regular panel for the term.

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Defense Excuses Fisher.

One peremptory challenge was used yesterday by the defense and Mr. Darrow excused John Fisher, the man in the 10th chair whom the defense on Monday fought hard to disqualify for the purpose of saying a peremptory. He was the juror against whom the defense introduced a witness, C. P. Allen, to prove he had stated in his orchard that he knew of the murders in Colorado and thought Moyer, Haywood and Pettibone should have been "strung up" before being brought to Idaho. Allen, confessed on cross-examination by Hawley that he could only quote the conversation he had had with Fisher from memory, he having taken no notice on it, and the challenge of the defense was overruled.

Six talesmen were called in quick succession and examined by the prosecution, challenged by the prosecution for cause and excused before the tenth chair again had a steady occupant. The seventh juror called, Levi Smith, was passed for cause by both sides. It was then that Orie Cole was excused, thus vacating the ninth chair. There then remained three names in the jury box and these were examined and all excused on challenges for cause by the prosecution.

Nine Must Be Qualified.

To complete the jury it will now be necessary to qualify nine men providing both state and defense use all the peremptory challenges they have left. There is one vacant chair and each side now has left four challenges. It was thought by the attorneys that a special venire of 50 would be entirely sufficient to get the necessary nine men, but in order to be sure that a third venire would not have to be called Judge Wood decided to order 60 summoned.

The defense had little to do yesterday in examining jurors, every one of the eight men excused on challenges for cause being excused on challenges by the prosecution. They were: James A. Flood, Wesley Morse, S. H. Nelson, R. P. Barnes, H. E. Champlin, J. W. Lawrence, Henry C. Miller and William Schneider. At the beginning of the proceedings Mr. Darrow resumed the examination of J. F. Whitlock in the sixth chair, in an endeavor to find an excuse for challenging the man for cause. He had given the man a long examination Monday afternoon and had not finished when court adjourned. He also failed to accomplish his purpose with the man yesterday morning and finally asked to be allowed to pass the man temporarily with the privilege of asking him further questions later. He was given that privilege with the understanding he must renew the questions before the ordering of another special venire. As he did not return to Whitlock later the conclusion was reached that he had given up the idea of getting an admission from the man that would pay the way for a challenge and had concluded the only way to get rid of him in the box would be by peremptory challenge. Whitlock will probably be the next talesman to be challenged arbitrarily by the defense.

It is hard to determine of those now in the box who will be next challenged by the state, but it was stated yesterday by one of the prosecutors

and examining talesmen and are evidently waiting now until the real trial begins. The court room will be able to accommodate all the persons attracted to the court house until after the jury has been finally selected. All of the attorneys on each side were in their places, Mrs. Haywood and daughters were not in court.

Court convened promptly at the appointed hour of 9:30 o'clock and there was no delay in taking up the work where it had been left off the previous day—the examination of Juror Whitlock in the sixth chair by Mr. Darrow.

"Mr. Whitlock, have you reconsidered any of the answers over night to the questions you were asked yesterday?" asked Darrow.

"No, sir; I have not changed my mind."

Mr. Darrow asked to be allowed to pass the juror temporarily, saying he would like to ask him further questions later. He was given this privilege.

Fisher Excused.

"We will use our next peremptory challenge," announced Mr. Darrow, "in excusing Mr. Fisher."

This was the man in the tenth chair whom the defense endeavored to unseat the previous day by introducing a witness who testified he had talked with Fisher in his orchard and that the latter had said he believed Moyer, Haywood and Pettibone should have been hanged before being brought to Idaho.

James A. Flood was called to take the vacated chair. Much in contrast to most of the talesmen, this juror delivered his answers promptly and in a clear voice. In answer to questions by Borah, Flood said he now lived in Meridian; was a teamster. Flood said he had formed and expressed an unqualified opinion as to the guilt or innocence of the accused, and was excused on being challenged for cause.

Wesley Morse, aged 28, a printer in the employ of Arch Cunningham, was next called. He said he was a member of the local typographical union. He had lived in Boise 25 years and had worked seven years at his trade.

His examination was very short. He told Borah he had an opinion as to the guilt or innocence of the accused—one that he could not put aside. He, too, was excused on challenge for cause by the prosecution.

C. P. Nelson, a farmer living three miles west of Meridian, was next called. He was soon challenged for cause in that he had both formed and expressed an opinion regarding the guilt or innocence of the deceased.

Liveryman Excused.

The next man called to seat No. 10 was R. P. Barnes, another Meridian man, up to a short time ago in the livery business. His occupation during his life time, he said, had been farming. He had stirred the soil in Missouri—his native state—in Oregon, and in Idaho. He had known former Governor Steunenberg slightly. He had taken The Statesman regularly up to the time he sold out his livery barn, and occasionally some other papers. When asked if he had formed an opinion regarding the guilt or innocence of the defendant, he stroked his long, white beard slowly, hesitated as if weighing the question, and then answered in the affirmative.

A few more questions were asked and the juror was finally excused on challenge by Mr. Borah for cause.

H. E. Champlin, a young dealer in general merchandise at Meridian was next called. He had not known former Governor Steunenberg. He was a subscriber of both daily papers of this city. He did not hesitate to say he was biased and prejudiced and

of a priest who attempted to make bill a church issue and was rebuked everything went smoothly. The American delegation were all greeted enthusiastically. The keynote of speeches and of several resolutions introduced that the bill was an insult Ireland.

Richard Croker was cheered at evening session of the convention when the chairman announced that he had contributed \$500 to the parliamentary fund.

Subsequently resolutions were adopted calling on the government to fulfill its pledges of legislation the relief of evicted tenants as well as for university and primary education.

Mr. Redmond had requested Dr. O'Sullivan of San Francisco to "God Save Ireland," and before adjournment Mr. O'Sullivan mounted the platform and rendered the song. The closing scene was most enthusiastic. All the delegates, as well as ladies who crowded the galleries, joined in their feet singing the chorus, Mr. O'Sullivan.

GOVERNMENT TO DROP BIRRELL'S IRISH BILL

LONDON, May 21.—The nationalist convention at Dublin has rejected Mr. Birrell's Irish bill, as is understood that the government will drop it for this session, at least and proceed with the other reform which its Liberal supporters are arguing and with which the constitutional program is crowded. That the government cannot grant any wider measure of self-government to Ireland without causing dissension in the net is not denied, so there is no course to adopt than shelving the bill, which is represented to limit to which the anti-Home Liberals would consent to do. Redmond's action in moving the rejection of the measure, although anticipated in some quarters, generated surprise, as it is understood that he had agreed, after a conference with his colleagues late last week to accept what the government offered, as a partial concession to the demands of Ireland. With the majority of his party, including the clergy, opposed to it, however, was no other course for him to sue in the opinion of the political here.

YAQUI INDIANS OUT ON WARPATH AGAIN

EL PASO, May 21.—The Yaqui Indians of Sonora, Mex., are reported to be again on the war path. James F. Simpson and Edward Young, who arrived from the country today, stated that on present raid the Indians are said to have killed 10 Mexicans and Americans, two of the dead Mexicans having been seen by Simpson. General Torres with a large body of troops is pursuing the Indians, inhabitants of Sahuarit, a Mexican town of 5,000, are terror stricken, most of them have fled.

The Yaquis are said to have driven to outbreak from starvation and have crossed the river, raising the settlements to the north for the first time in many years.

Attacks on Jews Renewed ODESSA, May 21.—The hundreds took advantage of the general today of the three police chiefs, assassinated at the central police bureau yesterday, to renew attacks on the Jews. The Jewish population became stricken. All the stores were closed and the streets were almost desolate.

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Workers Ever Sent Out of Idaho to go to Spokane.

Baptist Young People's Union International Convention to Be Held There July 4 to 7—Already 12 Expect to Go From Boise.

The members of the Baptist Young People's union met Monday evening and discussed plans for a number of them to attend the Baptist Young People's Union International convention which will be held at Spokane July 4-7. This will be the first time the convention has been held farther west than Omaha. It is estimated there will be more than 10,000 delegates at the convention, representatives attending from all parts of the country.

At present 12 members of the Boise B. Y. P. U. expect to attend. They will be joined by members from practically every union in the state and will go in a special car, which, it might be stated, will be the first special car of religious workers to ever go out of the state.

Those who have decided already to go are: Alfred Maneely, Sarah Stiles, Joe Cox, Elma Tharp, Emma Allen, Ethel Moon, Rev. P. Monroe Smock, Mrs. Herbert Elsworth, Mrs. Shehey, Mr. and Mrs. Joseph Kent and Mr. and Mrs. J. C. Johnson.

The special car probably will start from Pocatello and pick up at the towns along the Short Line those who expect to join the party. A special rate of one and one-third fare will be given them.

At Monday night's meeting a "Spokane club" was organized for the purpose of creating interest in the coming convention, to the end that as many delegates as possible may go from Idaho. The club will adopt a flag and yell and probably will decide on red and white for colors. Each B. Y. P. U. in the state will be informed as to what these are and be asked to adopt them, so the state will be thoroughly organized at the convention. Emma Allen, E. A. Baker and Ethel Moon were appointed a committee on plans and arrangements.

SHERIFF TO SUMMON THE SCHMITZ JURY

SAN FRANCISCO, May 21.—Unless the present intention of the prosecution is changed, an elisor will not have any part in the selection of the jury which will try Mayor Eugene F. Schmitz on the five grand jury charges of extorting (with the assistance and by the connivance of "Boss" Abraham Ruef) money from keepers of local French restaurants. This determination was expressed in a ruling by Judge Dunne today when he discharged from service all of the talesmen remaining over from the late Ruef venire and gave into the hands of Sheriff O'Neill the summoning of a new venire of 50, returnable at 10 o'clock tomorrow morning.

Whether it is the intention of the prosecution to ask the court to order Mayor Schmitz into custody pending his trial is not known. Assistant District Attorney Heney has stated to the court that there is no such present intention, but it is gathered from later

was in no state of mind to be a fair and impartial juror.

He was soon excused.

Smith Qualifies.
Levi Smith, formerly an Ada county ranchman, but for the past year in the employ of the Boise & Inter-urban Railway company, was next called. He did not know former Governor Steunenberg.

He stated positively that he had absolutely no opinion regarding the guilt or innocence of the accused. He had no prejudice one way or the other.

He said he was not opposed to capital punishment and would be willing to give circumstantial evidence weight under instructions of the court. The juror was passed for cause.

Mr. Richardson took up the examination for the defense. He learned that the man had practically been a farmer all of his life. He was born on a farm in Kansas, farmed in Michigan, farmed in South Dakota and farmed in Idaho until about a year ago. He now has charge of a fence-building crew. He was a subscriber of The Statesman and two South Dakota papers.

Smith said he had heard the murder discussed.

"Everybody talked about the same way, I suppose?" asked Richardson.

"No, different people seemed to have different opinions, I think."

And how about the papers you have read?"

"I don't take much stock in what was printed in the papers," was the reply.

After a long list of questions tending to get the juror to admit that he had a prejudice, but without success, Richardson finally passed the juror for cause.

Oric Cole Excused.

Judge Wood here announced that on account of the grounds of ill health, Oric Cole in the ninth chair would be excused. Judge Wood said that Cole had been suffering because of his confinement on the jury and that he was liable to be taken ill at any time and hang up the jury for a month. None of the attorneys took any exceptions and Mr. Cole was excused.

J. N. Lawrence was called to the ninth chair, but was almost immediately excused on challenge by the prosecution, his answer to Mr. Borah's first question disclosing the fact that he had conscientious scruples against capital punishment under any circumstances.

Henry C. Miller, a farmer from near Star, who had read The Statesman and a few copies of the Capital News was next called.

He said, in answer to Borah's questions, that he had never had time to take much interest in the murder case. He had never discussed the case to any extent and had read the papers only in a desultory way. He had never former an opinion regarding any phases of the case. He never belonged to a labor organization. He was decidedly opposed to capital punishment, however, and was promptly challenged on that ground by Borah.

Richardson temporarily resisted the challenge.

"You know the court instructs the jurors under the law. Could you, if the court so directed, find a verdict of guilty, if the penalty was death?"

"I wouldn't like to," was the reply.

"You wouldn't like to, of course, but could you do it?"

Hawley objected to that line of

monthly pains in my abdomen had suffered this way nine years had failed to relieve me. Or Wine of Cardui, which at once and now I am entirely cured. Cardui saved my life."

It is a safe and reliable remedy for diseases, such as periodical pains, irregularity, dragging down sensations, headache, dizziness, backache, etc.

At Every Drug Store in \$1

WINE OF CARDUI

WRITE FOR OUR

BANKING

4%

INTEREST SAVINGS ACCOUNTS

SAVINGS OF THE

Title Guaranty Company

Pays 4 per cent. on Savings
" 4 " " Certificates
" 3 " " Accounts

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T. T. BURKHART
JOHN E. AITCHISON
CHAS. H. KOPF

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SAN FRANCISCO, May 21.—Unless the present intention of the prosecution is changed, an ellisor will not have any part in the selection of the jury which will try Mayor Eugene F. Schmitz on the five grand jury charges of extorting (with the assistance and by the connivance of "Boss" Abraham Ruef) money from keepers of local French restaurants. This determination was expressed in a ruling by Judge Dunne today when he discharged from service all of the talesmen remaining over from the late Ruef venire and gave into the hands of Sheriff O'Neill the summoning of a new venire of 50, returnable at 10 o'clock tomorrow morning.

Whether it is the intention of the prosecution to ask the court to order Mayor Schmitz into custody pending his trial is not known. Assistant District Attorney Heney has stated to the court that there is no such present intention, but it is gathered from interviews with various members of the prosecution that this may be done a little later.

Judge Dunne today denied the motion of the defense for the substitution of a new trial judge, which motion was supported by affidavit charging that Judge Dunne is biased and prejudiced against Schmitz, and Rudolph Spreckels and those who are associated with him as financial guarantors of the bribery-graft investigation and prosecution are carrying out a conspiracy to dethrone the present municipal administration in order to themselves assume the government and secure valuable railway and water franchises. In contravention of these charges the prosecution filed counter affidavits denying any ulterior motives. It is expected that the impanelling of a jury will be begun tomorrow.

PERSONAL MENTION

E. L. Dochery left yesterday for a business trip to Mountainhome. Mrs. A. A. Hugg was operated on at St. Alphonsus hospital yesterday. Mrs. A. E. Carlson has returned from a month's visit in Colorado. L. M. Johnson returned yesterday from Nevada, where he is interested in mining.

Among the visitors to the city are Mr. and Mrs. V. T. Craig of Emmett. They are at the Idanha. Miss Maggie Devine of Castle Creek will undergo an operation at St. Alphonsus hospital today. Miss Lucile Hopkins is seriously ill from measles and tonsillitis at her home on Franklin street.

Mrs. Arago, who has been at St. Alphonsus hospital for treatment, returned to her home yesterday. Mr. and Mrs. E. K. Hayes are over from Emmett to attend the bankers' convention. They are guests at the Idanha.

Mrs. Oneil and Mrs. Gilligan of San Francisco, both talented musicians, are spending a few days with their sister, Mrs. J. M. King, of 203 South Thirteenth street. They will later on visit the principal cities of the east before returning to California.

Mrs. J. W. Givens of Orofino is spending a few days in the city. Mrs. Givens is one of the pioneer club women of the state and was closely identified with the woman's club movement in southeastern Idaho while she was a resident of that district. She reports club work making rapid strides in the northern part of the state.

Phillip B. Hindman, accompanied by his mother, Mrs. Frank R. Hindman of Clarion, Pa., left for eastern Idaho yesterday afternoon. Mr. Hind-

news was next called. He said, in answer to Borah's questions, that he had never had time to take much interest in the murder case. He had never discussed the case to any extent and had read the papers only in a desultory way. He had never formed an opinion regarding any phases of the case. He never belonged to a labor organization. He was decidedly opposed to capital punishment, however, and was promptly challenged on that ground by Borah.

Richardson temporarily resisted the challenge.

"You know the court instructs the jurors under the law. Could you, if the court so directed, find a verdict of guilty, if the penalty was death?"

"I wouldn't like to," was the reply.

"You wouldn't like to, of course, but could you do it?"

Hawley objected to that line of questioning. He said the attorney for the defense was implying a censure of the juror, and was sustained by the court. The juror was excused.

William Schneider, a farmer living seven miles from Boise, was next called. He said he had got his first news of the murder of former Governor Steunenberg from The Statesman and Capital News and later read an account of it in a Caldwell paper. He had talked much about the case. He said he had an unqualified opinion as to the guilt or innocence of the accused. Richardson asked a few questions and admitted the challenge. The juror was excused.

"Call another juror, Mr. Clerk," ordered the judge.

Panel Exhausted.

"The panel is exhausted," was the reply.

After some consultation among the attorneys it was decided that a second venire of 50 talesmen would be sufficient to secure a jury, but to be certain to have enough, the court decided to issue an order for 60. The sheriff was given instructions accordingly and was instructed to summon the jurors to appear at 2 o'clock Thursday afternoon.

Court then adjourned until afternoon, when court matters not connected with the murder trial were to be considered.

Bedding Plants.

Geraniums, Giant Pansies, Verbenas, Asters, Petunias, Lobelia, etc., at the Boise Floral Co.

Newspapers from 30 cities. Collins, 1022 Main street.

Special Rates East.

Via the Denver & Rio Grande. "The Scenic Line." For rates and particulars, write E. R. Hunt, general agent, Butte, Mont.

Sealed bids will be received by the undersigned until 4 o'clock p. m., Monday, May 27, 1907, for the saloon privilege, score card, Coney Island and corner under grand stand, W. F. DOLAN, Secretary Idaho Intermountain Fair Association.

Bell Rings at Pullman Bar

Five minutes before train leaves. Budweiser. Four doors from depot. Nampa

See the new tailor and get satisfaction; biggest stock. Cope, 109 South Ninth street. Idaho Trust building.

Notice.

Orders for piano tuning formerly taken by Mrs. M. A. Swift will be taken in the future at the Boise Book & Music Co. for N. C. Hatt.

Pays 4 per cent. on Savings
 " 4 " " " Certificates
 " 3 " " " Accounts

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Folger's Golden Gate

To youth
 To middle age
 To old age

J. A. FOLGER & CO.

YOU MAY

The latest cut and fabric in your pressed it will not look as good as but is properly pressed.

Simply removing the wrinkles by pressing, although most of the suits seem to think that is all that is needed.

Anyone can remove the wrinkles how to restore shape to a suit or a shape.

If you want your suit properly pressed, KNOW HOW. THAT'S WHY WE I

The Press

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N. C. Hiatt & Co's

MAY CALL ORCHARD TO WITNESS STAND NEXT WEEK

**Mr. Hawley Predicts Jury Can
Be Secured This
Week.**

**PROGRAM OF THE
PROSECUTION INDICATED**

**District Court to Reconvene at
2 o'Clock Today With Sixty
More Veniremen to Work on
—Darrow Says Jury When
Selected Will Be Fair One—
State Satisfied—Trip to
Twin Falls for Correspond-
ents.**

James H. Hawley, chief attorney for the state in the Haywood trial, predicted yesterday that by the last of next week the state would be ready to introduce Harry Orchard as a witness. He said that he thought the jury would be finally selected by the end of this week. If so, he said, it would not take over three days for the state to introduce its evidence on the commission of the crime and the method by which it was committed. Most of the witnesses to be used for this will be from Canyon county, principally from Caldwell, and some of them are now in the city.

This would indicate that the program of the prosecution will be to first show that the crime was actually committed and by what method; then to introduce Orchard to explain what connection defendant had with the crime; then to introduce testimony to corroborate Orchard's confession. Mr. Hawley has stated that, after the jury has been selected, it should not take over a month to try the case.

At 2 o'clock this afternoon court will reconvene to continue the work of selecting a jury and 60 veniremen will be on hand to be called for examination. Each side has four peremptory challenges left to exercise, the defense having used its sixth on Tuesday, and it is predicted by the attorneys on both sides that each side will use its full number.

As far as the selection of a jury has gone, both sides express the opinion that a fair and impartial jury will be the result. One of the attorneys for the prosecution stated yesterday that the state would be willing to go to trial now as soon as a man could be found to be put in the chair vacated Tuesday when Juror Cole was excused because of ill health.

Darrow Is Satisfied.

In speaking of general conditions, Clarence S. Darrow stated that it was his opinion that a fair and impartial jury could and would be selected to try the case. He said he was satisfied that the people of Ada county were not so much biased and prejudiced against the defendant as had been indicated on the start. He believed that the large majority of the citizens really were anxious that Haywood and his co-defendants be given every opportunity for a fair trial.

"I am satisfied," said Mr. Darrow, "that we examined a considerable number of jurors who were disqualified, but who would have been perfectly fair had they been selected to sit in the case. Quite a number of them impressed me as seemingly loath to sit in the trial for the reason they were afraid they could not render a verdict strictly in accord with the law and evidence. They seemed to fear they would be unintentionally biased. These jurors showed their honesty. They knew they were prejudiced to a certain extent but still showed their honesty."

the Socialists had no reason for taking up the matter as an issue. "This case has no connection with Socialists in any respect," he said, "and the Socialists who have insisted in making it an issue have done much more harm to the defense than good. We have in a great measure headed off many of the socialist publications from circulating in this part of the country and we have endeavored to silence their utterings, but not entirely with success. If Debs should come here it is almost certain it would be impossible to hold him down. We hope he won't come. He can do the defense no good and might do a great deal of harm at this time."

Debs did not arrive yesterday, and it was stated last evening by a person here who has been in communication with him that he would not arrive in Boise at least until after the jury had been selected and might not come at all.

Yesterday was a dull day for the newspaper men. But few stories were wired out and what were sent were of a general nature. Some of the visiting news writers made no pretensions of working and a party, made up of quite a number, enjoyed a short fishing trip. It had been planned to take quite a number of the correspondents on a tour of the public schools and Superintendent Williamson engaged conveyances for the occasion, but, on account of the fishing trip, and engagements made by others before they knew of the school-visit plan, the tour was postponed to some future date.

To Visit Minidoka.

As guests of the Twin Falls North Side Land & Water company, with I. R. Perrine of that company as guide, a large number of the visiting newspaper men and their wives will take an excursion to Minidoka and Twin Falls a week from tomorrow. They will leave here in a special Pullman sleeper at 4 o'clock in the afternoon and part of the trip off the main line will be made with a special engine. Entertainment will be provided by the people of Twin Falls. The return trip to Boise will be started at 9 o'clock Sunday night, arriving here early Monday morning. Plans are being made to give the news writers and their wives a most delightful time and the newspaper men are already talking enthusiastically of the time they expect to have. It is expected that Governor Gooding will be one of the party. He will go if he can get away at that time. Among those who have accepted invitations to join the party are the following:

Martin Egan and wife and Robert T. Small of the Associated Press Association, Luke Grant of the Record-Herald, John Fay of the New York World, C. P. Connolly of Colliers, O. K. Davis of the New York Times, John McMahon and wife of Wilshire's magazine, George K. Turner of McClure's, E. G. Leipheimer and wife of the Butte News, John Tierney and wife of the Denver News, James H. McLennan of the Denver Republican, J. W. Carberry of the Boston Globe, Blaine Phillips, correspondent for several papers, also a representative of The Statesman. Besides the above, several other newspaper men who have not yet been seen will be invited. It is the plan to take all who can go on the trip.

Plies are dangerous but do not submit to an operation until you have first tried Man Zan the great Pile Remedy. It is put up in collapsible tubes with a nozzle that allows it to be applied exactly where it is needed. If you have itching, bleeding or protruding plies and Man Zan does not relieve, money refunded. Soothes and cools. Relieves at once. Sold by McCrum & Deary.

Notice.

Orders for piano tuning formerly taken by Mrs. M. A. Swift will be taken in the future at the Boise Book & Music Co., for N. Borchers, piano maker and tuner.

Cures baby's croup, Willie's daily cuts and bruises, mama's sore throat, grandma's lameness—Dr. Thomas'...



CHARLES H. MOYER AND FRED MILLER.

Picture of President of Western Federation of Miners and one of his attorneys, taken on the Ada County Court House grounds.

COMES TO AID OF CANAL COMPANY

**J. W. Cunningham of Boise-
Payette Co. Helping to Get
Pumping Plant.**

**Strong Effort Being Made to
Get Machinery Together to
Install Plant to Supply Set-
tlers Along Canal with Water
to Save Their Crops.**

The Canyon Canal company is making an effort to establish a pumping plant by means of which water can be supplied to the settlers on the Emmett bench during this season. It has taken the matter up with J. W. Cunningham, manager of the Boise-Payette company, and through him the officers of the company are in communication with dealers in electrical equipment throughout the country in the hope that the plant needed can be secured at once. It is necessary to secure water motors, pumps and transformers. These cannot be delivered by any factory, because all the factories are overloaded with orders. The only chance is to find portions of the needed equipment at different points, and it is along that line that they are working.

In talking about the matter, W. F. Cross of the canal company stated yesterday that Mr. Cunningham had offered to do everything possible to

tended every possible assistance to us in securing what is needed, but offered to supply the necessary power on the most liberal terms. While no formal offer was made we are assured, in effect, that the power needed will be furnished almost at cost."

HOLLERAN LEASE

VERY RICH IN ORE

**Forty Tons Taken from Shaft
Sample \$1600 a Ton—Idaho
Men Make Money.**

F. V. Martin has received a dispatch from J. H. Hutchinson at Goldfield stating that the shaft of the Holleran lease is still in rich ore and that the foot wall of the vein has not yet been reached. Mr. Martin is also informed that 40 tons of ore taken from the shaft sampled \$1600 a ton.

It looks as though Idaho people are especially favored in that wonderful mining region. In addition to D. Mackenzie, John Hodgson, George B. Holleran, F. V. Martin, J. H. Hutchinson and others from this section who have done well there or at other points in Nevada, there is George Wingfield, the millionaire, who also hails from this state. At one time he was in Jordan Valley, Oregon. Afterward he was at Pearl in this state. In those days, Wingfield was not a man of means. When he made up his mind to go to the new camp in Nevada he borrowed \$65 with which to make the trip. When arriving there he had \$10 left—now he is rated at \$20,000,000.

DOINGS OF STUDENTS

AT THE UNIVERSITY

In the recent short story and essay contest held under the auspices of the English department, Miss Hazel Mor-

lecting a jury and 60 veniremen will be on hand to be called for examination. Each side has four peremptory challenges left to exercise, the defense having used its sixth on Tuesday, and it is predicted by the attorneys on both sides that each side will use its full number.

As far as the selection of a jury has gone, both sides express the opinion that a fair and impartial jury will be the result. One of the attorneys for the prosecution stated yesterday that the state would be willing to go to trial now as soon as a man could be found to be put in the chair vacated Tuesday when Juror Cole was excused because of ill health.

Darrow Is Satisfied.

In speaking of general conditions, Clarence S. Darrow stated that it was his opinion that a fair and impartial jury could and would be selected to try the case. He said he was satisfied that the people of Ada county were not so much biased and prejudiced against the defendant as had been indicated on the start. He believed that the large majority of the citizens really were anxious that Haywood and his co-defendants be given every opportunity for a fair trial.

"I am satisfied," said Mr. Darrow, "that we examined a considerable number of jurors who were disqualified, but who would have been perfectly fair had they been selected to sit in the case. Quite a number of them impressed me as seemingly loath to sit in the trial for the reason they were afraid they could not render a verdict strictly in accord with the law and evidence. They seemed to fear they would be unintentionally biased. These jurors showed their honesty. They knew they were prejudiced to a certain extent but still showed their desire that the defendant be given a fair show."

Debs May Not Come.

There was a report circulated yesterday that someone had received word that Eugene V. Debs would be in on the early evening train. When asked for his opinion in the matter Fred Miller, the Spokane attorney for the defense, said that it was the hope of the attorneys for the defense that Debs would not come. He said that the trial was one in which officers of the Western Federation of Miners were accused of a murder, and that

party. He will go if he can get away at that time. Among those who have accepted invitations to join the party are the following:

Marlin Eagan and wife and Robert T. Small of the Associated Press association, Luke Grant of the Record-Herald, John Fay of the New York World, C. P. Connolly of Colliers, O. K. Davis of the New York Times, John McMahon and wife of Wilshire's magazine, George K. Turner of McClure's, E. G. Leipheimer and wife of the Butte News, John Tierney and wife of the Denver News, James H. McLennan of the Denver Republican, J. W. Carberry of the Boston Globe, Blaine Phillips, correspondent for several papers, also a representative of The Statesman. Besides the above several other newspaper men who have not yet been seen will be invited. It is the plan to take all who can go on the trip.

Piles are dangerous but do not submit to an operation until you have first tried Man Zan the great Pile Remedy. It is put up in collapsible tubes with a nozzle, that allows it to be applied exactly where it is needed. If you have itching, bleeding or protruding piles and Man Zan does not relieve, money refunded. Soothes and cools. Relieves at once. Sold by McCrum & Deary.

Notice.

Orders for piano tuning formerly taken by Mrs. M. A. Swift will be taken in the future at the Boise Book & Music Co., for N. Borchers, piano maker and tuner.

Cures baby's croup, Willie's daily cuts and bruises, mama's sore throat, grandma's lameness—Dr. Thomas' Electric Oil—the great household remedy.

Bell Rings at Pullman Bar

Five minutes before train leaves, Budwaiser, Four doors from depot Nampa

See the new tailor and get satisfaction; biggest stock. Cope, 109 South Ninth street. Idaho Trust building.

Giant flowered pansy plants. A full stock of other bedding plants and cut flowers at Bayhouse Floral Co.

J. W. Cunningham of Boise-Payette Co. Helping to Get Pumping Plant.

Strong Effort Being Made to Get Machinery Together to Install Plant to Supply Settlers Along Canal with Water to Save Their Crops.

The Canyon Canal company is making an effort to establish a pumping plant by means of which water can be supplied to the settlers on the Emmett bench during this season. It has taken the matter up with J. W. Cunningham, manager of the Boise-Payette company, and through him the officers of the company are in communication with dealers in electrical equipment throughout the country in the hope that the plant needed can be secured at once. It is necessary to secure water motors, pumps and transformers. These cannot be delivered by any factory, because all the factories are overloaded with orders. The only chance is to find portions of the needed equipment at different points, and it is along that line that they are working.

In talking about the matter, W. F. Cross of the canal company stated yesterday that Mr. Cunningham had offered to do everything possible to help them out in the emergency. He realized the necessity for supplying water to the settlers where land had already been planted and also that the flumes of the canal be kept wet to save them from going to pieces. Mr. Cross said Mr. Cunningham took the matter up as though it were his own and put them in communication with people all over the country, from some of whom they hope to be able to secure the equipment needed.

Mr. Cross added: "Mr. Cunningham has met us in a magnificent spirit in this emergency. He not only suggested plans for the needed plant and ex-

Forty Tons Taken from Shaft Sample \$1600 a Ton—Idaho Men Make Money.

F. V. Martin has received a dispatch from J. H. Hutchinson at Goldfield stating that the shaft of the Holleran lease is still in rich ore and that the foot wall of the vein has not yet been reached. Mr. Martin is also informed that 40 tons of ore taken from the shaft sampled \$1600 a ton.

It looks as though Idaho people are especially favored in that wonderful mining region. In addition to D. Mackenzie, John Hodgson, George B. Holleran, F. V. Martin, J. H. Hutchinson and others from this section who have done well there or at other points in Nevada, there is George Wingfield, the millionaire, who also hails from this state. At one time he was in Jordan Valley, Oregon. Afterward he was at Pearl in this state. In those days, Wingfield was not a man of means. When he made up his mind to go to the new camp in Nevada he borrowed \$65 with which to make the trip. When arriving there he had \$10 left—now he is rated at \$20,000,000.

DOINGS OF STUDENTS AT THE UNIVERSITY

In the recent short story and essay contest held under the auspices of the English department, Miss Hazel Morrow won the \$10 prize for the best story and Bruce D. Mudgett, the \$10 prize for the best essay.

The officers of the associated student body were elected on Friday. They are: Walker Young, Morrow, president; Elmer Armstrong, Genesee, vice president; Miss Hazel Morrow, Boise, secretary; Fred E. Lukens, Moscow, treasurer.

The following men were chosen for the debate council: Robert O. Jones, Wardner; Jewitt D. Matthews, Moscow; William R. Solbakke, Troy; Charles Colver, Idaho Falls; Ray Peebles, Nampa; and Henry Smitn Moscow.

The Idaho baseball team will cross bats with W. S. C. here Saturday. The era of good feeling between the students of the two schools was abruptly terminated at the recent game in Pullman by the rowdiness of some of the W. S. C. students. It is possible that athletic relations between the two schools will be severed after the coming game. The Idaho team showed up well in the game with Lewiston normal yesterday. The score was 12 to 3 in favor of the varsity.

Three-baggers by Cron and Fleharty and a home run by Curtis accounted for some of the Idaho runs. The baggers were Idaho, Hansen and Curtis; Lewiston, Lowe and Kettenback. Stolen bases and errors were much in prominence.

The Idaho track team meets the universities of Oregon and Washington in Seattle May 30. Idaho is building on second place as Oregon is a sure first. Kelly of Oregon now holds three coast records, McKinney two northwest records and Hut one. Oregon is sure to win first in all these events and reasonably sure of several more. Inefficient coaching was the real cause of Idaho's defeat in the Inland Empire meet and if Idaho takes third in the tri-state league it will be for the same reason.

The 1908 Annual will be on sale Tuesday, May 21. It will be a very entertaining book, containing numerous pictures, interesting articles and spicy jokes.

Kennedy's Laxative Cough Syrup is BETTER than any other cough remedy because its laxative principle assures a healthy, copious action of the bowels and at the same time it heals irritation of the throat and allays inflammation of the mucous membrane. Contains Honey and Tar, pleasant to take. Children like it. Sold by all druggists.

Willard White, Fire Insurance, Surety Bonds. We safeguard your interests. 220 Bonna block. Bell phone 350.

Bedding Plants. Geraniums, Giant Pansies, Verbenas, Asters, Petunias, Lobelia, etc. at the Boise Floral Co.



GEORGE A. PETTIBONE AT WORK.

Mr. Pettibone is becoming an expert at pyrography. In his room at the Ada county jail he has whittled away many hours at his work, and the walls of his cell are decorated with his handiwork. In addition to this, Pettibone is something of a cartoonist, and has combined the two arts by burning his cartoons into wood.

MAY NOT SECURE JURY BEFORE NEXT WEEK

Only Forty-Five Out of Panel of Sixty Left to Examine.

LITTLE PROGRESS MADE YESTERDAY

Five Talesmen Examined for Ninth Seat and None Passed for Cause by Both Sides—Large Percentage of Boise Persons on Panel—Both Sides Have Men Picked Out to Excuse on Peremptories—Yesterday's Work.

HOW THE JURY STANDS.

- 1—Thomas B. Gess.
- 2—Isaac Bedell.
- 3—Samuel D. Gilman.
- 4—Daniel Clark.
- 5—George Powell.
- 6—John F. Whitlock.
- 7—George McIntyre.
- 8—Lee Schriyener.
- 9—Henry Curtis.
- 10—Levi Smith.
- 11—A. P. Burns.
- 12—Samuel T. Russell.

Very little progress was made yesterday afternoon toward selecting a jury for the trial of William D. Hayward. A session of the district court lasting from 2 o'clock until a few minutes past 4 o'clock was held, during which time an endeavor was made to find a juror for the vacant ninth chair, but without success. One after another four men were called and examined and excused on challenges for cause on grounds of implied bias in that they had both formed and expressed opinions regarding the guilt or innocence of the accused.

Of these four jurors but one was passed for cause by the prosecution, so that the defense had but the examination of one talesman yesterday. The fifth talesman to be seated in the ninth chair, Henry Curtis, is still in the box. He was passed by the prosecution just before court adjourned and his examination by the defense will be the first work to be taken up this morning. With the exception of Curtis in the ninth chair the personnel of the jury is unchanged from last

NEW ANTI-TRUST LAW.

LOS ANGELES, May 23.—The Cartwright anti-trust law, perhaps the most far reaching in effect of any of the laws of the last legislature, went into effect today, and as a result in this county alone 30 or more combinations of wholesalers and retailers in various mercantile lines will voluntarily dissolve in order to comply with the provisions of the new statute.

TO OPEN NORTHERN RESERVE

Two Examiners Ordered to Inspect Surveys on Coeur d'Alene Reservation.

If Favorable Reports are Made Allotments to Indians Will be Made and Residue Lands Classified and Appraised and Opened to Settlement.

(Special Dispatch)

WASHINGTON, May 23.—The commissioner of the general land office is determined to expedite the opening of the Coeur d'Alene Indian reservation by directing that two examiners be employed upon the final inspection of the surveys recently reported as completed. These examiners will each have a party of surveyors at work on the reservation. If they make favorable reports the surveys will be accepted this summer in time for the allotment to the Indians to begin during the present season.

If the allotment be completed during the summer, the residue lands may be classified into agricultural, grazing and timber and be appraised. When the lands are opened by proclamation of the president, they will be subject to entry under the homestead laws at not less than the appraised value, but only 20 per

FATAL EXPLOSION CHICAGO

Five Workmen Killed and Others Injured in Armour Killing Plant

Ammonia Pipe Exploded Deadly Fumes, Under Pressure, Penetrated Part of Building—2 Overcome But 15 Rescued

CHICAGO, May 23.—Five were killed and a dozen others injured today when an ammonia pipe exploded in the beef-killing department of Armour & Co.'s stock yards. The building was full of workmen at the time and the ammonia fumes, escaping from under pressure, penetrated through a partition in the building in a short time that 20 of the men were overcome before they could escape to the fresh air. Five of these men were dragged from the place by their companions in a serious condition that it was necessary to take them to a nearby hospital.

An ineffectual effort to save the dead in the interior of the building was made by employees wearing gas masks, but they were driven from the place by the fumes and it was not until several hours after the explosion that the bodies of the five men were burned beyond recognition, found from the fourth floor. A few minutes later four other bodies were found, all of them having been buried in a horrible manner.

A search of the plant is being made for more bodies, as all have not as yet been definitely accounted for.

All the dead and injured were taken to the hospital.

BROWNSVILLE HEARING

Some Interesting Statements Made Before the Senate Committee.

WASHINGTON, May 23.—Frederick J. Combs of Brownsville was the only witness today before the senate committee on military affairs in the investigation of the explosion there on August 13, 1900, which resulted in the discharge

ninth chair, Henry Curtis, is still in the box. He was passed by the prosecution just before court adjourned and his examination by the defense will be the first work to be taken up this morning. With the exception of Curtis in the ninth chair the personnel of the jury is unchanged from last Tuesday.

All but one of the second open panel of 60 talesmen were present when court convened. G. W. Goodman was the only one absent and an attachment was ordered by the court in his case, it having been reported that personal service had been had on him.

When Judge Wood invited all talesmen forward who thought they had statutory excuses to offer why they should not be compelled to serve, over 20 came to the front. The following were excused: E. H. Beggs, E. G. Lewis, George Breshears, D. J. Byers, J. W. Cunningham and Henry Craig. Five others claimed personal physical disability or illness in their families and most of them will probably be excused this morning, as they were instructed to procure doctor's certificates for presentation to the court and all said they could and would do so.

Doubts Expressed.

With six excused, at least four more who will be excused and the first four of the new panel excused yesterday for cause, there are left 45 prospective jurors that may be called, from which nine must qualify to complete the jury. Considerable doubt is expressed now as to whether the jury can be completed this week and as to whether nine men who can qualify can be found among the next 45 talesmen. Curtis has been passed by the prosecution, but the indications yesterday were that the defense would endeavor to disqualify him.

After the ninth chair has been filled, the prosecution will be called upon to exercise its seventh peremptory and it was stated yesterday that the state had decided upon whom it would be used. It was also stated, not officially, that there are two men on the jury as it now stands upon whom the state's attorneys expect to use arbitrary challenges.

The next challenge by the defense will probably be exercised in excusing Daniel Clark from the fourth seat, the man whom the defense tried hard to disqualify immediately after he had been passed for cause by the state.

The defense will endeavor to disqualify John F. Whitlock before using a peremptory on him. Mr. Darrow examined him Tuesday and finally passed him temporarily for cause with the privilege of returning to him later. The Chicago attorney said that he was satisfied Whitlock was biased and had an opinion that would affect his verdict if chosen as a juror, but was unable to induce the talesman to admit those conditions. When he returns to the sixth chair Mr. Darrow will endeavor to disqualify the occupant as a member and active worker in the Meridian lodge of Odd Fellows, which was said to have passed certain resolutions on the death of former Governor Steunenberg.

All of the attorneys were present yesterday, Attorneys Hawley, Borah, VanDuyn and Stone being at the state's table and Attorneys Richardson, Darrow, Nugent, Miller, Wilson, Whitzel, Murphy and Calahan being seated at the defense table.

Invalid Wife Present.

In her accustomed position, in her invalid's chair, just back of the row of defense lawyers, sat Mrs. Haywood. She was looking quite fresh and comfortable yesterday. She was dressed in summer goods, for the first time appearing in light colors rather than in sombre black. At her right sat the older daughter and at the left the

(Continued on Page Seven.)

into agricultural, grazing and timber and be appraised. When the lands are opened by proclamation of the president, they will be subject to entry under the homestead laws at not less than the appraised value, but only 20 per cent of the price need be paid in cash and 20 per cent each year thereafter until the lands are paid for. Coal and oil deposits are reserved to the government. The right to commute is allowed except as to timber. The allotment to the Indians is not an easy task, and the date upon which the reservation will be opened cannot be fixed, but without doubt it will be some time during the summer of 1908.

OKLAHOMA REPUBLICANS OUTLINE PROGRAM

OKLAHOMA CITY, May 23.—Five hundred Republicans of Oklahoma and Indian Territory at a meeting here today of the state central committee, called to consider the situation caused by Judge Pancoast's decision preventing the division of counties by the constitutional convention, passed resolutions supporting Governor Frank in refusing to call an election to vote upon the adoption or rejection of the constitution drawn for the proposed new state of Oklahoma until pending injunction suits have been passed upon by the courts; demanding that the constitution be filed with Secretary Wilson of Oklahoma; postponing the state convention previously set for June 6, until after the issuance of election proclamation; and condemning what the resolutions term unfair provisions in the proposed constitution.

TO KNIFE AND FORK CLUB

Judge Gaynor of New York Addresses Kansas City Organization.

KANSAS CITY, May 23.—Judge W. D. Gaynor of the appellate division of the supreme court of New York, addressed the Knife and Fork club here this evening at its monthly dinner. Judge Gaynor spoke on freight rate abuses and said that while the actual payment of rebates is now seldom done, favoritism is still practiced in many ways. He spoke of the railways as public highways and said the fact that they should be used to enable a few men to destroy their business rivals is the basest crime of our day. He did not favor government ownership, but said that because of this favoritism it was no wonder a growing number of people wanted the government to take over the railroads.

Woman in Blue Arrested.

WASHINGTON, May 23.—Mrs. Isabella E. Case, who attracted some attention as "The Woman in Blue," who tried to see President Roosevelt at Oyster Bay last summer and who has since repeated her attempts to see him, was arrested here last night on a charge of insanity and taken to the detention hospital pending examination.

Two-Cent Bill in New York.

ALBANY, N. Y., May 23.—The state senate today passed the bill fixing at 2 cents a mile the rate of passenger fare on all railroads over 150 miles in length in this state. It has already passed the assembly and now goes to the governor.

WASHINGTON, May 23.—Frederick J. Combs of Brownsville was the only witness today before the senate committee on military affairs in the investigation of the affray there on August 13, last, which resulted in the discharge of soldiers garrisoned Fort Brown. After telling of incidents connected with the affair and subsequent in which he figured, the man was cross-examined by Senator Foraker. The senator was particularly interested in a report that cit Brownsville had raised \$10,000 offered as a reward for information leading to a discovery of the who did the shooting.

"There was no truth in the report," said Mayor Combe, started by an Ohio man.

Senator Foraker joined in laughter that greeted the and asked the name of the r

"I think it was Longworth," replied the witness.

"His first name does not to be Nicholas, does it?" Senator Foraker.

"I do not remember," said the mayor.

"Well, of course you do not the president's son-in-law?" the senator. The mayor has assure the committee that it the Ohio congressman, and, laughter had subsided, the c tion was expunged from the

The cross examination will tinued tomorrow.

Mayor Frederick J. Combs of Brownsville, testified of the shooting up of the town his story. He said that his people appeared in the street and determined to attack t son, but that he addressed and by calling prominent cl his aid managed to disperse ple. He denied making a credited to him by a white named Voschel connected alleged assault by a negro s the wife of a citizen name This remark has said to h made the day prior to the Voschel said he overheard t tell Major Penrose that negro soldier was arrested 1 o'clock that night, every en in the town would be shot Combe denied making such s but said he could produce from Major Penrose, deny such a remark had been r number of the rifle chips s exhibits used in the inve were found in the streets of Combe.

STILL INVESTIGATING COAST LINE

LOS ANGELES, May 23.—Detectives W. T. Bowler of the ern Pacific arrived here today once took charge of the inv into the wreck of the coast lited near Glensdale yesterday ing. Many clues are being but so far no arrests have be The officials are confident t one familiar with railroad tion is responsible for the wreck. Engineer McCann wrecked engine today relate of how he saw two men les scene of the wreck immediat The coaches plunged into th One of them was hatless. T said: "Well, they're in the right."

All of the injured who were here are expected to recover.

MAY NOT SECURE JURY BEFORE NEXT WEEK

(Continued from Page One.)

nurse. The younger daughter sat between the nurse and the defendant.

The accused man appeared more grave in his demeanor yesterday than at any previous time during the beginning of the proceedings. He entered the room very quietly and slipped into his chair behind Attorneys Richardson and Darrow and began to talk with them in whispers before paying any attention to the members of his family—something very unusual.

There was a fair-sized crowd of spectators present yesterday, although not so large an attendance as on several occasions when the proceedings first started. The room was by no means uncomfortably crowded. Six of the newspaper writers were missing from their usual places and it was reported they had left the field for good, their papers from now on intending to rely upon the Associated Press or other news services for accounts of proceedings.

City Jurors.

The new panel of talesmen are for the most part from the country but there is a larger per cent of Boise people on the list than on the first special panel of 100 and the attorneys for both sides predict that the number found to be disqualified will be greater in per cent than on the first special list. Sheriff Hodgkin said that many of them were not summoned until yesterday morning. It was nearly noon yesterday before the list was complete and turned over to the attorneys and the clerk of the court.

Court Convenes Promptly.

Court convened promptly at 2 o'clock and the minutes of the previous session were read by Clerk Otto Peterson; approved and signed by Judge Wood. Then the roll of 60 veniremen on the second panel was read and they responded to their names as follows:

Second Open Panel.

- | | |
|------------------|-----------------------|
| Walter Goodwin | W. C. Williamson |
| J. W. Cunningham | S. M. Burns |
| C. J. Northrop | Lee Egbert |
| B. F. Rue | John Beery |
| A. Riddle | Sam Jones |
| Jacob Blingman | E. F. Crow |
| S. M. Joplin | Finley McBean |
| Henry Craig | E. E. Johns |
| Ed McGuffin | I. J. Poteet |
| J. W. Harrell | Bert Barber |
| Perry G. Lewis | A. Anderson |
| George Gregory | J. W. Stevens |
| George Rivers | A. J. Swain |
| Ed P. Dunkin | Herbert Lemp |
| John Shaffer | W. Scott Neal |
| E. A. Bullock | L. H. Cox |
| M. S. Cobb | J. E. Tourtellotte |
| George Breshears | A. A. Johnson |
| William Birch | W. S. Bruce |
| Ell Jones | Anderson J. Armstrong |
| Henry Curtis | C. C. Anderson |
| Seigle Clark | James A. Pack |
| J. J. Byers | August Anderson |
| Jesse Shawver | Harmon Cox |
| Arnold Ray | William Goodwin |
| T. H. Roton | R. F. Beggs |
| W. B. Teeter | Leo P. Grunbaum |
| Melvin Davidson | Edgar Hoover |
| Walter Evans | |
| E. E. Sims | |
- William Goodwin and Ira L. Alkens

excuses and quietly slipped back to their seats among the spectators. They realized the judge was not considering any trivial excuses.

Work Begins Again.

At 2:45 o'clock the 11 jurors who had been left in the box Tuesday were called in and the roll was called.

Lee Egbert, a farmer living two miles from Boise, was called to fill the vacant ninth chair.

The examination was commenced by Mr. Hawley for the state. Juror said he had lived in Idaho for 12 years. Up to three years ago he had teamed through the valley. He came to Idaho from Nebraska.

Egbert said he had never known former Governor Steunenberg except by reputation. He knew none of the defendants. He said he had teamed in and out of Silver City, but never formed any acquaintances that he remembered.

He said he was impressed by the news of the murder of Steunenberg. He had heard the matter discussed a great deal. Since the trial started, he said, his neighbors had talked a great deal about the case.

He said he had never taken any of the papers until just recently, when he subscribed to The Statesman. He said he had formed a settled opinion. Later he admitted that his opinion was not an unqualified opinion; he would not be willing to believe the defendant either guilty or innocent without proofs. He said he would take the law and evidence if selected as a juror as his only means of arriving at a verdict. He was doubtful as to whether he could, however, set aside and dismiss his opinion in the case. He said he could try.

"Well, will you try to set aside any opinion you now have?" asked Hawley.

"To the best of my ability," was the sincere reply.

"Have you a bias or prejudice now for or against this defendant?"

"Yes, sir, I have."

Heated Argument.

Here Mr. Hawley got into a heated argument with Mr. Darrow during the examination of the proposed juror. Mr. Hawley had asked Egbert if he was in the habit of forming opinions in the important affairs of life from mere neighborhood gossip and newspapers, when Mr. Darrow objected. He declared Mr. Hawley was not trying to get the honest opinion of the juror under examination but was endeavoring to terrorize the remaining members of the panel and estop them from expressing whatever opinions they might have.

"Objection overruled," Judge Wood interposed.

Mr. Hawley sought to reply to Mr. Darrow but was stopped by Judge Wood, who directed him to proceed with the examination.

"I desire to note an exception," shouted Mr. Hawley, "to counsel for the defense being allowed to make statements and charges to which we are not allowed to reply."

"And we note an exception to the court overruling our objection as to counsel's questions to the jurymen," added Mr. Darrow.

tions and the prospective juror said he had not formed his opinion entirely from what he had read.

The challenge was allowed by the court.

Farmer Had Opinion.

B. F. Rue, a silver-haired farmer living eight miles down the valley, was next called and Senator Borah took up the examination.

"How old are you?" asked Borah. "Seventy-nine," was the reply. "No; that's a mistake. I'm 69."

"You don't look to be 69," said Mr. Borah, smilingly.

"We object!" shouted Richardson, amid laughter. "In the prosecution complimenting the talesman."

"Never mind," said Borah. "I'll be complimenting the attorneys for the defense later."

"What papers have you read?" was asked the juror.

"The Statesman and this here other paper printed here."

"The Capital News?"

"Yes; I guess that's it."

"Which do you take?"

"The Statesman."

The juror finally said he had an opinion which could not be removed regarding the guilt or innocence of the accused.

"It could not be removed at all?" asked Borah.

"Well, it might be some way," was the reply.

"By a surgical operation, I suppose?" was Borah's dry remark which set the spectators in a roar of laughter.

The juror was excused on challenge by the prosecution.

August Anderson was next called, but was passed, as he said he would have an excuse to offer in the morning.

Melvin Davidson was passed for the same reason as were also J. W. Stevens and A. A. Anderson.

Passed By State.

Henry Curtis, a farmer for 15 years on the bench and a resident of this county for 20 years was next called.

Curtis said he had had a speaking acquaintance with former Governor Steunenberg—had known him for 17 years. He knew none of the defendants. He was a subscriber to The Statesman and the Appeal to Reason. He said he had no opinion regarding the guilt or innocence of the defendant. He was not opposed to capital punishment nor circumstantial evidence. He said there had been times since the crime when he may have entertained feelings of prejudice, but he thought he had none now either way. He said there were some things in socialism that impressed him but others did not appeal to him. Political beliefs, he said, would not influence him in the case. The juror was passed by the state.

It being several minutes past 4 o'clock, court was adjourned before the examination of Curtis by the defense. Court convenes again at 9:30 this morning.

NAUGHTY POST CARD
CANNOT GO

Postmaster Fenton Confiscates
a Bunch of Obnoxious
Pictures.

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MAY NOT SECURE JURY BEFORE NEXT WEEK

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There was a fair-sized crowd of spectators present yesterday, although not so large an attendance as on several occasions when the proceedings first started. The room was by no means uncomfortably crowded. Six of the newspaper writers were missing from their usual places and it was reported they had left the field for good, their papers from now on intending to rely upon the Associated Press or other news services for accounts of proceedings.

City Jurors.

The new panel of talesmen are for the most part from the country but there is a larger per cent of Boise people on the list than on the first special panel of 100 and the attorneys for both sides predict that the number found to be disqualified will be greater in per cent than on the first special list. Sheriff Hodgkin said that many of them were not summoned until yesterday morning. It was nearly noon yesterday before the list was complete and turned over to the attorneys and the clerk of the court.

Court Convenes Promptly.

Court convened promptly at 2 o'clock and the minutes of the previous session were read by Clerk Otto Peterson; approved and signed by Judge Wood. Then the roll of 60 veniremen on the second panel was read and they responded to their names as follows:

Second Open Panel.

- | | |
|------------------|-----------------------|
| Walter Goodwin | W. C. Williamson |
| J. W. Cunningham | S. M. Burns |
| C. J. Northrop | Lee Egbert |
| B. F. Rue | John Beery |
| A. Riddle | Sam Jones |
| Jacob Blingman | E. F. Crow |
| S. M. Joplin | Finley McBean |
| Henry Craig | E. E. Johns |
| Ed McGuffin | I. J. Poteet |
| J. W. Harrell | Bert Barber |
| Perry G. Lewis | A. Anderson |
| George Gregory | J. W. Stevens |
| George Rivers | A. J. Swain |
| Ed P. Dunklin | Herbert Lemp |
| John Shaffer | W. Scott Neal |
| E. A. Bullock | L. H. Cox |
| M. S. Cobb | J. E. Tourtellotte |
| George Breshears | A. A. Johnson |
| William Birch | W. S. Bruce |
| Ell Jones | Anderson J. Armstrong |
| Henry Curtis | C. C. Anderson |
| Seigle Clark | James A. Pack |
| J. J. Byers | August Anderson |
| Jesse Shawver | Harmon Cox |
| Arnold Ray | William Goodwin |
| T. H. Roton | R. F. Beggs |
| W. B. Teeter | Leo P. Grunbaum |
| Melvin Davidson | Edgar Hoover |
| Walter Evans | |
| E. E. Sims | |
- William Goodwin and Ira L. Alkens

excuses and quietly slipped back to their seats among the spectators. They realized the judge was not considering any trivial excuses.

Work Begins Again.

At 2:45 o'clock the 11 jurors who had been left in the box Tuesday were called in and the roll was called.

Lee Egbert, a farmer living two miles from Boise, was called to fill the vacant ninth chair.

The examination was commenced by Mr. Hawley for the state. Juror said he had lived in Idaho for 12 years. Up to three years ago he had teamed through the valley. He came to Idaho from Nebraska.

Egbert said he had never known former Governor Steunenberg except by reputation. He knew none of the defendants. He said he had teamed in and out of Silver City, but never formed any acquaintances that he remembered.

He said he was impressed by the news of the murder of Steunenberg. He had heard the matter discussed a great deal. Since the trial started, he said, his neighbors had talked a great deal about the case.

He said he had never taken any of the papers until just recently, when he subscribed to The Statesman. He said he had formed a settled opinion. Later he admitted that his opinion was not an unqualified opinion; he would not be willing to believe the defendant either guilty or innocent without proofs. He said he would take the law and evidence if selected as a juror as his only means of arriving at a verdict. He was doubtful as to whether he could, however, set aside and dismiss his opinion in the case. He said he could try.

"Well, will you try to set aside any opinion you now have?" asked Hawley.

"To the best of my ability," was the sincere reply.

"Have you a bias or prejudice now for or against this defendant?"

"Yes, sir, I have."

Heated Argument.

Here Mr. Hawley got into a heated argument with Mr. Darrow during the examination of the proposed juror. Mr. Hawley had asked Egbert if he was in the habit of forming opinions in the important affairs of life from mere neighborhood gossip and newspapers, when Mr. Darrow objected. He declared Mr. Hawley was not trying to get the honest opinion of the juror under examination but was endeavoring to terrorize the remaining members of the panel and estop them from expressing whatever opinions they might have.

"Objection overruled," Judge Wood interposed.

Mr. Hawley sought to reply to Mr. Darrow but was stopped by Judge Wood, who directed him to proceed with the examination.

"I desire to note an exception," shouted Mr. Hawley, "to counsel for the defense being allowed to make statements and charges to which we are not allowed to reply."

"And we note an exception to the court overruling our objection as to counsel's questions to the jurymen," added Mr. Darrow.

tions and the prospective juror said he had not formed his opinion entirely from what he had read.

The challenge was allowed by the court.

Farmer Had Opinion.

B. F. Rue, a silver-haired farmer living eight miles down the valley, was next called and Senator Borah took up the examination.

"How old are you?" asked Borah. "Seventy-nine," was the reply. "No; that's a mistake. I'm 69."

"You don't look to be 59," said Mr. Borah, smilingly.

"We object!" shouted Richardson, amid laughter. "In the prosecution complimenting the talesman."

"Never mind," said Borah. "I'll be complimenting the attorneys for the defense later."

"What papers have you read?" was asked the juror.

"The Statesman and this here other paper printed here."

"The Capital News?"

"Yes; I guess that's it."

"Which do you take?"

"The Statesman."

The juror finally said he had an opinion which could not be removed regarding the guilt or innocence of the accused.

"It could not be removed at all?" asked Borah.

"Well, it might be some way," was the reply.

"By a surgical operation, I suppose?" was Borah's dry remark which set the spectators in a roar of laughter.

The juror was excused on challenge by the prosecution.

August Anderson was next called, but was passed, as he said he would have an excuse to offer in the morning.

Melvin Davidson was passed for the same reason as were also J. W. Stevens and A. A. Anderson.

Passed By State.

Henry Curtis, a farmer for 15 years on the bench and a resident of this county for 20 years was next called.

Curtis said he had had a speaking acquaintance with former Governor Steunenberg—had known him for 17 years. He knew none of the defendants. He was a subscriber to The Statesman and the Appeal to Reason.

He said he had no opinion regarding the guilt or innocence of the defendant. He was not opposed to capital punishment nor circumstantial evidence. He said there had been times since the crime when he may have entertained feelings of prejudice, but he thought he had none now either way. He said there were some things in socialism that impressed him but others did not appeal to him. Political beliefs, he said, would not influence him in the case. The juror was passed by the state.

It being several minutes past 4 o'clock, court was adjourned before the examination of Curtis by the defense. Court convenes again at 9:30 this morning.

NAUGHTY POST CARD CANNOT GO

Postmaster Fenton Confiscates a Bunch of Obnoxious Pictures.

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W. B. Teeter
Melvin Davidson
Walter Evans
E. E. Sims

William Goodwin and Ira L. Aikens did not respond to the roll call. It was ascertained that they were not present, but had both been summoned by personal service. Mr. Aikens came in before any action of the court was taken. John Woodin served the summons on Goodwin and the court ordered an attachment issued on the venireman.

Statutory Excuses.

Judge Wood then stated the statutory excuses that might be offered by jurors why they should not be compelled to serve, and announced that no business excuses would be considered at that time unless the public or a large number of persons had interests involved. When he invited those having excuses to offer to come forward 22 veniremen pressed their way toward the clerk's desk.

E. P. Dunkin wanted to be excused because he said he had a very severe pain in the side and because he had important business interests. He was instructed to get a doctor's certificate before his application could be considered.

R. H. Beggs was excused because he was a mail carrier.

Melvin Davidson presented a certificate from a physician that his wife was very ill. He was told to get a certificate containing more specific information before the application could be granted.

Jacob Bingman also presented a doctor's certificate regarding his own health. It didn't appear to enlighten the judge much. He denied the application temporarily.

P. G. Lewis wanted to be excused because of his wife's illness. He had a physician's certificate and was excused.

George Breshears, who lives on Eagle island, asked to be excused because he expected sickness in his family very soon. He had several small children, but said the only person he could leave at home was his hired man. He was excused.

A. J. Armstrong said he was sick and would get a physician's certificate later.

J. J. Byers presented a certificate that he had been sick for a year. He was excused.

Jesse Shawyer, a ditch rider, was denied his application to be excused.

Walter Evans said he was hard of hearing. He was not excused.

Ell Jones' excuse was his age, 73, and his extreme ill health. He said he had to lay down to rest every day.

"You'll have time for that during the trials," said the court. "We'll let the attorneys examine you."

Business Reason Accepted.

J. W. Cunningham presented a business excuse—the work of supplying a pumping plant to take the place of the dam of the Canyon Canal company. He was excused.

E. M. Hoover, as an officer in the state militia, asked to be excused. The court would not excuse him at present.

August Anderson's excuse was illness, but he was told to get a physician's certificate before his application could be granted.

Henry Craig was a road overseer and he was excused.

L. H. Cox's business excuse was denied.

J. W. Stevens wished to be excused because his son had been injured and he had to do his work in a butcher shop. He was not immediately excused.

A. A. Anderson wished to be excused because of his wife's poor health, which, he said, had been of years' standing. He said he had a daughter at home. He was not excused at that time.

While the first applicants were being examined by Judge Wood several in the crowd apparently got cold feet when they saw others being denied

are not allowed to reply." "And we note an exception to the court overruling our objection as to counsel's questions to the jurymen," added Mr. Darrow.

Judge Wood ordered both exceptions entered in the record and the first flurry of the day was at an end.

Hawley asked several more questions and the talesman said it would require a good deal of evidence to remove his opinion. He was not opposed to capital punishment.

The prospective juror was challenged by Mr. Hawley on grounds of implied bias in having formed an opinion regarding the guilt or innocence of the accused man.

"We deny the challenge temporarily," said Richardson, "until we have asked a few questions." His questions were entirely regarding the opinion the talesman said he had formed.

Egbert said he had never formed any opinion until some of his neighbors a short time ago began going around through the county trying to find out how everybody stood on the matter. He said, however, that none of the canvassers had ever called upon him. He said he had never expressed his opinion in the matter. Richardson said he would resist the challenge. The challenge was allowed.

Orchard Man Excused.

A. J. Swain was next called. He resides at Orchard and has lived in the county for 28 years. He said he was running a cold storage plant.

He said he knew none of the defendants except Pettibone, whom he had met in the Coeur d'Alenes. He said he had mined in the Coeur d'Alenes nine years and also ran a boarding house. He had been a member of the Burke and Gem unions from 1893 to 1899. He said he dropped his membership when he left that part of the country. He was in Boise when the murder of former Governor Steunenberg took place. He said that because he had been a member of the miners' union he was perhaps more interested and took more pains to learn the details of the investigation than would have been the case otherwise. He said he had both formed and expressed an unqualified opinion regarding the guilt or innocence of the accused.

He was challenged for cause on the grounds of implied bias and the defense admitted the challenge. The talesman was excused.

A. J. Armstrong was called but by agreement of counsel he was passed temporarily. He had asked to be excused because of ill health and had been instructed to get a physician's certificate to present to the court this morning.

Assayer Excused.

James A. Pack, for seven years a resident of Boise and for six years a resident of DeLamar, an assayer and miner, for 30 years in Idaho, California, Montana and Washington, was next called. He had known Steunenberg well and had had business relations with him. He said in answer to Hawley that he had a definite opinion regarding the guilt or innocence of the accused—an opinion it would take very strong evidence to remove. He had a feeling of bias or prejudice either for or against Haywood. He said, however, that if chosen as a juror he could go into the box, set aside his opinion and bias and be guided in arriving at a verdict strictly on the evidence introduced and the instructions of the court regarding the law.

He was passed for cause by the state and Mr. Richardson took up the examination.

He was challenged by Mr. Richardson when the juror admitted that to a certain extent he believed his opinion would influence him in arriving at a verdict if the testimony introduced should be conflicting.

Judge Wood asked several ques-

A Bunch of Obnoxious Pictures.

While there accrues to the post office department at Washington annually a large profit from the handling of the immense number of souvenir post cards that are sent in the mails each year, the department is very zealous in the observance of the rules regarding them and will permit nothing of an obnoxious nature to pass through the mails in this form. Postmaster Fenton yesterday morning found a number of postal cards addressed to one person in Boise, which to say the least were of an indecent character. He promptly confiscated them and the sender who of course is unknown will never have the satisfaction of knowing that the party to whom they were addressed received them.

It was only a few weeks after the beginning of the fad that cards of a questionable, suggestive, or even openly obscene character began to find their way into Uncle Sam's mail bags. The department which had always had a strict rule against the passage of anything of the kind through the mails immediately issued more stringent orders with the result that no more of the obnoxious missives appeared except occasionally. In most cases the sender never signs the cards and is careful to leave no other clue by which he can be connected with the act. Should a person however be detected in mailing such matter the government will immediately prosecute him and should conviction follow, a heavy penalty is inflicted.

On the first day of January of this year there were in the United States 64,103 post offices and it is probably a fact that there is not one of these but has post cards sent to or from it, while in the cities of the size of Boise or larger the business along these lines in a year would run into a large sum of money.

Mr. Fenton said yesterday that the order issued in February with regard to the sending of post cards in which the weight of the cards, which could be mailed for a cent was regulated, and which prohibited the sending of those bearing tinsel, mica, etc., or those made of other materials beside cardboard, except in a sealed envelope, has been very effective in lessening the difficulty heretofore experienced in the handling of the cards. The new rules require placing all cards which deviate too far from the regulation type in an envelope, the posting of which costs two cents, the same as a letter.

PIANO RECITAL VERY ENJOYABLE AFFAIR

The piano recital given by Misses Mabel Gates, Frances White, Ruth Annett and Fayette Krall, pupils of Mrs. N. M. Perkins, at the Carnegie hall last evening, was a very enjoyable affair. The pupils all played from memory and showed excellent technique and method.

They were assisted by Mrs. Haman King, one of Boise's foremost violinists, and Miss Florence Shaw, a prominent soprano of the city. Mrs. Perkins' juvenile pupils will give a recital at Carnegie hall on Saturday afternoon.

Willard White, Fire Insurance, Surety Bonds. We safeguard your interests. 230 Sanna block. Bell phone 356.

Giant flowered pansy plants. A full stock of other bedding plants and cut flowers at Bayhouse Floral Co.

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JUST ONE STEP NEARER GETTING SHAR JURY FOR MURDER TRIAL

One Juror Passed Out of Eighteen Examined for Cause.

THE STATE USES ONE ARBITRARY CHALLENGE

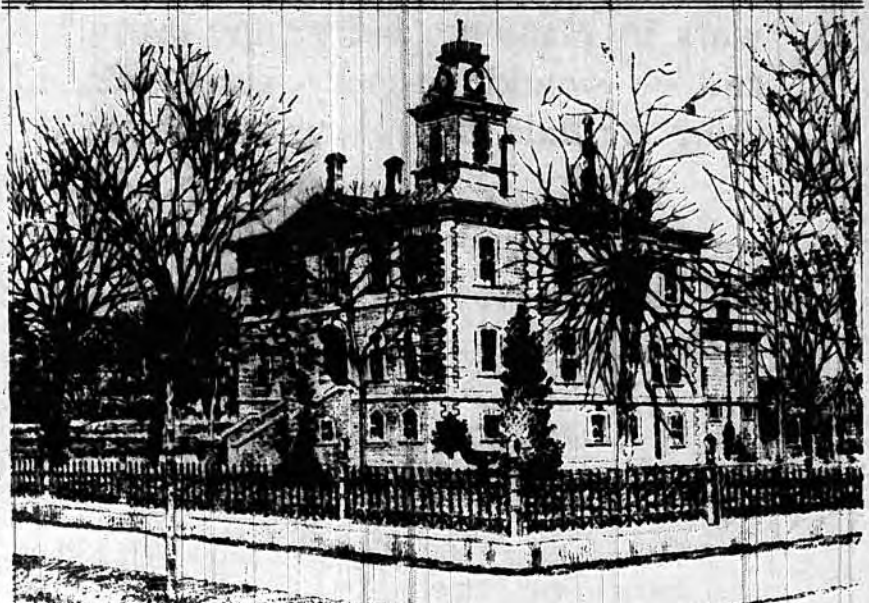
Isaac Bedell Excused and Nearly All Day Consumed in Unsuccessfully Attempting to Qualify a Juror to Take His Place—Defense Wins in Attempt to Disqualify W. B. Teeter Who Was Passed by the State—Long Examination.

It is now absolutely certain that a jury for the trial of William D. Haywood cannot be secured today and it is almost as certain in the minds of most persons who have been watching proceedings that it will be past the middle of next week and probably the last of next week before the actual trial can commence. That a third venire must be ordered seems also quite certain.

After yesterday's hard work the attorneys are but one step nearer securing a jury than on Thursday. On Thursday there remained nine men to qualify if all peremptories on both sides were used; now if all arbitrary challenges are exercised by state and defense eight men must qualify before the jury will be complete. A man must be found for the second chair and the state has three and the defense four peremptories to use.

Seventh Peremptory.

The state yesterday morning, 12 men having been passed upon for cause by both sides, exercised its seventh peremptory challenge in excusing from the second chair Isaac Bedell. At the close of proceedings yesterday no one had been passed for cause to fill that seat, although 17 talesmen had been called and examined. Of the 17 the state on first examination passed upon three for cause, but the three were excused finally on challenges by the defense. Twelve of the 17 talesmen examined for the second chair were excused on challenges by the prosecution, in most of which the defense joined. One man was excused by consent of both sides on a showing that he was physically incapable of performing the duties of juror, and the complete examination of the last man called had not been finished



Latest Picture of the Ada County Court House.

HOW THE JURY STANDS.

- 1—Thomas B. Gess.
- 2—Finley McBean.
- 3—Samuel D. Gilman.
- 4—Daniel Clark.
- 5—George Powell.
- 6—John F. Whitlock.
- 7—George McIntyre.
- 8—Lee Schriener.
- 9—Henry Curtis.
- 10—Levi Smith.
- 11—A. P. Burns.
- 12—Samuel T. Russell.

Finley McBean has not yet been passed by either the state or defense.

GENERAL ASSEMBLY OF PRESBYTERIANS ENDS

COLUMBUS, Ohio, May 24.—The one hundred and nineteenth general assembly of the Presbyterian church concluded its work today, crowding into the two last sessions a vast amount of routine business much of which was of great importance to the church. There was no renewal, as had been expected, of the temperance controversy. On the contrary, the report of the permanent committee on temperance was accepted without debate or a dissenting vote.

The assembly decided to meet next year in Kansas City.

The assembly established the colored synod of Oklahoma, it being represented that the negro members of the church in that section desired a separate organization.

JURY FOR SCHMITZ NEXT WEEK

Six of the Twelve Secured and Examination of Talesmen Continues.

Hiram Johnson for the State and J. J. Barrett for Defense Engage in Wordy Battle Over Talesman Welch's Fitness for the Jury.

SAN FRANCISCO, May 24.—Six of the 12 jurors who will try Mayor Eugene Schmitz on the charge of extorting money from keepers of the French restaurants have been finally selected and sworn, and the prospect is that the jury will be completed by the middle of next week.

The feature of today's proceedings was the examination of Talesman Charles W. Welch, senior member of the Weber company, furniture dealers in San Francisco and Los Angeles. The inquiring into Welch's fitness for the

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Due to the three were excused finally on challenges by the defense. Twelve of the 17 talesmen examined for the second chair were excused on challenges by the prosecution, in most of which the defense joined. One man was excused by consent of both sides on a showing that he was physically incapable of performing the duties of juror and the complete examination of the last man called had not been finished when court adjourned.

At the opening of the session several jurors who had asked to be excused the previous day renewed their applications accompanied by certificates from physicians and were excused. These, with those excused for cause on challenges, leave just 28 of the last panel of 50, subject to examination.

For the most part the proceedings of yesterday were featureless. The examination of some of the jurors were very short, it being developed early that they had opinions regarding the guilt or innocence of the accused which would disqualify them from jury duty, but in several instances the examinations were long drawn out.

Richardson Scores.

After fully three-quarters of an hour's questioning, Mr. Richardson finally gained a victory for his side of the case yesterday in disqualifying W. B. Teeter, the next to the last talesman called. After a more than ordinarily long examination by Mr. Borah, the talesman was passed for cause by the state and the defense began the examination. It was plain, while Teeter's answers to Mr. Borah seemed to indicate that he was a model juror, that he was not wanted by the defense.

Examined by Mr. Richardson, Teeter said he had some prejudice against labor unions—especially the Western Federation of Miners, which he believed to be in some way responsible for the death of former Governor Steinberg. This prejudice, the juror declared, did not extend to the defendant to the extent that he could not give him a fair trial, and Richardson could not get the man to contradict that statement. Finally, Mr. Richardson asked Teeter if he hadn't in April told a man by the name of G. W. Doak that he believed the officers of the federation were guilty. Teeter said a stranger had come to his house and insisted upon discussing the case. He denied that he had said anything as to the guilt or innocence of the accused. Teeter acknowledged some degree of prejudice against socialism. As to individual Socialists, he said he had no prejudice, so long as they behaved themselves. Then Richardson took the talesman into "the field of undesirable citizenship." Teeter had read the president's letter and said that he fully endorsed what the president said. He believed the defendant to be guilty of inciting to riot and believed him to be an undesirable citizen. A challenge from Richardson was finally sustained by the court after being vigorously opposed by the prosecution.

Curtis Suits Defense.

Henry Curtis, the farmer in the ninth chair, who had been passed by the state just before the close of proceedings Thursday, but whom the defense had not yet examined, apparently looked as a juror to the defendant's attorneys yesterday morning. Mr. Darrow conducted his examination and he had with the juror what might be called a heart-to-heart talk on socialism. Curtis said he had read quite extensively on the subject as he had on other subjects. He did this in search for knowledge as to what the world was doing and not in a spirit of criticism or combativeness. He had found many things in socialism that he could approve and many that he could not agree with. He was finally passed for cause, thus again filling the box.

At this time Judge Wood instructed Darrow that if he wished to further question John Whitlock, the juror in

(Continued on Page Nine.)

controversy. On the contrary, the report of the permanent committee on temperance was accepted without debate or a dissenting vote.

The assembly decided to meet next year in Kansas City.

The assembly established the colored synod of Oklahoma, it being represented that the negro members of the church in that section desired a separate organization. The committee on church policy ruled with regard to territory where differences of race or language make separation desirable, that when a petition for a separate presbytery or synod is presented, the same shall be granted and it shall not be necessary to secure the consent of other members of the church in the same territory.

The financial committee reported that during the past year \$4,609,852 had been received for the use of the various boards of the church.

The committee on necrology reported that during the year 164 ministers of the church had died.

The report of the committee on narrative deplored the increasing degradation of the Sabbath, a laxity in the observance of the week of prayer, the growing restlessness in the pulpit and consequent shortening of terms of pastorate and an increasing concern over the use of untrained laymen in duties which properly belong to ministers, declaring that danger lurks in the practice of calling men direct from the pew to the pulpit.

A message of greeting was received from the United Presbyterian assembly in session in Denver, Colo., in which the hope was expressed that the bonds between the two churches would be strengthened.

OFFICERS DECLARED UNFIT FOR PROMOTION

KANSAS CITY, May 24.—Mayor Henry M. Beardsley, chairman of the board of police commissioners, created a sensation at the board's meeting today when he publicly announced that the records of two men whose names were before the board as candidates for promotion rendered them unfit.

Mayor Beardsley announced that the records of the police department show that Lieutenant Daniel Ahearn, recommended for inspector and chief of detectives, had been suspended for drunkenness in 1903 and that Patrolman Charles Ryan, recommended for detective, had been discharged from the police force twice, once for neglect of duty and once for sleeping on duty.

Mayor Beardsley also read the affidavit of a citizen filing serious charges against John Hayes, Jr., a lawyer and son of Chief of Police John Hayes, Captain W. E. Weber and Bert Brantman, a police detective. Witnesses will be called before the board next Friday on these charges.

NO FOREIGN TRIP FOR DYER

St. Louis Will Not Be Sent Abroad on Government Service.

WASHINGTON, May 24.—An official announcement was made at the department of justice today regarding the assignment of David P. Dyer, to go to Europe and receive the surrender of Charles F. Grottenfend, formerly paying teller of the Washington National bank of St. Louis. It says that Dyer's designation for the work was made wholly without the knowledge of the president or the attorney general and when it became evident from newspaper publications that an effort was being made to give the appointment the character of a "vindication" to young Dyer, who was recently tried for embezzlement, the department of justice took steps to terminate his connection with the service.

restaurants have been finally selected and sworn, and the prospect is that the jury will be completed by the middle of next week.

The feature of today's proceedings was the examination of Talesman Charles W. Welch, senior member of the Weber company, furniture dealers in San Francisco and Los Angeles. The inquiry into Welch's fitness to try the mayor resolved itself into a heated battle between Special Prosecutor Hiram W. Johnson and Attorney John J. Barrett of the defense. Welch confessed in answering a series of extremely pointed questions by the prosecution that he had sought and obtained "the friendship" of Abraham Ruef, the indicted political boss, for the Weber company in its successful biddings on municipal supplies contracts, and that he had coincidentally paid Ruef money several times "to help along the mayoralty campaigns of Schmitz."

The talesman's evasiveness in meeting Johnson's questions, which were designed to disqualify him, led to the frequent and spirited repetition of the query: "In view of the things you have said, do you think that you would make a fair and impartial juror?" Each affirmatively inclined answer provoked the state to delve deeper into Welch's politico-business dealings with Ruef and Schmitz and roused the defense to undertake to shield the talesman from Johnson's probe. Finally Judge Dunne, called upon for a ruling, admonished the defense that Schmitz, not Welch, was Barrett's client, and that whatever protection the juror might need would be afforded by the court.

Welch was eventually dismissed on repeated challenge for cause by the state.

An incident of Welch's examination was the claim by him that he had contributed "continuously and indiscriminately, as all business men are compelled to do, to campaign funds," and that he not only had given money to the campaign of District Attorney Langdon (who is backing the whole bribery graft investigation and prosecution) but had advised him to run for the office.

In naming over, at the suggestion of Attorney Barrett, "men of unquestioned integrity with whom you have had dealings and who are now in this court room," Welch mentioned former State Senator William J. Biggy, the court clerk who has charge of the prisoner, Ruef.

Intimating that the juror was attempting to borrow lustre, Mr. Johnson wrung from Welch the admission that though he and Biggy are brothers-in-law they have not spoken to each other for the last eight or ten years.

Welch, a moment before his dismissal, tickled the humor of bench, bar and audience by declaring that among those whom he had helped to power through political office was the presiding judge of the trial, Frank H. Dunne. Even Judge Dunne laughed at this.

The Schmitz trial will be resumed on Monday morning.

Knapp Denies.

WASHINGTON, May 24.—A report was published today to the effect that Chairman Knapp of the Interstate commerce commission who had an interview with President Roosevelt yesterday afternoon informed the president that the investigation by the commission into the methods of the Harriman lines had practically acquitted Harriman. When his attention was called to the report Mr. Knapp said:

"The statement is absolutely without foundation. The commission has taken no action, reached no conclusion and not even discussed the Harriman case of late. No report is likely to be made for some time."

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JUST ONE STEP NEARER GETTING JURY FOR MURDER TRIAL

(Continued From Page One.)

the sixth chair, whom the defense had passed temporarily on Tuesday after a strenuous effort to disqualify him. The examination should take place at once before another peremptory was exercised. Darrow questioned the juror regarding the report that he had at one time been a guard at the penitentiary under former Governor Steunenberg, but the talesman declared that he had never served under Steunenberg in any capacity—he had been a penitentiary guard under Governor Hunt.

He was finally passed for cause and the next move was for the state to exercise a peremptory, which was done. The rest of the day was taken up in an attempt to fill the second seat, the one vacated by the peremptory, and the attempt has so far been unsuccessful.

Mrs. Haywood Present.

Mrs. Haywood attended both sessions of the court yesterday. At the forenoon session she was accompanied by both daughters and the nurse, but at the afternoon session neither the nurse or the oldest daughter was present. Her invalid's chair was placed in its usual place. All of the attorneys on both sides were in court during both sessions, and there was a slightly larger crowd of spectators than usual both forenoon and afternoon.

During both sessions Julian Steunenberg, son of the assassinated former governor of the state, was an interested spectator, and during the afternoon session Judge Ed L. Bryan of Canyon county was present a part of the time. He did not sit on the bench as a guest of Judge Wood yesterday, however, having come in after court was in session. Among outside attorneys who were present closely watching the proceedings was County Attorney Frank Disney of Lincoln county.

Court adjourned promptly at 9:30 for the morning session, and as soon as the minutes had been read and signed Judge Wood announced that he would consider any applications waiting jurors might have to be excused.

Jurors Excused.

Of the jurors who made application to be excused on Thursday, but who, at that time had not the necessary doctors' certificates, the following were excused yesterday morning immediately after court had convened: William Goodwin, Melvin Davidson, A. Anderson, M. S. Cobb.

Herbert Lemp was excused for business reasons, he having to look after the business of his father who is sick. Both sides consented.

J. W. Stevens, the butcher, who said he could get no one to look after his business and whose son was sick was denied an excuse.

E. M. Hoover was excused on account of being an officer of the state militia. He accompanied his application with a brief, quoting the statutes covering his excuse.

The examination of Henry Curtis in the ninth chair was commenced by Mr. Darrow. He said he had been born in England and came to the United States in his nineteenth year. He began to work for wages at once. He had always worked for wages up to 15 years ago when he first went on the farm.

dealer, who had asked to be excused because of business reasons and because of ill health, was next called.

Answers to questions by Mr. Hawley seemed to indicate that his reasons for wanting to be excused were of a nature that should be considered.

"Your honor," said Hawley, "it seems to me that this juror should be excused."

"We are of the same opinion," announced Darrow.

The juror was excused and J. W. Stevens, the meat dealer, was next called. Stevens had also asked to be excused. He said his son had suffered an injury to his arm and that he could not look after the business and he had been unable to get anyone else to manage the market and do the meat cutting.

Stevens said he had no bias and had not formed any opinion as to the guilt or innocence of the accused.

"But I am not fit to sit on this jury," he declared.

"Why not?" asked Mr. Hawley.

"Because I am strictly opposed to capital punishment when the verdict is found on circumstantial evidence."

"You have conscientious scruples?"

"Yes, I have."

He was challenged by Hawley. The defense denied the challenge, but the court excused the juror.

Come From Missouri.

A. P. Dunkin, a Meridian hardware dealer, formerly from Missouri, was next called. He had always been a farmer up to the time he commenced his present business. He said he had been in Idaho a little over three years.

In answer to Hawley's questions, the juror said he knew nothing of the particulars of the old mining disturbances in Idaho or elsewhere. He had never seen former Governor Steunenberg and knew none of the defendants. He said he was not a subscriber to any Boise papers but had read them considerably, borrowing them from his neighbors. He had heard the case discussed considerably and he had formed a conclusive opinion, as far as he was concerned, regarding the guilt or innocence of the accused.

He was challenged for implied bias and was told to step aside.

The next man called was John Berry, who said he had always been a farmer. He said he had raised corn and potatoes in three states and now owned the farm on which he lives near Meridian. He said he used to take the Capital News but had quit it to take The Statesman.

He said he had received free copies of the Unionist and Appeal to Reason. He had not subscribed to them. He said he had never formed any opinion as to the guilt or innocence of Mr. Haywood. He affirmed that he had no feeling of bias or prejudice either for or against the defendant or the state.

He said he would have no trouble at all in dismissing any impression he may have acquired by reading or discussing the case, if called upon as a juror. He was not opposed to capital punishment. If circumstantial evidence was strong enough to establish the guilt of the accused beyond a reasonable doubt he would be willing to accept it. The juror was passed for cause by the prosecution.

Defense Examination.

Mr. Darrow took up the examination

a few questions regarding his "opinion" and then denied the challenge of the defense for implied bias.

"Then we desire to challenge the juror for actual bias in that he is prejudiced against the defendant, William D. Haywood."

"Have you any questions to ask the juror to support that challenge?" asked the court.

Mr. Darrow spent 10 minutes in examining the juror for the purpose of trying to get him to admit that he had a prejudice against the accused. The matter was finally put up to the court.

Judge Wood said that he thought that the talesman was perfectly qualified to sit as a juror in the case, so far as his "opinion" was concerned. He believed the juror had no opinion that would disqualify him, but still such a record had been made in this examination that he was constrained not to overrule this challenge.

Hawley then made a strong talk. He claimed nothing had been brought out in the examination to show that the juror was disqualified because of having an unqualified opinion.

"I believe the juror is qualified," said Judge Wood, "but there are some doubts and I will sustain the challenge. Mr. Berry, you are excused."

Another Farmer.

J. W. Harrell, a tall, athletic man, with a heavy, well-trimmed, brown mustache, who wore a high linen collar and who might have been taken for a commercial traveler or a merchant, was next called. He said he was a farmer living three and one-half miles west of Meridian on a farm he had owned for 16 or 17 years. He said he had farmed or engaged in fruit culture all his life.

In answer to the usual questions, the juror seemed eminently qualified but Hawley finally ascertained that the juror was strongly opposed to voting a death penalty on a verdict found by circumstantial evidence. He said he could not accept that kind of evidence unless it was of an overwhelming nature.

At this point court took a recess until 1:30 o'clock, the noon hour having arrived.

Immediately after the afternoon session began Harrell was challenged by Mr. Hawley on grounds that he was prejudiced against circumstantial evidence.

For the defense Mr. Richardson denied the challenge and asked the juror a few questions regarding how the talesman felt toward circumstantial evidence. The juror said he could not possibly vote a verdict of guilty on that kind of evidence if the penalty would be death.

Judge Wood finally sustained the challenge of the prosecution and the defense preserved an exception on the ground that the law provided for no challenge based on a prejudice against circumstantial evidence.

Bert Barber, a contractor and builder of this city, formerly of Meridian, was next called. He said, in answer to Borah, who now took up the examination for the state, that he had been quite a close friend of former Governor Steunenberg, but had never had any business dealings with him. He said he had read the accounts of the murder in local papers and had heard the case discussed to a considerable extent.

Based upon what he had read and heard, he said, he had formed an opinion as to the guilt or innocence of the defendant, but said he had not become prejudiced or biased one way or the other.

"Would your opinion interfere with your arriving at a fair and impartial verdict?" was asked.

"It would not interfere with my arriving at a fair and impartial verdict," he said.

church member. He is now a Presbyterian; had formerly been a Methodist. He was married and the father of 19 children, the oldest of whom is 22 years of age and is now attending the Idaho state university.

The juror said he always relied on his own judgment in politics, religion and business matters. He said he had not "been brought up entirely on The Statesman."

Juror said his time for reading was very limited. He liked to read and he chose to read the best as long as he could not read everything. He said he used to read the Coming Nation. "Do you remember that book?" he asked of Darrow.

"Oh, yes," replied Darrow. Then turning to Hawley the Chicago attorney with a smile said: "That publication, Mr. Hawley, was something like the Age of Reason."

"I know all about it, sir," replied Hawley.

Darrow's examination of Curtis resulted mostly in bringing out the facts that the prospective juror had read a great deal of good literature; that he was a man of independent thought; that he had read socialist publications for the purpose of getting informed as to what were the aims of the party. He had subscribed to the Appeal to Reason and had read it quite regularly. He said some things in socialism look'd reasonable to him—others looked otherwise. He said he remembered the Coeur d'Alene disturbances but had taken no part in them and had never taken the trouble to find out positively who was right and who was wrong in the case. He had always supposed that former Governor Steunenberg had taken steps that were deemed necessary at the time to preserve law and order.

The juror said that he had no opinion regarding the guilt or innocence of the accused.

"I only know somebody must have committed the crime," said Curtis, "and that is all I know. I do not allow my mind to entertain opinions without proofs in cases of so serious a nature as this."

In answer to another question the juror said he would rather allow a guilty man to go unpunished than to hang an innocent man.

He was asked if Borah had ever been his attorney.

"No, sir; I do not need any attorneys. I can get along without them."

He said, however, he had always admired Borah and had rejoiced when he had been elected United States senator.

As far as the case was concerned, however, Curtis said it would make no difference if Borah was his son.

The juror was passed for cause.

Whitlock Is Passed.

By instructions of the court Mr. Darrow then took up the examination of Mr. Whitlock, the juror in the sixth chair, upon whom the defense had spent nearly three-fourths of an hour in trying to disqualify on Tuesday, and finally passed temporarily.

Darrow learned that Whitlock had been a guard at the penitentiary for five months under former Governor Hunt. That, he said, however, did not tend to bias his mind. Whitlock insisted that he was not biased or prejudiced one way or the other. Darrow finally passed the juror for cause.

Isaac Bedell was excused from the second chair upon the state's seventh peremptory challenge. August Anderson, a farmer near the soldiers' home, was called.

A few questions by Mr. Hawley developed that the juror had an unqualified opinion regarding the guilt or innocence of the accused and a strong prejudice for or against the defendant. He was excused on challenge for cause by the prosecution.

Anderson J. Armstrong, the lumber

man for the defense. After a few preliminary questions the juror told Darrow he was a Methodist.

"Are you a Republican?"

"Yes."

"Always vote that ticket?"

"Every time I get a chance," was the reply, which caused a ripple of laughter.

Darrow asked many questions regarding what the prospective juror had read about the case and found Beery had been kept pretty well posted regarding the events.

"You discussed the case considerably?" was asked.

"Oh, not very much," was the reply. "I didn't take much interest in the case."

"Well, when folks talked with you, you talked, too, didn't you?"

"Yes, I suppose so, but not much."

He said he had read lots of things that he thought were true and he had also read a lot of things he was pretty certain were false. He said he had no feeling one way or another toward labor unions. He knew very little about them.

"Did you ever form an opinion that Meyer, Haywood and Pettibone were connected with this crime?"

"No, I never knew whether they were guilty or not."

"But didn't you form an opinion?"

"Everybody, I suppose has some opinion," he replied.

"How long have you had that opinion?"

"Oh, a year, I guess."

"Set opinion?"

"No, sir; I don't let opinions get set on my mind until I know the truth." The juror admitted that it would take some evidence—not much—to remove his opinion.

Darrow challenged the juror on the grounds of implied bias. The challenge was promptly denied by the prosecution.

In answer to questions by Mr. Hawley the juror declared that his opinion was not a fixed, unqualified opinion. He said his opinion would not affect him in any way in arriving at a verdict.

"You have had an opinion that the defendant is guilty or not guilty, one or the other, for over a year?" asked Darrow.

"Yes," was the answer.

"It is an opinion that would require evidence to remove?"

"Well, now, I can't say that I really have an opinion of any kind," was the reply.

"No opinion?"

"No."

"Do you think you would make a good juror?"

"Yes."

"Such a juror as you would want if you were on trial yourself?"

"Yes."

The juror later admitted that he had a sort of an opinion, but one which a small amount of evidence would remove.

Hawley again asked the juror a few questions.

He first said he had no opinion as to the guilt or innocence of the accused; then he said he had an opinion, but not one that could not be laid aside if he was called as a juror. He said he could lay aside his opinion and as a juror be governed solely by the evidence and the law in arriving at a verdict. He said he had never sat as a juror in a criminal case.

Hawley Objects.

During Darrow's third attempt to disqualify the juror Mr. Hawley made a heated objection to the method employed by the Chicago attorney in asking questions. He said he employed an argumentative style that was not lawyer-like, very objectionable. Hawley's objection was overruled and an exception noted for the state.

Judge Wood then asked the juror

"Have you expressed your opinion to others?"

"Yes."

"A number of times?"

"Yes."

"In a positive, unqualified way that the defendant was either guilty or innocent?"

The juror said he had.

Mr. Borah said he would challenge the juror.

"We deny the challenge," announced Richardson.

"Wait a minute," said Borah. "I want to ask another question or two."

He then drew from the juror that he was opposed to capital punishment under circumstantial evidence, but would be willing to consider circumstantial evidence if it was supported by conclusive direct evidence. He could not, however, consider circumstantial evidence alone. Borah reverted to the juror's opinion.

Barber said he could not divest himself of his opinion by his own effort. It would require strong evidence to remove it. Borah challenged the juror for cause and Richardson denied the challenge.

Barber Is Excused.

In answer to questions by the Denver attorney the juror said his opinion was one that touched upon the guilt or innocence of the defendant only in a general way.

Juror said his opinion was one that he would not presume to act upon without evidence to support it. He said he didn't know whether Haywood was guilty or innocent, but he had suspicions. He thought he could render a verdict based upon the evidence and the law, according to the instructions of the court, but said his opinion could not help but influence him to some extent. He said the evidence would have to be very strong to change his opinion.

A few questions were asked by Judge Wood and the court sustained the challenge.

G. W. Goodman was next called. He is a farmer 76 years of age. He said he was a native of Illinois. He did not know former Governor Steunenberg nor any of the defendants. He said he had talked with his neighbors about the crime and subsequent events and said he had taken part in several arguments and was possessed of an opinion regarding the guilt or innocence of the accused.

It was an opinion which would require strong evidence to remove. He was challenged by the state for implied bias and the defense admitted the challenge.

The next prospective juror examined for the second seat was a rancher by the name of Walter Evans. Mr. Evans lives on his farm two miles from Meridian, where he has resided for about 15 years.

Like most others he said he had heard all about the murder, had read about events connected with it and had heard the matter discussed considerably; he had expressed his own views on the subject.

"You have a set opinion?" asked Mr. Borah.

"I have an opinion that it would take strong evidence to remove. I think I am biased in the matter. I think, if I was a juror, I could render a fair and impartial verdict on the evidence, but I certainly have an opinion that I couldn't put aside without strong evidence."

"It's an opinion based upon hearsay and newspapers accounts, eh?"

"That's it."

"It's not an opinion you would be willing to act on now, is it?"

"Oh, no."

Juror said he was not opposed to

JUST ONE STEP NEARER GETTING JURY FOR MURDER TRIAL

(Continued from page nine)

capital punishment and Mr. Borah passed him over to the defense for examination.

Evans told Richardson he had had his opinion about a year. It had varied some—not much. Richardson questioned the juror exhaustively regarding his opinion and finally challenged him for implied bias.

The prosecution then asked a few questions and the juror said he could not lay aside his opinion until he had heard some evidence. The challenge of the defense was allowed.

Several Quickly Disqualify.

E. E. Johns was next called. Judge Wood suggested that the man be first questioned regarding his physical condition. He had asked to be excused because he said he had been suffering from a nervous trouble which made it impossible for him to sit still for any considerable length of time. The attorneys for both sides consenting, the juror was excused because of his physical incapacity.

C. C. Anderson, proprietor of the Golden Rule department store, was next called. He said he had known former Governor Steunenberg. A few questions by Mr. Borah developed that Mr. Anderson had an unqualified opinion regarding the guilt or innocence of the defendant. He was excused on challenge by the state supported by the defense, and W. Scott Neal was next called.

"What is your business?" asked Mr. Borah.

"Oh, I loan a little money," was the reply.

Mr. Neal evidently didn't intend to stay long on the jury, for he took his hat with him to the chair. He held the derby in his lap and stroked it much as an old maid would pet a cat as he told Mr. Borah that he would be no good as a juror. He said he had an opinion regarding the guilt or innocence of the accused which it would require evidence to change or remove.

He was soon excused on challenge for cause by the prosecution supported by the defense, and Walter Goodwin, bookkeeper at the Capital State bank was next called to the second seat. He also had an opinion which he said he could not put aside and he, too, was soon excused.

Mixed Dope.

John Shaffer, from a mile north of Star, a rancher, who brought with him to the second chair a soft brown hat was next called.

Borah started to question him but was interrupted by Mr. Darrow.

"Wait a moment, please," requested the Chicago attorney, "until we get our dope sheets on this man straightened out. We can't get this

by the evidence in arriving at a verdict.

"Are you opposed to capital punishment?"

"Yes, sir."

"You are?" asked Mr. Borah, disappointedly.

Shawvers declared he was sincere in his prejudice. He had strong conscientious scruples against the death penalty. He was challenged and the court instructed him to step aside.

Teeter Next Called.

W. B. Teeter, for four years a rancher in this county, was next called. He said he had first heard of the murder of former Governor Steunenberg by telephone and later read the newspaper accounts. He had heard the matters in connection with the case discussed, but by no persons who claimed to really know the facts in the case.

To a certain extent, Mr. Teeter told Borah, he had formed an opinion as to the guilt or innocence of the accused, but it was not an opinion that had caused him to become biased or prejudiced for or against the defendant. He said he could put aside his opinion if chosen as a juror and render his verdict upon the law and evidence. He said he was not opposed to capital punishment.

"Do you know of any reason why you could not be a fair and impartial juror?" asked Borah.

"I think not," was the response. "I have no prejudice against either Mr. Haywood or the state, but I am prejudiced against the Western Federation of Miners."

In answer to further questions the juror said his prejudice against the miners' organization did not extend to the defendant in any way, and he could not see how it would affect his verdict in any way. He was passed for cause by the prosecution.

In answer to questions by Richardson the juror said he was opposed to union labor organizations generally. He said he did not believe in citizens' alliances, either.

He said he had read The Statesman and that from the tone of the articles he had read he had thought that paper condemned the Western Federation of Miners and that it did not uphold the citizens' alliance.

He did not agree with everything in The Statesman, but he did believe that the Western Federation of Miners as a body was to blame for the death of former Governor Steunenberg.

"The Statesman constantly and continuously charged that these men were guilty of the crime, didn't it?"

"No, I don't think so," was the reply.

In answer to further questions the juror said that he had the idea that the newspapers of Boise had generally seemed to believe that the murder of the former governor had been the re-

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Borah started to question him but was interrupted by Mr. Darrow.

"Wait a moment, please," requested the Chicago attorney, "until we get our dope sheets on this man straightened out. We can't get this man placed."

He then asked the juror what precinct he lived in. Shaffer didn't know. He got his mail at Star.

"Do you live near a store?"

"No."

"Live near a man by the name of Henderlitter?"

"No."

"Let's take your dope, Borah," requested Darrow with a smile. "Our dope seems mixed."

"Well, I'll tell you this," replied Borah, "we found out where this man lived last fall, but you won't need any dope on him."

The juror was excused very shortly on challenge by the prosecution on grounds of implied bias. Like most others examined yesterday Shaffer was prejudiced and had an opinion he couldn't get a divorce from.

Jesse Shawyer, another honest-looking farmer, was the next prospective juror to help warm the second chair. He, too, had formed and expressed an opinion regarding the guilt or innocence of the accused, but, unlike many of his predecessors, he said he was not biased or prejudiced for or against the defendant. He "guessed" he could put aside his opinion if chosen as a juror and be governed entirely

by a telephone account. He had heard the matters in connection with the case discussed, but by no persons who claimed to really know the facts in the case.

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"Do you know of any reason why you could not be a fair and impartial juror?" asked Borah.

"I think not," was the response. "I have no prejudice against either Mr. Haywood or the state, but I am prejudiced against the Western Federation of Miners."

In answer to further questions the juror said his prejudice against the miners' organization did not extend to the defendant in any way, and he could not see how it would affect his verdict in any way. He was passed for cause by the prosecution.

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In answer to further questions the juror said that he had the idea that the newspapers of Boise had generally seemed to believe that the murder of the former governor had been the result of his activities during the Coeur d'Alene troubles.

Richardson asked many questions in an endeavor to get the juror to admit that his prejudice against the Western Federation of Miners extended to Haywood as an officer, but was unsuccessful.

Takes Another Lead.

"Did you have a conversation with a man by the name of G. W. Doak at your farm the last of April regarding this case?"

The juror replied that he had had a conversation with a stranger who had come to his house about that time and who wanted to get his opinion regarding the case. He denied that he had told the man he thought the defendants guilty.

Juror said he had a prejudice against socialism—against the doctrines of the socialist party—but not against socialists as citizens as long as they behaved themselves.

"Do you think they could behave themselves?"

"Some of them can, I guess," was the reply.

He had read of strikes and he said he did not think the strikers were always to blame. He said back in the

Confined to Half

Stocks Which Are Favorites of Speculators Show

NEW YORK, May 24. — market was comparatively pressure today, and this way for the slow recovery which took place. The and the slight urgency of were striking, in view of tions advanced for some dimensions of the short it was being built up. The show of strength in to was reduced to about 1 stocks which are always medium of operations b speculative element on t change. The wide decli in some of the usually de was a feature of the day, effect a sale of a small l stocks the prices require down many points before bid. The news of the most importance was that of more favorable ditions in the heat regional moisture in the s regarded as giving pro improvement in the winter. The later recovery in the ket had the effect of slow advance in stocks. estimates of the wee movement foreshadowe bank statement tomorro gain from the sub-tre tions combined with movement seems to be borhood of \$4,000,000 were firm in London to eign exchange here rose were taken looking to e Bonds were irregular p 456,000. U. S. bonds we on call.

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\$0's while working on his 'old folks' he bel Knights of Labor.

"You were not plann against the old folks, w ed Richardson.

"Well, no, but I felt times."

When the prospectiv he was a member of t lodge of Odd Fellows, R ed him if that lodge ha any resolutions regardin of Steunenberg. Teeter he did not think the q one, but Richardson ins juror answered:

"No, not to my knowl

Juror said he had r Roosevelt's "undesirable ter and added:

"I certainly approved dent's letter.

"You believe the det an undesirable citizen, d

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"You believe the defe cite riots?"

"I do."

Richardson challenge direct bias. The challen by Mr. Borah but was

**WORK TO BE RESUMED AT ONCE ON
ODD FELLOW BUILDING**

OPPOSED TO DEATH PENALTY, BUT BOTH SIDES MUST PASS ARCHITECT TOURTELLOTTE FOR CAUSE

Most Interesting Feature of Proceedings in Selecting a Jury.

JUST THE MAN BOTH SIDES WANT

Three Talesmen Passed for Cause Yesterday—Defense Uses Two and State One Peremptory—Five Must Yet Be Qualified—Thirteen Left of Panel of Sixty—Very Interesting Sessions Yesterday.

At the close of yesterday's proceedings in selecting a jury for the trial of William D. Haywood considerable progress had been made. Three men had been passed for cause during the day, the defense had used two of its peremptories and the state one and there are left of the last open panel of 60 talesmen summoned just 13 that are now subject to call for examination. There is now one juror in the box, the one in the seventh chair who has not been examined by either side. The state and defense each now have two arbitrary challenges left. This means that five men must qualify before the jury will be complete. During the two sessions of the court yesterday 14 talesmen were examined. Of these one was excused by consent of attorneys because of physical inability to serve; there were nine excused on challenges for cause by the prosecution and one was excused on challenge by the defense.

The most interesting feature that has come up during the selection of a jury came up yesterday when J. E. Tourtelotte, the well-known Boise architect, after having seemingly disqualified himself in answers to questions put to him by the attorneys on both sides, was accepted first by the prosecution and then by the defense for cause. Those who heard the examination were greatly astonished that either side would permit him to remain and on all sides there is much comment about the action taken.

Many believe that the prosecution at first passed Tourtelotte for a bluff, thinking that the defense would challenge him and others believe that Mr. Borah actually picked the man out as a good juror for the state. Darrow, who passed the man for the defense, declares that his side is perfectly satisfied and he stated yesterday that under no consideration would a peremptory challenge belonging to the defense be exercised, in removing the man from his seat.

Opposed to Death Penalty.
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HOW THE JURY STANDS

1. Thomas B. Gess.
2. Finley McBean.
3. Samuel D. Gilman.
4. Daniel Clark.
5. George Powell.
6. J. E. Tourtelotte.
7. S. M. Joplin.
8. Lee Schrivener.
9. Henry Curtis.
10. Levi Smith.
11. A. P. Burns.
12. Samuel T. Russell.

S. M. Joplin has not yet been examined by either side. The state and defense each have two peremptory challenges left; therefore five men must yet be qualified to complete the jury. There are now 13 men left of the last panel of 60 who may be called to be examined.

Juror in the box. The court refused to excuse him.

If Tourtelotte remains on the jury great interest will be manifested in how he will vote and the indications now seem to be that he will not be peremptorily challenged, by either side.

Arbitrary Challenges.

The attorneys for the defense, when called upon yesterday to use their seventh peremptory, excused John F. Whitlock, the Meridian nurseryman, thus exercising a peremptory that Mr. Darrow on last Tuesday and again on Friday put up a strong fight to save. The defense was also obliged to use another peremptory the attorneys had tried in vain to save in excusing E. F. Crow from the seventh seat, the last man passed for cause at the morning session. He had only been passed by the defense after a tedious questioning in an endeavor to disqualify him. The state used its eighth peremptory to excuse George McIntyre from the seventh seat. He was not one of the original 12 first passed by the state for cause.

Both sessions yesterday were very interesting and were enlivened by several little tilts between the attorneys and shots of repartee, in which the honors were about equally divided and which on several occasions not only set the spectators and attorneys in a roar of laughter, but caused smiles to chase themselves over the broad countenance of Judge Wood. Also several talesmen were examined whose mannerisms were ludicrous enough to keep everybody in good humor.

Many Spectators.

There was a good, big roomful of spectators yesterday. As the peremptory challenges are getting less and less the attorneys are fighting harder and harder over selecting the jurors and the proceedings are getting more and more interesting. Haywood yesterday exhibited great interest in the case and appeared more concerned than at any other time during the trial. He appeared yesterday to be deeply serious and on several occasions, when everyone else was laughing over some witty remark of talesmen or attorney, Haywood seemed totally oblivious as to what had occasioned the mirth and sat in it in a deep study. Once he leaned over toward Richardson, during a time when all were laughing heartily over some remark made by Darrow, and engaged his attorney in what appeared to be a very important, earnest conversation.

At the afternoon session Mrs. Haywood and her two daughters were present. The wife of the accused man took a deep interest in the proceedings and appeared greatly amused at some of the incidents at which others laughed. She appeared greatly interested when Tourtelotte made his talk to the court and one could see she was anxious to see what the outcome would be. Whether she was pleased or not when Tourtelotte was kept on the jury could not be determined.

Finley McBean Accepted.

UTAH EXECUTIVE INDORSES STAND TAKEN BY GOV. GOODING

Governor Frank R. Gooding was given a magnificent indorsement by Governor John C. Cutler of Utah at a dinner given by C. A. Quigley one of the board of governors of the Salt Lake Commercial club, at the Idanha hotel last evening.

About 50 guests were present, including a large number of representatives of the various interests of Boise and a majority of the visitors. Mr. Quigley acted as toastmaster and a number of speakers were called upon in short and happy introductions.

One of the best toasts of the evening was that to the governor of Idaho, proposed by Mr. Quigley. Governor Cutler responded. He spoke in a most appreciative vein of the resources of the state of Idaho. After some pleasant and jocular remarks, the governor of Utah became serious and addressed himself to the issue at present occupying the attention of the people of Idaho in the trial now going on in the district court.

Governor Cutler said that the people of Utah indorsed without qualification the stand taken by the governor and the people of Idaho in the cause of law and order. He said:

"I desire to say at this time that I indorse in every particular the stand taken by the governor of the state of Idaho in the great issue now before the people of this state. I mean that of law and order. Should I at any time be placed in a like position, I trust that I may have the strength to take a stand as courageous as that taken by the governor of this state."

ST. JOHN CHARGES CONSPIRACY

Affidavits Filed at Goldfield Asking for a Change of Venue.

Mine-Owners Alleged to Have Conspired Against St. John and Others—Judge Langden Charged With Being Present at Secret Meeting.

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Affidavits for the prisoners were presented to show that a deputy sheriff had tried to influence one of the jurors. Counter-affidavits were filed. Judge Langden will announce his decision Monday morning.

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MINERS TO ORGANIZE

CHEYENNE, Wyo., May 25.—A dispatch to the Tribune from Rock Springs, Wyo., says that 800 of the 1400 miners in Rock Springs, Sweetwater and nearby camps, have pledged themselves to join the union which is to be organized by the United Mine Workers' agents on Sunday. The Union Pacific Coal company, which controls the mines, has served notice on the miners that all who joined the union will be dismissed.

SALT LAKE MEN WELCOMED AT WEISER

(Special Dispatch)
WEISER, May 25.—The excursion of Salt Lake business men who are touring southern Idaho on a "getting acquainted" trip, arrived here and were met at the depot by a committee from the Weiser Commercial club. The party marched through the streets headed by Held's band. Many of the visitors went to University hill from which point a splendid view of the city and valley can be had.

Others of the party visited points of interest about the town. A reception was held at the Commercial club where the visitors were welcome by Mayor Numbers and President E. H. Gale. After the addresses a brief social time was held and all enjoyed themselves. The Salt Lake men made a splendid

...to cause the prosecution and one was excused on challenge by the defense.

The most interesting feature that has come up during the selection of a jury came up yesterday when J. E. Tourtellotte, the well-known Boise architect, after having seemingly disqualified himself in answers to questions put to him by the attorneys on both sides, was accepted first by the prosecution and then by the defense for cause. Those who heard the examination were greatly astonished that either side would permit him to remain and on all sides there is much comment about the action taken.

Many believe that the prosecution at first passed Tourtellotte for a bluff, thinking that the defense would challenge him and others believe that Mr. Borah actually picked the man out as a good juror for the state. Darrow, who passed the man for the defense, declares that his side is perfectly satisfied and he stated yesterday that under no consideration would a peremptory challenge belonging to the defense be exercised in removing the man from his seat.

Opposed to Death Penalty

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There was some surprise when Mr. Borah calmly announced that the state would pass the man for cause, but apparently no one was more surprised than Mr. Darrow. He looked up quickly, appeared to gasp for breath, glanced at the juror and then at Borah. The two attorneys smiled as their eyes met.

"You pass this man for cause?" asked Darrow wonderingly.

"He is up to you," replied Mr. Borah.

Mr. Darrow at once began questioning the man regarding his prejudice to capital punishment and the replies were the same as had been made to Borah. In asking another question Tourtellotte replied: "But I am absolutely opposed to the death penalty except in such instances as I have described."

"That looks good to our side of the case," responded Darrow with a jovial smile. "We are satisfied with you all right on that matter but now I am asking you more questions to see if you suit us in other ways as well as in that particular," Darrow asked.

A New Thought

"Have you a thought in your mind that this defendant may belong to such an organization as you have said came under your exceptions—an organization which has menaced society as you described?"

"I hadn't thought of it," replied Tourtellotte, "until you spoke of it, but now, I can see how he might be."

Tourtellotte was very speedily passed for cause by the defense and it could be seen very plainly by his looks that he did not relish his position. After the noon recess and just after court had convened he asked for permission to address the court. He stated to Judge Wood that he had thought the matter over carefully and had come to the conclusion that he could not possibly sit on the jury because of his conscientious scruples against capital punishment. The court put the matter up to the attorneys. Those of the defense said they were perfectly satisfied. After an objection by Darrow, Borah was allowed to ask Mr. Tourtellotte a few questions to be certain he had not misapprehended his position regarding his willingness to vote the death of a person, a member of an organization which menaced society, etc. He was satisfied apparently with Tourtellotte's answers, which were just the same as had been given in the forenoon, and announced that the prosecution was satisfied to keep the

...to eight persons, including George McIntyre from the seventh seat. He was not one of the original 12 first passed by the state for cause.

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Finley McBean Accepted

Court convened promptly at the hour set, 9:30 o'clock yesterday morning, and no time was lost in picking up the work where it had been dropped the previous day.

Mr. Darrow began the examination of Finley McBean for the defense. The good-natured Scotchman, in answer to questions, said he had been a working man all his life and now owned a small farm—10 acres. He said he had it paid for.

"Are you much of a reader?"

"No."

"Read the papers—the Boise papers?"

"Yes."

"Don't believe everything you read, do you?"

"No, not all."

"You said you knew Governor Steinenberg?"

"Yes, I knew him."

"How well?"

"Not very well. I borrowed some money from him."

It developed that the money borrowed was a small amount; was borrowed on his own note, not secured, and had been paid back before the governor's death. McBean said, when asked if he had reasons for being particularly friendly to Steinenberg, that he had not.

"I thought he was a gentleman in his business dealings with me," he said.

McBean said that when he heard of the murder he was naturally interested and wanted to learn what he could about the particulars.

"Have you read any papers besides The Statesman and the Capital News?"

"Yes; I have read the Appeal to Reason."

"You have?"

"Yes."

"Believe everything you see in it?"

"No."

"No more than you believe everything you read in The Statesman, I suppose?"

"No."

McBean said he had subscribed to the Appeal to Reason—it only cost him 25 cents a year. He knew something about socialism from what he had read; he said he was not a socialist himself, but had no prejudice against Haywood because he might be one. He had no prejudice against

(Continued on Page Ten.)

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Affidavits were filed today in the case of the state against St. John and a half dozen others asking for a change of venue. St. John and co-defendants are charged with conspiracy in the killing of Silva. The affidavits assert that their arrest is the result of a conspiracy hatched up by the mine-owners; that Judge Langan was present at a secret meeting when the conviction of St. John was discussed, and the arrest and the trial of prisoners was urged and agreed upon, hence he was not qualified to try the case impartially. Senator George Nixon, Judge Malone and former Governor Charles H. Thomas of Colorado are made prominent in the affidavits. The latter will come up for consideration next Tuesday morning.

WOODMEN OF WORLD MEET AT NORFOLK

NORFOLK, Va., May 25.—The Sovereign camp, Woodmen of the World, which convened today in biennial session, adjourned this afternoon. An application from the uniform rank for \$10,000 for the next two years was denied but the uniform rank was allowed \$2500 and relieved of all dues and charter taxes.

The following were elected delegates to the Pacific Jurisdiction at Seattle in July: J. C. Root, W. A. Fraser and J. E. Fitzgerald.

The annual salaries of sovereign officers were increased as follows: J. C. Root, sovereign commander, Omaha, from \$2000 to \$18,000; W. A. Fraser, sovereign adviser, Dallas, from fees to \$5000; Morris Sheppard, sovereign banker, Texas, \$2400 to \$3500; John L. Yates, sovereign clerk, Omaha, \$2000 to \$7500; H. W. Jewell, Manchester, Iowa, chairman sovereign finance committee, \$4800 to \$6000; Dr. Ira W. Porter and Dr. A. B. Cloud, sovereign physicians, Omaha, were increased from \$2500 to \$3000 each.

Indian Beaten to Death.

TACOMA, May 25.—In a desperate fight between two Indians on the Nequally reservation about 15 miles from Tacoma yesterday afternoon Edward Jackson was knocked down and beaten to death with a club by Paul Leslie, a powerful young fellow under 21 years of age.

MINERS TO ORGANIZE

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The Salt Lakers made a splendid impression.

TAFT ENDORSED

AKRON, Ohio, May 25.—The Republican executive committee of Summit county, Senator Dick's home, today passed resolutions declaring that "in William Taft is to be found the best representative of Roosevelt's policy and principles among all the candidates for president," and that "we do heartily endorse William H. Taft for the Republican nomination in 1908." The committeemen state they believe they represent the sentiments of the Republicans of Summit county.

Senator Dick was not present at the meeting, having left for Chicago earlier in the day.

TELEPHONE LINEMEN OUT AT COEUR D'ALENE

(Special Dispatch) COEUR D'ALENE, May 25.—All of the linemen employed by the north Idaho division of the Rocky Mountain Bell Telephone company here went on strike today on orders from Salt Lake. The men went out at Wallace and Sandpoint yesterday. They want \$2.75 for an eight-hour day instead of \$2.25 for a nine-hour day. About 50 men are affected here as this is the headquarters of north Idaho for the telephone people. The men say the telephone people will give in, but the officials refuse to talk.

Injured in Explosion

NEW YORK, May 25.—Fourteen persons were more or less injured by an explosion in the cut in the Pennsylvania station at Thirty-first street and Seventh avenue today. Several of the injured were pedestrians in surrounding streets who were caught in the shower of stones which were hurled hundreds of feet by the force of the explosion. The others were laborers working in the cut.

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GRAND JURORS WHO INDICTED MOYER, HAYWOOD, PETTIBONE AND SIMPKINS.

This picture was taken for The Statesman in front of the Saratoga hotel in Canyon County just before the grand jury was discharged. It was printed in The Statesman at that time and is now reproduced by request. Jasper Nichols, sheriff of Canyon County at the time of the murder, is shown in the upper left hand corner.

OPPOSED TO DEATH PENALTY, BUT BOTH SIDES PASS ARCHITECT TOURTELLOTTE FOR CAUSE.

(Continued From Page One.)

the Western Federation of Miners as an organization he had heard considerable about it.

McBean said he had read about the Coeur d'Alene troubles but did not know enough about those times to have ever formed any opinion regarding who were right and who were wrong.

"You have had a pretty good common school education, haven't you?" Darrow asked.

"No; not very good."

"You read most everything that comes your way?"

"Oh, I know enough to attend to my business," was the reply.

McBean said he understood all about the presumption of innocence; he knew a man should not be voted guilty of murder unless the evidence established the man's guilt beyond a reasonable doubt.

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"When a man, say, for instance, an anarchist, or some one bent on destroying society, is convicted, I believe capital punishment would be all right."

"When you speak about organizations that are against society you meant something definite, did you?"

"No, nothing definite; only just exactly the way I stated it."

"You mean an organization whose purpose it is to destroy our present form of society?"

"Yes, sir."

"Do you mean anarchists?"

"I don't know what an anarchist is, but as I understand it, he is against our present form of civilization."

"Or a socialist?"

"I don't know anything about socialists, to amount to anything."

"Probably not much about anarchists, either, do you?"

"We pass him for cause," responded Borah.

"The next peremptory rests with the state," said Judge Wood.

State Excuses McIntyre.

It was exercised by Mr. Borah in excusing George McIntyre from the seventh chair. Ed McGuffin of this city, formerly a rancher down the valley, was next called.

He was soon excused on challenge by the prosecution on grounds of implied bias in that he had formed and expressed an unqualified opinion as to the guilt or innocence of the accused.

By consent of attorneys on both sides Eli Jones, next called, was excused. He was 73 years of age, quite feeble, and declared he was physically unable to serve as a juror.

A. A. Johnson, a sheep man, was next called, but was speedily excused when he declared he had an opinion as to the guilt or innocence of the defendant which he could not set aside if chosen as a juror. He was challenged by Mr. Borah on the usual grounds of implied bias.

George Gregory, aged 64, a resident of Idaho for 42 years, now a rancher, but formerly a sheep man and years ago a miner, was next called.

He said he had a strong prejudice against the Western Federation of Miners and against the defendant as

great allowances for what he read in the newspapers; he doubted the truth of many statements.

"You didn't doubt that Mr. Steunberger had been killed?"

"No."

"You didn't doubt that these defendants had been arrested?"

"No."

"You didn't doubt that Orchard made a confession?"

"No; I presume that is true."

"And you must then have formed some opinion in the case?"

"Not as regards the guilt or innocence of the defendant. I have thought that he might be guilty—that's all."

No Use for Socialism.

"How about socialists?"

"Well, I wouldn't be prejudiced against a man because he was a socialist. As a party I have no use for the socialist party or the anarchist party—neither one of them."

"I believe you said you suspected that this defendant was guilty?"

"I believe I said no such thing," responded the juror rather indignantly.

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The juror was passed by the defense for cause and the second chair was at last filled again.

Defense Excuses Whitlock.

"The next peremptory rests with the defense," announced the court.

"We excuse Mr. Whitlock," said Darrow. Whitlock was the Meridian nurseryman in the sixth chair, whom the defense tried so hard, but unsuccessfully, on Tuesday and Friday to disqualify.

J. J. Poteet of South Boise, formerly a sheep grower of Washington county, was next called.

This juror, in answer to Mr. Borah's questions, said he had read about the murder and subsequent events. He had read the papers only casually, not because he had any particular interest in the case. He had, from what he had read and from the gossip he had heard, formed an opinion which would require strong evidence to remove.

"Have you expressed that opinion to others?"

"Yes; three times."

"In an unqualified manner?"

"Yes; I have."

"Can you lay that opinion aside?"

"I could not do it."

Mr. Borah challenged the talesman for cause and the court, after asking the juror a few questions, allowed the challenge.

Leo P. Greenbaum stepped lightly to the sixth chair on being called. He wore a yellow rose in his coat lapel.

He said he had known the former governor very well—had had considerable business with him. Only a few questions were asked by Borah, to develop the fact that Greenbaum had a decided opinion regarding the guilt or innocence of the accused. He had often expressed the opinion. He was speedily excused on challenge by the prosecution.

Then Came Tourtelotte.

Architect J. E. Tourtelotte, a resident of Boise for 11 years, who had known former Governor Steunenberg during his life time and who had transacted business with the former governor, was next called.

Mr. Tourtelotte said he had formed an opinion, but not one he would be willing to act upon where a man's life or even liberty were involved. If he was going into the jury, Mr. Tourtelotte said he would endeavor to be fair, but he was afraid he could not wholly put aside his opinion until evidence was introduced. He said he had had the opinion nearly a year; he had expressed the opinion to others in arguments. He said he had discussed the matter within the last two weeks.

Only in extreme cases, he said, was he in favor of capital punishment. He could not consider circumstantial evi-

dence unsupported by some direct evidence. Borah passed the man for cause and Mr. Darrow took up the examination. He asked Mr. Tourtelotte what he meant by being opposed to capital punishment except in extreme cases.

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"I don't know anything about socialists, to amount to anything."

"Probably not much about anarchists, either, do you?"

"No, I don't; but I understand that an anarchist is a man who is against all kinds of authority."

Tourtelotte, in answer to further questions, said he didn't know that his idea of an anarchist was right. He had an idea of what they were.

"Your idea of an anarchist is the newspaper idea, I suppose?"

"Well, the newspapers and magazines are about the only conveyances of ideas we have in this day and age," was the reply.

"Then you think," asked Darrow, "that it is all right to punish anarchists by death?"

"If an anarchist is the kind of person I think he is—if my definition is right—I think the sooner he is hanged the better."

New Idea to Him.

"Mr. Tourtelotte, is it running in your mind that Mr. Haywood might belong to an organization which is a menace to society and that you are therefore prejudiced?"

"I hadn't thought of that before," replied Tourtelotte, "but now that you have mentioned it, it might be true."

"You would not be trying Mr. Haywood here to see whether he was a member of a society to destroy our form of society, if you was left on this jury?"

"No, I don't think I would."

"You can not imagine any case where you would, can you?"

"Why, if it should be proven that he belonged to an organization that was engaged in destroying the existing form of society, my theory would hold good, I think. I think society has a right to do just as an individual and no more and no less; that is my theory. I believe society has a right to take away liberty because it can give liberty. If a man would try to take my life I would be right in taking his if I was quickened by he was."

"You would not hang a man simply for being an anarchist, would you?" asked Darrow.

"If I thought he was that kind of a man I would be in favor of hanging him," was the answer.

"Hanging him on sight?"

"If I was sure that he was that kind of a man, yes."

The talesman told Darrow that he could not vote the death penalty as punishment for an ordinary murder.

"That suits me all right," replied Darrow. "Mr. Borah turned you over to me and I'm now endeavoring to find out if you will suit me in all respects."

Tourtelotte said he had had considerable to do with labor organizations—had had some trouble with laborers—but was not prejudiced against labor unions.

After a consultation with his associates, Mr. Darrow announced:

"We pass this juror for cause."

"We pass him for cause," responded Borah.

"The next peremptory rests with the state," said Judge Wood.

State Excuses McIntyre.

It was exercised by Mr. Borah in excusing George McIntyre from the seventh chair. Ed McGuffin of this city, formerly a rancher down the valley, was next called.

He was soon excused on challenge by the prosecution on grounds of implied bias in that he had formed and expressed an unqualified opinion as to the guilt or innocence of the accused.

By consent of attorneys on both sides Eli Jones, next called, was excused. He was 73 years of age, quite feeble, and declared he was physically unable to serve as a juror.

A. A. Johnson, a sheep man, was next called, but was speedily excused when he declared he had an opinion as to the guilt or innocence of the defendant which he could not set aside if chosen as a juror. He was challenged by Mr. Borah on the usual grounds of implied bias.

George Gregory, aged 64, a resident of Idaho for 42 years, now a rancher, but formerly a sheep man and years ago a miner, was next called.

He said he had a strong prejudice against the Western Federation of Miners and against the defendant as an officer of that organization. He said he had formed an unqualified opinion regarding the guilt or innocence of the accused. He couldn't dismiss it if chosen as a juror. He was challenged and excused.

E. F. Crow, for four years a resident of this county, who lives on a 10-acre ranch near the fair grounds and who came here from near Grand Junction, Colo., was next called. He had never followed any occupations except farming, fruit raising and stock raising. He had discussed the murder and subsequent events quite generally with his neighbors and had read the newspaper accounts. He said positively that he had formed no opinion regarding the merits of the case and had no bias or prejudice. He was not opposed to capital punishment nor to circumstantial evidence if it was very convincing. It would have to be very plain, however, before he could consider it in connection with some direct evidence.

He was passed for cause by Mr. Borah.

Examination By Darrow.

Mr. Darrow took up the examination for the defense. He learned that the juror lived in Colorado nine years and previous to that had lived in Nebraska 20 years. He had been born in Indiana and had been a farmer all of his life. His 10-acre farm, he said, was three miles from the postoffice. He had been a small farmer. He said he had almost always voted the Republican ticket. He sometimes scratched the ticket. He said he had never been a member of any church but said he was a professor of religion—a sort of non-partisan religion. He had been raised a Methodist.

Crow said he had read the Boise papers, several agricultural papers and had taken the weekly Denver News for 10 or 12 years and an Omaha paper. He said he had kept fairly well posted on the questions of the day. He had read about the labor question but was not greatly interested in it. He said he remembered about some mining troubles in Colorado, but not near where he lived and he had not been at all interested in them. Peabody was governor of Colorado when he was there, he thought, but wasn't certain. He said he had never been engaged in mining. He said he had read and heard a great deal about the Western Federation of Miners, but had never been at all interested or cared anything about that organization or its troubles.

Crow said he had discussed the murder considerably. He had been interested in the case as far as the news of it was concerned. He said he made

great allowances for what he read in the newspapers; he doubted the truth of many statements.

"You didn't doubt that Mr. Steunenberg had been killed?"

"No."

"You didn't doubt that these defendants had been arrested?"

"No."

"You didn't doubt that Orchard made a confession?"

"No; I presume that is true."

"And you must then have formed some opinion in the case?"

"Not as regards the guilt or innocence of the defendant. I have thought that he might be guilty—that's all."

No Use for Socialism.

"How about socialists?"

"Well, I wouldn't be prejudiced against a man because he was a socialist. As a party I have no use for the socialist party or the anarchist party—neither of them."

"I believe you said you suspected that this defendant was guilty?"

"I believe I said no such thing," responded the juror rather indignantly.

"Well, I don't want to misquote you," said Darrow.

"No? Well, I don't want to be misquoted, either," answered Cole with flashing eyes. "I am here to answer any questions you may ask. I have, perhaps, a suspicion that the man may be guilty for the reason that he was arrested."

"You think his arrest is an evidence of his guilt?"

"There must have been some evidence of his guilt or they couldn't have arrested him. I don't have an opinion of his guilt or innocence, only that he might be guilty. If I was chosen as a juror I should certainly consider him an entirely innocent man until he had been proved guilty beyond a reasonable doubt."

"You could do that?"

"I think so."

"Do you know you could?"

"I know of no evidence of his guilt now, so I don't see why I could not as on the jury entirely free from bias or prejudice. I have read a great deal on both sides of the case."

The juror said he had read many strong articles favoring the side of the defense in the Denver News, in the Omaha News, in the Unionist and in the Appeal to Reason.

Darrow finally got around to Roosevelt's "undesirable citizen" letter. The juror had read the letter.

"What do you think about it?"

"I thought the president was indiscreet," was the reply.

Objection Sustained.

"Did you think this defendant was an 'undesirable citizen'?"

Hawley entered an objection and was sustained by the court.

The juror said his mind had not been affected by the letter or by what Governor Gooding may or may not have said.

"What does your family think about the case?"

"My family thinks the same as I do, generally," was the reply that started a roar of laughter.

"Well, I confess it would keep me guessing to know how your family stands on this matter," replied Darrow.

Darrow took some time in learning that the juror had a sympathy with labor unions as long as they didn't carry things too far; they had a right to strike if they wanted to, but had no right to do violence. What was true of all unions was true of the Western Federation of Miners. He said he had no prejudice against any union; he disapproved of some of their actions and methods.

Darrow failed to get the juror to admit that he could entertain any prejudice against Haywood for the reason that he was an officer of the Western Federation of Miners.

The juror was passed for cause and

(Continued on Page Eleven.)

OPPOSED TO DEATH PENALTY, BUT BOTH SIDES PASS TOURTELLOTTE FOR CAUSE

The Thro Fo

(Continued from Page Ten.)

It being after 12 o'clock a recess was taken until 1:30 o'clock.

Tourtellotte Speaks Up.

Immediately upon court reconvening Mr. Tourtellotte arose quietly and asked the court if he might speak.

He was given permission by Judge Wood. He said:

"Your honor, I cannot take the oath as a juror to sit in this case. I cannot vote to find this man guilty if it is understood that the penalty is death if he is convicted."

"You have absolute conscientious scruples?" asked the court.

"Yes, sir."

"I supposed this matter had been settled, gentlemen," said the court.

"It has as far as we are concerned," said Darrow, "and we do not think Mr. Borah should be granted permission to back down now. Both sides examined the man and he told each side he had prejudice against capital punishment. We both passed him."

"We are satisfied," replied Borah, "with the juror unless we misapprehended his answers this morning. He told me that he was against capital punishment except in cases where the defendant belonged to some organization that menaced society, that was an enemy to society. I would like to ask him one or two questions to determine one point."

Darrow and Richardson strongly objected to a re-examination by Borah but the court told the prosecutor to go ahead to ascertain just how the juror stood on that one point.

Tourtellotte said he could conscientiously vote for a death sentence for Haywood if it was proven absolutely that the organization to which he belonged was and had been a murderously inclined organization—otherwise he could not.

Borah expressed his satisfaction with the mind of the juror and the attorneys for the defense felt likewise. Tourtellotte was held on the jury.

Defense Attorneys Consult.

"The next peremptory is with the defense," announced Judge Wood.

For nearly 10 minutes the attorneys for the defense and the defendant held an earnest consultation and finally Darrow announced:

"Mr. Crow, we will excuse you." He was the last man passed for cause by both sides at the morning session.

C. H. Riddle, a smooth-faced, well-built, middle-aged man, was called to the vacated seventh chair. He said he was a farmer and had never worked at anything else. He was born in Illinois, but had spent most of his life in Nebraska. He said he took the weekly Capital News and the daily Statesman. He said he was interested in the progress of the trial and had so far read all that had been printed about it. The Unionist had been sent to him gratis pretty regularly and one Appeal to Reason had been sent to him.

"Did you read it?"

"Part of it; I couldn't stomach all of it."

Asked as to whether he had formed an opinion as to the guilt or innocence of the accused, he said he had an opinion—a fixed, strong opinion—one that it would take very strong evi-

opinion as to the merits of the case. "Were you trying to form an opinion?" asked Hawley.

"Yes; I wanted to learn all I could about it, but I didn't find anybody who know any more than I did myself. Of course I couldn't believe everything in the papers—the accounts were conflicting in the papers on different sides of the case."

The juror said he was prejudiced against circumstantial evidence and said he couldn't consider it in coming to a verdict of guilty where the penalty was death. He was not opposed to capital punishment on direct evidence. He was challenged by Mr. Hawley on grounds of implied bias.

The defense resisted the challenge temporarily to find out if the juror knew the difference between direct and circumstantial evidence. He found that the juror didn't just understand what circumstantial evidence was. The juror finally concluded that if the circumstantial evidence was very strong and well backed by some direct evidence he could consider it.

Borah a Victim.

Just in here Mr. Richardson caused some laughter at Borah's expense. After a very long drawn out question by Richardson, Borah interrupted:

"I'd like to know if that was a question?"

"If you had been paying attention you would have known it was a question," retorted Richardson.

"I couldn't follow your mind," said Borah.

"Well, sir," replied the Denver attorney, "I'm not to blame for that. All I can furnish is the mind. I can't furnish you with the capability of comprehending it."

The defense finally announced that they would not resist the challenge of the state and Juror Jones was excused.

L. H. Cox, the Boise real estate man, was next called. On examination by Hawley, the juror said he had formed an unqualified opinion regarding the guilt or innocence of the defendant. He was not opposed to capital punishment. He was passed by the prosecution for cause.

Richardson wished to challenge the juror on his statements made in answer to the state's examination.

Judge Wood stated his ruling would be final if such action was taken and so Richardson concluded to ask some questions first. He asked several regarding the opinion Cox said he had and then challenged.

"We admit the challenge," said Mr. Hawley.

Cox was excused.

S. N. Joplin was called to the seventh seat just at 3 o'clock and court was adjourned until Monday morning at 9:30 before he was examined by either side.

DEAN HINKS ON THE SUNDAY REST LAW

People Should Not Resist It—
Protection for Those Who

There are as many kinds of throwers as there are ball players—graceful, awkward, strong, fast, snap throwers, longers—but whatever may be the professional ranks they are on the same purpose in view. He lets go with a side arm, an ungainly motion, but the most reliable thrower is the one who gets the ball in time or not. Whether he is fast or slow, Bill never and in his ungainly way a vast amount of ground making a deep or a whether coming straight ground ball or going for right or the left, he is efficient in making an accurate throw. His throws look like laziness, really Dahlien is a beautiful distance.

When it comes to a thrower, the method is a treat to the eye. Grace, speed and unerring flight, Harry Steinfeldt, baseman of the Chicago White Sox, accomplished actor. He has a powerful arm and while he has a share of wild throws that are full harmonizing of lift and his flings. The ball goes with a lithe fervor, which Steinfeldt's wild throws are a thrower of the Chicago White Sox. Davis' style is more ornamental. He, too, is a powerful arm. He suggests the lumberjack more than the nimble, but his movements and is one of the best judges in knowing when there is time to retire to the clubhouse.

Hal Chase, the brilliant baseman of the New York Yankees, has a marked mannerism in his throwing. It is a peculiar lift to a point just over and left shoulder. There is a perceptible hitch or break in the movement of the arm just as the ball is thrown, then the forward past the ear. The movement is short but as much as one of Fitzsimmons' arm jolts. The ball travels fast, particularly if it is thrown to third base. When Chase can lob the ball to a runner who is directly in front of him and put it into the waiting hands in time to nip his play, it is a magnetism and grace in Chase's play that the player quite possesses. A never is still, but loses momentum of repose.

The only Lajoie thrower is everything else on the field. He is an indifferent, careless thrower. He is the personification of grace. There is a rat free sweep of the arm, a movement so well attuned to the requirement of the occasion that the ease of everything he does. If he is hurried he is it. He is symmetrical in movement.

and not resist, the Sunday rest law. The law is well named and the object is protection for the people who labor, not restriction or abrogation of rights. So far as possible, Sunday should be a day of rest, refreshment and spiritual uplift.

Against Death Penalty.

Asked in regard to his opinions regarding capital punishment he said he would never vote to hang a man unless he knew positively that he had committed the crime of murder by his own hand. He was challenged for cause and excused, the defense joining in the challenge.

George Rivers, who was next called, was asked if he had a middle initial.

"Sometimes they stick an 'A' in there," he said, "but it don't belong there."

Rivers caused considerable merriment by his characteristic manner of answering the questions. He spoke loudly, emphasized his words and nodded his head vigorously while talking and had comical ways of wrinkling his forehead and batting his eyes in talking. He kept the spectators in constant ripples of laughter and Judge Wood also appeared highly amused.

The juror stated that he had discussed the case a good deal, he always "held his ears open to hear anything new." He said he was prejudiced—he had an opinion.

Mr. Hawley finally challenged the juror for cause.

"I think Mr. Hawley has tried hard enough to qualify the man, so we will not attempt to do so," remarked Richardson.

Mr. Hawley immediately took exception.

Hawley Strongly Objects.

"These stirring remarks from that attorney have gone far enough, and I want him to understand right now that I'll not stand for it any longer without retaliating," he shouted.

"You can retaliate in any old way you want to," replied Richardson.

Hawley leaped to his feet and exclaimed:

"He knows his remark was an absolute untruth; it was uncalled for and I want it understood now that I won't stand for any more of his insults. I"—

"Sit down, Mr. Hawley," ordered Judge Wood.

"I want a ruling"—

"Sit down; sit down, Mr. Hawley," repeated the judge.

Hawley sat down, but insisted: "I insist that the court rule on this matter."

"There's nothing that requires a ruling," said the judge, and then he directed the clerk to call another juror.

"Well, I'll promise there will be something to rule on," muttered Hawley, "if that attorney continues his insinuating insults."

P. J. Sims of Meridian was called but was soon excused on challenge by the prosecution for implied bias.

Sam Jones was next called. He lived in Maple Grove precinct and was engaged in farming. He had some years ago—about 12 years—worked at Rocky Bar and at other points engaged in mining. Later he had mined in Owybee county. He had never belonged to a miners' union. He had worked on contracts as an ordinary miner. He had never been in the Coeur d'Alene. He had never belonged to or had trouble with any labor organization.

Juror said that he did not know that Haywood was in Silver City at the same time he was there. He might have been.

After the News.

Jones said he had read the papers faithfully and talked with the neighbors, but was not able to form an

and not resist, the Sunday rest law. The law is well named and the object is protection for the people who labor, not restriction or abrogation of rights. So far as possible, Sunday should be a day of rest, refreshment and spiritual uplift.

The open shop is a menace to individual freedom, and it means a sad wear and tear of humanity.

To make the point that under this law one can buy on Sunday a cigar but cannot buy a loaf of bread is a mere trick to create prejudice.

How many persons want to buy a loaf of bread on Sunday. How many would neglect to buy their loaf on Saturday, and if they did so neglect once, the lesson would be sufficient for the future.

Men can be reasonably provident and buy cigars on Saturday also and in fact nearly everything can be so adjusted. London, England, is a city of more than five million people, and even the drug stores are only open for three hours on Sunday, and the shops are all closed.

When the Sunday rest bill was framed, it had many more provisions, and all of them good for humanity, but what was passed represents the remainder after cancellation. The senator who ran his penell through certain lines said to me that he did not want his own liberty too much restrained (he wanted the cigar freedom) but he did want a Sunday rest from business, as he was worn out by Sunday callers at his office.

The bill, I feel sure, is good, sound and constitutional, and if the courts can set it aside, then it seems to me that legislation is a farce.

I firmly believe that the ennoblement of the race, the improvement of society, the moral progress of our youth, and the mental and physical expansion of the great mass of humanity depends largely upon the recognition of one day in seven as free as possible from labor, work and secular duty.

People readily adjust themselves to conditions and buy on Saturday for Sunday, and no man is a loser, for even if we eliminate the religious feature of Sunday, the physical and mental benefit is there.

God forbid that any plan should succeed in making futile the legislative enactments which are intended for the advancement of the race, and the social, moral, religious and physical benefit of American citizens.

Sincerely,

EDWIN S. HINKS.

HIGH PRESSURE OVER PACIFIC NORTHWEST

The barometric depression that has occupied so prominent a place on the weather map for several days is now centered almost exactly at the geographical center of the United States, and includes the entire middle portion of the country in its field of influence. Precipitation has occurred over a wide region extending from Utah, eastern Idaho and western Montana eastward to Pennsylvania, having been heavy in eastern Montana, western South Dakota and Arkansas. At Rapid City, S. D., the total precipitation for the 48 hours ending at 6 a. m. on Saturday, was 5.10 inches, and at that hour rain was still falling.

Light frost occurred at Boise, as was predicted. High barometric pressure still overlies the Pacific northwest, and the local forecast for Sunday was fair weather, with somewhat higher temperature in the morning.

The Dutchman can vary his stride as he can for batting. Sox tosses the ball—merely flops to the first bag, as if to show tempt for the runner. He knows he is about when he does it seldom fails to time the play correctly.

Kid Elberfeld is a determined thrower, who whips it on a line and uses his arm there in it. He has a strong arm, and though his arm goes at times the ball goes whether into the baseman's hands to the ground or into the stand. He brings his arm high, and is one of the few who can make a strong, fast throw with his feet planted side by side.

Bill Bradley, the tall third baseman of the team, makes a lariat of his arm with a swinging motion, and a reach that he seems to throw the ball to the first base can equal him at the end needed to field a bunt quickly.

He is not one of the great but a versatile thrower, though a rule, about on a level shoulder. His running is fast. Turner, also whips his arm considerably, but is more of a thrower than Bradley and works of it. He is good at times, gets the ball away after fielding it, and is quick covering from a fumble.

Joe Tinker is another who is described as an enthusiast. He conveys the impression would rather throw than hit. A bit of him is mixed up in his motion some way or he goes at the job with a hungry man taking a bite.

The most violent thrower is Phil Lewis of the lynx. The arm sweeps above the shoulder and the thrower were about wing out by the roots. It is a jarring procedure, even tense, apparently much the of throw that Herman Long more so.

Arthur Devlin of the New Yorks is very accurate and reliable gets the ball away with a deal of exertion. He strikes with a side-arm movement as if it like the eye were the flight of the ball. It is a slight wrist motion, but not as Johnny McGraw, who has a movement but threw a fast ball, used to have.

Frank Chance is another who it easy when he throws, the shoulder with the arm comparatively gentle but so

For Your

nothing is too good. Two is spent there—its appearance your callers, and you should while planning your business. Our line of Up-to-date Office Furniture, Books, Chairs, Tables, Typewriters, Ledgers, Scales and other Everything to the minutest detail. Superior quality Printing of cards to a large page book. Fine prices and expert service and information. Omaha

MAN SHOTS TWO MEN

Mattie Ringwood of Raw-
Uses Revolver in De-
fense of Husband.

ONE MAN AND WOUNDS ANOTHER

ere Partners and Quar-
—Two Were Beating
ood When Wife Se-
Gun and Opens Fire on
en.

INS, Wyo., May 28.—Bellev-
her husband was about to be
his infuriated partners with
was engaged in a desperate
knives, beer glasses and
edies. Mrs. Mattie Ringwood
t and killed one of the men,
and fatally wounding Webb
e second. The shooting oc-
the Bank Exchange saloon,
men, who are owners of the
restaurant in the rear, be-
gaged in a heated discus-
e drinking at the bar. The
the trouble is not known
ngwood, who was in the res-
ard the men quarreling and
a revolver she rushed into
s and began shooting.
oman was arrested immedi-
wards. She claims the men
ing her husband and would
d him if she had not taken
e action.

LION IN CHINA AGAINST FOREIGNERS

INGTON, May 28.—Officials
have kept close touch with
of public feeling in south-
a are satisfied that the re-
Kwang Tung province is not
against foreigners. Nor is it
d here that the famine in
s anything to do with this re-
Kwang Tung province was not
to any extent by the famine
ed in its worst form several
miles to the northward.
ated that the present rebel-
urely anti-dynastic, being a
ainst the existing Manchu
he movement is generally felt
rn China, being fomented by
t societies, which have run-
throughout the world, partic-
money contributed by disaf-
ine in cities of this country
ion here is that the present
in Kwang Tung was prema-
will soon be suppressed.

GO STREET CAR BLOWN FROM TRACK

AGO, May 28.—Two men were
dured by broken glass and a
others sustained slight in-
ry today when a street car
Calumet electric railroad was
of the tracks by a torpedo
y-third street and South Chi-
ne. The explosion lifted the
ily and damped it into the
he car was jammed with men
work in the steel works and
ante that ensued many were
down and trampled upon.
nor, which found some cre-
as that the torpedo was plant-
the design of blowing up
ive passengers upon the gam-
eat City of Travers, whose
place is about a block away,
ry advanced being that it was
either by religious fanatics or
s of the City of Travers boat,
ee have found no evidence to
late this report.

YORK POLICE DECLARED INDISCREET

THIS IS HOW HARRY ORCHARD LOOKS AFTER SEVENTEEN MONTHS SPENT IN THE IDAHO STATE PENITENTIARY



THE above is an excellent likeness of Harry Orchard as he appears today—
after nearly 17 months spent in the state penitentiary pending the trials
for the murder of former Governor Steunenberg. This is how Orchard will
look when he appears on the stand to testify in the trial of William D. Haywood
and it is expected his testimony will be the sensational feature of the trial up-
on which the eyes of the world will be focussed. It is predicted by the attor-
neys for the state that Orchard will be called about the middle of the week
after next.

The appearance of Orchard has changed materially since the time he was
arrested. His fine, dark moustache has had much to do in altering his looks
but there is also a decidedly different expression in his eyes. In fact his whole
countenance has changed. In weight he is about the same as in December,
1905, but his muscles are much harder and his general health is said to be
much better than then.

TWO MORE JURORS MUST QUALIFY SENT TO COMPLETE HAYWOOD JURY

EACH SIDE USES ONE PEREMPTORY; DEFENSE HAS JUST ONE LEFT

BOISE ARCHITECT AT LAST EXCUSED

Challenged for Cause By State at the Suggestion of the Court.

JUDGE INSISTS NOW THAT HE BE SHOWN

Sharply Questions Jurors Who Complaisantly Announce That They Have "Unqualified Opinions"—Court and Senator Borah Hand Alfred Eoff a Lemon at the End of Afternoon Session—Sleeps at Jurors' Home One Night Anyway.

Fine progress was made yesterday in the district court toward completing the jury for the trial of William D. Haywood and the attorneys and the court at adjournment yesterday afternoon expressed their beliefs that before adjournment today the jury would be finally selected; that on Monday morning the big box of tricks could be opened and the trial really started. At the close of the session yesterday there remained two men to be qualified to complete the jury. One man must be found to fill the sixth chair now occupied by Alfred Eoff, who has not yet been examined by either side, and the defense still has its last peremptory challenge to exercise.

There were several things connected with the proceedings yesterday which proved interesting and some that were really amusing. Not so many men with "unqualified opinions" were found yesterday as usual. The first man called was passed by both sides after a rather critical examination, and the first man who said he had an opinion which he could not get dis-

HOW THE JURY STANDS.

- 1—Thomas B. Gess.
 - 2—Finley McBean.
 - 3—Samuel D. Geman.
 - 4—Daniel Clark.
 - 5—George Powell.
 - 6—Alfred Eoff.
 - 7—H. F. Mussecar.
 - 8—Lee Schrivener.
 - 9—J. A. Robertson.
 - 10—Levi Smith.
 - 11—A. P. Burns.
 - 12—Samuel F. Russell.
- *Not yet examined.

Tourtellotte further but Borah asked: "Does your honor desire that we challenge this man?"

"You may do as you see fit," replied the court.

Borah asked Tourtellotte a few questions and finally said he would challenge him for implied bias on the grounds of his conscientious scruples.

"We will resist the challenge," announced Darrow.

"Then I shall not challenge," replied Borah. "You know very well why I am challenging."

"You bet we do," replied Richardson. "Of course we know why you wish to challenge him. You can do as you please about it and the defense will reserve the right to do as it pleases also."

The court interrupted: "Mr. Borah, the court is ready to sustain your challenge regardless of any exception the defense may make."

Borah then challenged Tourtellotte and Darrow formally entered an exception on the grounds that the state had no right to reopen the examination after the juror had been accepted by both sides for cause and also that nothing had been brought out in the re-examination that had not been brought out on the first examination on which the state had first accepted Tourtellotte. Tourtellotte was told to step aside and he did so with great alacrity, the troubled expression he has carried for several days leaving his face instantly.

State's Last Peremptory.

The state exercised its last challenge by excusing from the sixth chair the man who had been passed by both state and defense to fill the seat vacated by the Boise architect, Nelson Freeland. To those watching the examination it was quite evident that the state would have been well enough satisfied to have waived its last challenge on a pinch. The examination of Freeland by Borah seemed to disclose that the man had rather a sympathy for union miners. He had worked at the trade but had never been a union miner, never having worked where there were unions in existence. He was also a reader of Socialist literature and a bonafide subscriber to the Appeal to Reason. He

OGDEN OFFICERS TO BE CALLED

Three Members of Utah City Police Force to Testify in the Haywood Case.

Men Arrested Steve Adams There and Prisoner Secured Bail Money by Wiring to Haywood in Denver—Officers Will Come When Notified.

OGDEN, Utah, May 31.—The dragnet thrown out by the authorities of the state of Idaho in the case of Haywood, Moyer and Pettibone was felt in Ogden this afternoon when Detective Thiele, of the Pinkerton agency, subpoenaed Detective James Pender, Officer Burke and later Henry Snyder, all of the local police force, and informed them that their services might be needed at a moment's notice in the famous case. The subpoenas are made returnable June 6.

Detective Thiele will leave tonight for Idaho. At the jail he went over the records and discovered dates and facts that will be used against the trio on trial, in particular Haywood, whom it is alleged, was involved in a transaction more than a year ago that will furnish the state with damaging evidence. Pender, Snyder and Burke will be notified by telegraph when to prepare to journey to Boise.

Steve Adams, upon whose confession the case against the labor leaders in part depends, was arrested in Ogden by Detective Pender more than 12 months ago. He requested at the time that he be given an opportunity to gain his release by securing bail money. Accompanied by Detective Pender he went to the Western Union office and sent a message direct to Haywood, whom he urged to send immediately \$75. It is alleged that this sum was forwarded to Adams, who was able to leave the city by putting that sum up as bond money.

Detective Thiele is of the opinion that he has secured a valuable bit of evidence in the attempt which is now being made to associate Adams with Pettibone, Moyer and Haywood.

Detective McParland when shown the above last evening said that it was correct in most particulars. He said that Adams' arrest in Ogden by Detective Pender took place over four years ago and he added the information that Detective Thiele had connected with the evidence a year ago

Attorney Two.

EXCITING

Court La Upon Both Sides and of Jurors

SAN FRANCISCO, May 31.—The defense minutes set for court shortly before 10 o'clock were held by Schmitz and the court at 10 o'clock. Campbell, district attorney, threatened jurors had sworn and both sides empty of court. A question asked last Wednesday said the jury had been informed.

O'Mara was not propounded showing that the blacks one of Spe had seen Ed. Dennis a saloon waiter later, fled away Schmitz, bidently to r

Under H first denied been mentioned, but of his belt marked the of this Milton, to which that it was an attempt Mr. Fairal got into a sistant dist he warned him with c "Oh, yes fighting m. you."

Mr. Fair Judge Dun Instead of

session yesterday remained together to be qualified to complete the jury. One man must be found to fill the sixth chair now occupied by Alfred Eoff, who has not yet been examined by either side, and the defense still has its last peremptory challenge to exercise.

There were several things connected with the proceedings yesterday which proved interesting, and some that were really amusing. Not so many men with "unqualified" opinions were found yesterday as usual. The first man called was passed by both sides after a rather critical examination, and the first man who said he had an opinion which he could not get divorced from, if chosen as a juror, was immediately put on the griddle by Judge Wood something like this:

"Do you mean, sir, that if you took the oath as juror, that would not help you get rid of your opinion?"

Startled by the stern, commanding voice from the rear, the juror addressed sat up suddenly in his seat and murmured an unintelligible answer.

"The court didn't understand your answer, Mr. Juror," challenged Judge Wood.

"I don't know as I understood the question, your honor," was the apologetic reply.

"You say you are a farmer; how big is your farm?"

"I have 160 acres but only about 50 acres under water."

"Who's looking after your farm now?"

"Why, really, I—I ain't got nobody looking after it. It's kind o' taking care of itself now."

"And you are very anxious to get back and look after it. Isn't that so?"

"Why—er—yes, I be rather anxious to get back."

"Has your anxiety to get back to the farm anything to do with having this handy opinion regarding the guilt or innocence of this man?" demanded the judge rather severely and with searching eyes upon the juror, who had now wheeled around in his chair and half faced the court.

"No, sir, it ain't," replied the juror rather defiantly.

"You are sure of that, are you?" asked the judge.

"Yes, I be," was the answer.

This man was disqualified but it was thought the catechism by the court had some effect. Judge Wood similarly examined several others who professed to have opinions.

Tourtellotte Released.

Considerable interest was centered in the release of J. E. Tourtellotte from the sixth chair. He was excused immediately after dinner, just before the state was called upon to use its last peremptory challenge. The court called attention to the fact that Tourtellotte by his own volition had declared that he could not conscientiously take the oath as juror if called upon to vote for a verdict of guilty if death should be the penalty. He was permitted to explain what he wished to say regarding an answer he had given to a question by the attorney for the defense on examination. Tourtellotte said he wished to qualify his answer after studying over it.

"I was asked if I had any prejudice against the Western Federation of Miners and against Haywood because he was a member of that organization and I believe I answered 'No.' I now wish to say that I am prejudiced against that organization and against Haywood, as an officer of that organization, if it is true that that organization was responsible for all troubles charged against them in north Idaho."

Darrow, after consulting his client, said that Haywood had never belonged to any of the miners' unions in north Idaho and had not been an officer at the time of the Coeur d'Alene troubles. The defense, he said, was satisfied with the juror.

Judge Wood said that he would allow the attorneys for either side to re-examine the juror. The defense ungraciously declined to question

him excusing from the sixth chair the man who had been passed by both state and defense to fill the seat vacated by the Boise architect, Nelson Freeland. To those watching the examination it was quite evident that the state would have been well enough satisfied to have waived its last challenge on a pinch. The examination of Freeland by Borah seemed to disclose that the man had rather a sympathy for union miners. He had worked at the trade but had never been a union miner, never having worked where there were unions in existence. He was also a reader of Socialist literature and a bonafide subscriber to the Appeal to Reason. He was passed after a short examination without much of an attempt to disqualify him. The peremptory was used evidently because the state attorneys thought they could find a better man than Freeland.

The Case of Eoff.

After Freeland was excused two others were called to that chair who failed to pass muster of examination by both sides and then the attorneys for the prosecution, aided and abetted by the court, handed Alfred Eoff, the retired Boise banker, what E. F. Richardson would call "a lemon." It was five minutes to 4 o'clock when Eoff was called. Borah started to examine him and had learned that he lived in Boise when he was interrupted by the court.

Instantly an anxious, troubled expression came over the ex-banker's face. He glanced hurriedly toward the clock and then toward Borah as if trying to read his reply before he spoke. The eyes of Borah and the retired banker met. For a second they looked at each other and then a broad smile began to spread over Borah's face. Eoff returned the smile and the whole court room was immediately in a roar of laughter.

"Do you plan to adjourn at 4 o'clock?" asked Borah.

"That is the intention," replied the judge, beginning to pick up his papers.

"Then I guess we had better postpone the examination until tomorrow morning."

Eoff looked far from comforted. He shook his head savagely at Borah and then joined in the laugh at his expense. When the jurors a moment later filed out he was with them. He passed the night at what several of the jurors have declared "the best select boarding house in Ada county."

Harmon Cox Excused.

The defense exercised its ninth peremptory early yesterday morning in excusing Harmon Cox from the seventh chair. Cox is the man in the examination of whom Clarence Darrow spent considerably over an hour in trying to disqualify and in which the Chicago attorney was sadly routed.

The appearance of the new set of veniremen helped to swell the attendance in court at both sessions yesterday. But there was a slightly larger crowd than usual without them. During the afternoon the room was quite uncomfortable, the promised extra electric fans not having yet been installed.

Mrs. Haywood, her nurse and the two daughters were in the court room both morning and afternoon yesterday. During the afternoon Mrs. Haywood sat close by the side of her husband. They talked together much of the time and at intervals the hand of the big, strong man was placed tenderly upon the delicate withered hand of his wife. Several times during their talks the woman smiled rather sadly, as if in sympathy with something he had said, but both of them during most of the proceedings were more than usually grave. As the time approaches for the real trial Haywood is plainly becoming more and more concerned. Evidently he is just beginning to realize just how serious the matter is in which he is so greatly concerned.

There were present in court yesterday

immediately \$75. It is alleged that this sum was forwarded to Adams, who was able to leave the city by putting that sum up as bond money.

Detective Thiele is of the opinion that he has secured a valuable bit of evidence in the attempt which is now being made to associate Adams with Pettibone, Moyer and Haywood.

Detective McParland when shown the above last evening said that it was correct in most particulars. He said that Adams' arrest in Ogden by Detective Fender took place over four years ago and he added the information that Detective Thiele had connected with the evidence a year ago last March, that he had then interviewed all the men he has recently subpoenaed and that all of them promised to come willingly to Idaho at any time the state called for them.

STRONG REMONSTRANCES TO SECRETARY TAFT

WASHINGTON, May 31.—Upon his return to Washington Secretary Taft will find awaiting him a number of telegrams and letters from various points in the west, protesting against the reduction of military garrisons in that part of the country. Particularly strong remonstrances have come from Minnesota and Montana, where the senators and representatives have all joined forces to prevent the withdrawal of the artillery from Fort Snelling, Minn., and the abandonment of Forts Assiniboine and Keogh, Mont. In the absence of Secretary Taft, no response has been made to these appeals, but it is stated at the war department that they cannot be heeded as the movements ordered are deemed indispensable to the successful working out of the plans of the war department for the gradual abandonment of small, useless posts, and the erection of brigade posts which will afford the troops necessary drill and discipline in the larger military formation.

Another reason for the change is the necessity of meeting the new conditions created by the division of coast field artillery and the formation of the latter into regimental organizations.

EMBEZZLER SUICIDES WHEN ARRESTED

LOS ANGELES, May 31.—While being taken to the district attorney's office today in the company of two officials of the Pacific Screen company, by whom he was charged with the embezzlement of \$5000, Thomas J. Molton, a collector, drew a pistol and shot himself in the forehead, inflicting a fatal wound. The shooting occurred on the stairway in the court house, leading to the district attorney's office. Molton was removed to the receiving hospital in a dying condition. He was a collector for the Pacific Screen company.

Heavy Rain in South.

LAKE CHARLES, La., May 31.—There was no communication with Cameron parish today, which was reported last night as largely under water from floods caused by rain. It is feared damage has been done there. About Lake Charles conditions are worse than they were last night. The river has risen two feet since then. All sawmills have been forced to close.

Coal Mine Fire.

VICTORIA, B. C., May 31.—Fire tonight drove the entire force of miners from the Comox mine. The flames broke out in No. 4 slope. The miners are trying to flood out the fire but it is believed the property will be seriously damaged.

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TWO MORE JURORS MUST QUALIFY TO COMPLETE HAYWOOD JURY

(Continued From Page One.)

day as spectators W. H. Minor of McDermitt, Ore., father of Mrs. Haywood, and Charles McKinnon of Rryolite, Nev., husband of Mrs. Haywood's sister. They are here to remain until the end of the trial. Sheriff Walter Fountain of Elmore county and United States Senator Fred T. Dubois were also visitors during yesterday's proceedings.

Jurors Excused.

Before the commencement of regular proceedings in the morning five talesmen on the special venire were excused for statutory reasons and several others were denied excuses. At the close of proceedings there were 48 veniremen left to be called up for examination if needed.

Court convened a few moments after the hour set, 9:30, and was opened with the usual reading of the minutes and the calling of the roll of jurors in the box.

The names of the jurors summoned by the sheriff to serve on the third open panel were called. All answered to their names except J. A. Fenton. The sheriff said that he had been served personally at his home in Meridian. A juror present said that Fenton had come up on the train with others in the morning. It was thought he had understood that court convened at 10 o'clock. Fenton at that moment appeared.

When Judge Wood invited jurors forward who thought they had statutory reasons for being excused, 12 arose and pressed forward to the clerk's desk to give their names and be sworn. Then, one by one, they were questioned by the judge.

Frank Short, from near Eagle, a farmer and orchardist, who wanted to be excused because he could get no one to take care of his crop was not excused.

W. T. Keer was excused on a certificate from Dr. Taylor.

William Casey, living seven miles from the city, was excused because of illness in his family.

William Chatman, another farmer, living on the north side of the river, wanted to be excused in order to look after his crops. He said his mother had been sick six weeks. He presented a certificate that his time was required to take care of her. He was not excused.

Henry H. Clark, assistant postmaster at Star, was excused.

William Gulliford was held for counsel to examine. He claimed physical disability.

B. F. Smalley said he didn't feel able to sit on the jury. He had sick headaches and stomach troubles. He was not excused.

M. V. Palmer was excused on account of deafness.

J. J. Jones was excused for one day to get a doctor's certificate.

A. Sifers was denied an excuse on a claim of deafness.

O. V. Sebern, who pleaded a business excuse, was also denied an excuse.

Rev. L. C. Hickman, a preacher of the gospel, was excused, being exempt as a clergyman. He preaches at Meridian.

T. C. Catlin pleaded a business excuse but was not excused.

First Man Qualifies.

est lassies—dear old Scotland."

His answer caused laughter. He said he came from Scotland when 13 years of age. He had lived in Canada 13 years, in Illinois 13 years, in Nebraska 13 years.

"Where did you spend the next 13 years?" was asked.

"Well, we got scared out by cyclones and came to Idaho. We have lived here 16 years."

"You at least broke the record?"

"Yes, sir."

Richardson learned the talesman had married in Illinois. He asked:

"Did you marry a Yankee girl?"

"I married a bonnie Scotch lassie," was the reply.

Regarding union labor organizations, Robertson said he knew little about them. He had never belonged to any. He said he believed in laborer's doing "an honest day's work for an honest wage."

Finally Richardson got back to the time that former Governor Steunenberg boarded at Robertson's home without succeeding in getting the talesman rattled.

Robertson remembered the Coeur d'Alene troubles, but was in those days too busy attending to his own business to learn or inquire as to who was wrong at that time.

Robertson said he had never been a detective or connected with a sheriff's force. Eighteen years ago he had served on a jury in a murder trial back in Nebraska. He had served as a juror in this county but not in a murder case.

"Do you consider the indictment as an evidence of the prisoner's guilt?" asked Richardson.

"Certainly not," was the reply.

Richardson then took another tack and switched onto the governor's message and the president's "undesirable citizens" letter.

The juror had read and heard of all those things but his mind had not been influenced.

He said he thought "undesirable citizens" had just as much right to fair trials as desirable citizens.

The juror was finally passed by the state for cause and the jury box was again filled.

Harmon Cox was excused from the seventh chair on the exercise of the defense's ninth peremptory challenge.

Judge Questions Hanley.

James N. Hanley, for 10 or 12 years in the sheep business and now for several years in the feed business in Boise, was next called.

In answer to questions by Hawley Hanley said he had discussed the matter more or less with persons coming in his store and he had read newspaper accounts. He said he had formed an opinion as to the guilt or innocence of the accused.

"Your opinion is fixed?"

"It would take evidence to remove it."

"Would your oath as a juror have no effect in helping you to lay aside that opinion?" interrupted Judge Wood rather severely.

"Well, I don't know what the oath would be," was the reply.

"Never serve as a juror before?"

"No."

"What did you mean by saying that you had an opinion that it would take evidence to remove? If you were sworn and took the oath to set aside any personal opinion you might have

der and subsequent events some—not much. He had read the Capital News exclusively. He said he had never

formed an opinion regarding the guilt or innocence of the accused. He had no bias or prejudice one way or another and he said he knew of no reason why he could not sit on the jury and render a fair and impartial verdict upon the evidence and law entirely. He said he had never been a juror in any case. He said, after some hesitation, that he was not opposed to the infliction of the death penalty upon conviction of murder.

He was passed by the state for cause.

Richardson questioned the man quite exhaustively and finally passed the juror for cause. The box was again full and it was up to the state to use its last peremptory.

At Richardson's request, the court allowed Darrow, Richardson and Nugent of the defense and Hawley, Borah and Van Duyn to retire to the judge's private office for a short consultation. They retired and in a few moments Hawley and Nugent came out, held a whispered consultation with the judge, and then all the attorneys resumed their seats. It was then a quarter to 12 o'clock and after instructing the jurors in the box they were taken out by the bailiffs, who were instructed to bring them back into court at 1:30 o'clock. Haywood was remanded and court adjourned to 1:30 o'clock.

Tourtellotte Case.

Immediately after court convened for the afternoon session, it became evident what the attorneys had held their consultation about just before adjournment. Richardson had suggested that if any jurors on the panel were to be excused because of sickness or otherwise it would be better for both sides to excuse them and fill their places before the last peremptory for each side was exercised.

Richardson, of course, had in mind the case of J. A. Tourtellotte, whom it was expected would refuse to take the oath as a juror because of his prejudice against capital punishment and also the case of Daniel Clark in the fourth chair who wished to be excused because of the illness of one of his children.

As soon as the roll was called, Mr. Tourtellotte was asked if he still wished to modify an answer he had made to a question by an attorney for the defense. He said he would like to do so. He was given permission to explain. He said that in answer to Darrow he had said he was not prejudiced against the Western Federation of Miners but now wished to state that if that organization was to blame for the troubles in northern Idaho he would be prejudiced and that prejudice would extend to any man who upheld such an organization.

Darrow said that Haywood was not an officer of the Western Federation of Miners at the time of those troubles and that the defense was satisfied.

Architect's Position.

Tourtellotte then said: "I do not want it understood that I have any desire to shirk a duty I owe my fellowmen. I recognize two things in this world. First I recognize allegiance to God and second I realize my allegiance to my country. My business would suffer if I was kept on this jury but that difference with me

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Rev. L. C. Hickman, a preacher of the gospel, was excused, being exempt as a clergyman. He preaches at Meridian.

T. C. Catlin pleaded a business excuse but was not excused.

First Man Qualifies.

Five in all had been excused, leaving 56 talesmen to draw from. J. A. Robertson was the first called to sit in the vacant ninth chair. Mr. Hawley began the examination.

Robertson proved to be a silver-haired, snow-bearded, citizen who had lived in Boise for 16 years. He said he was a carpenter and builder.

"Is that your trade?" was asked. "I have several trades," was the reply.

"What are they?" "Well, I'm a blacksmith and have worked at painting."

Asked if he knew Steunenberg he said he had known the former governor very well. Steunenberg had boarded at his house during his first term as governor. Their relations had been very friendly. He attended the funeral.

He said he had greatly regretted the death of the former governor, but said he had not discussed the crime outside of the family. He had read the accounts published in the daily local papers. He said he had some opinion, but not one that could not be laid aside entirely. He said he had no prejudice one way or the other.

Robertson said he was not opposed to capital punishment upon conviction of murder. He said he was satisfied he could do exact justice in the case. He was passed for cause by the state and E. F. Richardson took up the examination for the defense.

The Denver attorney at once plunged into an inquiry regarding the intimacy between the governor and the talesman resulting from the former boarding at the latter's home. Jewer insisted that the fact that he knew Steunenberg so well would not influence him in his doing his duty if chosen as a juror.

Richardson drew from the juror that his reading of Orchard's confession had given him an opinion which had not been changed.

"That opinion might influence you in arriving at a verdict?" asked Richardson.

"I think not," was the reply.

"If the evidence introduced overcame your opinion it might be changed?" asked Richardson.

"I really have no opinion to change," replied the juror. "I would be governed by the law and evidence."

"But the evidence might be conflicting. In that case might not your opinion sway you?"

"No, sir," replied the juror forcibly, his voice ringing true. "I would give the defendant the benefit of every doubt in my mind."

The juror said, in answer to other questions, that he understood the meaning of presumption of innocence and could give the defendant the benefit of it.

"I hope the defendant is innocent," said Robertson.

Robertson said he had no business relations nor social relations with the attorneys for the state.

After all of these questions had been answered so satisfactorily, Richardson went into the field of politics and religion. He learned that Robertson had been a Presbyterian for many years and that he had voted the Republican ticket since Grant's election. He said he didn't know much about socialism. He had no prejudice against the defendant because he was a socialist. He had had no talks with any socialists.

"Where were you born, Mr. Robertson?"

The juror leaned forward and with thrilling earnest voice replied:

Where Honest Lads Are Born.
"I was born in that bonnie country where they raise honest lads and hon-

"Well, I don't know what the oath would be," was the reply.

"Never serve as a juror before?"

"No."

"What did you mean by saying that you had an opinion that it would take evidence to remove? If you were sworn and took the oath to set aside any personal opinion you might have and be governed solely by the law and in arriving at a verdict?"

"Well, I guess I'd have to, then," was the reply.

"Could you do it?"

"Yes—I think I could."

Hawley again took up the examination and the juror finally declared he was not positive that he could entirely lay aside the prejudice that he had. He was not opposed to capital punishment.

"You may take the juror," announced Hawley to Richardson.

Richardson, after a few questions, challenged the juror on the grounds of implied bias and the state admitted the challenge.

A. P. Wolfe, a farmer of South Boise precinct on a leased 150-acre farm, was next called. He said he was 41 years old, was the father of five children and had lived in Ada county six years. He formerly lived in the city and was engaged in shipping horses east. He said he was a native of Ohio and prior to coming to Idaho had been in the hay and grain business in Logan and Columbus, Ohio, and in farming. He said he had never worked at any trade, except once for a while he worked for his father who was foreman of some coal mines in Ohio. He had never belonged to any labor organization. He said he had never known former Governor Steunenberg. He said he had taken The Statesman and general stock and farm papers. He said several papers had been sent to him gratuitously but he couldn't remember what they were—he didn't read them.

He said the murder had been widely discussed in his neighborhood but he didn't think any person he had talked with knew anything as to the real facts in the case. He said he had never attempted to get true information, but from what he had heard and read, he said, he had formed an opinion.

"Is that an unqualified opinion as to the guilt or innocence of the accused?" asked Hawley.

"I would call it a fixed opinion," replied Wolfe, after some hesitation.

"Could you set that opinion aside if you were chosen as a juror?" was asked.

Hereditary Scruples.

"Well, I don't know," was the reply. The juror moved uneasily in his seat for a moment and then blurted out: "I'm opposed to capital punishment, anyhow."

"Oh, you are, eh? How long have you been opposed to it?"

"All my life."

"Hereditary?"

"Yes, I guess so."

The juror was challenged for cause and excused.

Len Dobson, aged 31, born in Idaho, a farmer and stock raiser living on the hill road, was next called. After a few questions Dobson said he thought he had formed an unqualified opinion—one that he could not possibly lay aside if chosen as a juror. He said he had long ago settled in his own mind as to whether the defendant was guilty or innocent. He was challenged by Hawley for cause and excused, the defense admitting the challenge.

H. F. Masecar, a farmer living down the valley 12 miles, was next called. He had lived there about eight years and in Ada county 16 years. He said he had been born in Canada, but long ago became a naturalized citizen of the United States. He had not known former Governor Steunenberg personally. He said he had discussed the matter of the mur-

Tourtellotte then said: "I do not want it understood that I have any desire to shirk a duty I owe my fellowmen. I recognize two things in this world. First I recognize allegiance to God and second I recognize my allegiance to my country. My business would suffer if I was kept on this jury but that would make no difference with me. My duty would be here in preference to my business if I really felt I could take the oath as juror. I have tried to state my position clearly, and I have been honest about it. If the oath I am asked to take as juror can be so worded that I can, if I find this man guilty of being the leader in an organization that has been a serious menace to the life of society—guilty of murder as an anarchist might be guilty—sign a verdict that would mean a death penalty, and so that if I found him guilty of murder—but not as so stipulated—I could return a verdict that would mean imprisonment, not death, then I am perfectly willing to take that oath and sit on this jury. I could then act freely and conscientiously."

Judge Wood announced that Mr. Tourtellotte, if he remained on the jury, would have to take the same oath as all the jurors took. Tourtellotte replied that he was no lawyer, had seen no lawyer, and did not know what penalty might be in store for him should he refuse to take the oath, but that he would have to refuse to take it when the time came.

Judge Wood stated plainly that the juror should not be compelled to sit on the jury holding the views held by Tourtellotte. He announced that either side might re-examine him. The defense refused to reopen the examination. Borah consented to do so, after being made aware that such procedure was desired by the court. He asked Tourtellotte a few questions and then announced:

"Well, we'll challenge this juror for implied bias on the—"

"We will deny the challenge," interrupted Darrow.

Borah looked up quickly with a contemptuous sneer upon his face.

"Go ahead then," he replied. "If you are going to deny the challenge I will not challenge this juror. He is good enough for us. You know why I was about to challenge him."

"You bet we do," chuckled Richardson, and started to say more when the court interrupted to say that he was ready to sustain a challenge regardless of any exception or objection from the defense. The challenge was then stated by Borah and Tourtellotte was excused.

Tourtellotte being at last excused from the sixth chair, James Jackson a hardware dealer of Meridian was next called. He said he had lived in Idaho 17 years and had come here from Colorado.

Meridian Merchant.

"How long have you been in the mercantile business?" asked Mr. Borah, who conducted the examination for the state.

"Just a few days," was the reply. "I've ranched nearly all my life. I sold my ranch near Meridian about a month ago."

He said he had known former Governor Steunenberg slightly. He had read The Statesman and the Capital News and had heard the case discussed. He said:

"I think it would take a smarter man than I am by a long shot to be able to form any opinion regarding whether or not the man is guilty on what I have read and heard."

He said he had never formed any opinion or any bias or prejudice which could prevent him from sitting as a juror in the trial of Mr. Hayward. He said he was not opposed either to capital punishment or circumstantial evidence in criminal cases. He was passed by the state after a very short examination by Mr. Borah.

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At Richardson's request, the court allowed Darrow, Richardson and Nugent of the defense and Hawley, Borah and Van Duyn to retire to the judge's private office for a short consultation. They retired and in a few moments Hawley and Nugent came in, held a whispered consultation with the judge, and then all the attorneys resumed their seats. It was on a quarter to 12 o'clock and after instructing the jurors in the box they were taken out by the bailiffs. They were instructed to bring them back into court at 1:30 o'clock. Haywood was remanded and court adjourned to 1:30 o'clock.

Tourtellotte Case.

Immediately after court convened for the afternoon session, it became evident what the attorneys had held their consultation about just before adjournment. Richardson had suggested that if any jurors on the panel were to be excused because of sickness or otherwise it would be better to excuse both sides to excuse them and fill their places before the last peremptory for each side was exercised. Richardson, of course, had in mind the case of J. A. Tourtellotte, whom it was expected would refuse to take the oath as a juror because of his prejudice against capital punishment and so the case of Daniel Clark in the fourth chair who wished to be excused because of the illness of one of his children.

As soon as the roll was called, Mr. Tourtellotte was asked if he still wished to modify his answer he had made to a question by an attorney for the defense. He said he would like to do so. He was given permission to explain. He said that in answer to Darrow he had said he was prejudiced against the Western Federation of Miners but now wished to state that if that organization was blame for the troubles in northern Idaho he would be prejudiced and at prejudice would extend to any man who upheld such an organization.

Darrow said that Haywood was not an officer of the Western Federation of Miners at the time of those troubles and that the defense was satisfied.

Architect's Position.

Tourtellotte then said: "I do not want it understood that I have any desire to shirk a duty I owe my fellowmen. I recognize two things in this world. First I recognize allegiance to God and second I recognize my allegiance to my country. My business would suffer if I was kept on this jury but that would make no difference with me. My duty would be here in preference to any other duty I could perform."

the defense, assuming his usual attitude, standing and fingering his eyeglasses and finally sitting down on the corner of the defense's table and leaning over toward the juror. He soon learned that the juror had at one time lived at Grand Junction, Colorado, where he worked a year in the railroad shops, and put in one year on the police force. He learned that the juror had two partners in the hardware business, Collis and Duncan, both of whom had formerly been called on the jury and had been excused on challenges for cause. It was learned, however, that Jackson had bought into the business since his partners had been excused.

Asked if he knew Frank Powell, Jackson said he did. He thought Powell was a life insurance man. He had seen Powell several times in Meridian, had talked with him about the case, but could not remember what Powell had said or how long he had talked.

"Did you know Powell was working for the state in this case?" asked Darrow.

"No, I did not."

Jackson said that Powell talked for the most part about insurance. He said he had known Powell a long time.

"Did Powell say anything about this defendant?"

"I don't remember what his conversation was?"

"Did he say anything about Orchard?"

"I don't think so."

"Can you remember what you said to him?"

"No, I don't, exactly."

Judge Wood interrupted to ask two questions as to whether Powell said anything regarding the guilt or innocence of the defendant or as to whether Jackson had made any such statements.

Jackson answered positively in the negative in each instance.

Jackson did not believe the newspapers had ever published anything positively declaring the defendant either guilty or not guilty.

Democratic Crowd.

"You are an intimate friend of Frank Martin's?" was asked.

"Yes, I have known him 10 or 12 years."

"Were you politically in sympathy with him?"

"Yes, I guess so."

"Belonged to his wing of the Democratic party?"

"Well, I suppose so. Can't say. I might state, however, that I was just as much a political friend of John Nugent as of Frank Martin." the juror replied, with a challenging expression in his eyes.

Jackson said he had never discussed the death of former Governor Steunenberg with Frank Martin—had never heard Martin express his views on the matter.

Jackson, after answering a long, tiresome lot of questions, finally admitted that he had an opinion that Steunenberg had been killed; that Orchard's confession had impressed him, that Orchard had probably slain the governor. He believed that Orchard had made such a confession.

"You believed what Orchard said about the murder?"

"Yes, I think so."

"You know Orchard claimed that these defendants were responsible for the murder. Did you believe that?"

"To some extent I presume I did. However, it would take further evidence to fully convince me that they are guilty. I don't know as I have an opinion now. Of course, I have no valid reason for believing these men either guilty or innocent. I have had no authentic information. All I have had to go by was newspaper reports. I have not so strong an opinion now as I did have at first. I don't think."

"If you have any opinion now it could be removed, couldn't it?" asked Darrow.

"Yes, sir."

"That would require evidence to

worked at Silver City in the Trade Dollar mine.

Freeland said he took the Capital News and the Appeal to Reason. He had subscribed to the latter paper last summer.

First Mention of Debs.

"Have you ever read any articles from the pen of Eugene V. Debs?"

The juror said he might have, after an objection to the question by Darrow had been overruled by the court.

Freeland said he had formed no opinion as to the guilt or innocence of the defendant. He had no bias or prejudice, and he said he knew of no reason why he could not sit as a juror and render a verdict from the law and evidence. He was not opposed to capital punishment. After a short consultation with Hawley, Borah asked if any person had lately tried to get his opinion regarding the case. He said he had no brother in the country; that his last occupation was ranching. He was passed for cause by the state.

In answer to Darrow, Freeland said he had been born in Michigan, had left there when a small boy, had mined in Utah and Nevada, and had ranched in California. He came to Idaho 25 years ago. He had ranched in Ada county up to last fall, when he sold his farm and moved into the city. He said he had a married daughter who was the wife of a miner at Pearl.

Freeland said he belonged to no church, had not been raised in a church. He belonged to no secret society or to no labor union. He had mined altogether for about five years. He was finally passed for cause by the defense and the state in exercising its last peremptory promptly excused him.

Also Had Opinion.

George Nibler, an old resident of Idaho, an early day freighter and later a rancher, once a mine worker in the Seaford district and a prospector in the Wood river country, was next called to the sixth chair.

He had never belonged to a miners' union, he said, in answer to questions by Senator Borah. He said he had known former Governor Steunenberg by sight. He had read the accounts of his murder in the daily papers and had discussed the murder and subsequent events. He had formed an opinion as to the guilt or innocence of the accused. It was an opinion that would require evidence to remove, he said—an opinion that had caused him to entertain bias and prejudice. Not only that, he said, but he was also opposed to capital punishment. He was finally challenged for cause by the state and was excused.

The next juror called was A. Sifer, who proved to be a fine-looking gentleman with snowy hair—what little he had—and a white, well-trimmed beard.

He had asked to be excused on account of deafness. He was examined regarding the deformity. He said he was also decidedly opposed to capital punishment.

"We think that's a better reason why you should be excused than the other," said Borah, smilingly.

"Well, we don't," said Darrow.

The juror was challenged by Borah and after Darrow had asked a few questions the defense admitted the challenge.

O. B. Johnson, a tall, young, light-haired rancher residing 14 miles down the valley, was next called. He had lived in Idaho 16 years. He had owned and lived on the ranch where he now lives about 10 years. For five months previous to that he had teamed for mines at Silver City. He never knew Haywood and knew former Governor Steunenberg by sight only.

It was soon developed that the juror had an opinion regarding the guilt or innocence of the accused which he thought he could not set aside if chosen as a juror. He said he had a prejudice which would control him regardless of any oath he might take.

Borah challenged him for implied bias and the challenge was allowed.

TO GET ROAD SHAPE SOON

Amount Necessary to Complete
Atlanta Highway to Be
Described Shortly.

Object of Boise Business
to Widen Road a Part
Length—In Couple of
Gang to Be Put at
Above Logger's Gulch

Within a very short time is expected that the full amount needed for the complete finishing of the Atlanta road which was cut the entire contract distance to a few miles this side of Atlanta contractors, Storey & Ryan, Inc., will be subscribed. It is estimated that not only the \$5000 in subscriptions made a condition by the state's appropriation for the purchase of an additional sum of perhaps thousand dollars will be secured.

It is the object of the local men who are interested in the widening it throughout a good length and make a thorough factory highway for the traction of freight and other traffic. The improvement of the road will be the lengthening of the road around which it would be rather difficult to six-horse team. Other places widened and certain ruts were the laying of culverts where they had been found since the roadway that water would gradually fill the grade.

Prominent among the Boise interested in the completion of the road is Leo J. Falk, who has been active in securing subscriptions from the first. He says it will be ready to put a gang at work on the grade above Logger's gulch that there is no doubt that it will be finished up long before the end of the season.

The completion of the road passage of heavy freight and wagon outfits will mean the opening up of a country that is expected to pay the investors in the project many times over, for the quarries that are located in and near the road are being reopened up and forces of miners are being employed there. There are other interests being developed in the machinery and supplies have hitherto been hauled from Mountainhome or packed from above Twin Springs in to Atlanta at great expense, may, when the road is finally in good shape, be hauled from Boise at much less cost.

The road ought also to be a great highway for entrance of men into a splendid game country. It runs through a section where is excellent fishing. Deer are abundant at certain seasons and the country of larger game can find bears and eagles without difficulty.

The passage of the bill through the legislature making the road a toll road, the toll received being used for the purpose of keeping it in good shape will be a great aid in event of a curbing to the state a good, high graded highway, which will be a great aid to the state and the enter-

and that the defense was satisfied. Architect's Position. Tourtellotte then said: "I do not want it understood that I have any lesire to shirk a duty I owe my fellowmen. I recognize two things in his world. First I recognize allegiance to God and second I recognize my allegiance to my country. My business would suffer if I was kept on this jury but that would make no difference with me. My duty would be here in preference to my business if I really felt I could make the oath as juror. I have tried to state my position clearly and I have been honest about it. If the oath I am asked to take as juror can be so worded that I can, if I find this man guilty of being the leader in an organization that has been a serious menace to the life of society—guilty of murder as an anarchist might be guilty—sign a verdict that would mean a death penalty, and so that if I found him guilty of murder—not as so stipulated—I could return a verdict that would mean imprisonment, not death, then I am perfectly willing to take that oath and sit on this jury. I could then act freely and conscientiously."

Judge Wood announced that Mr. Tourtellotte, if he remained on the jury, would have to take the same oath as all the jurors took. Tourtellotte replied that he was no lawyer, had seen no lawyer, and did not know what penalty might be in store for him should he refuse to take the oath, but that he would have to refuse to take it when the time came.

Judge Wood stated plainly that the juror should not be compelled to sit on the jury holding the views held by Tourtellotte. He announced that either side might re-examine him. The defense refused to reopen the explanation. Borah consented to do so, after being made aware that such procedure was desired by the court. He asked Tourtellotte a few questions and then announced:

"Well, we'll challenge this juror for implied bias on the—"

"We will deny the challenge," interrupted Darrow.

Borah looked up quickly with a contemptuous sneer upon his face.

"Go ahead then," he replied. "If you are going to deny the challenge I will not challenge this juror. He is good enough for us. You know why I was about to challenge him."

"You bet we do," chuckled Richardson, and started to say more when the court interrupted to say that he was ready to sustain a challenge regardless of any exception or objection from the defense. The challenge was then stated by Borah and Tourtellotte was excused.

Tourtellotte being at last excused from the sixth chair, James Jackson a hardware dealer of Meridian was next called. He said he had lived in Idaho 17 years and had come here from Colorado.

Meridian Merchant. "How long have you been in the mercantile business?" asked Mr. Borah, who conducted the examination for the state.

"Just a few days," was the reply. "I've ranched nearly all my life. I sold my ranch near Meridian about a month ago."

He said he had known former Governor Steunenberg slightly. He had read The Statesman and the Capital News and had heard the case discussed. He said:

"I think it would take a smarter man than I am by a long shot to be able to form any opinion regarding whether or not the man is guilty on what I have read and heard."

He said he had never formed any opinion or any bias or prejudice which could prevent him from sitting as a juror in the trial of Mr. Haywood. He said he was not opposed either to capital punishment or circumstantial evidence in criminal cases. He was passed by the state after a very short examination by Mr. Borah.

Darrow began the examination for

to fully convince me that they are guilty. I don't know as I have an opinion now. Of course, I have no valid reason for believing these men either guilty or innocent. I have had no authentic information. All I have had to go by was newspaper reports. I have not so strong an opinion now as I did have at first, I don't think."

"If you have any opinion now it could be removed, couldn't it?" asked Darrow.

"Yes, sir."

"But it would require evidence to remove it—eh?"

"Yes, it would take some evidence."

"Darrow challenged the juror on grounds of implied bias and the state denied the challenge.

"Have you introduced all the evidence you wish in support of your challenge?" asked Judge Wood.

"We might question him further," said Darrow.

"The court will rule on this matter but once."

Darrow asked his last few questions over again and repeated the challenge.

Jackson Finally Excused.

"We still resist the challenge," said Borah. He was directed to examine the juror. Jackson told Borah that, provided he was sworn as a juror in the trial, he could put aside all prejudice and bias—any opinion that he might have—and render a verdict upon the evidence alone. "But," he added, "I believe I'd want to have some evidence before I acted in the matter."

Darrow asked the juror another question or two.

"You have an opinion as to this man's guilt or innocence which nothing but evidence could remove? Isn't that true?"

"I think you are right. That's what I have stated several times."

"Taking an oath wouldn't remove your opinion, would it?"

"No—I think not."

Judge Wood asked the juror several questions and then allowed the challenge.

Walter Wallace, aged 29, a clerk in the Capital State bank, and a resident of this city for 27 years, was next called. He told Borah he had an opinion as to the guilt or innocence of the accused. He had expressed that opinion. He said that if he took the oath as juror it would not remove his opinion. He was challenged by Borah for cause. The defense admitted the challenge.

J. C. Baldwin, a sparsely-haired, undersized farmer from near Star, who was next called, looked over the top of a pair of gold-bound spectacles and told Borah that he had heard the murder very much discussed and had read two papers "quite a lot," and thought he had formed an opinion as to the guilt or innocence of the accused. Baldwin said he could put aside his opinion and render a verdict upon the evidence alone.

"Do you know any reason why you couldn't sit on this jury?" asked Mr. Borah.

Opposed to Orchard.

"Well, I couldn't consider this here Orchard evidence at all," exclaimed Baldwin, in a squeaky voice which caused a roar of laughter.

"You couldn't consider his evidence eh?"

"No, sir, I don't think much of him."

Baldwin decided that if the state had to depend to any extent upon Orchard's testimony he would be biased.

Borah finally challenged the juror on the grounds that his mind was in such a state that he could not render an impartial verdict in this case.

Darrow resisted the challenge, but the court excused Baldwin.

Nelson Freeland, a rancher, for several years a miser, was next called. He worked around the mill as carpenter for the De Lamar company. He said he had never belonged to a labor union there. He said he had never known Haywood. Later he had

now lives about 10 years. For five months previous to that he had teamed for mines at Silver City. He never knew Haywood and knew former Governor Steunenberg by sight only.

It was soon developed that the juror had an opinion regarding the guilt or innocence of the accused which he thought he could not set aside if chosen as a juror. He said he had a prejudice which would control him regardless of any oath he might take.

Borah challenged him for implied bias and the challenge was allowed.

Alfred Eoff, the retired Boise banker, was next called. As it was now 5 minutes of 4 o'clock the examination of Mr. Eoff was not commenced yesterday afternoon. He was obliged to spend at least last night at the jurors' boarding house.

Court was adjourned until this morning at 9:30 o'clock.

NEWS OF PUBLIC RECORD

Real Estate Transfers.

Patent—United States to George W. Bingham, N 1/2 S. E. 1/4 Section 23, Township 4 N., Range 1 W.

Warranty Deed—David T. Sullivan to Wm. L. Frost, \$2,250. 40 by 115 feet, Block 17, Resseguit's Addition.

Warranty Deed—Harry E. Austin to Emmett A. Evans, \$1,000. E 1-2, S. W. 1-4, Section 5, Township 5 N., Range 1 east.

Warranty Deed—George W. Bingham to William A. Simpson, \$6,000. Tract in Section 23, and 24, Township 4 N., Range 1 W.

Warranty Deed—Edward Stein et al to A. B. Fender, \$1. Blocks 22 and 23, Stein's Subdivision.

Warranty Deed—L. H. Cox to Leon Simpson, \$800. Lots 27 to 31, Block 1, Lover's Lane Addition.

Warranty Deed—W. C. Stanton to W. W. Groves, \$1,500. Lots 3 and 4, Block 3, Nourse's First Addition, Meridian.

Warranty Deed—Peter Strehle to Jos. C. Cotton, \$1. Lot 9, Block 129, Boise.

Warranty Deed—Boise City National Bank to Boise-Payette River Power Co., \$100. Lot 1, Block 112, Boise.

Increase of Capital Stock.

A certificate of the increase of capital stock was filed yesterday by the Fremont Trading company, limited, of Dubois. The capital stock has been increased to \$25,000.

Articles of Incorporation.

Articles of incorporation were filed yesterday with the secretary of state by the Automatic Cattle Guard company of Sandpoint. The capital stock is \$1,000,000. The incorporators are George W. Cline, Charles Palmer, W. F. Allbaugh, John A. Steinlein, William J. Costello.

Articles were filed also by the Farmers' Sawmill company, limited, of Weiser. The capital stock is placed at \$3000 and is subscribed by 46 persons. The incorporators are John Harris, W. C. Wilson, August Brockman, J. E. Ferrell and B. Dick Hartley.

WEATHER UNSETTLED OVER PACIFIC SLOPE

The weather map of Friday morning showed somewhat unsettled conditions over the Pacific slope, with pressure generally below normal, but no rain of importance had fallen west of the Rocky Mountains in the preceding 24 hours.

The most interesting feature of the map was a storm of considerable energy overlying the lower Mississippi valley, attended by rain in that and surrounding regions. The following amounts were reported: New Orleans, 1.25 inches, and Galveston 1.40 inches.

Typewriter Supplies.
Idaho Typewriter Exchange, 10th st

men into a special game. It runs through a section which is excellent fishing. Deer are full at certain seasons and the larger game can find bearings without difficulty.

The passage of the bill by the legislature making the road, the toll received being the purpose of keeping it, will be a great aid in even curing to the state a good, graded highway, which will be it to the state and the entire Boise business men to terminated efforts the project its success.

CAPITAL CITY TO BE BEAUTIFULLY LIGHTED

Electric Lights for Week to Be Kept for Big Celebration.

It was decided at a recent formal meeting of the city that the extra street lights for carnival week should include five blocks, four on street from Tenth to street and one on Tenth from a short distance from the station to the alley rear of the Idanha hotel.

The lights will be placed across the street every 100 feet and there will be 720 in all. The large number will insure a beautiful illumination and will add to the attractiveness of the city by night.

The lights will be allowed to remain until the Fourth of July, when they will be used during the three days of the celebration.



Notice.

Notice is hereby given that the regular meeting of the stockholders of the Alabama-Idaho Mining and Development company, will be held at the company's office in Boise, Idaho, June 17th, 1907, at 10 a. m.

A. W. CAWTON, Vice President

First publication June 15, 1907.

Notice of Redemption of Idaho Bonds.

Notice is hereby given that the first 1st, 1907, on presentation of the state treasurer, Idaho Normal School Bonds to 75 inclusive, of the denomination of \$1000 each, interest to cease after the above date.

C. A. HASTON, Treasurer of State

Attention.

Modern Woodmen of America, June 2, 1907, is set up a decoration of the graves of departed neighbors. You are invited to meet at the G. A. R. hall at 10 p. m. of said day to march to the Masonic cemetery where will have the usual ceremony address by the Rev. Dr. J. O. Episcopal church. Let all members be in line with flowers. Neighbors are requested to attend this occasion.

J. P. MOON, Clerk

Fresh buttermilk and cream are so refreshing as good ice cream during these warm days. With our own ice plant we keep our milk and cream at a freezing temperature. Let your fresh buttermilk and cream. Commercial Cream Co., Ltd. 10th street.

SEVERE NERVOUS STRAIN SUDDENLY INDICTED HAS EFFECT ON HAYWOOD

Proceedings in Court Interrupted by His Illness.

NO SESSIONS OF COURT YESTERDAY

Taken Ill at 5 O'Clock Yesterday Morning With Neuralgia Resulting From Nervous Strain and Stomach Trouble—Morphine Administered to Give Patient Needed Rest—Court Adjourns Until Monday Morning.

As a result of the severe nervous strain to which he has been subjected during the past days of proceedings in getting a jury for his trial, together with some slight physical disabilities resulting from suspension of regular daily exercise, physicians yesterday pronounced William D. Haywood unable to stand the strain of court proceedings. At 9:30, when court convened for the morning session, his condition was reported and a recess taken to 1:30 o'clock. At the latter hour Attorney E. F. Richardson said that it had been necessary in the morning to give the defendant two doses of morphine and that the effects of the drug had not worked off. He asked for an adjournment until Monday, when, he thought, from talking with Haywood's physicians, that the man would again be able to be in court.

To those who have been constant visitors in the court room the gradual change which has been coming over Haywood has been noticeable. The first few days of the proceedings Haywood entered the room with a quick, alert, athletic step, took his chair and immediately seemed to become greatly interested in whatever happened to be going on, looking over the room, joking with his attorneys, nodding and smiling to acquaintances whom he saw among the spectators and paying much attention to his children when they were present.

As the days of the trial went by it was noticed that the light, confident, cheerful expression was leaving Haywood's face and during the last few days' proceedings his countenance has had no smiles for the witty retorts and quasi-humorous sayings of Attorney Richardson. He has appeared worried. With close attention he has watched every move of

Breen was sent here by the Butte miners' union to assist in defending Haywood and when the news first reached here Mr. Darrow said in an interview that the attorneys for the defense would be glad to accept his assistance as his connection with the former cases made his services invaluable on matters pertaining to the old troubles up north.

John Nugent was asked yesterday if Breen would be entered as an associate attorney and he said he couldn't say.

"Do you mean you couldn't say or you wouldn't say?" was asked.

Nugent smiled jovially and replied: "I wouldn't say."

Those newspaper correspondents who have been "seeing things" that gave them material for long stories to their respective papers regarding the jealous disputes between the two leading attorneys for the defense and predictions that there would, before the trial ends, be an open rupture between Richardson and Darrow, are now speculating whether or not the appearance of Breen has caused another source of contention. None of the attorneys for the defense, however, will admit but that everything is perfectly harmonious between them.

If a jury is not secured during the regular court hours on Monday it is altogether likely that a night session will be held.

Haywood Sick in Evening.

During yesterday afternoon Haywood seemed to rapidly improve. He ate very little dinner, however, and in the evening the pains in his head returned and he suffered greatly. Up to about 8:30 he paced his quarters in a highly nervous condition when a sedative was administered. At about 9 o'clock last evening he was reported fast asleep and resting easily and a similar report was received at midnight. The physicians say they do not apprehend that his illness is dangerous. They have every expectation that with good care today he will be able to be in court tomorrow morning.

GROUND BROKEN FOR SEATTLE EXPOSITION

SEATTLE, June 1.—Ground was broken for the Alaska-Yukon-Pacific Exposition this afternoon. President J. E. Chilberg of the exposition corporation formally turning over the first spadeful of sod after the conclusion of a program. John Barrett, secretary of the International Bureau of Republics, represented President Roosevelt at the ceremonies. Governor A. E. Mead of Washington and Governor W. B. Hoggatt of Alaska made addresses. W. A. Williams of Portland represented Governor George E. Chamberlain of Oregon and Harry White of Los Angeles represented Governor Gillett of California.

A military parade at noon today preceded the celebration at the grounds. Troops from Fort Lawton, marines from Puget sound navy yard

Telephone and
Specials Arraignment
Francis

Delmas for Glass
Moves to Set
Arguments on Technical
—Others Give
Week to Plead

SAN FRANCISCO, President L. Glass of Telephone & Telegraph Special Agent T. V. same company; May Abraham Ruef, F. Calhoun, of the U. General Manager T. Chief Counsel T. L. Counsel William Ab company, were all es. Lawler of the criminal superior court today on indictments brought by the grand jury w probed into bribery. Francisco. When A Halsey were called indictments charging fing supervisors not chose to the Home T competitors of the Glass and Halsey wer attorney, Delmas, r set aside the indict and technical grou consultation between sel and the court J nounced that he wi 4 p. m., to hear a motion.

Judge Lawler th against Abraham lledo, Ohio, capitalis counts charging bri ors in behalf of the company. The wh Detweiler are still cases against him w Monday.

Patrick Calhoun, T. T. L. Ford and Will grand jury June 10 indictments against Schmitz and Abrah on charges identities which the officials o roads were indicted, til next week to p next Thursday aft until next Friday; Lawler then read: bail bonds—aggre quarter of a million Schmitz, Calhoun, 2 Abbott.

STRIKE BREAK BY SPEC

SAN FRANCISCO, Every a strike, yard

Attorney Richardson. He has apparently worried. With close attention he has watched every move of the proceedings and hope and anxiety at different intervals have been plainly depicted upon his countenance. It had been noticed and commented upon that for the past week or more Haywood was apparently under a great strain and when the news of his illness was given out yesterday morning those who have been daily attendants in the court room were not greatly surprised.

It was at five o'clock yesterday morning when the night guards at the jail first became aware that Haywood was so ill as to need the attention of a physician. They were informed by shouts from the annex in which the three defendants, Haywood, Moyer and Pettibone are kept at night. County Physician J. B. Lewis was called and later Dr. George Collister. The physicians found Haywood apparently in great pain and to alleviate the pain gave him several doses of morphine. It was thought then that he would soon recover and perhaps be able to be in the court room at 9:30, but it was found that his ailment was more severe than was at first supposed. More morphine was required in order to give the patient the rest he so badly needed because of his nervous condition and he was still under the effects of the drug at the time set for the afternoon session.

The physicians said that Haywood was suffering from a severe attack of neuralgia in his head resulting from internal toxemia which was caused from the severe mental strain he had undergone and some slight stomach trouble. He might not have had the attack, at least in so serious a form, it was said, had he kept steadily on with the daily exercise he had been taking previous to the arrival of his family.

Before Mrs. Haywood came the defendant spent much time in walking about the jail yard, working in the little garden in the rear and in pitching horse shoes. Since his wife came, she being an invalid, Haywood has had little physical exercise, the time allotted to that—an hour or so after adjournment of court afternoons—being spent in sitting and talking to his wife on court house lawn. It is thought he will be able to be in court Monday and when he is about again the physicians will insist upon his taking regular exercise.

There was absolutely no business done in the proceedings toward getting a jury yesterday except at the afternoon session of the court Charles Rein, one of the members of the present panel, was excused because of physical disability, he presenting a certificate from a well known physician. The jurors were all excused, except those in the box, until 11 o'clock tomorrow morning. Many of them living in the country and desiring to go home for Sunday, a later hour for opening court in the forenoon was set. Judge Wood announced that he was anxious that a jury be secured on Monday and the attorneys gave their opinions that the work could be completed in one day.

Peter Breen, the Butte attorney, who were prominent in the Coeur d'Alene mining district troubles, was present in the court yesterday afternoon. He has not been entered as an attorney for the defense and it was stated by one of the attorneys for the defense yesterday that he might not join them as an associate.

At the celebration at the grounds. Troops from Fort Lawton, marines from Puget sound navy yard and the Washington national guard participated. There were four military bands in line.

The ground breaking ceremonies took place in the amphitheatre on the exposition grounds where crowds of about 10,000 persons gathered. The exposition is to open June 1, 1909.

POLICE CHIEF DINAN UNDER INVESTIGATION

SAN FRANCISCO, June 1.—The grand jury met in special session this afternoon to consider charges of misconduct in office preferred against Chief of Police Jeremiah Dinan by District Attorney Langdon. The chief is accused of using the police department wrongfully to gather, in behalf of the defense, information about the various venturmen summoned for the completion of the jury which is to try Mayor Schmitz on charges of extortion returned against him by the grand jury.

Half a score of witnesses were examined before the grand jury today, comprising police officers and newspaper reporters. No statement was given out by the prosecution at the conclusion of the session, other than that the grand jury will meet at 2 p. m. Monday to further consider the case.

Earthquakes in Ecuador.

GUAYAQUIL, Ecuador, June 1.—Three earthquake shocks at 3:20 this morning caused the inhabitants of this city to jump from their beds and run panic-stricken into the streets. The first and last of the shocks were light but the second was heavy and lasted about 40 seconds, causing the bells in the churches to ring and stopping the clocks in the church tower. No news has been received from the interior. Owing to the peculiar construction of the buildings, the disturbance did not cause any damage in this city.

Succumbs to Injuries.

LONG BRANCH, N. J., June 1.—Walter A. Schiffer, secretary of the United Cigar Manufacturing company, died today from injuries sustained in the fire which destroyed his home last Thursday night. His death is the fifth as the result of the fire.

SAN FRANCISCO Forger, a strike-breaker of the United 1 and fatally wounded avenue and Turk s tonight by Special C berg of the Humar opened fire on a cr pathizers, who had and a companion carmen and had pu for several blocks. the chase, attempth and returned the fatal results. Dur Thomas Stack, a str er, was shot in th dying at the Centu pital.

WILL INVESTIGATE INSURANCE

NEW YORK, Ju tomorrow will say: jury next week or will investigate the in the insurance e representing, or the international c ling to a semi-offi yesterday. At the ict attorney's offic viting the co-ope States District, At the alleged violatio tee's representative utes which provide pering with anothe

INCREASE

ROCK SPI June 1.—The Coal company Coal & Coke posted notices that an increas will be grant ployes who ret Monday morn ers have been mines closed fo ing the orga unfon which refused to miners have n their acceptan

TRAIN WRECKERS STILL AT SOUTHERN CALIFORNIA

LOS ANGELES, June 1.—What appears to have been a deliberate attempt to wreck a Southern Pacific train this morning half a mile from Burbank and within a few miles of where wreckers caused the ditching of the Shore Line train No. 22, resulting in two deaths and many injuries. A workman was killed and a fish plate which had been driven hard and fast by a switch and which would certainly have caused the wreck if it had not been found. Shortly after the fish plate had been found and removed the regular southbound train from Santa Barbara whizzed over the spot. Mile after mile of the Southern Pacific secret service, with a squad of men, hurried to the scene and began a search for clues.

from a careworn, tired look, he appeared much better than for a week or 10 days past.

He was sitting on the lawn near the door of the sheriff's office when seen yesterday listening to the prattle of his younger daughter and enjoying a visit from both his children. The older daughter appeared rather grave, her father's troubles apparently having more weight with her than with the other. The little girl—too young to understand the seriousness of it all—chatted and laughed, patted her father's cheeks and hugged his neck, seemingly trying to enliven his spirits and chase from his face the unwonted expression of gravity.

Haywood said that he had had some trouble in getting to sleep the previous night but had enjoyed a good rest after finally settling down. He felt a nervous tendency, but said that he was much better than before his illness and would certainly be able to attend court when it convened.

Defense May Move

A report was circulated yesterday, which it was claimed leaked out from the council chamber of the attorneys for the defense at their headquarters offices in the Overland block, that just before it became necessary for the defense to use its last remaining peremptory challenge—immediately after a juror has been qualified for the sixth chair—the defense would apply to the court for permission to reopen the examination in the cases of several jurors now in the box who had been passed for cause by both sides, and that, in support of the application, the defense would present a number of affidavits procured since the examination of the jurors in question, by which they hope to show that certain jurors in the box had engaged in conversations regarding the guilt or innocence of the accused which they did not confess to on examination. Whether the report is well founded could not be learned, as the attorneys for the defense who were asked about it were entirely non-committal.

Two Must Qualify.

When court opens this morning the business will be taken up just where it was left off on Friday afternoon. The first move will be the examination of Alfred Eoff, who was called to the sixth chair just a few minutes before court last adjourned, and who has not yet been examined by either state or defense. When the sixth chair is finally filled there will remain, in the ordinary course of events, but one man to qualify, should the defense use its last peremptory challenge, of which there appears to be no doubt. Who the defense will excuse by its tenth arbitrary challenge is not known, but those who have watched proceedings are of the opinion it will be either J. A. Robertson or Daniel Clark, each of whom the attorneys for the defense made strong efforts to disqualify on examination. The state has exhausted all of its peremptories.

Pocatello Evidence.

It has developed that the state has some additional evidence to introduce for substantiating that part of Steve Adams' confession regarding his trip to Pocatello in 1903 for the purpose, as he is claimed to have said, of blowing up a carload of non-union miners with "hell fire" or "Pettibone dope."

It seems that after arriving at Pocatello on March 27, 1906, Adams remembered that on his previous trip he had stopped at a hostelry known as the Tupper house in that business part of the town east of the depot. He said he had registered there the last part of September, 1902, under the name of J. Ward. On the second day of the visit in Pocatello, Detective Thiele, one of the exploration party, investigated that part of Adams' story and it is reported found that the Tupper house had changed management and that the old proprietor had

not. He is familiar with the forms and practices of the courts of Idaho, as they are not. He is very down-right—and upright, too—and blunt and honest, a sound lawyer and a plain American, who could successfully defend any innocent man before any American jury, and before a jury of Idaho especially. There are no trills about him. He isn't the least picturesque or queer. He doesn't know much about Socialists. He doesn't give a d—n for humanity with a capital 'H.'

Years ago Nugent went out to Australia and worked in Colgarie as a mining engineer in the days when that mining camp was hell with the lid on. He would fight his case to a finish and fight it like a man, and if he was beaten he would take his beating like a man, too. But he sits, just now, a silent spectator of this unfolding drama, and his voice is only heard in court when he comes to the rescue of his brother counsel, who are ignorant of its forms, but he impresses us more and more every day as the still strong man of the defense.

PASSENGER TRAIN WRECKED IN TEXAS

SAN ANTONIO, Tex., June 2.—A man was killed and a score of persons injured, some of them fatally, by the wrecking of eastbound passenger train No. 8 this morning two miles west of Lozier, a small station on the Southern Pacific.

The derailment was the result either of train wreckers or defective steel, though the positive cause had not been determined late tonight.

The train was dashing along at a speed of from 35 to 40 miles an hour when the derailment occurred. Every car on the train was derailed, two of them turning over. The dead and wounded were in the chair car, this being one of the cars to turn over. The dead:

- W. B. JACKSON, Sanderson, Tex.
- The injured include:
 - Chester Aldrich, Big Springs, Tex.; leap scalp cut back of head, injured internally, will die.
 - Mrs. F. H. Ball, El Paso, Tex.; wounds on wrists and head.
 - Infant of Mrs. Ball, contusion on head, will die.
 - C. A. Lewis, El Paso, Tex.; back injured.

Former Senator Dead.

NEWPORT, R. I., June 2.—William Payne Sheffield, former United States senator from Rhode Island, died today, aged 87 years. Mr. Sheffield was a member of congress from 1861 to 1863, and served as United States senator by executive appointment to fill the vacancy caused by the death of Senator Henry B. Anthony for a few months in 1884 and 1885.

OMAHA JUNKETERS.

OMAHA, June 2.—One hundred members of the Commercial club, accompanied by Governor George L. Sheldon as their guest, started today on a 16 days' excursion to the northwest. They will take in the principal towns of Idaho, Montana, Washington and Oregon. They have an especially equipped train of eight cars.

against whom the capitalist using all the weapons of biased judges, a prostitute, military force and Pinkerton to crush the labor movement.

"Resolved, That we, t party of Ohio, in convened, do support with fidelity our comrades, Wood and Pettibone during Further, be it

"Resolved, That we d action of the 'first servan ple.' Theodore Roosevelt his errand boy, Taft, and denouncing Moyer, Haywood.

"Resolved, That we working class to remove not only this political mou all others of his ilk."

POLITICS TA AT CONVEN

Purpose of Denver
Not to Antagonize
dent's Method

DENVER, Colo., June 2.—Henry A. Buchtel, who is in accordance with the adopted by the general Colorado for the public tion to be held in Denve 19 and 20, declared today should be no politics injected gathering if he can prevent he sent out the call he d emphatically stated that of the convention was in antagonize President Roosevelt administration with refer public land question. T prepared for the conven committee of which United ator Teller is chairman, the shaping of a more li to be submitted to congress enactment of laws which for the development of states by bringing more them, to take up lands ar

The American National ers' association, whose las indorsed the grazing and cles of the administratio factor in the coming con

Secretary T. W. Tomlin association has been making by letter of the members ctions to come before the Some of the questions he were:

"Do you favor some fo ernment control of the pu lands under regulations t the conditions in your di

"What arrangements v suited to your section; lease of the fencing right mit to run livestock over with proper protection?"

"Are you familiar with of general grazing of lives est reserves, and do you it? If not, what are you and what would you sugg

To 1000 letters Mr. To received nearly 200 replie are favorable to some plan ment control and regulatio lic lands in nine cases out of them want the gover ing system with fencing. Some want grazing perm government. Ninety per c believe that the governn will give the little as well stockgrowers a square de

SENATOR W. B. HEYBURN DISCUSSES

JURY FOR MURDER TRIAL OF W. D. HAYWOOD AT LAST SECURED

HAWLEY TO STATE CASE FOR THE PROSECUTION THIS MORNING

LAST TWO JURORS FOUND QUICKLY

Attempt of Richardson to Disqualify Eoff Miserable Failure.

TAKES PEREMPTORY TO REMOVE FORMER BANKER

Last Man Up in Sixth Chair Accepted for Cause—Only Two Talesmen Examined—Jury Sworn in and Given Instructions by Court—Indictments Formerly Read—Trial to Begin in Earnest Today—Haywood Still Gloomy.

The jury for the Haywood trial has at last been selected. The work of selecting a jury was commenced at 10 o'clock in the morning of May 3 and at exactly 12:30 o'clock yesterday the defense, after a rather searching examination, accepted J. V. Sebehan for cause and the jury was complete. Counting out the days that court was adjourned to give the staff time to summon additional talesmen and Sundays, just 15 days were taken up in choosing the jury. A short recess of the court was held in the afternoon, at which time the indictment against Haywood and his co-defendants, returned over a year ago by the Canyon county grand jury, was read. Court was then adjourned until this morning at 9:20 o'clock, at which time James H. Hawley, leading attorney for the prosecution, will state the case to the jury, after which the taking of testimony from witnesses for the state will begin. Before noon today the great trial will be actually under way. How long it will last from now on is variously estimated at from five weeks to two months. The first testimony for the most part will be from witnesses residing in Canyon county, mostly from Caldwell, and will be regarding the details of the murder. It will relate to how

PERSONNEL OF THE JURY AS FINALLY CHOSEN FOR THE HAYWOOD TRIAL

- HOW THE JURY STANDS. (Complete.) 1—Thomas B. Gees. 2—Indley McBoon. 3—Samuel D. Gilman. 4—Daniel Clark. 5—George Powell. 6—J. V. Sebehan. 7—H. F. Messervy. 8—Lee Schritener. 9—A. Robertson. 10—Law Smith. 11—A. P. Harris. 12—Samuel F. Russell.

Fifteen days of hard work was required to select the 12 men who have been sworn in as the jury in the trial of William D. Haywood charged with the assassination of former Governor Frank Steunenberg. They are a hardy looking set of men, intelligent and the pick of over 150 called for examination. Of the 12 all are farmers or have been farmers at one time or another, and each of them are now actually engaged in agricultural pursuits. There are eight Republicans, three Democrats and one prohibitionist. But one man on the jury is under 50 years of age.

The following notes on the personality of the jury will be interesting. Thomas B. Gees occupies the first chair. He was formerly a farmer and steel roller, but has for several years been engaged in the real estate and insurance business. He came to Idaho in 1868. He is 45 years of age, a Democrat and a member of the Christian church. He has known former Governor Steunenberg since 1870. He is the shortest man on the jury, of stocky, sturdy build, is smoothly shaven except for a small mustache streaked with gray and is slightly stoop shouldered. He is a man, who by his examination, showed an intelligent and sturdy horse sense. There

MR. HAWLEY'S STATEMENT TO JURY NOT TO BE LONG AND ELABORATE

Will Outline What Prosecution Expects to Prove—Witnesses from San Francisco—First Witnesses to Appear Today.

According to the leading counsel for the defense, he having been summoned by the

VACANCY STILL IN SCHMITZ JURY

Peremptories Exhausted and Panel Likely to Be Completed Today.

Three Additional Jurors Accepted and Sworn—Motion by Defense Raising a New Point Takes the State by Surprise—Proceedings of Day.

SAN FRANCISCO, June 3.—Twice during the closing hours of today's session of the Schmitz trial it seemed all but certain that the jury was about to be completed, after weeks of arduous task. But each time the long looked-for twelfth juror escaped through peremptory challenge, once exercised by the prosecution, once by the defense, and over night adjournment was finally taken with 11 chosen men in the box and one not yet examined by noon. More progress was made today in jury getting than since the trial. Three veniremen were finally accepted and sworn, and the last of the arbitrary challenges were exhausted. There is no apparent reason why the trial panel can not be filled tomorrow, perhaps by noon.

Just before adjournment today former Judge C. H. Fairhall, for the defense made a motion that took the court by surprise. It was to this effect: That the ruling of the court last week in allowing the challenging by the prosecution of two jurors after they had been sworn gave the defense under the law the right to demand ten additional peremptory challenges in lieu of the dismissal of all the other jurors. The court, however, granted an entirely new jury. Judge Dunne promptly denied this motion, and Mr. Fairhall reserved an exception. The defense contended that the law is distinct and specific and that the court acted in ruling otherwise. The prosecution maintained that such is not the case and pointed to recent supreme court decisions in support.

Manuel K. Collins, a jeweler, was passed for cause by both sides as the probable twelfth juror late in the afternoon. He is a tall, thin, dark haired man, with a bushy mustache and a high forehead. He is a long drawn, tedious talker of jury-getting was at an end, and a penciled note, sent to Assistant District Attorney Hency by a gray-haired man in one of the front rows caused the state's counsel to open a redirect examination of the juror which resulted in the prosecution exercising a peremptory challenge—its last—and Collins stood aside. O. V. Sebehan, real estate man, was cut out of the jury at the last moment by the defense on an appeal to the court to sustain a challenge for cause after the juror had been passed

STRIKE OF FRENCH SEAMEN VIRTUALLY ENDED

Strikers Capitulate and Are Expected to Return to Work at Once—None to Be Punished By the Government.

PARIS, June 3.—The extended strike of the seamen has virtually come to an end with the capitulation of the strikers, who are expected to resume work at the home and colonial ports tomorrow morning. Captain LaPrevel, one of the strikers' delegates, conveyed this information to Minister of Marine Thomson at a late hour this evening. He informed Minister Thomson that the strikers' committee, assembled in Paris, had telegraphed the following message to all ports: "The delegates have been in conference with the minister of marine and the naval committee of the chamber of deputies. The minister has abandoned the prosecution of deserters, and he has requested the navigation companies to restate all the officers and men. The members of the naval committee assured the delegates that M. Thomson's proposition in the matter of pensions would be improved. The delegates, therefore, immediately advised the strikers to return to work. In the course of his conference with the strikers' delegates Thomson declared it was impossible to accede to

SEND MESSAGE OF GOOD CHEER TO EXECUTIVE COMMITTEE OF MINERS AND ASSOCIATES.

Harriman Charges It to Attacks on Railroad Corporations in This Country.

DENVER, June 3.—As a message of good cheer to the imprisoned officers of the Western Federation of Miners, the following telegram was sent today by the executive board which met here today to prepare for the annual convention which will assemble in this city June 10: "Messrs. Moyer, Haywood and Pettibone, Boise, Idaho: The executive board, now in session, sends greetings, pledge you our moral and financial support and hope that you will soon be vindicated and restored to liberty. The board was engaged today in auditing the accounts of James Kirwan, acting secretary-treasurer, in the enforced absence of William D. Haywood.

HAMILIN KILLED IN AUTO ACCIDENT

Richmond Hamlin, Wealthy Citizen of Buffalo, Meets Instant Death in Collision.

MACHINE CRASHES INTO LIGHT WAGON

John Beckie, a Boy, Fatally Injured and Jacob Schaller Severely Hurt—Three Other Men Have Miraculous Escape in the Smashup.

BUFFALO, June 3.—Harry Hamlin, one of the best known and wealthiest citizens of Buffalo, was killed in an automobile accident on the Williamsville road, a mile north of the city line, this afternoon.

Mr. Hamlin's motor car collided with a light wagon driven by Jacob Schaller, a railroad hiker of Buffalo. Hamlin was hurled to the roadside and instantly killed. Schaller was badly hurt, but will recover. John Beckie, a 12-year-old boy, who was in Schaller's rig, was fatally wounded. Both his legs were broken and his skull fractured. In the automobile with Mr. Hamlin were Anthony Gavin, a member of the Buffalo police force, and two of Hamlin's employees, one of them acting as chauffeur. Opposite the Country Club two automobiles going in the same direction, passed the Hamlin party. The road was covered with a heavy coating of dust and the two rapidly moving machines left a dense cloud of dust in their trail. Schaller and the boy were driving toward Buffalo and the automobile was going in the opposite direction.

The first two machines passed them well to the right. Schaller was peering ahead through the dust when Hamlin's machine flashed directly in front of him. There was no time to turn out. The automobile struck the horse, tearing off its front legs and carrying the wreckage of the wagon 200 feet down the road. Schaller was tossed to one side, but the boy was hurled into the truck tracks and landed on the front of the automobile. Mr. Hamlin, who was on the front seat with the chauffeur, was thrown over the side and onto the roller tracks which paralleled the roadway. He landed head foremost on the rails. His neck was broken. The chauffeur and driver escaped with slight injuries. Mr. Hamlin was 50 years of age. He was a son of the late Cleo J. Hamlin, 75 years of age, a member of the Buffalo club. He is survived by a wife and one son, Chauncey J. Hamlin.

NEW CUSTOM REGULATIONS

Abolish Some of the Methods Hitherto Observed in Handling.

to summon additional and Sundays, just 15 days en up in choosing this jury. session of the court was held ternoon, at which time the in- against Haywood and his co- its, returned over a year ago anyon county grand jury, was jut was then adjourned until ning at 9:30 o'clock, at which es H. Hawley, leading attor- he prosecution, will state the he jury, after which the tak- estimony from witnesses for will begin.

noon today the great trial ctually under way. How long st from now on is variously l at from five weeks to two

irst testimony for the most be from witnesses residing in county, mostly from Caldwell, be regarding the details of der. It will relate to how erg was killed and the ins- on following his death which in the arrest of Harry Or- This, Mr. Hawley says, will ut three days. ing this testimony Harry Or- ll be put on the stand to tell defendant is connected with e. His testimony may take or two weeks—perhaps a rior time and perhaps longer, ain that from first to last the all fight the questions asked answers given and, in all ty, objections will be raised ptions taken more numerous ts on a leopard's back. After has finally been excused from the state will introduce its tending to substantiate Or- onfession. Then will come the ase's side of the case.

Edt Came Suddenly.
been confidently expected erday would see the end of edings for selecting a jury, ne dreamed that the last two edded to fill the box would be n an hour and a half. When ned, one juror was needed to sixth chair and the defense ight to use one peremptory. hstanding Richardson's avow- hty for bankers, Alfred Eoff, anker of Boise, came very being sworn in as a juror for chair. It cost the defense its mptory challenge to get rid Eoff insisted on being honest, t want to sit as a juror and rank in saying so, but he rec- his duty and showed that he that duty as an obligation carry out he was willing to his personal comfort and de-

any others before him, who dily drawn excuse tickets, Mr. an opinion. It was an opin- concerned the guilt or inno- the accused. Eoff frankly he had that opinion, but, in o all the fusillade of questions e versatile Richardson could im, he never swerved from aration that if chosen as a could and would lay aside his e governed entirely by the presented and the law as laid the court, and, at all times, endant the benefit of every at presented itself to his

Frank and Sincere.
nswered all questions frankly h a manner that not a spec- the court room could doubt rity. He was plainly an ideal jury duty.

Richardson didn't want him. ound he wouldn't have him. got him—and it made him rhaps the fact that Clarence at behind him had something ith Richardson's evident dis- e. Perhaps he remembered ave Darrow little comfort the

Continued on Page Seven.)

shaven except for a small mustache streaked with gray and is slightly stoop shouldered. He is a man, who by his examination, showed an intelligent and sturdy horse sense. There

O. V. Sebern, who occupies the sixth chair, was the last man selected on the jury. He is 52 years of age

(Continued on Page Two.)

MR. HAWLEY'S STATEMENT TO JURY NOT TO BE LONG AND ELABORATE

Will Outline What Prosecution Expects to Prove—Witnesses from San Francisco—First Witnesses to Appear Today.

According to the leading counsel for the state last evening his statement of the case in the trial of William D. Haywood this morning will not take to exceed an hour and a half or three-quarters to deliver. Mr. Hawley says that he will write no statement. He will merely make a few notes and talk from them. There is only one point in his statement regarding which he may decide to write a set speech—this because of its great importance.

Broadly speaking the state will charge that the murder of Governor Steunenberg was but an incident of a series of murders and other crimes in which Haywood, conspiring with the co-defendants and members of the "inner circle" of the Western Federation of Miners, plotted—many of which were consummated. That these crimes, which have been mentioned time and again, will be fully gone into has been indicated by the names of witnesses the state has summoned. The list of nine names handed in yesterday are of persons who will be brought here if possible to testify to the alleged blowing up of Fred Bradley at San Francisco.

Attorney Fred Miller of the defense has gone to San Francisco, presumably to gather evidence for the defense to contradict the evidence the state may offer in that particular case.

It was rumored that Miller would not return to Idaho, preferring to stay away to testifying in the trial.

he having been summoned by the state to tell who hired him to defend Harry Orchard when the latter was first arrested at Caldwell. The associate attorneys for the defense, however, say the report is ridiculous and has no foundation.

First Witnesses.

The attorneys for the state say that the first witness to be introduced today will be A. J. Wayne of Caldwell. Wayne was near neighbor to Governor Steunenberg. He lived just across the street and had been doing chores for the governor's family. He was the first on the scene at the time of the explosion and ran for help to carry the dying man into the house, also went for a physician. Dr. J. W. Gue, the first doctor to arrive on the scene, who got to the home just before the governor died, will probably be the second witness. He arrived in Boise last evening.

Tom Horn Case.

The case of Tom Horn, in which O. V. Sebern sat as a juror while he was in Wyoming, attracted wide attention because of its shocking brutality. Horn was a cowboy. He had a grudge against a rancher and went to his place to kill him, intending to shoot him from ambush. He was accidentally discovered by the young son of his intended victim and shot the boy to prevent the story being told. The jury convicted him and he was executed.

DEFENSE ATTORNEYS NOT AS PLEASED AS STATE WITH THE JURY

James H. Hawley, leading counsel for the state, has made the following statement respecting the jury:

"We are thoroughly satisfied with the jury. We have 12 fair-minded men who will do even justice between the state and the defendant. They are all good citizens of Ada county and the state of Idaho. They are men, I believe, without the slightest prejudices, and we will await their verdict in confidence after the evidence is all in."

Clarence S. Darrow and E. F. Richardson of counsel for the defense, expressed themselves in this manner on the same subject:

"The Haywood jury is made up of eight Republicans, three Democrats and one Prohibitionist. It consists of nine farmers, one real estate agent, one building contractor and one foreman of fence construction on a railroad. There is no man on the jury who works for wages or has ever belonged to a labor organization—excepting Burns, who was a member of a carpenters' union 14 years ago—or

has ever been a student of trades unionism or the labor question.

"In the 200 odd jurors drawn not more than three trade unionists were placed in the panel and these were excused for conscientious objections to capital punishment and fixed opinions. The jurors drawn have been mainly farmers, interspersed with a large number of bankers and some business men. The jurors appear to be men of honest purposes, determined to give the defendant a fair trial, but it is uniformly made up of a class to which none of the defendants have ever belonged and who have no natural kinship to labor organizations.

"In addition to this they are drawn from a small county almost wholly agricultural and each member for a year and a half has read little about the case except what has been contained in the Boise daily papers and this has uniformly been hostile to the defendants. Nearly all of them admitted they had formed opinions and impressions from what they read and necessarily these must have been against the defendant."

erred in ruling adversely. The ection maintained that such the case and pointed to recent preme court decisions in support Samuel H. Collins, a jeweler passed for cause by both sides probable twelfth juror late in ternoon and the crowd that fill Bush street synagogue though long drawn, tedious task of jur- ting was at an end. But a pe note, sent to Assistant District ney Heney by a gray-haired r one of the front pews cause state's counsel to open a redire amination of the juror which re in the prosecution exercising emptory challenge—its last—an lins stood aside.

Richard B. Butler, real estate was cut out of the jury at th moment by the defense on an i to the court to sustain a challen cause after the juror had been by both sides at the conclusio long and exhaustive cross-exa tion by Attorney Barrett.

Thomas R. Brown, department nger for an agricultural impl house, was cut out of the jury l defense just as Juror Collins had by the prosecution, and after Dunne had refused to entertain a lence for cause. To the stat Brown appeared to be an ideal but his confession to a general o that there "might be some fire l all this smoke," seemed insupera the mayor's counsel and they ex ed their last peremptory chal- dismissing him.

After Hugh Burns had been to the box adjournment was tak- til tomorrow at 10 o'clock wh examination as to qualification be begun.

MEETING OF STATES OFFIC

Minnesota Officer May Send General Call.

ST. PAUL, June 3.—A meet- governors, attorneys general and officials of states likely to be af by the fate litigation now befo federal district court, may be h St. Paul shortly. Attorney G Young is considering the abvis of sending out a general call.

The suits to enjoin putting th cent passenger rate into effec Young says, are nothing less th attack on states rights, imp enough to warrant general cot- tion, especially upon the part of which have just passed rate regu laws.

It means, he asserts, that if th roads will not, other interests, state inature, will invoke the the same decision.

Anti-Tuberculosis League.

ATLANTIC CITY, N. J., Jun The anti-tuberculosis league w day informed by Franklin Dye, tary of the board of agriculture state of New Jersey, that this leads every other in regard to p destruction of the infected cow. urged every other state to follo example and the "white plague" measure would be better control

DETERMINED TO DIE.

SUPERIOR, Wis., June 3. William Waite, aged 45, woodsman, committed suicid in a spectacular manner Saunders last evening in t presence of a crowd of pe ple. Just before a Great Nort ern train came along Wa knelt beside the track, plac his neck upon the rail a hung on until struck and d capitated.

JURY FOR MURDER TRIAL OF W. D. HAYWOOD AT LAST SECURED

(Continued From Page One.)

other day when the attorney from Chicago failed to disqualify a juror by the name of Harmon Cox. Richardson challenged Eoff once for implied bias and his challenge was overruled; then he challenged him twice for actual bias on the grounds that he was prejudiced against Haywood and the challenges went the same way of the first.

And all that Richardson could get Eoff to admit was that he had an opinion that would not affect him arriving at a verdict and that he was biased against the Western Federation of Miners, which bias he could lay aside if chosen as a juror.

The Last Peremptory.

And then it came time for the defense to use its last challenge. They had expected to use the challenge elsewhere it was thought. The attorneys for the defense put their heads together and it was expected when they sat up straight again that Mr. Richardson would rise to his feet and ask the court to allow a re-opening of the examination for cause in the cases of several jurors in the box. But nothing of the kind happened. The attorneys had their heads together for several minutes and Haywood's head was right in the center like the pistil of a calla lily. Then suddenly Richardson pulled out of the conference, turned suddenly toward the jury and announced:

"We will excuse Mr. Eoff."

Sebern Is Accepted.

The very next man called was O. V. Sebern, and he was finally selected as the permanent man for the sixth chair. Sebern was speedily accepted by Mr. Borah for the state. He was given a searching examination by Mr. Richardson but no opening showed where a challenge would have stood for a second and the man was finally accepted for cause.

Before the jury was sworn in Mr. Borah asked to be allowed to file for indorsement on the indictment an additional list of nine names of witnesses accompanied by the required affidavit in such cases. Richardson made strong objections but the new names were allowed to be filed and indorsed by the court. The names are as follows, and are for the most part of San Francisco people: Lawrence Grubb, Mrs. Sadie Swan, Grant Hood Vaughn, E. E. Kelly, Mrs. Florence Soward, George Scott, George Ridell, G. H. Hackett, H. H. Blood.

Larger Attendance.

The anticipation that a jury would be finally selected yesterday brought out a larger crowd than usual in the morning and in the afternoon there were still more spectators present. Haywood appeared as usual. Physically, he said, he felt much better, but his face still had the careworn, anxious expression. He talked to some extent with his attorneys, but, for the most part, was a quiet but close spectator of the proceedings. In the afternoon his family was present occupying their accustomed places.

Edgar Wilson of counsel for defense was not present, he being still laid up with rheumatism from which he has been suffering more or less ever since the trial started. A new attorney was added to the list of defendant's counsel, when, on motion of Mr. Richardson, in the afternoon, Peter Breen was entered as associate counsel.

said he was. Borah did not desire to ask any further questions.

Judge Wood asked the juror if the opinion he had would be taken into the case—would effect his verdict.

"No, your honor, I do not mean that. I think I would go in with the intention of being entirely controlled by the evidence and the law. I would have an opinion but I would not let it govern my verdict. I would give the defendant the benefit of any doubts I might have."

Challenges Overruled.

"The challenge is overruled," said the court.

"I would like to ask the juror another question," said Richardson.

"You were given an opportunity to further question the juror and you said you were through. The challenge is now overruled," replied Judge Wood.

Richardson preserved an exception and then challenged the juror for direct bias against Haywood. In questioning the juror the same grounds were gone over and the challenge was then denied by Judge Wood who said:

"I am satisfied that this juror can lay aside any opinion that he may have and give the defendant the benefit of any doubt he may have."

Richardson was plainly nettled. He glanced nervously at Darrow, who seemed to be highly amused. He was perhaps remembering that when he had his blood-sweating battle with Harmon Cox the other day and came off vanquished that Richardson had no sponge handy to rub him down. Perhaps—we don't know—but perhaps Darrow felt just a little bit elated at Richardson's discomfiture. At any rate he didn't hand the Denyer attorney any smelling salts. He just sat back in his chair and let his associate work out his own salvation if he could.

John Nugent appeared sympathetic, but he said nothing. Haywood appeared far from joyous. He was scowling, but Richardson didn't notice it. The big, tall lawyer with the heavy voice shook himself together and went back into the deep water.

"I'd like to examine the juror along other lines," he announced.

"Go ahead," instructed Judge Wood.

"What are your politics, Mr. Eoff?" asked Richardson.

Eoff said he had always been a Democrat.

"You know there are or have been two factions in your party?"

"Yes."

Eoff Used His Head.

"To which faction do you belong?"

"Well, during the factional troubles I voted the Republican ticket," was the reply which made it necessary for the sheriff to call for order.

"You are now back in the party?"

"Yes, I'm back in the fold, I think," replied Eoff.

Eoff said he had had more or less business dealings with all the attorneys for the state and with some of those for the defense. He said he was here at the time of the Coeur d'Alene troubles, but said his mind was rather hazy of the details of those troubles.

"Have you any opinion of the Western Federation of Miners that would bias you?"

"Against whom?" interrupted Mr. Borah.

"I do not care to change the question," said Richardson.

"Then we object," said Borah.

"Object, then," snapped Richard-

cattle 85 miles north of Cheyenne for the Union Cattle company. The cattle company had nothing to do with Horn's prosecution or defense.

Suggestion By the Court.

Judge Wood interrupted the examination to remark:

"These questions are bringing out some interesting facts regarding some case in Wyoming, but I can't see how they effect the Steunenberg case, Mr. Richardson."

Sebern, when asked regarding his papers, named a list of farm and stock journals and a few magazines. No Boise papers were included in the list. He said he had taken The Statesman during the last month—no local papers previous to that time. He had read the Denver Republican for a number of years. Richardson finally drew from the juror that he had an opinion from what he had read.

"One that you would carry with you into the trial, I presume?" suggested Richardson.

"Not if I was sworn as a juror," said Sebern very decisively. Then he added very earnestly:

"I would find no man guilty of murder until I was positively certain of his guilt."

The juror said the opinion, of course, would be with him until he had heard some evidence.

"It would take evidence to remove your opinion?"

"Yes, some."

Richardson asked the juror if he would be willing to be tried by a juror whose mind was in the same state as his own.

"I would not like to be tried at all," replied the juror, "but if I had to be tried, any square, honest man who wanted to do exact justice would satisfy me for a juror, regardless of what opinions he might have."

A rapid fire of questions developed that the juror belonged to no secret society, had never employed any of the attorneys for the state, attended the Methodist church, and had no prejudice against labor unions, had never been a detective or a deputy sheriff, preferred roses to violets, had a daughter 15 and a daughter a little older, had little faith in soapsuds for cabbage worms, had no friends in Galveston and thought this was a better country than Wyoming.

Sebern said he was a Republican, he didn't care a hurrah whether Haywood was a socialist or a prohibitionist—that wouldn't influence him.

Sebern Accepted.

A consultation was held between the attorneys for the defense and finally the juror was passed for cause. The jury was at last complete.

Judge Wood instructed the clerk to swear the jury, but was interrupted by Senator Borah, who asked that the state be allowed to file an additional list of nine names of witnesses for indorsement on the indictments.

Richardson sprang to his feet and entered a strong objection to the filing of names of any more witnesses. He read a supreme court decision to show that the affidavits of the prosecution should state where they got the information that these new witnesses were needed. He said that he knew one witness on the list whom Pinkertons had examined over a year ago. Another, he said, was and had been in the employ of the Pinkerton agency. He asked that the list be refused.

Judge Wood overruled the objections and the application to present

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THINGS THAT STATE WILL TRY TO PROVE IN HAYWOOD CASE

JURY LISTENS TO J. H. HAWLEY

Trying Ordeal to Defendant Whose Features Showed the Strain.

VERY LARGE CROWD IN THE COURT ROOM

Heated Words Between Hawley and Darrow at Intervals—Chief Attorney for Prosecution Talks One Hour and Twenty Minutes—Nine Witnesses for the State Testify—Court Adjourns Early.

The big trial is now really under way.

The largest crowd yet present during proceedings in the William D. Haywood trial was present yesterday morning in the district court room when James H. Hawley, leading attorney for the prosecution, made his opening statement to the jury and the first witnesses for the state were put on the stand.

Hawley spoke for an hour and twenty minutes and he was frequently interrupted by objections by Darrow and Richardson. Sharp and heated words passed between the attorneys at several times. It was a most trying ordeal for Haywood and his face betrayed the great strain he was enduring when Hawley laid bare the terrible crimes that the state would endeavor to prove that Haywood and his co-defendants were responsible for. Hawley merely outlined the case the state hopes to round out and in plain words he said that the Steunenberg murder was but an incident of the many crimes which the state would endeavor to lay at the hands of the members of the inner circle of the Western Federation of Miners.

Hardly a moment during Hawley's speech did Haywood's good eye leave his face and then only to glance over the jurors' faces as if to read their minds or to reach over on two or three occasions to wipe his large

HARRY ORCHARD SPENDS THE NIGHT IN JAMES H. HAWLEY'S OFFICE

For the first time since the convening of the Canyon county grand jury over a year ago Harry Orchard last night slept outside of the walls of the state penitentiary. He is said to have passed a restful night. He slept upon a leather lounge in one of the offices of the suite in the Odd Fellows building occupied by Hawley, Puckett & Hawley.

At exactly seven o'clock last evening a two-seated rig drove up in front of the office building. In the front seat sat Warden Whitney and his daughter; in the back seat sat Harry Orchard and Mrs. Whitney. The simplicity of the turnout caused practically no notice. As the rig stopped Orchard leaped lightly to the ground and entered the stairway leading to Mr. Hawley's office. Whitney handed the reins to his daughter and followed quickly. He carried, half concealed by his coat a short barreled rifle. The rig was driven away quickly. A minute later another rig drove up and several guards from the penitentiary alighted and went up the stairs. They were well armed. These guards with other officers guarded the building all last night.

At half past seven attorneys Hawley, Borah, Van Duyn, and Stone with Detective McParland held a long consultation lasting until nearly nine o'clock. They were going over many of the topics upon which Orchard will testify and considering where he should stay while being kept in the city as a witness. No conclusion was arrived at and it is possible he will be kept where he spent last night with the building heavily guarded each night.

The attorneys for the prosecution stated that in all probability Orchard will go on the stand today, but not before afternoon. There are left seven witnesses from Caldwell to testify, but all of them may not be called. Their testimony, it is expected, will take up the forenoon. Orchard's appearance will immediately follow.

When seen by the writer last evening as he descended from the penitentiary rig, Orchard was apparently feeling fine. He was well dressed and his step was springy and athletic. As he entered the building he turned and smiled at the warden as if appreciating the fact that passers by had not been attracted.

JAMES H. HAWLEY'S FULL STATEMENT OF CASE TO HAYWOOD JURY

Following is the full text of James H. Hawley's statement of the case to the jury in the trial of William D. Haywood:

May it, please the court, and you, gentlemen of the jury: At this time it becomes my duty, at the request of the other counsel in the case on the part of the prosecution, to present to you as best I may the theories upon which this prosecution is founded and the evidence that we expect to present in support of these theories

of Idaho. Harry Orchard was also a member of that organization.

This indictment, gentlemen of the jury, was transferred from Canyon county, wherein it was found, at the spring term of 1907 in and for that county, in the district court of the seventh judicial district, and sent to Ada county for trial. At the same time a separation of the defendants, so far as trial was concerned, was asked by the defense, and the prosecution, in accordance with the right

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Hardly a moment during Hawley's speech did Haywood's good eye leave his face and then only to glance over the jurors' faces as if to read their minds or to reach over on two or three occasions and place his large hand upon the withered, delicate hand of his wife as if beseeching sympathy. She, who also gave token of being greatly affected, appeared the bravest and strongest of the two. Feebly she tried to press her husband's hand and looking up into his troubled countenance several times met his gaze with a somewhat wan, but still sympathetic smile.

No time was lost yesterday. As soon as the opening statement was read the first witness for the state, C. N. Wayne, the first man to reach the scene of the explosion, when Steunenberg was killed, was called. He was followed by eight other witnesses from Caldwell, all of whom testified to having seen Orchard—or T. Hogan, as he was then known—previous to the murder. They told of his being seen frequently near the Steunenberg home. Three testified to seeing a man registered under the name of "Simmons" who was with Orchard and roomed with him at the Pacific hotel. A picture of J. L. Simpkins was introduced in evidence and three men identified it as a picture of "Simmons."

Jury Looks Bright.

Every juror in the box yesterday morning appeared freshly shaved, wide awake and evidently very much interested in the proceedings before him. It was 9:20 o'clock when Judge Wood entered from his private office and took his seat on the bench. A moment later the attorneys seated themselves and Haywood entered in charge of a deputy and took his seat at his accustomed place, just behind Attorney E. F. Richardson at the table of the defense. Mrs. Haywood had been wheeled into the room in her invalid's chair by her husband's chair. Next to her sat the youngest daughter and the nurse and the older daughter sat behind them.

Haywood came into the room looking a trifle tired and worried, but not to so great an extent as for several days previous. He first spoke to his wife, who greeted him with an encouraging smile. Then Haywood engaged in conversation with Attorneys Richardson and Nugent, while the minutes were being read.

For the first time since the proceedings in the trial of William D. Haywood were started, Mrs. George A. Pettibone was in the court room and was a very interested listener to Mr. Hawley's opening statement. She was accompanied by Mrs. Steve Adams. The two women occupied seats that had been reserved for them.

There was very little preliminary work. Immediately after the minutes had been read and the roll of jurors called, Mr. Hawley arose and began his opening statement. He started in an even tone of voice, speaking slowly and clearly—not loudly, but so clearly as to be heard all over the room. His words were addressed directly to the jury box and he held the close attention of each and every juror throughout his talk. After getting well started, while not raising his

(Continued on Page Two.)

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May it please the court, and you, gentlemen of the jury: At this time it becomes my duty, at the request of the other counsel in the case on the part of the prosecution, to present to you as best I may the theories upon which this prosecution is founded and the evidence that we expect to give you in support of these theories.

I do not expect, gentlemen of the jury, to go into these matters to any great extent, because the necessity therefor, in my judgment, does not exist. I, for one, always prefer that the jury, as the evidence is taken and the case develops, shall come to their own conclusion in regard to both theory and the evidence and the weight that that is to be given to the evidence but, in compliance with common custom in such matters, we will make the statement and present it to you as we understand the evidence will develop the case which we expect to place before you.

You see by the indictment that was read before you upon yesterday afternoon, stripped of the legal verbiage with which it abounds, that the defendant at the bar and Charles H. Moyer, George A. Pettibone and John L. Simpkins are charged with the explosion of a bomb on the 30th day of December, 1905, at Caldwell, in Canyon county of this state, which caused the death of one Frank Steunenberg. I would say to you, gentlemen, that this indictment was found, as it shows upon its face, and undoubtedly as you have observed from its reading, by the grand jury of Canyon county in this state at the spring term of 1906; and it will develop in evidence that at the same time another indictment of the same import, charging precisely the same crime, in the same manner, was found against one Harry Orchard.

It may be well, gentlemen of the jury, at the very inception of what I am about to say, to call your attention briefly to these different persons who figure in this proceeding, as far as these indictments are concerned, Frank Steunenberg, gentlemen, the man whom it is stated, was killed, was probably, at the time of his death, the best known citizen of the state of Idaho. He had filled many important positions; amongst others he had been governor of the state from the year 1896 to 1900, and was prominent in private enterprises in different portions of the state and was thus brought to the notice of the people of the different sections until personally, or by reputation, I presume he was known to all of us.

The defendant at the bar, William D. Haywood, is now and has been for some six or seven years last past the secretary-treasurer of the Western Federation of Miners, an association which will figure to a great extent in this case and to which I will make considerable reference before I take my seat. Charles H. Moyer, one of his associates in this indictment, a co-defendant with him, was and has been for a number of years last past the president of the Western Federation of Miners. George A. Pettibone, another co-defendant, was a prominent member of that organization and has been identified with its management to a great extent, as we expect to prove to you; and John L. Simpkins, a resident of Wardner, in this state, was a member of the executive committee of the federation for the state

of Idaho. Harry Orchard was also a member of that organization.

This indictment, gentlemen of the jury, was transferred from Canyon county, wherein it was found, at the spring term of 1907 in and for that county, in the district court of the seventh judicial district, and sent to Ada county for trial. At the same time a separation of the defendants, so far as trial was concerned, was asked by the defense, and the prosecution, in accordance with the right vested in them under the statute, selected this particular defendant as the first one to be tried.

Form of Indictment.

I desire to call your attention, gentlemen of the jury, at the very inception of my remarks, to another matter which I think it is well for you to know, because, to a great extent depends the matters connected with it and the fate of this case. We have charged in the indictment, as you have noticed, that this defendant and his codefendants threw the bomb, or caused the explosion of the bomb, that caused the death of ex-Governor Steunenberg, but, in so stating, although we do state it in positive language, I desire to say here and now, gentlemen of the jury that we do not expect to prove that these parties that have been named in this indictment as the parties guilty of this crime, were personally present in Canyon county at the time of its commission. Under the laws of this state, gentlemen of the jury, accessories before the fact are not recognized, and persons who, under the common law, would have to be indicted and tried and punished as accessories before the fact for any felony are treated as principals, and it becomes necessary for the prosecution under that statute to charge in the indictment, or the information, that those who would formally be accessories before the fact are principals.

It is a principle of the law, gentlemen of the jury, that all who aid, advise, abet, counsel, encourage or assist, whether present or not present in the commission of a crime, are guilty of that crime, and, in the eye of the law and in the consideration of the law, persons that act are personally present and commit it with their own hands. We expect to show to you, then, gentlemen, that these parties that are charged in this indictment with this offense, were not personally present as they are charged, in this indictment, but we are compelled to so charge them on account of the exigencies of the law itself, that they did aid, advise, encourage and assist the real perpetrator of this crime, the man who is charged in the other indictment to which I have referred, in the commission of this offense, and are equally guilty with him if these facts are found.

This necessarily, gentlemen of the jury, brings to our attention another important matter in connection with this case. If not personally present, if only advising, encouraging, aiding, abetting in this affair, it must necessarily follow that there was a communication between these parties, who we have charged here, and the man or men who actually committed the crime in their own person and by their own hands. This necessarily implies, gentlemen, a collusion. It necessarily shows that there must have been a combination—a conspiracy of some kind between those par-

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Mr. Hawley warmed up to his subject and spoke very earnestly. He started in by stating that he would not elaborate the whole state simply and in a few words as possible what the state hoped to prove. First he called attention to the principal characters connected with the tragedy of former Governor Steu-
enberg's death. Those who were controlled, showing that great power was vested in the few officials of the federation.

Mr. Hawley briefly went over the events immediately preceding the death of former Governor Steu-
enberg, whom he described as one of the foremost figures of the state of Idaho. He told also of the positions held by Moyer, Haywood and Pettibone in the Western Federation of Miners. He declared that Harry Orchard, who is said to have confessed to placing the bomb which blew Governor Steu-
enberg into eternity, was also a member of the Western Federation of Miners as was Jack Simpkins, who has never been apprehended.

Mr. Hawley told the jury that while Haywood, Pettibone and Moyer are specifically charged in the indictment with having thrown or exploded the bomb, it is not the purpose of the prosecution to prove the conspiracy under the laws of Idaho at the time of the crime. Under the laws of this state, however, accessories before the fact are not recognized as such, but must be charged with the crime as principals. Those who aid, abet, assist or assist in crime, whether present or not, as principals in the crime.

To Prove Conspiracy.
"It is our purpose," the leading attorney for the state went on, "to show that the death of Steu-
enberg was the result of a conspiracy between the leaders of the Western Federation of Miners and other persons. We claim that the leaders of this union are responsible for this outrage and it will be our purpose to prove them so."

Mr. Hawley then went into the formation of the Western Federation of Miners, saying it was organized in 1893. The executive committee, he explained, was given almost absolute control of the body—but a few men being in command of the details of the organization. He said the rank and file of the organization knew little of what was going on among these few men and were guiltless of the crimes allowed.

"But we will show," he said, "that the leaders of this organization have been responsible not only for the death of Steu-
enberg but scores of others beside."

Hardly had these words left Mr. Hawley's mouth when Attorney Darrow for the defense was on his feet with an objection which indicated the purpose of the prosecution absolutely to the death of Steu-
enberg. Mr. Darrow declared the death of "scores of others" had nothing to do with the case at bar.

Clashes With Darrow.
"The court cannot tell at this time whether the statement is objectionable or not," the objection overruled, said Judge Wood.
Judge Wood asked Mr. Hawley if he expected to show by evidence the responsibility of the defendant in the Western Federation of Miners' alleged unlawful acts, and received a reply in the affirmative.
"I shall not go outside the record," declared Mr. Hawley. "Our object will be to show that with the very inception of this Western Federation of Miners there existed an organization of its leaders—their inner circle—the object of which was not only to perpetuate their own power and control of the Western Federation of Miners but of the governmental functions of those sections of the country wherein the members of the union were employed. The leaders have employed desperate criminals from time to time to do away with those who may have been selected for one reason or another for disappearance and who have run counter to their interests."

Again Attorney Darrow was on his feet, objecting to the state's address and denouncing it as a "mere piece of rhetoric." Mr. Darrow vehemently protested that Mr. Hawley's remarks were thrown in solely for the purpose of prejudicing the jury.
"It is nothing of the sort," retorted Hawley. "It is a part of the evidence and basis of this case."

"The court will not receive an argument," said Judge Wood, "but the attorney may proceed with a plain statement of the state's case."
"I know what I am about," said Hawley, glaring at Mr. Darrow across the two counsel's desks. "I don't care if it doesn't look like it," declared Darrow.
Quick as a flash Hawley turned

of the address should be considered as excepted by the defense.

Traded in Blood.
Mr. Hawley, resuming, declared that the "inner circle" of the Western Federation of Miners had "traded in blood," had hired assassins as its needs seemed to require and had raised by assessment from time to time an emergency fund from which were squandered large sums for personal uses and for the retention of the best legal talent to defend those of its members who were accused of crime.

"The killing of Steu-
enberg," continued Hawley, "was not the primary object to the main conspiracy but was merely incidental to it."

The speaker then passed to the killing of Steu-
enberg. He graphically described the scene at Caldwell when Steu-
enberg returning to his home was killed by a bomb which exploded under the huc and cry raised by the explosion and the suspicion directed to Orchard.

"It was evident at once," he said, "that something more than private vengeance was responsible for the killing of Steu-
enberg. In tracing Orchard's movements in Caldwell and his appearance in company with John L. Simpkins was shown. He told of the arrest of Orchard and the unsuspected tender of the services of Attorney Fred Spokane. He said that the state would show that an unsigned letter received by Orchard was written by George A. Pettibone. The speaker then told of the confession of Orchard to James McParland.

"We will call this gentleman to the stand," he went on.

"Which gentleman?" asked Mr. Darrow.

"You may think these remarks are very cunning and artful," he said, "but they are not of place here and if you keep them up you will be repaid in kind."

"I merely asked which gentleman he meant," appealed Mr. Darrow to the court.
The court referred to Mr. James McParland, shouted Mr. Hawley, "a terror to evil doers in this western country, a man whose presence is a guarantee of good order. You have probably encountered him before in defending your client."

Mr. Darrow who was still on his feet evidently desirous of answering but the court told him there was nothing before the court, to sit down and then directed Mr. Hawley to proceed.

Mr. Hawley said the state would place Orchard on the stand and would show by all the witnesses, including Orchard, that such a condition of affairs existed as he had already outlined. He went back to 1899 to show the reasons leading up to the assassination of Steu-
enberg, including the blowing up of the concentrator at Warden which he said he would prove was the result of the connivance of the leaders of the Western Federation of Miners.

While Mr. Hawley was telling of the murder of Steu-
enberg, he was interrupted by an objection from Mr. Darrow who argued that the incidents in the Coeur d'Alene in 1899 had nothing to do with the case now under argument. The objection was overruled.

Mr. Hawley went on to say that the inner circle was responsible for the blowing up of the Independence depot at Cripple Creek, the blowing up of the Vindicator mine and other outrages. He said the state would show that Haywood and his co-defendants had committed many times to assassinate ex-Governor Peabody of Colorado in the same way as the murder of Steu-
enberg was accomplished and for the same reasons.

All of these crimes, Mr. Hawley declared, were committed by Orchard and Adams as the hired and paid assassins of Haywood and his co-defendants.
Mr. Hawley reverted once more to the killing of Governor Steu-
enberg and declared that witnesses would be produced to testify as to the details of the bomb which killed Steu-
enberg's confession. He declared its details would be corroborated by the finding of bombs at various places where crimes had been contemplated, but abandoned for some reason or another, and by various other circumstances which seemed to point to the truth of all his statements.

Mr. Hawley, coming to the close of his remarks, asserted that the evidence to be adduced would go much farther than to show the opening statement. He believed the proof would satisfy the jury as to the guilt of the accused under the statutes, despite the fact that Haywood himself may not have been in the state of Idaho at the time of the crime. He closed by thanking the jurors for their attention.

As he sat down Attorney Darrow arose and stated that the defense would reserve its opening until the state's case is finished.
Darrow suggested that Hawley had referred to "scores of others" and that he would be called by the state. The latter acts" he said the state would specifically explain to the defense. Hawley

He was at home when the explosion took place. Wayne, in answer to questions, said he had been doing chores at the Steu-
enberg home on the morning of the murder and had left the governor's residence early in the evening, passing through the gate where the explosion occurred. He had been at home about 15 minutes when the explosion came. The light was extinguished and furniture tipped over by the explosion and he thought it was under his own house. He said he immediately went out of doors to see where the explosion had been. He heard Mrs. Steu-
enberg scream and hurried across the road. He found the Steu-
enberg gate gone. He saw where the governor was lying and Mrs. Steu-
enberg standing over him. She asked him to help carry her husband into the house.

He found the governor to be terribly mangled, and seeing he couldn't handle him alone, he told Steu-
enberg's little girl to run for a doctor and himself went for help to carry the lying man into the house. He got help and the governor was carried into the house. Wayne said he was present when the governor died, which was not long after the explosion.

Wayne was told of the effect of the explosion as he came to the morning following the tragedy. The gate he found to be demolished, the sidewalk broken to splinters, the fence down for a long distance, and the glass in the Steu-
enberg house, 35 feet above the hole near the gate where the explosion took place. Wayne explained the position of the body which, he said, showed that the force of the explosion had been received by the governor on his left side. The explosion was at about \$30, he judged.

Wayne told of the weather conditions. It was blowing and snowing some and there was considerable snow on the ground.

Wayne was soon excused, there being no cross examination.

First Doctor on the Scene.

Dr. J. W. Gue was next called. He was the physician who was called to see Governor Steu-
enberg on the morning of the murder. He was called shortly before 7 o'clock on that night. He found the ex-governor in bed and his body very badly mangled. His left leg was crushed and his right leg below the knee, also his arms, thighs and his flesh torn and bruised. The bones of the left leg near the ankle, he said, were crushed into small pieces. The right arm was broken, the flesh was entirely missing from the whole arm. Death, he said, must have been the direct result of his injuries. Dr. Gue made no careful investigation of the outside effects of the explosion.

"No cross-examination," announced Richardson, and Dr. Gue was excused.

Near Neighbor on Stand.

Attorney John C. Rice, one of the near neighbors for former Governor Steu-
enberg, living in a home about 100 yards away, was next called. He was asked if he had seen Thomas Rice. He said he had seen him on the fourteenth of November, 1905, near the Steu-
enberg residence. After that Rice was Hogan almost daily in the vicinity of the Steu-
enberg home, northwest of the Steu-
enberg residence toward the city. Rice said he had seen Hogan in that vicinity about 10 times. He had talked with Hogan once.
Richardson was interrupted by Richardson, who objected to conversation being given. The objection was overruled.
Rice continued that Hogan had asked if he could see the house for rent and he told him no. Hogan said he saw Hogan after his arrest and said he knew he was the same person who was arrested and afterward known as Harry Orchard. He drew from Rice that he had seen Orchard near the Steu-
enberg home every day for 10 or 12 days. He had seen him often.

Richardson did not seem to be attempting to hide his actions?"

"No, sir."

"Seemed rather to court attention, didn't he?"

"Well, he didn't seem to be trying to avoid attention," was the reply.

"It was always in broad daylight that you saw him, wasn't it?"

"Yes."

On Monday following the explosion Rice said he had seen Orchard in the bedroom of the Saratoga hotel and identified him as the same man whom he had often seen near the Steu-
enberg residence.

Richardson, Caldwell Man.

M. S. Ellis was the next witness called. He is a hardware merchant of Caldwell. He has a home a block from the Steu-
enberg residence. He testified to having seen Hogan on several occasions. He said he had seen him from the direction of the Steu-
enberg home. He had seen him a block north of the governor's residence looking toward the Steu-
enberg residence on the pair of the glasses. On another occasion Ellis said he saw Orchard looking toward the Steu-
enberg home from another point through the field glasses.

Richardson was interrupted by Richardson, who objected to conversation being given. The objection was overruled.

Richardson moved to strike out all the testimony of the witness as irrelevant and having no reference or connection with the defendant on trial.

The objection was overruled. The court at this time instructed the court reporters to record all exceptions taken by the defense without further directions.

Hotel Proprietor Cross-examination.

There was a cross-examination of the Saratoga hotel called.

"How old are you, Mr. Dempsey?" asked Borch.

"That's a delicate question," replied Dempsey, "flicking a fly off his left ear. 'I'm going to get married again.'"

"We'll admit he's old enough to testify," said Richardson. Dempsey passed and Borch went on with the examination. The witness told of Hogan and Simpkins being at the hotel together and occupying the same room on two occasions, Dempsey said, but only a day elapsed during their absence. Dempsey positively identified the photo marked exhibit "A" as one of the man who had stopped at his hotel on the morning of the explosion.

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the early and Judge Wood again remarked that that would mean "having on" earlier in the morning. It was learned that Judge Wood edited the Kampa, proprietor of the Grand hotel, had just left the room to get his hotel register and would probably be back soon. Borch said he could not find the witness whom he wanted when he returned.
"Then we will wait," announced the court, but after a wait of 10 minutes the hotel man had not yet put in an appearance and Judge Wood edited for the balliff. The jury was excused. The defendant was then remanded and court was adjourned until this morning at 9 o'clock.

ASSASSIN TELLS OF CRIME

Slayer of Barrillas Declares He Committed Deed Through Fear of Cousin.

MEXICO CITY, June 4.—Florence Morales, the man who killed General Barrillas, ex-president of Guatemala, in one of the streets of this city on May 7, last, told in court today the motive for his crime. He placed the blame for his act on the shoulders of his cousin, Bernardo Mora, the man who is named as his accomplice. Morales does not deny that the murder of the man was of a deliberate character, but insists that he committed the crime in order to save his own life. He insists that he was but the tool of his cousin, and that from the moment he was entrusted with the secret of the plot, he was hounded by Mora until forced through fear to plunge the knife into the body of the victim selected.
Upon being placed upon the stand, the assassin stated that he was but 18 years of age. This statement, it is thought, if accepted as a fact by the jury, may have the effect of causing them to recommend clemency. It is stated that President Cabrera of Guatemala has a representative here, who will send reports on the trial.

WRESTLING MATCH AT ORPHEUM SATURDAY

G. C. McLaughlin to Meet 'Kid' Parker—Two Sets of Preliminaries.

G. C. McLaughlin of Salt Lake, champion wrestler of the Intermountain country, who arrived in Boise recently, yesterday completed arrangements with "Kid" Parker, a wrestler at the Orpheum theatre this week, for a match at the Orpheum Saturday afternoon.
McLaughlin, who has appeared on the mat in Boise in recent years, is well known here. Parker holds the welterweight championship of Canada and is well known in the east. He weighs 142 pounds and McLaughlin weighs 158. The latter is to throw Parker three times in an hour. This will be the first time that McLaughlin admits, but he says the match will be a meritorious one and one that ladies as well as gentlemen may attend.
There will be two sets of preliminaries, the first to start at 4 o'clock. McLaughlin has come to Boise to remain for some time, having secured a position upon which he will enter this morning. He will try, he says, to get other matches to be pulled off here.

NEW BATTERY ARRIVES; ANOTHER PITCHER COMING

The Senators' new battery, Campbell and Thurston, arrived in Boise yesterday from Tacoma and were at the park last evening working out. Those who saw them at practice say they look and act like real ball players, and Manager Abrams is well pleased with them.
Abrams yesterday sent word to M. S. Fink at Tacoma, with whom he has been corresponding, to come at once to Boise. Fink is a southpaw and a fielder.

National League.

At Chicago—Chicago—Pittsburg game postponed; wet grounds.
At Cincinnati—Cincinnati—St. Louis game postponed; rain.

American League.

At Boston—Boston 7; Detroit 5.
At Washington—Washington 7; St. Louis 1.
At Philadelphia—Chicago 10; Philadelphia 5.
At New York—Cleveland 4; New York 3.

MISSIONARY BEATEN.

LONDON Times 4—A man who was beaten by a woman.

Will Star Australia But Do At This

Foreigner announced With But Do At This

ROME. Italy at the end and expectation with has a peculiar other count by the struggle in going on

Germany port of Italy under the cause of the and their France been economic The people have always and approval abolish or inter national Italian government Signor Tittoni at the outs as Italian While the ment of the reduction of official and Grey former Italy expert Tittor announced to that as for the as an ambas representative in I

Representative to support initiative." This declarable apply a member pursuing a members of many and

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Several reports this the Cretan joined Rus White, who entered the their stand sore subjec where Marquis V White, who isolated Be At the It was reported had just geor to Paris the view land with armaments the isolation "Tittor" by proposed discussion a ment as Prince von lately after White, who position on settle the It was not a gland and 4 of Sev in very cou many herse Von Buelo proposition Italy's com reflects the has been gona port finally statement is on May 15 Italy's finan which

... Federation of Miners as Jack Simpkins was never apprehended.

Mr. Hawley told the jury that while Haywood, Pettibone and Moyer are specifically charged in the indictment with having thrown or exploded the bomb, it is not the purpose of the prosecution to prove that they were even in the state of Idaho at the time of the crime. Under the laws of this state, however, accessories before the fact are not recognized as such, but must be charged with the crime as principals. Those who aid, advise, abet or assist in crime are recognized under the laws of Idaho, whether present or not, as principals in the crime.

To Prove Conspiracy.

"It is our purpose," the leading attorney for the state went on, "to show that the death of Steunenberg was the result of a conspiracy, an understanding and collusion between the state leaders of the Western Federation of Miners and other persons. We claim that the leaders of this union are responsible for this outrage and it will be our purpose to prove them so."

Mr. Hawley then went into the formation of the Western Federation of Miners, saying it was organized in 1892. The executive committee, he explained, was given almost absolute control of the body—but a few men being in command of the destinies of the big organization. He then recited the names of the state leaders among these few men and were guilty of the crimes alleged.

"That we will show," he said, "that the leaders of this organization have been responsible not only for the death of Steunenberg but scores of others besides."

Hardly had these words left Mr. Hawley's mouth when Attorney Darrow for the defense was on his feet with an objection which indicated the purpose of the defense to endeavor to confine the prosecution to the death of Steunenberg. Mr. Darrow declared the death of "scores of others" had nothing to do with the case at bar.

Clashes With Darrow.

"The court cannot tell at this time whether the statement is objectionable or not. Objection overruled," said Judge Wood.

Judge Wood asked Mr. Hawley if he expected to show by evidence the responsibility of the defendant in the Western Federation of Miners' alleged unlawful acts, and received a reply in the affirmative.

"I shall not go outside the record," declared Mr. Hawley. "Our object will be to show that from the very inception of this Western Federation of Miners there has existed a conspiracy among its leaders—its inner circle—the object of which was to obstruct the rights of their own power and control of the Western Federation of Miners but of the governmental functions of those sections of the country wherein the members of the union were employed. The leaders have employed every means within their power to time to do away with those who may have been selected for one reason or another for disappearance and who have run counter to their interests."

Again Attorney Darrow was on his feet, objecting to Mr. Hawley's address and denouncing it as a "mere piece of rhetoric." Mr. Darrow vehemently protested that Mr. Hawley's remarks were thrown in solely for the purpose of prejudging the jury.

"It is nothing but a mere piece of rhetoric," Mr. Hawley said, "and it is a part of the evidence and basis of this case."

"The court will not permit an argument," said Judge Wood, "but the attorney may proceed with a plain statement of the state's case."

"I know you are not," said Hawley, glaring at Mr. Darrow across the two counsel tables.

"I don't look like it," declared Darrow.

Quick as a flash Hawley turned upon his opponent and with anger blazing in his voice, shouted:

"I don't care what it looks like to you. I am not running this case according to your ideas, thank God, and I don't propose to stand for these constant interruptions."

"I would like to suggest to the court," said Mr. Darrow, "that I have no desire to call counsel to task—"

"I object to any suggestions to the court from counsel," Hawley shouted.

"Oh don't be so particular," called Darrow in a drawl to the excited Attorney.

"Don't you be so particular about interrupting me," the other retorted.

"I will interrupt at any time the interests of my client demand it," said Darrow. If the attorney will be calm for a minute I want to make arrangements to except to the state upon an I want to co-operate for an orderly trial."

"I will meet you half way on that," said Hawley.

"Now," said Mr. Darrow to the court, "we insist that the state has no right to make proof in this trial of all the unlawful acts of the Western Federation of Miners which it is declared extend all over the western country. We are not trying any one here but W. D. Haywood and the charge is the murder of former Governor Steunenberg."

"The court," said Judge Wood, "can't tell whether the prosecution will be allowed to make such proof or not until the time comes."

It was finally agreed that the whole

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... of the agents of this one on May 7, last, told in court today the motive for his crime was to place blame for his act on the shoulders of his cousin, Bernardo Mora, the man who is named as his accomplice. Moraes does not deny that the murder of the man is of a deliberate character, but insists that he committed the crime in order to save his own life. He insists that he was but the tool of his cousin, and that from the moment he was entrusted with the secret of the plot, he was bound to Mora until forced through fear to plunge the knife into the body of the victim selected.

Upon being placed upon the stand, the assassin stated that he was by no means a coward, and that if it is thought, if accepted as a fact by the jurymen, may have the effect of causing them to recommend clemency. It is stated that President Cabrera of Guatemala has reported here, where, who will send reports on the trial.

WRESTLING MATCH AT ORPHEUM SATURDAY

G. C. McLaughlin to Meet 'Kid' Parker—Two Sets of Preliminaries.

G. C. McLaughlin of Salt Lake, champion wrestler of the Intermountain country, who arrived in Boise recently, yesterday completed arrangements with "Kid" Parks, a wrestler at the Orpheum theater of this city, to make a match at the Orpheum Saturday afternoon.

McLaughlin, who has appeared on the mat in Boise in recent years, is well known here. Parks claims the world championship of Canada and is well known in the east. He weighs 142 pounds and McLaughlin weighs 158. The latter is to throw Parks three times in an hour. This will be very hard for him to do, McLaughlin admits, but he says the match will be a meritorious one and one that ladies as well as gentlemen may attend.

There will be two sets of preliminaries, the first to start at 4 o'clock, the second at 7. McLaughlin is to remain for some time, having secured a position upon which he will enter this morning. He will try, he says, to get other matches to be pulled off here.

NEW BATTERY ARRIVES: ANOTHER PITCHER COMING

The Senators' new battery, Campbell and Thurston, arrived in Boise yesterday from Tacoma and were at the park last evening working out those who saw them at practice say they look and act like real ball players, and Manager Abrams is well pleased with them.

Abrams yesterday sent word to M. S. Fink at Tacoma, with whom he has been corresponding, to come at once to Boise. Fink is a southpaw and a fielder.

National League.

At Chicago—Chicago—Pittsburg game postponed; wet grounds.

At Cincinnati—Cincinnati—St. Louis game postponed; rain.

American League.

At Boston—Boston 7; Detroit 5.

At Washington—Washington 7; St. Louis 1.

At Philadelphia—Chicago 10; Philadelphia 6.

At New York—Cleveland 4; New York 3.

MISSIONARY BEATEN.

LONDON, June 4.—A special dispatch received here from Hongkong says Mr. Pittsford, a Methodist missionary, was Chao Tung Fu, has been mercilessly beaten by the Chinese. His lung was pierced by a weapon. The missionaries are flocking into Hongkong from the Swatow and Pakhoi districts.

Low Rates to Pacific Coast.

From June 9 to 16, inclusive, low round trip rates will be in effect from O. S. L. stations to San Francisco and Los Angeles, limited to August 26 going, and returning to August 31. Fare, Boise to San Francisco via Portland, returning via Ogden, \$42.40. Fare to Los Angeles, via same routes, \$45.50. See O. S. L. agents for particulars.

D. P. STUBBS, D. F. & P. A.

For Sale—One first-class single buggy, one gentle driving horse for lady, at a bargain. Call Bell phone 1651 Black.

The Oregonian every day at Col. Hines, 1023 Main.

See the new tailor and get satisfaction. Agnew's stock of clothing, 116 South Ninth street. Idaho Trust building.

Strawberries, strawberries, Thibault & Fraser, 167 N. Eighth.

...to select officers for the ensuing year, and they select at that convention a president of the organization and a secretary-treasurer. They also select a grand jury, an executive committee composed of seven other members besides these two officers that I have named, and in the hands and in the charge of that control of this executive committee is placed the destiny of this organization when that convention adjourns its session.

You will readily perceive, gentlemen, that the jury, at this executive committee, composed of 12 men residing in far distant places from the place where the organization has its head, necessarily only meets at certain times, and that the real power of the organization is in the hands of the president and in the secretary-treasurer, the two prominent officers of the organization, together with such other members of that executive committee as are called together. The organization itself is directed by gentlemen, gives the absolute control of the entire body of the entire organization—into the hands of a very few men; and from the time of its organization until the time of its demise, for the past eight or ten years, but few men have been in control of the destinies of the Western Federation of Miners. From the very inception of the organization, gentlemen, although we will prove it to you as part of our proof, that the rank and file of it were innocent of any sinister motives, we will show to you by their acts and by the policies that they have pursued, that there has been an understanding amongst the leaders which has existed to the present time and has been the reason and the cause not only of the death of Governor Steunenberg, but of scores of other besides.

Darrow Objects.

Mr. Darrow—Your honor, I object to that statement and ask to have it stricken from the record.

The Court—What is the ground of your objection?

Mr. Darrow—That is isn't anything to do with this case and it is not a part of the opening statement in a charge to the jury that the death of Steunenberg. He has made a plain statement in this jury that the leaders of this organization are responsible for the death of Governor Steunenberg without stating the cause of the death of scores of others besides. It is no part of an opening statement in any case, certainly not a case by this.

The Court—The court cannot tell at this time whether or not it is material, and the objection will be overruled.

Mr. Darrow—I want to save an exception to the statement.

The Court—Exception will be noted.

Mr. Hawley—It has been the policy, gentlemen of the jury, and the object of this association to control the politics of the state.

The Court—The court understands that you expect to show by the evidence the facts which you state.

Mr. Hawley—Yes, sir, I expect to do so by the evidence in the case, and I propose to limit myself far within what the principles of law involved would rightfully entitle me to put before this jury as to the statement.

I have said, gentlemen, has been part of their object and policy to control the politics of the various sections where they have lived, where they existed, where they were in control, their subordinate judges, have had control. This conspiracy, this collusion, these crimes, this understanding between the leaders of this organization, that they were associated with them in a subordinate role, together, at other times, with others that, upon the outside, played into their hands—who were necessarily brought into their conspiracy—has, as I have stated before, caused the death and been the real cause of the death of Governor Steunenberg.

It is well, then, for us to inquire as to the objects of this collusion and this understanding and this conspiracy. It will be well to go into the objects of these leaders, into the principles that constituted their control of this organization, so far, at least, as is necessary in order to enlighten us as to this particular crime that is charged. And on this, gentlemen, I will say that we expect to show that there has been exact in this matter and will call it to your attention with words that I have considered, simply calling to your attention at the same time, gentlemen, that this conspiracy, this collusion of this organization; that although the persons composing the ex-

...Mr. Hawley—That is what I am trying to make, your honor, and I think I understand my rights, and my duties as well, in this matter.

Mr. Darrow—I don't look as though you did.

Mr. Hawley—I don't care, sir, how it looks to you. I am not running this case to meet your wishes or your ideas and I ask, your honor, not to be interrupted by the counsel or any counsel except by objection.

Mr. Darrow—You will be interrupted every time I think you are trespassing.

The Court—The objection will be overruled and an exception will be noted.

Darrow's Position.

Mr. Darrow—I want to make a statement to the jury, your honor.

Mr. Hawley—I will object to statements to the court at this time or breaking into this showing.

Mr. Darrow—I will proceed in a moment, your honor, but I don't intend to interrupt the gentleman any more than is necessary to preserve my rights.

Mr. Hawley—We object, your honor, to his making a statement.

Mr. Darrow—If you have an objection to make, Mr. Darrow, make your objection and the court will rule upon it.

Mr. Darrow—I want to state to the court and the jury, gentlemen,

Mr. Hawley—We object, to any statement to the court.

Mr. Darrow—Don't you be so particular.

Mr. Hawley—Don't you be so particular and don't you attempt to interrupt me in this way.

Mr. Darrow—What I am going to say is proper to be said by any lawyer in any case. What I want to say, your honor, is that I don't care to be obliged to call this gentleman down every five minutes, but still it is my duty to my client if I think he is trespassing upon something that he shouldn't be saying. Now if you can't understand as to what the order of the court is going to be as to permitting the counsel to state anything that he deems relevant so we may save our time, I would rather do it than to interrupt him. Otherwise I will have to interrupt him. I will try to cooperate with court and counsel to have matters proceed as orderly as possible.

Mr. Hawley—If your honor please, we will say this, that we will consider anything that is said in this opening statement—it is being taken down—as objected to.

Mr. Darrow—Subject to objection, and our friends on the other side can have the full benefit of the objection and the exception.

Mr. Darrow—Now, if your honor please, if I will pardon you, we will get it straight as we start out, if the court will indicate what its ruling will be.

The Court—The court does not intend to interrupt the counsel in the case in the opening statement. The court will confine counsel to a statement of what he expects to prove, and he will be permitted by the court to announce the principles of law under which he expects to make out his case.

Mr. Darrow—My objection was not so much to the argument but to their picking out specific things and saying that they existed, and the birth of the organization, for instance, down to the present time; they can show that there have been certain unlawful acts spread over all of this western territory. Now we insist that the law is to be maintained, and that it cannot have any bearing upon the question of whether Frank Steunenberg was murdered by this defendant and his associates.

The Court—The court does not intend to interrupt the counsel in the case, whether he can make that proof until it is presented and the court knows what it is.

Mr. Darrow—My main objection was to the scope of this matter. Now, gentlemen, I don't care to consider anything objected to what we see fit, we will make as few objections as we can. Of course there will be here and there matters that we must necessarily object to as they go in.

Mr. Hawley—We understand, Mr. Darrow.

Scope of Evidence.

The Court—The scope of this must be determined by the evidence and cannot be determined from the opening statement alone.

Mr. Darrow—If the court means

...sums for their own personal purposes and in criminal methods, but we do not from retained the best legal talent to defend those of their number charged with crime.

We will prove the object and purpose and the practice of this "inner circle," in part at least, as a means of exhibiting to the jury the nature of the murder herein charged; for that purpose, gentlemen, and for no other, I desire here and now to call your attention to the fact, in speaking of this matter, that in making this proof, we will urge upon you, and make it as part of the proof, that the killing of ex-Governor Steunenberg was not the primary object of this conspiracy, but was only an incident of it and a part of their general policy.

We will show you, gentlemen, by the evidence that we will introduce, that the defendant at bar, and his co-defendants, together with the other members of the "inner circle," who have controlled the destinies of the Western Federation of Miners, and the persons who were in control, who before they occupied their positions were members of the "inner circle" and prominent members of the executive committee; Pettibone, who was connected with them in all of these matters, and who we will afterwards refer and seems to have been guide, counselor and friend, and Simpkins, the member of the executive committee, residing in this state, and who was connected with them by reason of his residence in this state.

Murder of Steunenberg.

Gentlemen, having called your attention to the objects of this conspiracy and to the confirmation which we believe existed, and in connection to a great extent in this case depends, it is proper now to call your attention, I imagine, to the circumstances surrounding the death of ex-Governor Steunenberg, which occurred on November, 1905. Governor Steunenberg, as I have before stated, gentlemen, was a resident of the town of Caldwell, in our sister county of Canyon. He had been a resident of that place for nearly twenty years, and he had been away often by reason of his official position and his private business enterprises. The place wherein he lived in the town was on the eastern outskirts from the main business part of the town.

On the 20th of December, if any of you will remember, this country had been covered or was covered to a very great extent by a bad snow storm. There had been a bad spell of weather and it made traveling somewhat difficult and it would therefore take a good while, gentlemen, to go the distance from the business part of the town to the place where Governor Steunenberg lived. He had been called to go to his own house about 6 o'clock on the evening of the 20th of December we will expect to show to you he had been in the lobby of the Barstow hotel stopping for some little time, and finally he had made up his mind to go home, stopped at a bank for a few moments in which he was interested and then proceeded homeward. This house was on the corner of the main street and upon a side street.

It was the usual custom and habit of Governor Steunenberg to go into the side door upon proceeding home. This custom had been observed by those interested in his death and they accordingly arranged to approach the gate and started to open it, with the welcoming lights of his living room shining out upon him, a tremendous explosion occurred, one that acted as a signal, and the explosion would upon the surrounding country, one that was heard for miles around by the people of that section. The result was the gate and fence and the surroundings were absolutely destroyed. Governor Steunenberg was thrown for some considerable distance every time, believe, was broken back across from his life, and his death resulted almost instantaneously.

The loving wife, who had been waiting for his coming, rushed out of the house upon hearing the explosion. Neighbors came to her assistance, she approached the body of the governor, and she was the first to see that he had been killed.

Mr. Darrow to men McParland, and Hawley.

Mr. Darrow—Or Orchard.

Mr. Hawley—Both of them will be on if you desire.

Mr. Darrow—I don't think which one.

Mr. Hawley—That may be very

...of the parties who were indicted and a member of the executive committee of the Western Federation of Miners.

It was ascertained from an inspection of the hotel records that the man Orchard going under the name of Hogan, a name that he was not entitled to, but that Simpkins had registered himself under the name of "Hogan" in the hotel books, gentlemen, are suspicious. All of these matters began to point, as those in charge thought, directly to Orchard as being the man that had committed this crime. His room in the hotel was examined, incriminating evidence was found there against him. Implements were found there that would indicate that perhaps he had been engaged in the hotel records, that he had a trunk at the railroad depot. That trunk was taken out. It was looked into and in the trunk was found a fishing reel, and it was heard that the man in the name of Hogan, who was a member of the fish line, which would indicate that it had been used in connection with the explosion. There was a saved-off tin, such as a tin for a hundred purposes, or for any purpose, I imagine, except for the commission of crime, one that could be slipped in front of the body. There was a strap across the neck and in one of the buttons was a hole, and one would know the possessor was on a dangerous mission, although he might be contemplating murder.

A number of these matters were ascertained. After these inquiries were made, and without his sending word to any place, gentlemen of the jury, a telegram was received from Spokane stating that articles belonging to the defendant in his defense, although, gentlemen of the jury, he had sent no message of any kind to any person for that purpose, this telegram being signed by the defendant, and it was in due course of time received by Mr. Miller, one of the present attorneys for the defendant in this case, who, I say, without solicitation from any party, without a request or mention, appeared as his attorney upon the charge of murdering Governor Steunenberg.

Letter from Pettibone.

A letter was received which, although it was not signed, evidently indicated that the writer was referring in his expressions to an attempted murder or a proposed murder of the ex-governor, in connection with the letter that had happened after it had been written; and, although this letter was not signed, we will show you gentlemen, that it was written by one of the persons mentioned here, Mr. Pettibone.

Orchard Makes Confession.

A preliminary examination was had, in which the man Orchard, who was in the Coeur d'Alene at the time the murder was held. He was held without bail for this murder, and he will be held in custody by his attorney, Mr. Miller, who had come here, as I have said, without a request from him, to defend him upon this charge, and in the neighboring state of Colorado and Mr. Orchard was left temporarily alone. He was placed for safe keeping in the state prison here at Boise, placed in a room by the name of B-15, and without visitors for a number of days. It looked to him, a man in that position, as if he was deserted. He was in a position, gentlemen, where the reproaches of his conscience, and the other crimes that he afterwards confessed to, would either drive him to suicide or insanity.

Mr. Richardson and I had an statement of fact with reference to that case.

The Court—I think you had better make a statement to the jury, gentlemen, as to your right to make a statement at this time, and whether or not you desire to be pardoned, and whether the expression should be made in that case, gentlemen, if you have any objection to make, you may state it.

Mr. Richardson—We desire to put the record in shape by objecting to it as being argument and not as a statement of any fact which is germane to the case.

The Court—The objection will be overruled.

Mr. Richardson—Note our exception.

Organized Association.

Mr. Hawley—Gentlemen, after this trouble in the Coeur d'Alene, after Orchard had been restored to that vicinity and very shortly afterwards, that the defendant came to this place, who had been prominent in the councils of the federation prior to that time and who had been members and in authority in different branches of the federation at the time that this explosion came, and from that time on controlled the destinies of the federation. The org-

...was governed by the same men, the court has already announced, but I don't care to state that.

The Court—You may make it.

Mr. Darrow—I want to object to his statement as to anything that occurred in Denver or which he claimed occurred. I want to object to his statement as to Collins—anything that occurred in Colorado. He has already stated, or intends heretofore to state.

The Court—The court will overrule the objection. When it comes to an objection to the testimony involving these matters, the court will hear you fully on the matter.

Mr. Darrow—I object to that as immaterial, irrelevant and incompetent, a matter that cannot be shown to be material.

The Court—The objection is overruled. You understand that ruling will not influence the court when the evidence is sought to be introduced on these matters. The court will be heard on renewing the objection at that time.

Mr. Darrow—Yes, but I take it here is the time to make the objection, and the objection may be considered as made for one of these matters as they arise.

The Court—Yes, sir.

Mr. Darrow—And an exception noted?

The Court—Yes, sir.

Mr. Hawley—I don't know, gentlemen of the jury, that I make myself intelligent, numerous matters, gentlemen, which my friends and the other gentlemen seem to think it is necessary to interpose, but I hope I do. I have been reading some of the matters, and I am incident to this conspiracy and combination, and which we expect to show before you as evidence, and which we progress—the responsibility for which we expect to show will rest, as we will afterwards show upon the defendant and his co-defendants.

In addition to those I have mentioned, the killing of Governor Steunenberg, the murder of Arthur Collins, we will call your attention to the murder of Governor Peabody, the blowing up of the Independence depot at the solicitation and under the direction of the defendant, and which we expect to show before you as evidence, and which we progress—the responsibility for which we expect to show will rest, as we will afterwards show upon the defendant and his co-defendants.

By his local attorney, gentlemen, such as I have stated, and others which I have not gone into but which will be related in evidence before you, Governor Steunenberg incurred the last of his term, and the leaders of it which comprised the "inner circle." Now, gentlemen, we expect to prove to you and we will urge to you the same reasons, the account of the stand in favor of law and order and decency and good government that Frank Steunenberg took in 1899 in the Coeur d'Alene, that he had been in the Coeur d'Alene at the time the murder was committed, and that he had been in the Coeur d'Alene at that time, gentlemen, and the proof will show that he was, but the proof not argued. He suffered no indignities. There was no reason for his having any personal feeling against the ex-governor, and I mention this as one of the reasons why we will present to you in advance so as to disabuse your minds of the impression that he might for the sake of personal vengeance have carried out this crime.

Richardson—This is argument pure and simple.

Mr. Hawley—It is not argument.

The Court—The court will overrule the objection.

Mr. Richardson—We desire to put the record in shape by objecting to it as being argument and not as a statement of any fact which is germane to the case.

The Court—The objection will be overruled.

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...the court was so arranged that if the acid was intended to be put in the acid and in this bottle, which was placed in a gateway or doorway, the cork would be withdrawn and the acid would be poured into the gateway of potash and thus produce an explosion.

First Attempt.

We will show to you, gentlemen of the jury, that Simpson, Orchard, and the town of Caldwell in pursuance of his plan, and acting under the general direction of the defendant, and the others associated with him, that I have stated before, Simpkins called upon the defendant, and the defendant stayed there a number of days and continued to investigate the habits of Steunenberg and attempt to cause the explosion of this bomb by planting it under the sidewalk, but for some reason, which we will afterwards show to you, I will not presume in respect to it. We will show you that afterwards, after the defendant had called upon Simpkins left there and went to the town of Silver City; that he returned within a few days to the town of Caldwell, at that time with Orchard to carry on his plan alone—the procuring of the bomb, the attempt to cause the explosion had not presented itself for them to procure it together.

We will show to you that within a short time after the departure of Simpkins, Orchard, always watching for an opportunity of disposing of his enemy, although he was not permitted to cause the object and purpose with the bomb, but at one time he attempted with the aid of Simpson, to cause the explosion an opportunity to kill Governor Steunenberg, but that failed. Finally, after a number of days, as I have stated, after awaiting Steunenberg for a number of days, ascertaining his habits and movements, and when he came, he saw him leave the anteroom of the Barstow hotel; he himself proceeded to the gateway of the Steunenberg home, being a great deal faster than the governor, and he placed the bomb in a very short interval of time and saw the man who had charge of the horse leave there, and he saw the man who had charge of the gate and so arranged it with a log or sack or nail, fastened it with a wire, and the bomb was placed in the gate and which was attached to the cork of the bottle of sulphuric acid in such a way that when the cork was withdrawn, the acid would be caused; then he left and the governor came alone afterwards and he was the first to see the explosion which resulted in his death.

We will show you that this method of procuring the bomb, and the defendant and the other members of the "inner circle." It was the same method adopted afterwards for bombs of this kind, and which was the same purpose of attempting to murder one of the justices of the supreme court of Colorado, and which we will afterwards show you that after the arrest of Orchard, this bomb was dug up from under the sidewalk, and which was the same as Orchard and another emissary of the Western Federation and was found to be the same as the bomb which we will show you that this was one of their favorite methods of assassinating those who they desired to remove from their lives.

Supplied the Funds.

We will show to you, gentlemen of the jury, not only that these parties are supplied—that these parties who are here and who are in the case, and who killed the money to Orchard for carrying on or carrying out the murder of Governor Steunenberg, and the money to him and his confederates for carrying out these other crimes to which we have called your attention in particular.

We shall show to you that in 1902, and in 1904, and in 1905, when Steve Adams was sent on one of these missions to which I have called your attention that he was paid for these services, and that in all things they were acting under the direction of the defendant, and the advice and request and wishes of this defendant and those who have been associated with him, and we will show you that these matters, I think as you can convince you beyond a possibility of a doubt, the guilt of this defendant to a greater extent than I would be privileged to do in making an opening statement to the jury, and that more than I expected to when I commenced, because my idea was, merely in a general manner, to state to you the general matters, and gentlemen of the jury, we believe that we will make a statement to you, gentlemen, that will satisfy you, as a reasoning and reasonable man, beyond a possibility of a doubt, of the responsibility of the defendant and his co-defendants for the murder of ex-Governor Steunenberg, and that we will show to you, gentlemen, that we can prove, if by this chain of circumstances, this recital of facts—

Richardson—Note our exception.

Mr. Hawley—if we can show, as I stated, that the defendant was a member of the conspiracy, and that we are sent to effect the objects and purposes of this conspiracy, and if we show that the defendant is a member of the fact that none of these parties were present at the time—that this defendant

(Continued on Page Four.)

ORCHARD TELLS OF LONG SERIES OF MOST REVOLTING CRIMES

CHARGES OFFICIALS WESTERN FEDERATION OF MINERS WITH DASTARDLY OFFENSES

GIVES REAL NAME ALBERT HORSELEY

Tense-Nerved, Rigid Crowd Held in Suspense at Awful Recital.

STORY BEGINS WITH COEUR D'ALENE TROUBLE

Star Witness for the State in Cool, Decided Manner Relates Events That Cause Strong Men to Gasp for Breath—Brutal Murders and Attempts to Kill—Haywood Noticeably Greatly Affected.

For three hours yesterday in the district court room Albert E. Horseley, alias Harry Orchard, alias Thomas Hogan, alias Dembois, alias Green, alias—how many other names the man himself cannot remember—sat in the witness chair and related what is probably the most sensational story of brutal, revolting series of crimes that any jury in a criminal case in America has ever been compelled to listen to. These crimes—Orchard publicly charged had been committed at the inspiration and for the pay of the leaders of the Western Federation of Miners.

Many times during the examination of Orchard by James H. Hawley, leading special prosecutor for the state, the attorneys for the defense interrupted with objections to the testimony, claiming that the crimes to which Orchard confessed were far removed from the jurisdiction of the defendant, that some of them were committed before Haywood was an officer of the federation. But none of Orchard's story was omitted. The court constantly ruled against the objections upon repeated statements by the prosecutors that they would in good time legitimize the testimony by later proof connecting Haywood and his co-defendants with the crimes alluded to.

MAIN FEATURES OF ORCHARD'S STORY AS TOLD BY HIM ON THE WITNESS STAND YESTERDAY

Harry Orchard's story on the stand while punctuated by questions by the leading attorney for the prosecution was almost in the form of a narrative. It began from the time he first went to work as a miner in Burke, Idaho, in March, 1899, and the following were the particular subjects upon which he testified:

He told of the blowing up of the Bunker Hill & Sullivan mill at Wardner on April 29, 1899, and said he lighted one of the fuses which blew the big mill into kindling wood. Two men were killed.

He said his true name was Albert E. Horseley and that he was born in Northumberland county, Canada, in 1866. He first began to mine at Burke in March, 1899, joining the Burke miners' union, a branch of the Western Federation of Miners, as soon as he went to work.

He testified to an unsuccessful attempt to blow up a gang of nonunion miners working at the Vindicator mine in the Cripple Creek district in 1903, for which he was to have received \$200.

He told of the assisting to place a dynamite bomb later in the shaft of the Vindicator mine, which finally exploded, killing Charles McCormick, mine superintendent, and Mel Beck, shift boss, and said Haywood later in Denver paid him \$300 for doing the job.

He told of how he had shot down Lyte Gregory, a detective for the Mine Owners' association, with three shots, as the victim was entering an alley in Denver and said he did the "work" upon request of the officers of the Western Federation of Miners.

He told of how Steve Adams and himself had pulled a wire which exploded powder mines under the Independence depot, causing an explosion which killed 12 or 14 persons.

He told of how himself and Adams tried for three weeks to assassinate Governor Peabody of Colorado by direction of Haywood and Moyer.

He told of how he had been sent to San Francisco to kill Fred G. Bradley, president of the Bunker Hill & Sullivan company, who had acquired the unity of the federation officials. He told how he first attempted to poison Bradley by putting strychnine in milk delivered at his home and later constructed a bomb and hung it on the door, the explosion of which blew in the entire front of the house and severely injured Bradley.

Orchard will continue his story from where he left off at the opening of court this morning.

discerned that Orchard's nerves were drawn to a high tension, he retained perfect control of himself from the moment he took the stand until he was excused and stepped down for the day at 3 o'clock, at which time Attorney Hawley confessed himself worn out and asked that an adjournment be taken.

Orchard's nose never for a moment swerving questions and narrating the bloody details of his first participation in crime in north Idaho in low, but easy, confident tones said to be characteristic with him. His manner was easy and his gaze steady in any direction that claimed his attention. When he told of how he trailed and killed Lyte Gregory there was a steely glint in his eye. He did not at any

ORCHARD FATIGUED BY THE ORDEAL

SENT TO JAIL FOR CONTEMPT

Indicted Secretary of Uncle Sam Oil Company Must Serve Three Months.

Sensational Affidavit Filed by Tucker Charges Conspiracy Between Federal Judges Pollock, McPherson and Phillips and the Standard Oil Co.

LEAVENWORTH, Kan., June 5.—Judge W. C. Hook of the United States circuit court today sentenced H. H. Tucker, Jr., the indicted secretary of the Uncle Sam Oil company, to serve three months in the Leavenworth county jail for contempt of court. The contempt being a sensational affidavit filed by Tucker alleging a conspiracy between Federal Judges Pollock, McPherson and Phillips and the Standard Oil company out of business. Judge Hook delivered a terrific arraignment of Attorney Albert L. Wilson of Kansas City, who prepared the affidavit. He said the only purpose of filing the affidavit was to create a sensation in the papers and influence public sentiment. Hook declared there was no precedent for such an affidavit, and the clerk of the court was criticized for placing it on file. It was stricken from the files by order of Judge Hook. Tucker commenced serving his sentence tonight. The bankruptcy proceedings were continued until a judge can be found who can sit on the case. Judge Pollock will not preside.

The affidavit alleged that Judge Pollock, Phillips and McPherson went on a fishing trip to Tampico, Mexico, on January 25, 1906, in the private car of Gardiner Lathrop, head of the legal department of the Santa Fe, and strongly intimated that during the trip a conspiracy was entered into between the judges and the Standard Oil company, the claim being made that the Standard and the Santa Fe road were controlled by the same persons. The affidavit further alleged that Pollock made a statement against Tucker and the Uncle Sam company out of court.

Tucker was on the stand two hours and was subjected to a grueling examination by N. H. Loomis, general attorney for the Union Pacific, named by the court to conduct the examination. Tucker attempted to corroborate the charges in the affidavit, but became badly mixed and admitted the affidavit was prepared on hear-say.

The attorneys for the Uncle Sam Oil company asked the court to dismiss the bankruptcy proceedings, stating that Tucker would pay every outstanding debt in five days. Judge Hook refused to dismiss the suit. Tucker will be taken from jail to testify. The present term of court will be continued until adjournment can be secured. Judge Hook returned to St. Paul tonight.

CONFERENCE CALLED. WASHINGTON, June 5.—A conference to determine whether civil or criminal action of any action at all shall be taken by the government against E. H. Harriman and the railroads controlled by him as a result of the investigations of the interstate commerce commission, will be held at the White House Friday. The president is anxious that some conclusion may be reached before he leaves the city for the summer, next Wednesday.

FOUR DROWNED BY BOAT CAPSIZING

Overloading of Frail Craft on Wunder Lake in Nebraska Cause of Disaster.

O'NEIL, Neb., June 5.—A fishing party had a sad and tragic ending at Wunder Lake, eight miles southeast of Papio, the first station east of O'Neil on the Great Northern railway today. Four persons were drowned by a boat capsizing. The boat, CLINTON SAMSON, aged 44 years, MORRIS RAMSON, aged 20 years, MRS. BLANCHE TRACY, aged 20 years, MISS ALICE DUNN, aged 20 years.

A party of about 20 people living in the vicinity of Papio went to the lake in the forenoon to spend the day fishing. The accident occurred at noon, when a boat load of six persons started out on the lake and went down only about 20 feet from the bank. Two of the party, Mrs. Samson, wife of the man drowned, and H. W. Tracy, husband of one of the women, were gotten out by the aid of fish poles. The bodies of the drowned were fished out with hooks and lines shortly after they sank. The coroner's inquest found that overloading the boats caused the tragedy.

ARREST OF INDIAN POLICE

North Idaho Man Objects to Having Fences and Buildings Destroyed.

DEFENSE PILING UP EVIDENCE

Mass of Testimony at Moscow to Controvert the Government's Witnesses.

Robnett Takes the Stand and Gives Full Details of His Timber Land Transactions—Ruick Fails in Every Attempt to Shake Stories of Witnesses

(Special Dispatch.)

MOSCOW, June 5.—Today in the federal court witnessed a repetition of yesterday's work on the part of the defense in the land fraud cases in piling up a formidable mass of testimony in contradiction of the government's case and the efforts of United States Attorney Ruick to "break" through at any point most with signs of defeat. C. W. Robnett was the leading witness of the day. He is a bookkeeper of the Lewiston National bank and was convicted last fall on a subornation of perjury charge. It had been repeatedly asserted since the first indictments were returned in the land fraud cases by the government reports or allies in the prosecution that Robnett was but an agent or tool of W. F. Kottenbach and George Kester and the Lewiston National bank, that for this reason he did not take the stand last fall in his own case and that the government believed he would turn state's evidence. The reports had been so industriously circulated as to almost fix them as probable facts in the minds of the public. Robnett went into the fullest detail of all his timber transactions involved and stated that at no time and under no circumstances was either Kottenbach, Kester or the Lewiston National bank ever associated with him, that he was acting independent and upon his own resources entirely. He further testified that when he was advised by an attorney that he had entered into an agreement with Joel H. Benton and Mrs. Mary J. Harris relative to acquiring homestead tracts which was against the law, he so advised them and withdrew from the deal.

After Robnett had furnished his story United States Attorney Ruick could not by statement, writing or the fullest latitude of cross-examination successfully controvert a single part of the evidence given. Robnett made a frank, clear witness.

Robnett's testimony was corroborated by that of Curtis Thatcher of Lewiston, who financed his transactions, and each entirely dissociated W. F. Kottenbach or the defendants with the entries which have been so conspicuous in the evidence.

GREAT POWER COMPANY FILES ITS ARTICLES

lates Events That Cause Strong Men to Gasp for Breath—Brutal Murders and Attempts to Kill—Haywood Noticeably Greatly Affected.

For three hours yesterday in the district court room, Albert E. Haysley, alias Harry Orchard, alias Thomas Hogan, alias Dempsy, alias Green, alias—how many other names the man himself cannot remember—sat in the witness chair and recited what is probably the most sensational story of brutal, revolting series of crimes that any jury in a criminal case in America has ever been compelled to listen to. Those crimes, Orchard publicly charged had been committed at the inspiration and for the pay of the leaders of the Western Federation of Miners.

Many times during the examination of Orchard by James H. Hawley, leading special prosecutor for the state, the attorneys for the defense interrupted with objections to the testimony, claiming that the crimes to which Orchard confessed were far removed from the jurisdiction of the defendant, that some of them were committed before Haywood was an officer of the federation. But none of Orchard's story was omitted. The court constantly ruled against the objections upon repeated statements by the prosecutors that they would in good time legitimize the testimony by later proof connecting Haywood and his co-defendants with the crimes alluded to. The floodgates were thrown open and throughout his time on the stand Orchard went from crime-recital to crime-recital, each succeeding one seemingly more revolting than the one which came before.

The story was told to a tense, nervous, rigid, gaping-mouthed crowd that gazed with staring eyes and almost labored breath at every move and gesture of the witness. While it could be

He told of the assisting to place a dynamite bomb in the snail or the Vindicator mine, which finally exploded, killing McCormick, mine superintendent, and Mel Beck, shift boss, and said Haywood later in Denver paid him \$300 for doing the job.

He told of how he had shot down Lyte Gregory, a detective for the Mine Owners' association, with three shots, as the victim was entering an alley in Denver and said he did the 'work' upon request of the officers of the Western Federation of Miners.

He told of how Steve Adams and himself had pulled a wire which exploded powder mines under the Independence depot, causing an explosion which killed 12 or 14 persons.

He told of how himself and Adams tried for three weeks to assassinate Governor Peabody of Colorado by direction of Haywood and Moyer.

He told of how he had been sent to San Francisco to kill the emmy of the federation officials. He told how he first attempted to poison Bradley by putting strychnine in milk delivered at his home and later constructed a bomb and hung it on the door, the explosion of which blew in the entire front of the house and severely injured Bradley.

Orchard will continue his story from where he left off at the opening of court this morning.

discovered that Orchard's nerves were drawn to a high tension, he retained perfect control of himself from the moment he took the stand until he was excused and stepped down for the day at 3 o'clock, at which time Attorney Hawley confessed himself worn out and asked that an adjournment be taken.

Orchard's eyes never for a moment lost their brilliancy. As he approached the stand he seemed for a moment to lose some of his physical control. He reached for the arm of the chair in a sort of indefinite way. His face was mottled and he was plainly nervous.

At first he seemed to have some trouble in finding his voice, but very soon he recovered and was soon answering questions and narrating the bloody details of his first participation in crime in north Idaho in low, but easy, confident tones said to be characteristic with him. His manner was easy and his gaze steady in any direction that claimed his attention. When he told of how he trailed and killed Lyte Gregory there was a steady glint in his eye. He did not at any time assume a bragging manner. He recited what he claimed to be facts in a very simple, commonplace way. His only fault in his testimony was that he talked too low to be understood any distance from the stand and it was necessary several times for the stenographers, attorneys and the court to admonish him to speak louder.

Crimes Related by Orchard.

Orchard confessed that, as a member of the mob that wrecked the Bunker Hill & Sullivan mine at Gardner in 1899, he lighted one of the fuses that carried fire to the giant explosion; he confessed that he set the death trap in the Vindicator mine, in the Cripple Creek district, which snuffed out the lives of Superintendent McCormick and Shift Boss Beck; he confessed that because he had not been paid for his first attempt to blow up a gang of "scab" miners at the Vindicator mine, he had turned traitor to those who employed him by warning the managers of the Cripple Creek & Florence railway of a plot to wreck one of their trains.

Orchard confessed that he fired three charges of buckshot in murdering Lyte Gregory, a detective in Denver; he confessed that for days the station at Independence, other witnesses of which killed instantly a dozen or 14 people; he confessed to an attempt to poison Fred G. Bradley at San Francisco—an attempt which failed—after which he attempted to kill Bradley with a self-made gas pipe bomb.

And Orchard has still more brutal crimes to tell about. It is said, when he goes upon the stand again today, he is expected to tell of his own and the connection he alleged the defendant and co-defendants had with the murder of former Governor Steunenberg.

Dramatic Appearance.

Orchard's entry into the court room was woezier than had been expected or planned by the attorneys for the prosecution. He was called soon after five preliminary witnesses had testified regarding signatures on hotel registers of T. Hogan, Simmons, and J. L. Stimpkins in Nampa, Silver City and Caldwell. Orchard's entry was very dramatic. After the first witness had been disposed of Senator Barab announced that the next witness would arrive within a few moments. There was a wall of silence for a moment. The crowd was not slow in realizing that Orchard was about to be brought in and in keen expectancy watched the two doors of the room. The silence was suddenly broken by the deep, hoarse voice of Attorney Hawley. "Call Harry Orchard."

Instantly, at Hawley's signal, the door leading to Judge Wood's private office opened and Deputy Tax Hornet entered. Following him came Or-

(Continued on Page Six.)



Orchard as He Appears on Witness Stand.

ORCHARD FATIGUED BY THE ORDEAL

Excellent Physical Condition. However, Assists in Speedy Recovery.

His Testimony for State to Be Completed Today—Will Tell All About the Steunenberg Assassination—Cross Examination to Be Thorough.

After court adjourned yesterday afternoon, Harry Orchard, well protected by regular and special officers, was taken to the office of James H. Hawley, where he had pined the previous night. He was kept there until 5 o'clock, when he was taken in a hack to the penitentiary where he spent the last night. On the seat with the driver sat Warden Whitney with a loaded gun in his hands and in the hack with Orchard were three guards who were also armed. Behind the back of the penitentiary, conveying other armed guards followed within a few yards. The trip to the state prison was uneventful.

It was stated that while Orchard had wonderfully stood the ordeal of testifying, he was completely worn out at the time court adjourned. His nerves had been strenuously tested and when he left the stand and the tension was released a reaction set in. His features plainly showed his fatigue and the result of the strenuous he had gone through. His excellent condition of health, it is said, caused him to quickly rally and there were no doubts expressed about his ability to appear in court this morning to continue his sensational story.

Great interest that ever, if possible, will be centered in that portion of Orchard's confession, or testimony, which will be given today for the reason that it is expected he will get down in recital of the events leading directly to the plot he took and the parts he played the defendant and co-defendants took in the murder of former Governor Steunenberg.

If all goes as planned Attorney Barab stated last evening that the state would have all of Orchard's testimony by noon or shortly after noon today. Mr. Richardson will then commence the cross-examination and this part of the case will probably be the most interesting part of all. Mr. Richardson will give no tip as to how extensive the cross-examination will be, but it will be thorough and complete. It is certain that the Den-

(Continued on Page Four.)

in the papers and influence a sentiment. Hook declared there was no precedent for such a trial and the clerk of the court was criticized for placing it on file. It was stricken from the files by order of Judge Hook. Tucker commenced serving his sentence tonight. The bankruptcy proceedings was continued until a judge can be found who can sit on the case. Judge Pollock will not preside.

The affidavit alleged that Judges Pollock, Phillips and McPherson went on a fishing trip to Tampico, Mexico, on January 26, 1906, in the private car of Gardner Lathrop, head of the Standard Oil Co. of the U. S. and strongly intimated that during the trip a conspiracy was entered into between the judges and the Standard Oil company, the claim being made that the Standard Oil Co. and its interests were controlled by the same persons. The affidavit further alleged that Pollock made a statement against Tucker and the U. S. Standard Oil Co. at court.

Tucker was on the stand two hours and was subjected to a grueling examination by N. H. Loomis, general attorney for the Union Pacific, named by the court to contest the examination. Tucker attempted to corroborate the charges in the affidavit, but became badly mixed and admitted the affidavit was prepared on a heat-say.

The attorneys for the U. S. Oil company asked the court to dismiss the bankruptcy proceedings, stating that Tucker would pay every outstanding debt of the U. S. and Hook would be dismissed from jail to testify. The present term of court will be continued until adjournment can be secured. Judge Hook returned to St. Paul tonight.

WESTERN FURNITURE DEALERS INDICTED

PORTLAND, June 5.—In the district court of the United States today indictments were returned against 150 furniture dealers in Oregon, Washington, Idaho and California for alleged violation of the Sherman anti-trust law. The list includes practically every manufacturer and jobber of furniture in the states named and a large number of retail dealers. The indictments involve members of the Oregon Retail Furniture Dealers' association, the Northwest Furniture Dealers Protective association, the Portland Retail Furniture association, the Lewiston Idaho Furniture club and individual members of the California Furniture Dealers association.

Included in the indictment are the names of 80 Portland corporations and individual dealers, three of San Francisco, three of Seattle, Tacoma, nine of Salem, five of Baker City, seven of Pendleton, seven of Eugene, nine of Lewiston, Ida., and others scattered over Oregon and Washington.

SLAYERS OF BARILLAS SENTENCED TO DEATH

CITY OF MEXICO, June 5.—12:30 a. m.—Florence Morales and Bernardo Mora, were found guilty last night of murdering General Barillas, former president of the republic of Guatemala in this city on the night of April 7 last.

Upon the announcement of the verdict the two defenders of the assassins asked for clemency, citing the provision for 20 years' imprisonment. The court took the matter under advisement for 10 minutes and returned, pronouncing the death sentence.

Bonus for Smelter Men.

HELENA, Mont., June 5.—Manager F. M. Smith of the east Helena smelters, of the American Smelting & Refining company, today announced that beginning June 1, employees will receive under certain conditions, a bonus of 20 per cent yearly on their earnings.

King to Visit Ireland.

LONDON, June 5.—Official announcement is made tonight that King Edward and Queen Alexandra will visit Ireland early in July. The news was caused by the fact that the Irish republic is common property.

Seaman to Go Back.

PARIS, June 5.—The national committee of the French union voted tonight in Marseilles in favor of resuming work tomorrow and this decision was at once telegraphed to all ports.

by a boat carrying "The Iowa" CLINTON SAMSON, aged 34 years. MORRIS SAMSON, aged 30 years. MRS. BLANCHE TRACY, aged 30 years.

MISS ALICE DUNN, aged 20 years. A party of about 30 people living in the vicinity of Lake went to the lake in the forenoon to spend the day fishing. The accident occurred at noon, when a boat load of six persons started out on the lake and went down only about 20 feet from the bank. Two of the party, Mrs. Samson, wife of the man drowned, and H. W. Tracy, husband of one of the women were gotten out by the aid of fish poles. The bodies of the drowned were fished out with hooks and lines shortly after they sank.

The coroner's inquest found that overloading the boats caused the tragedy.

ARREST OF INDIAN POLICE

North Idaho Man Objects to Having Fences and Buildings Destroyed.

(Special Dispatch) LEWISTON, Ida., June 5.—What bids fair to become a celebrated case involving the rights of the state of Idaho and the federal government comes from the Clearwater country near Spaulding. Joe Ziver, whose fences and buildings were destroyed at the order of Indian Agent Lipps by four Indian police has had four police arrested for malicious destruction of property. The case was brought up here yesterday but postponed until June 22.

For generations the Indians have had a drift wood boom on a certain piece of land near Spaulding. When the treaty between the government and the Indians was made it was the intention to reserve this parcel of eight acres. Joe Ziver took a homestead near there and claims the land as part of his. The case was before the department and Ziver was ordered to vacate. His refusal and Agent Lipps last week took the Indian police and tore his fences and buildings down.

BODY OF MISSING WOMAN DISCOVERED

MINNEAPOLIS, June 5.—The body of Mrs. Catherine McCarr, who lived in Minneapolis, and who has been missing since May 24, was found yesterday by detectives, in an abandoned well on the farm of George Kettlebach, a few miles out from the city. The woman's head had been crushed and the body was partly clothed.

Kettlebach, owner of the farm, is a brother-in-law of the dead woman and all last night guarded the house in which he had barricaded himself. Soon after the woman disappeared Kettlebach gave a statement that the woman came to his house on May 24 and left for her farm two miles away. Later Kettlebach said the woman probably had been devoured by wolves.

GUATEMALA TO EXECUTE TWELVE OF NINETEEN CONDEMNED MEN

MEXICO CITY, June 5.—According to a telegram received in this city tonight, 12 of the 19 men condemned to death by court martial proceedings because of an alleged attempt on the life of President Cabrera of Guatemala, will be executed. Eleven of these men are Guatemalans. One of the Mexicans accused, Jose Mendosa, was exonerated. The other Mexican implicated, Naxosa, was sentenced to 15 years imprisonment. Two of the Italians charged with complicity in the attempt were sentenced to 12 years imprisonment each.

Of the other foreigners on trial one, a Spaniard, will be executed. The dispatch characterizes the condemned men as honorable and innocent victims of a revolution. At the state department no comment was made on the action of the revolution court.

by the government reports or alleged in the prosecution that Robnett was but an agent or tool of W. F. Kettner and George Kester and the Lewiston National bank, that for this reason he did not take the stand last fall in his own case and that the argument believed he would turn state's evidence. The reports had been so industriously circulated as to incite folk to make probable facts in the minds of the public.

Robnett went into the fullest detail of all his timber transactions involved and stated that at no time and under no circumstances was either Kettner or Kester or the Lewiston National bank ever associated with him, that he was acting independent and upon his own resources entirely.

He further testified that when he was advised by an attorney that he had entered into an agreement with Joel H. Benton and Mrs. Mary J. Harris relative to acquiring homestead tracts which was against the law, he so advised them and withdrew from the deal.

After Robnett had furnished his story United States Attorney Ruick could not by alibiing or writing the fullest latitude of cross-examination successfully controvert a single part of the evidence given. Robnett made a frank, clear witness.

GREAT POWER COMPANY FILES ITS ARTICLES

DENVER, June 5.—Articles of incorporation were filed today with the secretary of state here for the Utah-Nevada Power company with a capital of \$7,500,000 by Orlando B. Willcox, Horace G. Lume, D. B. Ellis, L. B. Johnson, George H. A. Frazer, W. A. Reed, Charles J. Hawthorne and J. C. Darling.

The company is an auxiliary of the gigantic central Colorado Power company, which has a capital of \$23,000,000. The Utah-Nevada company today proposes to furnish electric power to the mining districts, cities, towns, etc. in Utah, Nevada and Idaho.

MAJOR R. E. TURNER TO RETURN TO BOISE

(Special Dispatch) WASHINGTON, June 5.—Major Hobson E. Turner, Eighth Infantry, is relieved from duty in this city and will return to his station at Boise.

Rural free delivery route No. 1 has been ordered established August 1 at Malad City, Owyhee county, serving 350 people and 80 families.

DETERMINED TO DIE.

SALT LAKE, June 5.—After three futile attempts to have himself run over by a locomotive, W. C. Risdon, a nomadic railroad man, committed suicide this afternoon by placing his head under the wheel of a moving truck. His neck was broken. Risdon's unsuccessful attempts were made in the Rio Grande railroad yards. On each occasion the engines were stopped before it touched the man and he was ordered from the yards by the switchman.

quest that the state procure measurements to be made during the ensuing season under the direction of the state engineer, the professor of engineering in the state university and such other competent persons as may be designated, and that a public record, to be kept at the state engineer's office, be made of these measurements."

The communication suggests that the measurements be made by more than one person in order that their accuracy may be unquestioned. The letter says that the state should have correct information so there would be no over sale of water rights.

The state land board ordered sales to be made of state land in Oneida, Bear Lake, Bannock and Bingham counties.

The state engineer was requested to make written report on the Mullen's canal in Lincoln county.

EMMETT PHYSICIAN DIES IN BOISE

Dr. R. M. Fairchild Taken by Disease of the Brain—Deceased Well Known.

Dr. R. M. Fairchild, of Emmett, who was brought to St. Luke's hospital in this city last Saturday morning in a serious condition from the effects of an attack of endo-arteritis affecting the brain, died at the institution at 11 o'clock last evening in spite of the efforts of medical science to combat the onslaught of the disease. The patient shortly after admission to the hospital presented symptoms of cerebral thrombosis and became unconscious, from which condition he failed to rally and death ensued.

Dr. Fairchild, who was a Scottish Rite mason and a member of the order of Elks, was 54 years old. He was well known in Boise where he had practiced his profession for ten years from 1890 to 1900, being associated with Dr. W. D. Springer. He was a native of Ontario, Canada, having taken his degree at Trinity university, Toronto. He came to Boise in 1890. In 1900 he took charge of the Miner's hospital at DeLamar but relinquished that position after two years to go to Placerville where he remained until August, 1906, when he finally located at Emmett. In the short period he was in the latter place he succeeded in building up a fine practice and was a very busy man up to the time of his being attacked with the illness which caused his death.

The deceased is survived by his wife, formerly Miss Minnie Sheetz, a sister of Mrs. George H. Stewart, and one son, Jackson, by his first wife. The boy is now attending school at Corvallis, Ore.

Dr. Fairchild has two brothers, C. C. Fairchild, M. D., of Placerville, and Harry A. Fairchild, of Bellingham, Wash., arrived in Boise Sunday and will remain to assist in the preparations for the funeral.

DEPUTY HORTICULTURAL INSPECTORS APPOINTED

tomorrow evening, the successful four in each class to appear at the public contest Thursday evening, June 13, at the high school auditorium:

Dramatic.
 Marguerite West
 King Robert of Sicily.
 Harriet Pierson
 The Sioux Chief's Daughter
 Virginia Dunlap
 Signing the Declaration
 Ruth Knights
 Castle Scene from Ivanhoe
 Margaret Mann Sister and L.
 Lenna Boyd United in Death
 Mildred Bartholomew
 Mother's Sermon.

Humorous.
 Adeline Wahldahl
 Peter Sorghum in Love
 Edith Hinkley
 Dicky and the Danceling School
 Margaret Stolle Red Riding Hood
 Marie Smith Automobile Ride

Oratorical.
 Oliver Price Independence of Cuba
 George Devaney, Toussaint L'Overture
 George Jackson
 Nomination of Grant
 Horace Chamberlain
 Unknown Speaker
 Wylie Leighton Citizenship
 Earl Bennett The New South

ORCHARD FATIGUED BY THE ORDEAL

(Continued From Page One.)

ver attorney will use all the arts and methods he is master of to get the state's chief witness to contradict many of the statements he made on direct examination. Much interest is manifested in how strong or weak Orchard may prove to be under the cross-examination.

After the testimony of Orchard is all in it is the program of the state to introduce what evidence it has of a corroborative nature in regard to Orchard's statements. Then will come the statement of the case for the defense's side and the introduction of witnesses in Haywood's behalf. Six weeks is not deemed far off as a prediction as to the length of time it will take to finish the trial proceedings and turn the matter over to the jury for a verdict.

NEWS OF PUBLIC RECORD

Real Estate Transfers.

W. D.—John C. Webb to Sheldon Cook, \$1,600. Lots 1 and 2 and N. 80 feet of 3 and 4 block 3 Rounseville tract.

W. D.—Henry Dorman to W. L. Cuddy et al, 1. Strip 25 feet wide along East side of S. W. ¼ of N. E. ¼, section 24, Township 4 N., Range 1 W.

W. D.—Oliver Strickley to J. F. Waterman et al, \$1,000. Lots 4 and 5 and N ½ lot 3, block 5. Rosedale 2nd filing.

W. D.—Frank Brokaw to Henry Pitcher, \$4,600. Part of N. E. ¼ of section 5, township 3 N., range 1 E.

W. D.—John P. Richards to Rush D. Rose, \$200. Lot 20, Cyr's subdivision.

W. D.—Frederick J. Sniveley to G. W. Surman, \$4,500. Lot 8, block 60, Boise.

If not at your dealer's, write our new circular.

THE Rayo Lamp

round household of brass throughout and beautifully nicely constructed; absolutely safe; unlight-giving power; an ornament to Every lamp warranted. If not at your write to our nearest agency.

CONTINENTAL OIL COMPANY
 (Incorporated)

How Good Food may Turn to Poison.

DECAY is not digestion, you know, even when it takes place in the stomach.

Food decayed in the body after being eaten is as dangerous to health as food decayed before being eaten.

Food nourishes or poisons, just according to how long it remains in the Bowels undigested.

* * *

Most of the Digestion occurs in the thirty feet of intestines.

They are lined with a set of little mouths, that squeeze Digestive Juices into the Food eaten.

The Intestines are also lined with millions of little suction pumps, that draw the Nutrition from Food, as it passes them in going through.

But, when the Bowel-Muscles are weak, the Food moves too slowly to stimulate the little Gastric Mouths and there is no flow or too little flow of Digestive Juice, to change the food into nourishment.

Then, the food decays in the Bowels, and the little suction pumps draw Poison from the decayed Food, into the blood, instead of the Nutrition they should have drawn.

* * *

Now, Cascarets contain the only combination of drugs that Stimulates these Muscles of the Bowels and Intestines just as a Cold Bath, or open-air Exercise, stimulates a Lazy Man.

Cascarets therefore act like Exercise.

They produce the same sort of Natural result that a Six Mile walk in the country would produce without any injurious Chemical effect.

The Vest Pocket Cascaret Box is sold by all Druggists at Ten Cents.

Be sure you get the genuine, made only by the Sterling Remedy Company, and never sold in bulk. Every tablet stamped "CCC."

749

DIAMONDS

ORCHARD TELLS OF LONG SERIES OF MOST REVOLTING CRIMES

(Continued From Page One.)

chard, dressed in a natty, new, light gray suit. Behind Orchard trailed a guard from the penitentiary and two special deputies made up the rear. Following Beemer, Orchard, standing erect, with eyes glued to the floor, passed directly behind the man whose life he was about to jeopardize, outside of the rail and around to the witness chair. Orchard, when just behind the chair, without any instructions, stopped, looked toward the standing clerk of the court and raised his hand to take the oath as a witness. He then took the chair and Beemer and the guard from the penitentiary took waiting seats one on each side of the witness and about two feet behind him.

Haywood's one eye was fixed on Orchard from the moment he appeared in range until after he had taken his seat. There was upon Haywood's face a look of intense hatred and his lip was curled in scorn. A moment and Orchard glanced that way. The eyes of Orchard and the one eye of Haywood met. For a moment Orchard's face flushed, but he did not remove his gaze. For several seconds the two men seemed to be trying to stare each other out of countenance. What worlds of thoughts flashed through the brains of each in that moment will never be known. Orchard's gaze was unflinching. It was as if he was being challenged. In a moment Haywood dropped his gaze to his lap; Orchard had accepted the challenge. Then the troubled, anxious look returned to Haywood's face and it deepened and deepened as Orchard's terrible story was unfolded.

On numerous occasions Orchard was interrupted by Mr. Richardson who asked answers to be repeated of interested questions of his own. On each occasion Orchard met Richardson with a fearless, frank gaze and answered promptly, in an even, unchanged voice, immediately returning his gaze to the direction of Mr. Hawley when through speaking to Richardson.

Haywood's Relatives Present.

Haywood's mother, Mrs. Carruthers of Salt Lake, and her daughter sat beside the prisoner and his invalid wife in the court room yesterday. Mrs. Carruthers is a handsome woman of middle age and her daughter a very pretty girl of about 20. The prisoner's two daughters were absent in the morning but were there in the afternoon. Mrs. Carruthers paid very close attention to all the proceedings and not once was there any expression upon her face to indicate any anxiety or worry. She exchanged words often with her son and her mother's wife and each time a whispered conversation took place her face was wreathed with loving, motherly smiles with no indication of sorrow or of care. Her presence seemed to have a great effect in cheering up the prisoner.

During Orchard's testimony Haywood was most of the time closely wedged in between his two leading attorneys and at times talked excitedly to one or the other of them. The two attorneys were, one or the other, almost constantly engaged in rising to their feet for the purpose of making objections and noting exceptions.

During the testimony of Orchard Haywood held a small note book in which at intervals he appeared to be making notes. These notes he occasionally showed to his wife and mother and to his attorneys.

Suspicious Characters Searched.

At the morning session something of a sensation occurred among the special deputies when Deputy Bostwick on the door was informed by another that a suspicious looking man had slipped into the court room with a good-sized bundle wrapped in oil cloth under his coat. The man was pointed out to Bostwick and was immediately haled out of the room and to a side room used by attorneys. Sheriff Hodgins was summoned and informed of the suspicions. The bundle was taken from the man and examined and was found to be nothing more than a soiled pair of overalls neatly wrapped up. The man had no weapons in his pockets. He said he had just come in from a sheep camp and had come to the court house out of curiosity. His bundle was left outside but he was allowed to go into the court room to hear the

to the signature. The page was marked at exhibit "H." The defense moved to strike out the evidence. The motion was denied and an exception taken.

Knew Simpkins' Writing.

C. H. Wentz, a bookkeeper of the Federal Mining company of Wardner, Idaho, was next called. He had known L. J. Simpkins for eight years. He was handed state's exhibit "A" and asked if it was a likeness of Simpkins. Wentz said:

"It is a very good picture of him. Wentz said he had given Simpkins writing lessons and knew his signature very well. He identified the signatures in the various hotel registers one by one.

The defense, through Richardson, entered objections to each identification and took exceptions when each objection was overruled. There was no cross-examination.

Guy Feight of Nampa, who lived in Caldwell at the Pacific hotel in the fall of 1905, was called. He saw Hogan at that hotel in November of that year and also saw another party with him. Feight had talked with the man. He identified state's exhibit "A" as a likeness of that man. No cross-examination.

The usual motion of the defense to strike out the testimony was denied and an exception taken.

When Feight was excused Mr. Borah announced that the next witness for the state would be present within a few minutes.

Intense Excitement.

Immediately there was intense excitement in the court room, the report quickly spreading that Orchard was the man next expected in the witness chair, the crisis of the case being reached with his testimony—the testimony of the confessed slayer of Steunenberg and the accuser of Haywood, Moyer, Pettibone and Simpkins, the latter of whom has never been apprehended.

The wait of five minutes seemed like so many hours. Orchard had spent the night in Boise and had been sent for. Finally, to relieve the strain and restlessness in the court room, came the loud voice of Hawley for the state saying:

"Call Harry Orchard."

Hardly had the words left his mouth when Orchard appeared at the door leading from the prison section of the building. He was attired in a natty gray suit and walked with a firm step. He was preceded to the witness chair by Deputy Sheriff "Ras" Beemer, and was followed by a guard from the state penitentiary. Orchard had to pass directly in the rear of Haywood and his family. His eyes were cast down.

Arriving at the elevated witness stand, Orchard stood for a moment with uplifted hand while the clerk administered the oath.

"Where do you reside?" asked Mr. Hawley, taking up the examination at once.

Orchard did not seem prepared for just this question and hesitated a moment. Finally, in almost an inaudible tone he said that he was confined in the state penitentiary.

"Speak up, Mr. Orchard. The court must hear you," said Senator Borah. "Are you charged with any crime?" asked Hawley.

The prisoner turned his glance for a moment toward Haywood and then said:

"I am charged with the murder of Frank Steunenberg and am awaiting trial."

Orchard's True Name.

"I was born in Northumberland county, Canada, in 1866 and am therefore 41 years old," went on the witness, in answer to Hawley's questions. "Harry Orchard is not my true name. I have gone by that name for about 11 years. My true name is Albert E. Hovaley. I came to the United States in 1896, first to Spokane, where I remained a week. I went to Wallace, Idaho, in March or April, 1896. I first worked for Markel Brothers driving a milk wagon and remained there until about Christmas, 1896. I then went to a wood and coal yard in Burke and was engaged in that business until the spring of 1899, on my own account for two years. In 1898 I sold a half interest in the business to Mr. McAlpine. My business in Canada was making cheese. I sold all of my interest in the woodyard and went to work in the mine in March, 1899. I went to work at mucking and con-

testimony. He said no act of the Burke miners' union was an act for which Haywood could be held responsible. He said Haywood was not an officer of the Western Federation of Miners until a year after the time to which Orchard was referring.

Orchard said the meeting was for the purpose of arranging to go to Wardner to blow up the Bunker Hill mill and hang its superintendent.

Richardson again objected and wanted to know the theory by which the state would show that Haywood could be held responsible. Mr. Borah said the state hoped to show that Haywood had knowledge of all that happened in the Coeur d'Alenes, that he afterward accepted an office and became a partisan, that he sympathized with those who took part in the crimes and retained an enmity against Governor Steunenberg for the part he took and therefore became a party to the conspiracy to kill him.

Richardson said it was sufficient, in his mind, to show Haywood's animosity at the time he entered into the conspiracy. He said it was not necessary to cover the whole field.

The court said the prosecution would be permitted to show what the conditions were in the Coeur d'Alenes but said that the details should not be gone into deeply. The defense asked its exceptions to be noted. Orchard continued:

Tells of the Plot.

He said the secretary stated that arrangements had been made to cut the telegraph wires and seize the trains. The Gem union members, he said, would meet them and the whole bunch would go on over the O. R. & N. to Wardner. He said a vote was taken on carrying out the plan and it was carried by a small majority and after it carried nearly every man in the union went. The train was made up of passenger cars, freight and box-cars. Paul Corcoran, he said, was one of the men who took charge of the train. At Gem 40 or 50 50-pound boxes of powder were taken from the magazine.

Here the court instructed the prosecution to cut out the details.

Orchard said they went on to Gem and finally backed down to the magazine and got a lot more powder. Then he said they went on to Wallace, where the Wallace union joined the forces. There were then about 1000 men in the crowd. He said those who had long guns were formed in line and went up on the hill to fire on the Bunker Hill mine to see if they could draw fire. The powder was taken off the train and placed about the mill in three different places. Orchard said he lit one of the fuses. The boarding house had already been set on fire. After the mill was blown up he said they all got on the train and went back as far as Wallace when they disbanded.

Two men were killed, he said. He saw one man by the name of Smith. He didn't see the other.

The following morning Orchard with other Burke miners went back to work as usual and conditions remained that way for four or five days.

Orchard said it was four or five days before the United States troops came in. He said he stayed until the first troops arrived.

Richardson objected when Hawley asked if Steunenberg's name had been mentioned in the meeting of the Burke miners. He was overruled.

Orchard said that Corcoran stated the governor would not interfere. All they had to look out for were the federal authorities. W. F. Davis, Orchard said, was really the leader of the raid on the mill at Wardner.

Orchard left Burke and went to Thompsons Falls and then to Missoula, where he stayed two days, and then went to Bitter Root valley.

Went to See Boyce.

He then went to Butte, Montana, where Edward Boyce, then president of the Western Federation of Miners, lived. He said he saw Boyce and got a withdrawal card from the Burke union so he could get in another union. He then went to Salt Lake and then to the mining town of Bingham, where he worked in the Ben Butler mine and on a prospect until July of the same year. Then he went to Salt Lake and got a job at Little Cottonwood, working in a mining shaft. He then went to work at the St. James mine. Orchard said he was in the Utah mining country until November of 1900. Then he went to San Fran-

the gun into a lot of giant powder caps and explode the powder.

He thought it had been placed on the seventh level, but by mistake got it on the sixth level. The contrivance did not work until about a week later at which time the mine superintendent, McCormick, and Shift Boss Beck were killed. Right after the explosion Orchard said he met Parker and Davis at the Victor union hall. He said they talked the matter over some. Orchard said he wanted to get some money as he was broke and Parker and Davis told him they would have to go to Denver, "to headquarters," to get money.

He said that Parker and Davis agreed to pay him some money the next day, but on the next day, he said, Parker and Davis were arrested and Orchard did not see any of them for some time later.

First Meets Haywood.

Easterly, who had been released on habeas corpus, went to Denver and Orchard said he followed. Orchard said he went alone to the headquarters of the Western Federation of Miners and met Haywood and Moyer. They said they knew him by reputation through Easterly. Moyer asked him if he wanted any money. Orchard said he didn't want any from them but was looking for Easterly. Orchard said he told Haywood and Moyer all about the explosion at the Vindicator mine and Haywood had called it "a mighty good job."

Orchard said Moyer gave him \$20 and Haywood later asked him how much he wanted when he got ready to go back to the Vindicator mine, and he told Haywood he wanted at least \$300. He said Haywood paid that amount to him for blowing up the Vindicator mine and that he then returned to Cripple Creek under instructions from Haywood and Moyer to see what could be done toward blowing up some of the other mines. During the next month, Orchard said, he made a couple of dynamite bombs, assisted by a man by the name of Barnes, a member of the union there. One of the bombs he said was given over to another man to use but he never knew what was done with it.

Orchard said he finally returned to Denver where he met Haywood. He thought this was in January of 1904. He said that Haywood and Moyer told him to "keep quiet up there," meaning Cripple Creek, until after the trials of Parker and the others. They were still under arrest. Orchard went back to the Vindicator mine.

Sometime in January or February of 1904, Orchard said, he went back to Denver, where he was a delegate at a labor convention called by President Sullivan of the State Federation of Labor. Parker and Davis were still under arrest at this time, charged with the blowing up of the Vindicator and attempt at train wrecking.

The defense objected to any testimony as to the train wrecking, but it was allowed by Judge Wood.

Attempted Train Wreck.

Parker and Davis, Orchard said, told him they were going to wreck a Florence and Cripple Creek train near a curve on the mountain where the train would plunge into a gulch several hundred feet below. Parker said something must be done to scare and kill off the "scabs" who were being taken to the mines and home again over this road. Orchard said Davis told him that if the train was wrecked he thought some money would be forthcoming from Denver.

"I wanted money for what I had already done," continued Orchard. "Parker told me that several of the boys had been doing little things and they all wanted money, but it was hard to get it because nothing big had been pulled off. I decided to tell the railroad people, because I wanted my money. The next day I told D. C. Scott, detective for the railroad company. I told him all I knew about the matter. Scott wanted me to come back again and I did see him again. In the meantime the bomb in the Vindicator mine had finally gone off. Scott sent for me and wanted to know if I knew anything about the explosion. I said I didn't—that I thought it was an accident.

"I met Moyer several times during the trials which followed the explosion. Moyer was attending the trials and said he thought we ought not do anything while the trials were in progress. A man named McKinney testified at one of the trials about a liquid which burned. Moyer told me that

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...or worry. She exchanged words with her son and her son's wife and each time a whispered conversation took place her face was wreathed with loving, motherly smiles with no indication of sorrow or of care. Her presence seemed to have a great effect in cheering up the prisoner.

During Orchard's testimony Haywood was most of the time closely wedged in between his two leading attorneys and at times talked excitedly to one or the other of them. The two attorneys were, one or the other, almost constantly engaged in rising to their feet for the purpose of making objections and noting exceptions.

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Suspicious Characters Searched.

At the morning session something of a sensation occurred among the special deputies when Deputy Boswick on the door was informed by another that a suspicious looking man had slipped into the court room with a good-sized bundle wrapped in oil cloth under his coat. The man was pointed out to Boswick and was immediately halted out of the room and to a side-room used by attorneys. Sheriff Hodgins was summoned and informed of the suspicions. The bundle was taken from the man and examined and was found to be nothing more than a soiled pair of overalls neatly wrapped up. The man had no weapons in his pockets. He said he had just come in from a sheep camp and had come to the court house out of curiosity. His bundle was left outside but he was allowed to go into the court room to hear the proceedings.

Several persons showed up yesterday to see the trial, who had been under surveillance by special officers as suspicious characters for some days. These men were quietly stopped by the deputies and had to submit to being searched before being allowed to enter the court room. No weapons were found on any of them.

It was just 5 o'clock when court convened yesterday morning and immediately after the reading of the minutes and the roll call the court asked for suggestions from counsel regarding hours for holding court.

Judge Wood said the weather was warming up. He wished to hold court at least five hours a day. Richardson suggested 9 to 12 and 2 to 4. Borah suggested 9:30 to 12 and 2 to 4:30. No order was made.

First Witness.

J. M. Brunzell, proprietor of the Grand hotel at Nampa, who ran that hotel in the latter part of 1905, was the first witness called yesterday. He told Borah he remembered a visitor at his hotel in November, 1905, by the name of Thomas Hogan and also a man by the name of L. J. Simpkins. The register of the hotel was produced and a page of the book containing signatures of guests arriving at the hotel on the date in November when these men were there was labeled as the state's exhibit "E." Brunzell testified to the signatures. Another register with T. Hogan's signature under date of September 26 was produced and that page entered as evidence as state's exhibit "F."

These registers were taken over by the attorneys for the defense and Haywood was requested to draw up and look over the pages. He was evidently very much interested in the signatures and talked very earnestly with Attorneys Richardson and Nugent about the signatures. There was no cross-examination.

Antoine Hinky was next called. He was proprietor of the Commercial hotel and testified to the signature of "J. Simmons, Spokane," on his hotel register of the date of November 7. He couldn't recollect Simmons' appearance. A supplemental register of the Commercial hotel, in which on the date of November 11, the name of Thomas Hogan was written.

These pages were labeled as state's exhibits "G" and "H." There was no cross-examination.

Richardson moved that the testimony of the last two witnesses be stricken out. Motion denied. Exception noted.

J. C. Conner, proprietor of the Idaho hotel of Silver City, was next called. He testified to the fact that an L. J. Simpkins had stopped at his hotel on November 4, 1905. His hotel register was produced and he testified

pass directly in the rear of Haywood and his family. His eyes were cast down.

Arriving at the elevated witness stand, Orchard stood for a moment with uplifted hand while the clerk administered the oath.

"Where do you reside?" asked Mr. Hawley, taking up the examination at once.

Orchard did not seem prepared for just this question and hesitated a moment. Finally, in almost an inaudible tone he said that he was confined in the state penitentiary.

"Speak up, Mr. Orchard. The court must hear you," said Senator Borah.

"Are you charged with any crime?" asked Hawley.

The prisoner turned his glance for a moment toward Haywood and then said:

"I am charged with the murder of Frank Steunenberg and am awaiting trial."

Orchard's True Name.

"I was born in Northumberland county, Canada, in 1866 and am therefore 41 years old," went on the witness, in answer to Hawley's questions. "Harry Orchard is not my true name. I have gone by that name for about 11 years. My true name is Albert E. Horsley. I came to the United States in 1896, first to Spokane, where I remained a week. I went to Wallace, Idaho, in March or April, 1896. I first worked for Markel Brothers driving a milk wagon and remained there until about Christmas, 1896. I then went to a wood and coal yard in Burke and was engaged in that business until the spring of 1899, on my own account for two years. In 1898 I sold a half interest in the business to Mr. McAlpine. My business in Canada was making cheese. I sold all of my interest in the woodyard and went to work in the mine in March, 1899. I went to work at mucking and continued at it for a month. I became a member of the Western Federation of Miners as soon as I went to work in the mines."

Orchard said he joined the Burke, Idaho, local of the Western Federation of Miners. This was in the Coeur d'Alene country to Mr. Hawley, giving the railway connections between the different cities and mining camps.

While Orchard testified, Deputy Beamer and his assistant sat on either side of him and about three feet in the rear of the witness stand. When Orchard first came in there was a stir in the court room and several persons started to rise in their places. Half a dozen bailiffs chorused in unison a loud command to be seated.

"State what unusual occurrence there was at Burke on the morning of April 29, 1899?" commanded Hawley of the witness.

"We object to that!" shouted Attorney Richardson for the defense. What occurred in 1899 can have nothing to do with this defendant who was not elected a member of the executive board of the Western Federation of Miners until long after these troubles. Counsel stated yesterday that the rank and file of the federation knew nothing of the workings of the "inner circle."

Hawley said he intended to connect the Coeur d'Alene troubles with the defendant.

"The court," said Judge Wood, "can readily see how this testimony may be material and will overrule the objection."

"Was there any unusual occurrence in Burke in 1899?"

"Yes."

"What month?"

"April."

Mr. Richardson objected to any testimony regarding an "unusual occurrence" in Burke or anywhere else in 1899. Richardson stated that the defendant was not a member of any lodge in the Coeur d'Alene at that time—was not an officer of the Western Federation of Miners.

The objection was overruled.

Riot at Wardner.

Orchard said when he got up on the morning of 23th of April he was told there was a special meeting.

"We object to witness stating what he was told," said Richardson.

The objection was overruled. Orchard was told to continue. He said he got the word at 6 o'clock and attended the meeting two hours later at Burke's union hall.

Another objection by Richardson was overruled and an exception taken.

Orchard said the meeting was called to order by Secretary Paul Corcoran and was about to tell what the object of the meeting was when Richardson objected to the mode of taking

three different places. Orchard said he lit one of the fuses. The boarding house had already been set on fire. After the mill was blown up he said they all got on the train and went back as far as Wallace when they disbanded.

Two men were killed, he said. He saw one man by the name of Smith. He didn't see the other.

The following morning Orchard with other Burke miners went back to work as usual and conditions remained that way for four or five days.

Orchard said it was four or five days before the United States troops came in. He said he stayed until the first troops arrived.

Richardson objected when Hawley asked if Steunenberg's name had been mentioned in the meeting of the Burke miners. He was overruled.

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Orchard left Burke and went to Thompsons Falls and then to Missoula, where he stayed two days, and then went to Bitter Root valley.

Went to See Boyce.

He then went to Butte, Montana, where Edward Boyce, then president of the Western Federation of Miners, lived. He said he saw Boyce and got a withdrawal card from the Burke union so he could get in another union. He then went to Salt Lake and then to the mining town of Bingham, where he worked in the Ben Butler mine and on a prospect until July of the same year. Then he went to Salt Lake and got a job at Little Cottonwood, working in a mining shaft. He then went to work at the St. James mine. Orchard said he was in the Utah mining country until November of 1900. Then he went to San Francisco and stayed two weeks and then went to Bartlett Springs, then to Los Angeles, and then back to Salt Lake, where he worked at a dairy. The next fall he went back to mining in Arizona.

In March, 1902, he returned to Salt Lake, worked two months at Bingham, then a short time in Nevada and then back to Southern Idaho to do some prospecting. He stayed 10 days and then went to Salt Lake, then to Cripple Creek, where he went to work as machine drill operator. After leaving Butte, Orchard said, he did not become affiliated with any lodges of the Western Federation of Miners until he got to Cripple Creek, when he joined the local there, where W. F. Davis was president. He said he worked there four months. Later he worked at Hull City at the Vindicator mine until August 10, 1903. Charles McCormick was superintendent of the mine at the time. One of the shift bosses was a Mel Beck.

On August 10, Orchard said, he went on a strike which continued for nearly a year. During this time the witness said he remained in the vicinity. Some of the mines were working part of the time.

Orchard said that at the time Moyer and Haywood were president and secretary respectively of the Western Federation of Miners. He was not then acquainted with them. He said Davis, Charles Kennis and Sherman Parker were on the strike committee of the Cripple Creek strike. Orchard said there was trouble at the Vindicator mine in which he was interested.

Plot to Kill "Scabs."

Orchard said that Davis formed a plot to blow up a gang of nonunion men and asked Orchard if he would set off the powder to blow them up. Davis, he said, offered him \$200 to do the job. Orchard said he did not accept the offer at first, but asked a man by the name of Scholtz if he would go with him. He told of how they went down to the Vindicator mine and at about midnight entered the mine, exchanged shots with the cager of the mine and got out safely without finding the powder. Later Davis and Parker, he said, asked Orchard to find a plan for placing a bomb in the indicator shaft in such a manner that the guard rail of the cage would explode it. Orchard said he talked with a W. B. Easterly about the matter and the two had tried some experiments with giant powder caps, which were highly satisfactory. Then, he said, Parker offered him \$500 to place the bomb in the mine. He got a man to help him and they collected some materials. They went into the mine and placed the powder and fixed a gun in such a shape that the guard rail of the cage would fire

labor convention called by President Sullivan of the State Federation of Labor. Parker and Davis were still under arrest at this time, charged with the blowing up of the Vindicator and attempt at train wrecking.

The defense objected to any testimony as to the train wrecking, but it was allowed by Judge Wood.

Attempted Train Wreck.

Parker and Davis, Orchard said, told him they were going to wreck a Florence and Cripple Creek train near a curve on the mountain where the train would plunge into a gulch several hundred feet below. Parker said something must be done to scare and kill off the "scabs" who were being taken to the mines and home again over this road. Orchard said Davis told him that if the train was wrecked he thought some money would be forthcoming from Denver.

"I wanted money for what I had already done," continued Orchard. "Parker told me that several of the boys had been doing little things and they all wanted money, but it was hard to get it because nothing big had been pulled off. I decided to tell the railroad people, because I wanted my money. The next day I told D. C. Scott, detective for the railroad company. I told him all I knew about the matter. Scott wanted me to come back again and I did see him again. In the meantime the bomb in the Vindicator mine had finally gone off. Scott sent for me and wanted to know if I knew anything about the explosion. I said I didn't—that I thought it was an accident.

"I met Moyer several times during the trials which followed the explosion. Moyer was attending the trials and said he thought we ought not do anything while the trials were in progress. A man named McKinney testified at one of the trials about a liquid which burned. Moyer told me that we must be careful not to use any of the liquid soon or he might be connected with it."

Moyer said he afterward went with Moyer to the Telluride country in connection with an injunction proceeding which the union took against the citizens to prevent their molesting miners who returned after deportation.

At this juncture of the testimony the luncheon recess was ordered until 1:30 o'clock. Orchard retired in custody of bailiffs and detectives to Hawley's office where a lunch was brought in to him.

Big Afternoon Crowd.

Long before 1 o'clock, crowds began to flock to the court house. The hall upstairs leading to the court room was packed with struggling, perspiring men and women fighting and pushing and pulling for proximity to the door. It was 15 minutes past 1 o'clock when the doors were finally opened and three guards were required to keep the crowd back and from literally tearing the doors from their hinges. A very large proportion of the crowd were women and of course the attraction which called the crowd was the news which had spread that Orchard would be on the stand. The order had been issued that no more persons should be admitted to the court room than could be seated. Nevertheless, a large number were admitted who could not find seats and several hundred were obliged to leave the court house disappointed, not being able to gain admission.

There was some delay in convening court on account of the pressure, and it was 1:40 before court convened.

Haywood was brought in at 1:35 and Orchard followed just after the convening of court. The examination of Orchard was continued immediately.

Orchard told of Moyer's arrest at Duros. He said he went back to Denver, where he had a conference with Haywood and Pettibone at the federation headquarters. He told them of Moyer's arrest. They wanted to know if there could not be some scheme worked up to assassinate Governor Peabody. They said they couldn't get any justice in the courts and decided they would take the law in their own hands.

"Who did the talking?"

"Both Haywood and Pettibone," answered Orchard.

The witness said:

Plot to Kill Peabody.

"They told me where Peabody lived and told me to see if I could get acquainted with his ways. I did that. I spent about a week watching his

(Continued on Page Seven.)

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 ic lb.; deep sea bass, 30c lb.;
 5c dozen; tom cod, 20c lb.;
 rring, 15c lb.; fresh cooked
 25c lb.; shad, 15c lb.
 Per ton, \$8.00.

ORCHARD TELLS

(Continued From Page Six)

movements and habits. No one was helping me. I worked alone. There was some talk of getting some one to help me. I told Pettibone in his store in Denver on Twelfth street about 6 blocks from the federation headquarters that I would need some help. I told them—Haywood and Pettibone—of a scheme I had to shoot Peabody when he came home from his office and passed a stone fence near his residence. They told me Steve Adams would be the best man to assist me."

Orchard said he was instructed to go to Cripple Creek and see Adams. He said he went the next day and saw Adams and that Adams said he was ready to assist in the job at "any old time." Adams lived then at Independence. Orchard said he had known Adams previous to that time only by sight. He made arrangements with Adams to help assassinate Peabody and gave Adams some money—he couldn't remember just how much.

Orchard said he returned to Denver and three days later was followed by Adams, and met him at the Belmont rooming house over Pettibone's store.

Before Adams got there Orchard said he had talks with Haywood and Pettibone both at the federation headquarters and at Pettibone's store. He told them, he said, that Adams had agreed to help. When Adams arrived he said, Adams was given some money—he didn't know how much. Both were supplied with "sawed-off" shot-guns that could be carried under their coats. Pettibone, he said, supplied the guns at headquarters. They were also given ammunition. They changed their rooming place to Fourteenth avenue, not far from Pettibone's residence.

Governor Shadowed.

Orchard said for a week Adams and himself watched Peabody's residence nights to "get" him if he came home late in a hack. He said they continued on the governor's trail for about three weeks altogether. One night they said they saw a hack turn toward Peabody's residence and closed up on it with guns ready to shoot him when he came out of the hack. They were foiled—three women got out of the hack. They were afraid to go back as the women had seen them.

They then decided to put a bomb under Peabody's sidewalk. Adams went to a small mining camp near Blackfoot and got 50 pounds of powder. This was in May, 1904. Orchard said a bomb to "get" Peabody was constructed in Pettibone's store and a place made ready for the bomb, but Haywood advised that no attempt to get Peabody in that manner be made at that time, as the executive session of the Western Federation of Miners was then in session.

Orchard Killed Gregory.

The case was dropped for the time being and then he said Pettibone approached him with a plan for killing Lyte Gregory, whom he said was a detective in the employ of the Mine Owners' association.

This conversation was at 4 o'clock in the afternoon in Pettibone's store, and Pettibone had said that a man by the name of Meldrim had given out that Gregory would be in town—that he was drunk—and it would be a good chance to "get" him.

bone arrived and still later Steve Adams came.

"What was said?" Orchard said that they congratulated him on the job he had done and that they were well pleased with the results. He said Haywood said there had been quite a lot of arrests at Victor, but there would be no convictions and said that everybody would have to "lay pretty low" for a while. Neville was not present at Simpkins' room.

Orchard said he visited the officers of the federation quite frequently over Pettibone's store. Haywood told Orchard that, having just come from Cripple Creek, it would not be wise for him to be seen around the federation headquarters.

Orchard told Haywood he wanted to take a trip through Wyoming and wanted at least \$300. He said that later Pettibone gave him that amount and Charlie Neville and his boy and himself drove to Cheyenne.

In a saloon there he saw a paper which gave a description of the Nevilles and himself as the probable persons who had blown up the depot at Independence. Orchard said:

"I saw in the papers there that we were suspected of blowing up the Independence depot, so I thought we had better get along. I asked Pat Moran in Cheyenne to take a letter to Pettibone asking him for \$500 more. Moran took the letter to Pettibone and brought back the money. Denver is only 100 miles from Cheyenne. Neville and I decided to go to the Dakotas. It was about two weeks before we reached Thermopolis. Neville wanted to stop there and take hot baths. I rode on and sent the horses back for Neville. At Cody, Wyoming, I got a letter from Pettibone. I destroyed the letter right away. It said I had better get to the tall timber right away—that I was wanted for the Independence depot affair.

Back to Denver.

"Instead of going to the tall timber I went straight back to Denver and saw Pettibone and Haywood. They told me at first I'd better get out of the country. They also told me they had another man working on the Peabody affair. In the latter part of July, 1904, this was. Pettibone got me a railroad ticket and gave me \$150 more and I went to San Francisco. Pettibone had told me to send for any money I needed.

"In about 10 days I wrote and asked for \$100. Pettibone sent it to me by registered mail in a letter. He told me I shouldn't change my name so often—that Harry Green was a good enough name for anybody and he would address me that way in the future."

"What name did Pettibone use?" "He signed the letter 'Pat Bone.' He often used that name."

Orchard said he had been told to look up Fred Bradley in San Francisco, but couldn't find him. Bradley had been in the Coeur d'Alenes.

Orchard said he received money from "Pat Bone" several times by Postal Telegraph company.

The defense noted exceptions from time to time to Orchard's testimony, but Judge Wood consistently overruled all objections upon a statement by the prosecution that the witness' story would be connected with Haywood, Moyer and Pettibone.

"How long were you in San Francisco?" asked Hawley.

"Until in November, 1904," was the reply.

"Did you carry out your intentions?"

Orchard said that Bradley had been in Alaska but when he returned in November he attempted to poison him. He bought strychnine. He put the poison in one of four bottles of

P & B Ready Ro

has stood the time—the test. For a quarter century P & B Roofing has been on merit—no Today it covers of the best structures in the west.

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TEA

How little it i little it adds to of the cup! It ed the sea with s hundred years,

Your grocer returns your m like Schilling's Best; we pay l

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 Directors—Robert No
 Smith, J. E. Yates, H. N
 Peasley, J. B. Morrow,
 L. A. Coate, J. H. Lync
 Accounts of banks, fi
 tions and individuals re
 most liberal terms of
 sound banking. Try o

IN SALARIES POSTOFFICE

Clerks and Carriers to
 Increased Pay After
 July 1.

ster Fenton yesterday re-
 m the postoffice department
 nton a communication con-
 the promotion of clerks and
 rovided for in the recent ap-
 n act of congress, the pro-
 which go into effect July 1.
 ordance with this law all
 l carriers at the first class of
 he grades below \$1,100 who
 lered satisfactory service will
 ed to the next higher grade
 ffining of the quarter follow-
 xploration of one year's ser-
 velt present grade; clerks in
 grade and carriers in the
 le who have rendered satis-
 f-vice will be advanced to the
 \$900 grades respectively on
 Carriers in the \$800 grade
 lligible to the \$1,000 grade
 mpleting one year's service in
 grade. This promotion ap-
 p- to cities having a popula-
 i,000 or more.

ropriation provided for the
 scal year will also allow the
 of about 50 per cent of the
 the \$1,100 to the \$1,200
 a few in the higher grades
 be promoted.

ocal office Mr. Fenton says
 ases in salaries will effect 10
 d eight or nine carriers,
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 reases in pay are secured is
 by the department with a
 m for the purpose of supply-
 e authorities at Washington
 e record of those entitled to
 se. If there are any clerks
 s who are not entitled to in-
 ay the reasons why the post-
 oes not think them eligible
 clearly stated in the report
 e reason is found to be a
 id sufficient one such clerks
 ers will not receive the pro-

MARGARET GIRLS

**ented Tomorrow Even-
-Cast of Characters.**

Margaret's Hall tomorrow at 8:15 o'clock the first part of the commencement exercises given. This will consist of a "The Ladies of Cranford," presented by the members of the English and is an arrangement in three Mrs. Gaskell's charming story told. The characters repeated:

Matilda Jenkyns
Miss Marion Roberts
Miss Bessie Hamer
Eulalie Northrup
Miss Lydia Boyd
Miss Mattie Heerth
Miss Helen Bruce
Miss Jenkyn's maid
Miss Elizabeth Yearlan
Mrs. Jamieson
Theona Aveline
Miss Bessie Boydell
her daughter
Miss Helen Murphy
Miss Mary Hicks
Miss Saddle Vineyard
(Mrs. Barker's maid)
Miss Grace Campbell
Scene, Miss Matty's Parlor
on Tea
I. Scene, Same, "Miss Matilda licensed to sell tea."
II. Scene, Miss Barker's Parlor, party.
Costumes of the quaint ladies of Cranford have been studied and carefully copied by those taking part.
The public is cordially invited to attend.

**TENANT RUCKER
GOES TO ALCATRAS**

**Leave With Sister as Soon
as He Can Effect Transfer of
Property.**

Many friends of Lieutenant Rucker and his sister who has been with her home with him for some time will learn with regret that he is ordered for duty at Alcatraz and will leave the Boise barracks as soon as he can effect a transfer of the property of the troop which he is quartermaster. Lieutenant Rucker has been with the Fourthteenth cavalry, ever since he was organized in 1901 and he has left with much regret. He and his sister have been great social favorites during their residence in the city. Mr. Rucker does not know how long his detail at Alcatraz will be but he has been there for several years. His success has not as yet been assigned to the barracks.

Incidents will happen, but the best-acted families keep Dr. Thomas' Chamberlain's Oil for such emergencies. It soothes the pain and heals the hurts.

**\$40 Blickensderfer, \$50.
Typewriter Exchange, 10th St.**

Bedding Plants.
Gladioli, Giant Pansies, Verbenas, Petunias, Lobelia, etc., at the Floral Co.

and went into another. Orchard and Adams followed them, but Pettibone had left. They saw them through a window playing cards. They thought they could shoot him through the window, but didn't. When Gregory left the saloon they followed him.

"As he went into an alley," Orchard said calmly, "I pulled up the gun and shot him three times."
"Did he die?"
"I shot him dead," said Orchard, quietly.

Money Came Easy.

He told then of burying the gun and going back to the federation headquarters, where, he said, he was complimented by Haywood, Moyer and J. L. Simpkins as having done "a good job." Orchard said he was handed \$100 the next day. He said he then remained in Denver and Adams went back to Cripple Creek. Orchard said the \$100 was not for killing Gregory, particularly. He was getting money right along at intervals—\$50, \$70, up to \$150—as he asked for it.

Later, he said, he was told that a job was to be pulled off in Cripple Creek. He had several talks with Haywood, Simpkins and Moyer and one or two others. A last talk was had with Haywood, Pettibone, Parker and Davis. This was late in the afternoon one day probably in the latter part of June. Haywood said that there was dissention in the convention and wanted some excitement in Cripple Creek to bring the dissenting factions together. The strike was still on in the Cripple Creek district. The talk was in the lobby at the convention hall. They talked over the proposition of blowing up the station at Independence. Orchard said he went that night alone to Cripple Creek. He looked up Steve Adams to find if he would help do the job and said that Adams said he would. Then he got Lloyd Miller, he said, to buy the powder for the job. Adams and himself, he said, went over later and got the powder. He said plans were all laid but Parker suggested that the job be not "pulled off" until Parker who was there on business, left the town. The powder was stored in a cabin.

Orchard told of starting out on a prospecting trip with Johnnie Neville, of how he came back at 10 o'clock on a horse, met Adams, helped place the powder under the station and arranged everything to blow up the station, when the train carrying nonunion miners arrived. The powder, Orchard said, was placed under the platform. He explained how 100—or a full box—giant powder caps with a bottle of sulphuric acid was arranged on a sort of windlass to explode the giant powder at the time desired. To the windlass a wire was stretched around the corner of the depot and to a distance from which the wire was pulled when the train was near the depot.

"Who pulled the wire?"
"Steve Adams and I together."
"What was the effect of the explosion?"
"The depot was blown up and 12 or 14 men were killed," replied Orchard, quietly.

He told then of how he parted from Adams and rejoined Neville at the camp at about 3 o'clock in the morning. With Nevillé, he said, he journeyed on to Colorado Springs and later to Denver. They stopped in the edge of Denver and went into Denver on a street car.

Orchard said he went to Jack Simpkins' room in Denver where he found Kirwan. Later Haywood and Pettibone

the Bradley home. He said he went under the name of Murray.

Made a Bomb.

After the attempt at poisoning, Orchard said, he took a quantity—10 pounds—of gelatine powder, a variety of giant powder, which he had received some time before, giving a fictitious name when buying the powder. He gave his residence as outside of San Francisco. With this powder, Orchard said, he made a bomb in his room at Mrs. Soward's house. The bomb was constructed with a piece of gas pipe 14 inches long, weighing about 10 pounds. He also had a quantity of giant powder caps. These he had kept in his grip.

Orchard told how he constructed the bomb, plugging both ends of the gas pipe and cutting holes through one side and arranging a trigger connected with a string to pull a cork from a bottle containing sulphuric acid to ignite chloride of potash and create the explosion. He arranged the bomb to place in front of the door at the Bradley home. He said he placed the bomb at the door and connected the string with the knob so that when the door was opened the cork would be displaced and the explosion would result.

"Then," said Orchard, "I got on a car and went down town."

Orchard said he knew the results. Mr. Bradley opened the door and the explosion, he said, blew out the front of the house and precipitated Bradley into the street, injuring him considerably.

Orchard said he waited around San Francisco for a couple of weeks, waiting for money from the officers of the Western Federation of Miners. He said he finally received about \$450.

At this point Hawley asked when court would adjourn.

Judge Wood stated he had expected to adjourn at 3:30. Hawley said he was not feeling at all well and had been proceeding under protest. He said he had a very severe headache and would like to quit right then. He suggested that attorneys for both sides felt like quitting.

"We prefer to proceed right now," said Richardson, rather vindictively, but the judge consented to immediate adjournment at Mr. Hawley's request.

The bailiffs were called and sworn. The sheriff was instructed to see that the jurors were given plenty of opportunity to exercise. Haywood was remanded and the court adjourned until 9 o'clock this morning.

**HAVE YOU CATARRH?
Breathe Hyomel and Relief and Cure
Will Be Guaranteed.**

If you have catarrh, with offensive breath, burning pains in the throat, difficulty in breathing, raising of mucous, discharge from the nose, tickling or dropping from the back of the throat, coughing spasms, etc., begin the use of Hy-o-mel at once.

Hy-o-mel is made from nature's soothing oils and balsams and contains the germ-killing properties of the pine woods. Its medication is taken in with the air you breathe, so that it reaches the most remote part of the respiratory organs, killing all catarrhal germs and soothing any irritation there may be in the mucous membrane.

The complete Hy-o-mel outfit costs but \$1.00; and Chas. L. Joy & Co. give their personal guarantee with each package that money will be refunded unless the treatment does all that is claimed for it.

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we pay 4 per cent interest
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ORCHARD TELLS HOW HE ASSASSINATED FRANK STEUNENBERG GIVES EXPLICIT DETAILS OF HOW PLOT WAS LAID AND CARRIED TO COMPLETION

COMPLETES HIS STORY OF DASTARDLY CRIMES

PERSONAL VICTIMS UP TO EIGHTEEN

Witness Relates of Atrocious Plots to Kill and Destroy.

MAN HUNTS WITH GUNS AND BOMBS

Plots to Kill Judges Gabbert and Goddard, Former Governor Peabody, General Sherman Bell and Others—Pays He Claims Moyer, Haywood, Pettibone and Others Took in Foul Conspiracies to Kill Haman Beings—How Simpkins Helped in Steunenberg Murder—Cross Examination Commenced.

With the court room during the two sessions yesterday crowded with persons, two-thirds of whom were women, all of whom sat with nerves strained at highest tension, with necks craned and ears strained to catch every word of the law-speaking witness, Harry Orchard, the man from the state penitentiary, crowded his admission of horrible, brutal, dastardly crimes by making an explicitly detailed confession of how he had ordered Frank Steunenberg by playing at his gate a deadly bomb the explosion of which cost the beloved former governor of the state a massive and awful death blow

POINTS IN ORCHARD'S STORY.

- Following are the principal points contained in yesterday's installment of Harry Orchard's terrible story: Orchard plots to assassinate Judge Gabbert of the supreme court of Colorado. Attempts to kill former Governor Peabody of Colorado by dynamite and by infernal machine. Killing of man named Wallace by bomb set and intended to kill Judge Goddard of the Colorado supreme court. Other attempts to murder Judge Goddard. Attempts to kill General Sherman Bell of Colorado. Attempt to take the life of David Moffat, a Denver banker. Plot to kill John Neville in Nevada—a man who "knew too much." Plot to kill Frank Hertz, manager of the Colorado Fuel company. Various attempts to murder and final assassination of former Governor Frank Steunenberg. Wife desertion, elopement with another man's wife, illegitimacy.

he had nerve himself to the task. His appearance would indicate that he had passed a restless night. There was no sign of fatigue about his features. He walked the circuitous route to the witness stand with firm step but eyes cast down. He passed behind Haywood and the Haywood family out into the aisle behind the partition and on the space just back of the witness stand. He needed no instructions yesterday. He had been over the route twice the previous day. The court was waiting for him. He passed to the chair, stepped up and took his seat and then, for the first time, glanced up intently toward the court and then toward the attorney for the state. His examination was begun at once where left off the previous afternoon when Orchard had told of his attempt to kill Fred W. Laddley in San Francisco. He had not yet told of leaving that city. Eighteen Victims. In his recital yesterday, which was

ORCHARD'S OWN STORY OF HOW HE KILLED FRANK STEUNENBERG

On the witness stand yesterday without a tremor of emotion, without the drooping of an eye lash, Harry Orchard told in plain, simple words of how he killed Governor Steunenberg on the evening of December 30, 1905. He told the story as follows: "I was in the saloon part of the hotel playing cards and I came out into the lobby and saw Mr. Steunenberg talking to another man. I went over to the post-office and asked if there was any mail for me and when I came back he was still there. I went up to my room and got the bomb. I took it and started up to his residence as fast as I could walk—as fast as I could go—and I placed the bomb at his gate in such a way that when the gate was opened, as it was fastened to it with a string, it would explode. "When I was going back—about two blocks and a half farther toward the hotel—I met Steunenberg. Then I ran as fast as I could to get back to the hotel. I was about a block and a half from the Saratoga hotel on the footbridge when I heard it go off, and I hurried on to the hotel as fast as I could."

any by marrying a third woman in Orville Creek. Yesterday, with the same smooth, oily, easy, off-hand manner that had marked his testimony the previous day Orchard related the shocking details of murder plots, stories of secret bomb manufacture, the sales of man hands with sawed-off shot guns and infernal machines. Not until he reached the narrative of his long hunt for Steunenberg and how the crime was finally completed did Orchard show any iota of feeling. He spoke of killing people as butchers might speak of slaughtering a lamb. Only by a slight, dropped voice did his manner change when relating the details of the crime in Idaho for which Haywood is now being tried for his life.

Story of Steunenberg Murder. It was an awful story he told of the crime in Idaho. He began at the beginning, as directed by the questions of the examining attorney of the prosecution, James H. Hawley. He began by telling of a conference he said he had in Moyer's office in Denver just after Moyer had vetoed a plan to kill General Sherman Bell for the reason he wanted no assassinations at that time in Denver. He said that the three men now here under charge of the murder first broached the sub-

FROM ORCHARD'S HOME. BRITTON OIL, June 4.—Albert Horesey, alias Harry Orchard, who remained at Boise in having killed ex-Gov. Frank Steunenberg, left here for Vancouver in 1905. Prior to that time ran a saddle factory near here for several years.

BRADLEY TALKS OF HIS ESCAPE

Declares Orchard's Statement Quite Fits With His Experience.

HIGH FEELING IN JAPAN

Delay in Settling Trouble in San Francisco Arouses People to High Tension.

PUBLIC EXASPERATED AT TARDINESS DISPLAYED

Reparation for Damages and Punishment for Culprits Expected—Some Talk of Demanding Indemnity—Experienced Japanese Talks of the Situation.

TOKIO, June 6.—The leading papers here, whose opinions are worth quoting, are silent on the question of demanding indemnity for the so-called bombing of Japanese establishments in San Francisco. Reparation for the damages inflicted and punishment of the culprits is expected and it is believed here that the government at Washington is taking all the proper steps in the matter. Though the public here is exasperated at the tardiness displayed in effecting a solution of the difficulty public opinion has not yet reached the stage of advocating a hostile demonstration in any form. It is true, however, that popular indignation has reached a stage never before reached in the history of Japanese relations with the United States.

It is thought by influential Japanese that the quicker the facts regarding the negotiations now in progress here and in Washington become public the better it will be for all concerned, as the stage has now been reached when it may prove dangerous to keep the people in suspense or ignorant of what is being done. An experienced Japanese diplomat, a protégé of Marquis Ito, in discussing the case, said to a representative of the Associated Press: "America is the last country with which I expected complications with the Japanese. Fortunately, the present chief executive of the United States has a wonderful personality. There is no doubt that he is capable to suit the Gordian knot. Japan's cause, in the present instance, is right beyond a shade of doubt. I confidently expect justice will be meted out and the sooner President Roosevelt's action in the matter is made known the better it will be for all concerned."

ONE PAPER IS VERY VIGOROUS Talk of Appealing to Last Measure to Secure Justice. TOKIO, June 7.—The Hochi, which is supporting Count Okuma in his position on the American question, says this morning: "The San Francisco outrages are

SLAYER OF HUSBAND FORGIVEN

Mrs. Frank Steunenberg Hopes That Orchard Has Repented and Will Be Given Chance to Live an Honest Life.

SEATTLE, June 6.—A special to the Post-Intelligencer from Walla Walla says: "Harry Orchard has done many wrongs, but I hope he has repented now that he understands their magnitude, and that he will be given a chance to lead a good, true and honest life after the present ordeal has passed." This was the statement of Mrs. Frank Steunenberg, widow of the former governor of Idaho, who was killed by a bomb being planted by Orchard at the gateway of his home in Caldwell. Mrs. Steunenberg is attending the annual camp meeting and conference of the Seventh Day Adventists at College Place, three miles west of Walla Walla. She seems to be above hatred of the man who killed her husband, and her conversation would indicate that she has forgiven him. As to Moyer, Haywood and Pettibone, she expressed no opinion saying that she had not thought of their connection with the case. She is leading a secluded life, spending most of her time reading the Bible and other religious works. Her eye sight is poor, she says, and she prefers to read something that will do her good rather than the reports of the trial, which she says tend to excite rather than satisfy. She shuns publicity, saying that her statements are often put in the wrong light, though she does not avoid the subject of death of her husband when it is brought up. She said today: "The trial of Moyer, Haywood and Pettibone is the commencement of a national struggle between the United States government and organized labor and will eventually lead to a rebellion."

Mr. Steunenberg always believed that a struggle for supremacy would come, though he did not know when. When he prepared his first message to the public, after having been elected governor of Idaho, he was at a loss as to the position to take regarding the unions, and often consulted me, but finally decided that if any trouble came up during his administration he would be fair with both sides and act as he considered right. When the trouble did arise Mr. Steunenberg was greatly worried and one evening after he had made his final stand, he told me he thought it would cost him his life. "The thought that his life was at stake did not influence him in the least in what he thought was the right. After completing his term as governor he never believed his life was in danger, and I had practically forgotten the ordeal, through which he had passed as I believe he had. His assassination was a terrible shock."

"Since his death I have heard that there were several attempts made on Mr. Steunenberg's life before the horrible deed was actually committed. At one time Orchard was hiding behind some bushes in our front yard with the intention of shooting my husband when he returned home in the evening. When he arrived his brother was with him and Orchard thinking it was Mr. Steunenberg's son, allowed him to pass unharmed. One night when Mr. Steunenberg, our daughter and myself were at home, we were badly frightened by some one prowling around the house. My afterwards learned that it was Orchard, who was there with the intention of shooting Mr. Steunenberg."

25 CENTS DAMAGES.

NEWPORT, R. I., June 6.—A verdict for 25 cents. The price of his ticket, was returned by a jury today by direction of Justice Stewart in the case of Chief Yeoman Fred J. Bueczel of the naval training station, who was excluded from a dancing pavilion last summer because he wore the uniform of the navy. Several weeks ago Justice Stewart ruled that the defendant had a right to select the patrons of his dances. President Roosevelt has contributed toward a fund for the prosecution of the case, and have also many officers and enlisted men of the navy. The case will now go to the

SCHMITZ DEFENSE GAINS POINT

Restaurant Keeper Denies Even Having Been Threatened by Ruff or Mavor.

SAN FRANCISCO, June 6.—A few minutes before adjournment of court this afternoon the defense in the trial

Plots to Kill and Destroy.

MAN HUNTS WITH GUNS AND BOMBS

Plots to Kill Judges Gabbert and Goddard, Former Governor Peabody, General Sherman Bell and Others—Parts He Claims Moyer, Haywood, Pettibone and Others Took in Foul Conspiracies to Kill Human Beings—How Simpkins Helped in Steenberg Murder—Cross Examination Commenced.

With the court room during the two sessions yesterday crowded with persons, two-thirds of whom were women, all of whom sat with nerves strained at highest tension, with necks craned and ears strained to catch every word of the low-speaking witness, Harry Orchard, the man from the state penitentiary, crowned his admissions of horrible, brutal, diabolical crimes by making an explicitly detailed confession of how he murdered Frank Steenberg by placing at his gate a deadly bomb the explosion of which sent the beleaguered former governor of the state to the threshold of his own home on the evening of December 30, 1905.

Orchard's Entrance.
Orchard entered the room at the morning session in precisely the same manner as on the previous day. He entered from the door leading from the judge's private office and was preceded by Deputy Has' Thomas of the court, followed by a guard from the penitentiary and two special deputies. He entered with a firmer step than on the previous day, in his face was a look of determination—a look that seemed to indicate that he dreaded the ordeal before him, but at the same time was determined that he should not break down. It was evident that

Killing of man named Wall by by both sit an intended to kill Judge Goddard of the Colorado supreme court. Other attempts to murder Judge Goddard.
Attempts to kill General Sherman Bell of Colorado.
Attempt to take the life of David Moffat, a Denver banker.
Plot to kill John Neville in Nevada—a man who "knew too much."
Plot to kill Frank Hertz, manager of the Colorado Fuel company.
Various attempts to murder and final assassination of former Governor Frank Steenberg.
Wife desertion; elopement with another man's wife bigamy.

he had nerve himself to the task. His entrance would indicate that he had passed a restless night. There were no signs of fatigue about his features. He walked the circuitous route to the witness stand with firm step but eyes cast down. He passed behind Haywood and the Haywood family out into the aisle behind the partition and on the space just back of the witness stand. He needed no instructions yesterday. He had been over the route twice the previous day. The court was waiting for him. He passed to the chair, stepped up and took his seat and then, for the first time, glanced up inquiringly toward the court and then toward the attorney for the state. His examination was begun at once where left off the previous afternoon when Orchard had told of his attempt to kill Fred W. Bradley in San Francisco. He had not yet told of leaving that city.

Eighteen Victims.
In his recital yesterday, which was if possible, of a more revolting nature than the previous day, Orchard listed the total of his own murdered victims to 18. He detailed the circumstances under which he had tried to kill the late Governor Peabody, Judge (Gibbort) Judge Goddard, General Sherman Bell, Dave Moffat, Frank Hertz and how he consummated the assassination of Governor Steenberg. In the latter instance directly opening the way for his own conviction and execution for the moral offense. On cross examination Orchard confessed guilt of the moral crime of deserting his wife and young child in Ontario, fleeing to British Columbia with Mattie Simpson, the wife of another man, and committing big-

and I placed the bomb at his gate in such a way that when the gate was opened, as it was fastened to it with a string, it would explode.
"When I was going back—about two blocks and a half farther toward the hotel—I met Steueneberg. Then I ran as fast as I could to get back to the hotel. I was about a block and a half from the Saratoga hotel on the footbridge when I heard it go off, and I hurried on to the hotel as fast as I could."

are by marrying a third woman in Tripoli Creek.
Yesterday, with the same smooth, oily, off-hand manner that had marked his testimony the previous day, Orchard, who confessed to a string of murder plots, stories of secret bomb manufacture, the tales of man hunts with saved-off shot guns and infernal machines, until he kept the narrative of his long hunt for Steueneberg and how the crime was finally completed did Orchard show the lot of a man who has kept the people as butchers might speak of slaughtering a lamb. Only by a slight-dropped voice did his manner change when relating the details of the crime in Idaho for which he stood in now being tried for his life.

Story of Steueneberg Murder.
It was an awful story he told of the crime in Idaho. He began at the beginning, as directed by the questions of the examining attorney of the prosecution, James H. Hawley. He began by telling of a conference he said he held in Denver. He said that the three men named under charge of the murder first broached the subject to him by saying that for seven years off and on they had tried to kill Governor Steueneberg. He said they told him of several men who had been sent to Idaho to kill the former governor but who had failed. They asked Orchard to go, he said, and he accepted. He had thought that he had been provided with money, that he was to help him pack his trunk and went to the depot to see him off. He was unprovided as to details, he said. He had no money to take him to the Governor Steueneberg. It was suggested to him that he consult with Dick Simpkins regarding the methods to be used and he agreed to do so. He hesitated to send for money when he needed it.

Orchard told of coming to Idaho, of going to Caldwell and studying the habits of the governor, of going to Whedner to talk with Simpkins. He told of how Simpkins had returned to Caldwell and how he had constructed a bomb. How they made an unsuccessful attempt to kill the governor with the bomb by placing it in a vacant lot near his residence where he was expected to pass by. He told how he had shadowed the governor on the last Christmas eve of his life, in an attempt to shoot him, and how he was ordered by Orchard that he was unable to clear, follow the accounts of the outrage. He referred to the allegation that the explosion which wrecked his home and himself, was caused by an escape of gas in the front hall which was ignited by a match struck to light his cigar.

Possibly there were two explosions—the first the infernal machine, and then an explosion of gas caused by the dynamite. The gas may have been the hydrogen force which threw me into the street.
Bradley, continuing, related that he was so terribly injured by the explosion that he was unable to follow the accounts of the outrage. He referred to the allegation that the explosion which wrecked his home and himself, was caused by an escape of gas in the front hall which was ignited by a match struck to light his cigar.

King's Golden Wedding.
STOCKHOLM, June 6.—The golden wedding of King Oscar and Queen Sophia was joyfully celebrated at the royal court in Sweden today. Their majesties drove through the gaily decorated streets of Stockholm, accompanied by thousands of all parts of the world.

FROM ORCHARD'S HOME.

DRIGHTON Ont., June 6.—Albert Horsely, alias Harry Orchard, who confessed to a host of having killed ex-Governor Steueneberg, left here for Vancouver in 1904. Prior to that he ran a sawmill factory near here for several years.

BRADLEY TALKS OF HIS ESCAPE

Declares Orchard's Statement Quite Fits With His Experience.

Milk Was Bitter and He Spit It Out, Putting Balance Away— Says It Is Likely There Were Two Explosions, the First Being the Bomb.

SAN FRANCISCO, June 6.—Fred W. Bradley, former manager of the Bufler Hill Sullivan mines in the Coast d'Alene, said tonight that Orchard's statement quite fits in with his experience.

Orchard's statement to poison me with strychnine in the milk, he said, was mainly frustrated by my habit of early rising, my custom being to breakfast before any one in the house. On this morning I noticed a bitter taste in the milk, spit it out and had the rest put out of the way. Several innocent lives were thus saved. This milk has only been delivered a few minutes before my tasting it.

Bradley, continuing, related that he was so terribly injured by the explosion that he was unable to follow the accounts of the outrage. He referred to the allegation that the explosion which wrecked his home and himself, was caused by an escape of gas in the front hall which was ignited by a match struck to light his cigar.

Smoking Shuts Down.
EL PASO, Tex., June 6.—Several of the night trains at El Paso, Tex., the smelter, one of the proprietors of the American Smelting & Refining company, are shut down on account of a strike of 2500 men who demand

"ORIOU, June 6.—The mining papers here, whose opinions are worth quoting, are silent on the question of a demonstration for the so-called bombardment of Japanese establishments in San Francisco. Reparation for the damages inflicted and punishment of the culprit are expected and it is believed here that the government at Washington is taking all the proper steps in the matter. Though the public here is exempt from any display in effecting a solution of the difficulty public opinion has not yet reached its climax. It is an irrefragable demonstration in any form. It is true, however, that popular indignation has reached a stage never before reached in the history of Japan's relations with the United States.

It is thought by influential Japanese that the quicker the facts regarding the matter are made public here and in Washington become public the better it will be for all concerned, as the stage has now been reached when it may be necessary to keep the people in suspense or ignorant of what is being done. An experienced Japanese diplomat, a protégé of Marquis Ito, in discussing the matter with a representative of the Associated Press: "America is the last country with which I expect to see complications with the Japanese. Fortunately, the present chief executive of the United States has a wonderful personality. There is no doubt that he will be able to cut this Gordian knot. Japan's cause, in the present instance, is right beyond a shade of doubt. A confidently expected justice will be meted out and the former President Roosevelt's action in the matter is made known the better it will be for all concerned."

ONE PAPER IS VERY VIGOROUS

Talk of Appealing to Last Measure to Secure Justice.
TOKIO, June 7.—The Hochi, which is supporting Count Okuma in his position on the American question, says this morning:

"The San Francisco outrages are worse than the murder of a missionary and the outrage committed in the occupation of Kia Chow."
"Who would blame an appeal to the last measure if an impotency is proved in the treaty rights that defend us."
"We hope, however, that Ambassador Aoki will be firm enough to make the Washington government quickly take measures to mete justice to the Japanese."

METCALF GIVES CADETS DIPLOMAS AND ADVICE

ANNAPOLIS, Md., June 6.—The 72 members of the graduating class of the naval academy received their diplomas from the hands of Secretary of the Navy Metcalf today in the presence of a large assemblage, which included Admiral Cley of the French navy; French Ambassador Jasseron, Admiral Baron Von Aulick of the German navy, and Governor Warfield and the official board of visitors.

Secretary Metcalf paid high tribute to the honor, integrity and bravery of the American naval officers. Speaking of the target practice of the Atlantic fleet last March, he said:
"These men are straight, so if there should ever be a war, which God forbid, no American need fear the outcome."
Mr. Metcalf urged constant preparedness for war.

MINERS WARNED AWAY FROM BISBEE, ARIZONA

DENVER, June 6.—A circular, has been issued by the officers of the board of Western Federation of Miners, now in session in this city, directing union miners and those in sympathy with them to abstain from entering Bisbee, Ariz., as a strike has been ordered in that camp for the purpose of compelling the mining companies to permit their workers to be represented by the union recently organized there.

ALBANY, N. Y., June 6.—James Earl of Hudson, driver of a motor car, was killed and Howard Mosher, a well known cyclist of Brooklyn, and another man were injured this afternoon when a collision between their car and an Albany & Hudson electric car at Clinton Heights near Remondale station, resulted in the death of the cyclist and the injury of the other man. The car was driven by a man who had just begun at New York this morn-

reference of the **Seventy-Nine Arrestments** at College Place, the miles east of Walla Walla. She seems to be above hatred of the man who killed her husband, and her conversation would indicate that she has forgiven him.
As to Moyer, Haywood and Pettibone, she expressed no opinion saying that she had no insight of their connection with the case. She is leading a secluded life, spending most of her time reading the Bible and other religious works. Her eye sight is poor, she says, and she prefers to read anything that will do her good rather than the reports of the trial, which she says tend to excite her rather than satisfy. She shuns publicity, saying that her statements are often put in the wrong light, though she does not avoid the subject of her husband here and in Washington become public the better it will be for all concerned, as the stage has now been reached when it may be necessary to keep the people in suspense or ignorant of what is being done. An experienced Japanese diplomat, a protégé of Marquis Ito, in discussing the matter with a representative of the Associated Press: "America is the last country with which I expect to see complications with the Japanese. Fortunately, the present chief executive of the United States has a wonderful personality. There is no doubt that he will be able to cut this Gordian knot. Japan's cause, in the present instance, is right beyond a shade of doubt. A confidently expected justice will be meted out and the former President Roosevelt's action in the matter is made known the better it will be for all concerned."

25 CENTS DAMAGES.
NEWPORT, H. I., June 6.—A verdict for 25 cents, the price of his ticket, was returned by a jury today by direction of Justice Swoutland in the case of Chief Yeoman Fred J. Huzar of the naval training station, who was excused from a dancing party by leaving summer because he wore the uniform of the navy.

Several weeks ago Justice Swoutland ruled that the defendant had a right to select the patrons of his dances. President Roosevelt has contributed toward a fund for the prosecution of the case, as have also many officers and enlisted men of the navy.
The case will now go to the supreme court.

MINIDOKA LANDS RESTORED TO ENTRY

WASHINGTON, June 6.—The following lands which were withdrawn November 17, 1902, for use in connection with the Minidoka irrigation project in Idaho have been restored to the public domain and will be subject to settlement after August 12, 1907:

- Township 9 south, range 19 east, south half of section 34 and 35;
 - Township 10 north, range 19 east, all of section 22 and north half of section 11;
 - Township 10 south, range 20 east, south half of section 3, all of section 11, south half of section 12, all of section 13, east half of southeast quarter, section 15, all of section 24, northwest quarter section 25, east half northeast quarter section 30, north half, northwest quarter section 34.
- These lands shall not become subject to entry or selection, however, until September 11, 1907.

Detectives Disbanded.
KANSAS CITY, June 6.—Detectives John M. Huntman and Matthew Kinney, who have been upon the force for several years, were today dismissed by the board of police commissioners. The action today confirms the idea that a general strike up will take place. Chief of Police John Hayes and Captain Weber were called before the board today and questioned by Mayor Burdette regarding alleged irregularities.

PRESIDENT OF UTAH MINERS' UNION CHARGED WITH BEING A SPY

DENVER, June 6.—The Times today says: A sensational opening of the convention of the Western Federation of Miners is promised by delegates should Harry Riddell, president of the Eureka, Utah, union and an elected delegate to the convention, put in an appearance.
The credentials of Riddell have been received and refused at the headquarters of the federation in this city and Riddell is said to have declared that he is coming to Denver Monday to fight against being put out of the convention.

His influence him in the state in what he thought was his right. After completing his term as governor he never believed his life was in danger, and he has probably forgotten the ordeal through which he had passed as I believe he had. His assassination was a terrible shock.
"Since his death I have learned that there were several attempts made on Mr. Steueneberg's life before the horrible deed was actually committed. At one time, Orchard was riding through some roughshaws in our front yard with the intention of shooting my husband when he returned home in the evening. When he arrived he was with him and Orchard thinking it was Mr. Steueneberg's son, allowed him to pass unharmed. One night when Mr. Steueneberg, my daughter and myself were at home, we were badly frightened by some one prowling around the house. We afterwards ascertained that it was Orchard, who was there with the intention of shooting Mr. Steueneberg."

SCHMITZ DEFENSE GAINS POINT

Restaurant Keeper Denies Even Having Been Threatened by Ruel or Mayor.

SAN FRANCISCO, June 6.—A few minutes before adjournment of court this afternoon the defense in the trial of Mayor Schmitz for extortion secured what they consider a signal point, during the cross examination of one of the prosecution's chief witnesses, Antonio Blanco. Until recently Blanco was proprietor of Delmonico, one of the five French restaurants from whom owners the mayor and Abraham Ruef are accused of having extorted thousands of dollars under threat "implied if not expressed" by preventing the issuance of their liquor licenses.

Did Ruef ever tell you that if you did not pay this money you would not get your license renewed with Asker attorney Campbell, the mayor's senior counsel?
"No," replied Blanco, promptly.
"Did not?"
"Did the mayor ever tell you that?"
"No."
"Did anybody ever tell you so?"
"No. Nobody ever made any threat to me," said Blanco.
Four witnesses were on the stand today. Former Commissioner Reagan testified in detail to the sudden and determined change of the mayor's attitude toward proprietors of French restaurants—after advising refusal of licenses by demanding that they be granted simultaneously with the appearance of Abe Ruef as attorney for the restaurants.

Former Commissioner Polheim told of the compiling by Ruef of a set of regulations for the government of the restaurants, how he and the boss had laughed over these, and how after they had been by Ruef submitted to the police board, the held up licenses were renewed.
Antonio Blanco testified that he and the proprietors of the Puy, Delmonico's, Morchands and Tortolis had raised a fund of \$10,000 to be paid to Ruef, as a lawyer and the political boss, "taking care" of their licenses for them.



MRS. GEORGE A. PETTIBONE.

ORCHARD TELLS HOW HE KILLED FRANK STEUNENBERG CHARGES MADE MRS. GOULD

(Continued From Page One.)

three and then he told of receiving a telegram after his arrest from Spokane. It was a telegram received not in answer to any message he had sent for he had communicated with on one. It did not come out in the telegram what was in the telegram or who it was from—only that Orchard got it and had sent no previous message anywhere. The state indicated the telegram itself would be produced later and some interesting testimony in connection with it introduced. It is generally suspected that this telegram was the one sent to Orchard by Fred Miller of Spokane, now one of the attorneys for the defense, to inform him he would soon be in Caldwell to defend him.

Great Crowds.

Long before the opening of the doors for the morning session yesterday the court house yard contained a crowd of several hundred persons—at least a thousand, who had come with the hope of getting into the court room. The guards had more than their hands full in handling the crowd and while no favoritism was shown only as many as could be seated were admitted and several hundred were obliged to go away very disappointed.

In the afternoon, however, there were more than twice as many people present to gain admission. They crowded the hall on the second floor; they were packed like sardines all up and down the stairs and in the lower halls and away down the outside steps to the court house lawn. The doors were opened at 1 o'clock and from then on until they were finally closed and locked, after the court room was already more than comfortably filled, it was a continual battle between the eager visitors for places in line. One woman fainted in the crowd and was, with great difficulty, carried out to fresh air. There were screams, loud talking and hysterical laughter. At least 1000 people were finally obliged to turn away without even getting a glimpse at the interior of the court room.

All of the Haywood family, those now in Boise, were present. For the first time in several days Edgar Wilson, of the defense counsel, was present, but was still suffering greatly with the rheumatism. Mr. Hawley, who was well nigh sick enough to be in bed, continued with the examination of the witness, and Mr. Richardson, late in the afternoon, began the cross-examination.

Orchard Flinches Once.

All during the day Orchard never flinched but once. This was at the beginning of the cross-examination when Richardson compelled him to give the names of his six sisters and his brother, all of whom he believed were still living, but could not state just where. The story all through was fought by the defense with multiplicity of objections and succeeded once in heading off what might have been a detailed story of the murder of Arthur Collins in Colorado and also temporarily shutting out testimony regarding a telegram Orchard received from Spokane shortly after arrested

and I told the same as I had told Pettibone. Haywood said he would rather Bradley would be maimed for life than killed outright. He would be a living example. I asked for some money and he said I could get it any time I wanted it and he told me if I stayed in Denver I had better lay pretty quiet. I got some money from Pettibone through Adams. Adams got \$125. I didn't go around headquarters at all. I met Pettibone at his home and at his store."

Scheme to Kill Gabbert.

Orchard said he had some talks about future movements. "Haywood told me Adams was working on a scheme to kill Justice Gabbert and asked me to help him. They were trying to get Moyer out of jail at Telluride on a writ of habeas corpus. I helped Adams some. We waited around Gabbert's home on Emerson street one Sunday night with shot-guns, but didn't see the man we were after. We watched the house later, but it was cold weather and we did not keep it up.

"We also talked about plans for getting Peabody. That was in January while the contest was on over the governorship. Haywood wanted us to try hard to "get" Peabody so there would be no chance of him being governor again. He told Adams and I that he didn't care how we got rid of Peabody—only so we killed him some way.

Attempt on Peabody.

"We later made an attempt on Peabody. We made a bomb up at Adams' place. Billy Ackerman helped us. He got the powder. We made the case out of sheet lead. It was eight inches in diameter and 14

FROM ORCHARD'S STORY.

"I saw Haywood a short time after I saw Pettibone. I think it was about a week after I saw Pettibone before I saw Haywood. I saw him at his residence or Pettibone's store. I am not sure which. He said he was sorry that it hadn't got Judge Gabbert, sorry it killed an innocent man."

inches long. One end I think, was lead-plugged. We filled it with powder, giant caps and fixed a bottle of acid on it. One end was wood-plugged. We put the bomb under the sidewalk on Thirteenth street, along where Peabody walked every morning at about 9 o'clock to the capitol building. We placed the bomb in January, between the curbstone and the sidewalk. We attached a long wire to it. We covered the bomb and were up with snow. We had the wire and bomb all ready the night before and all we did in the morning was to attach the bomb. We had a rig. Ackerman took charge of the rig and we watched for the governor. We saw the governor, but just at the time he came along a coal wagon drove over the wire, so we could not pull it until Peabody had passed out

Counsel for Defense I
They are Sweeping
Not Specific.

Attorney for Plaintiff
ges Defense to Ask f
of Particulars, Decl
Will Be Furnished—
to Keep Down Scanda

NEW YORK, June 6.—The Mrs. Howard Gould who inst for a separation from her Howard Gould, was given its lic airing in court today. This was the hearing of argument of counsel for Mr. Gould out certain allegations in Mr complaint. Arguments of cor length were made, and at the sion the attorneys were gl Monday to file briefs in the The grounds on which M is suing her husband, as parts of the complaint read for Mrs. Gould are:

First, abandonment of M by her husband; second, the that the habits and condu Gould are such that it was for his wife to live with hi that since September last he lected his wife and refused t for her except that he pai support at any hotel since t and fourth, that Gould has t wife with extreme cruelty, spies to harass her, caused bag to be tampered with, r illicit relations with women character and employed an and several New York det procure improper evidence Mrs. Gould.

DeLancéy Nicoll, who said ery allegation against Mr. C be denied when the answe suit is filed, maintains that t to which he objected as s and irrelevant did not tend t the allegation of cruelty. cially objected to the charge three years Gould had maint cit relations with women of acter and had conducted f this respect in an openly manner. He declared that t were made for the purpos of the defendant in an embarr sition, and that in other ca such allegations have been i the court has stricken them

"The allegations are sweeping," said he. The pla not make any specific cases or exactly what misconduct the is charged with. There is no reason for such charge complaint for separation on t of cruelty."

In replying to Mr. Nicoll's Clarence Shearn, counsel Gould said that if the defend

Haywood appeared in court with a face more shrunken and careworn than at any previous time. He had a haggard appearance. During the whole day the eyes of Haywood and Orchard

FROM ORCHARD'S STORY.

"When Pettibone and I had this conversation we were talking about Adam's trip to on the St. Joe river and up on Marble creek. We were talking about a man by the name of Tyler that was killed up there, that Adams told us he had killed. He told about Tyler being killed up on Marble creek and about him being held up there in a cabin at night and held over night, and the next morning taken out with Adams and two other men; they took him out a mile or two from his cabin and shot him and left him there."

did not meet, the latter seeming to studiously avoid glancing in Haywood's direction. But, when the cross-examination was commenced by Richardson, Orchard turned square around in his seat directly facing the Denver attorney and met the latter's glances squarely.

Orchard Story Continued.

At five minutes past 9 o'clock Orchard was brought in from the sheriff's office and Hawley took up the examination where he left off. Orchard first said he knew a James Wolfe who was a collector in the employ of George A. Pettibone. Orchard said he received a letter from Wolfe while in San Francisco at a branch postoffice, which letter was really from Pettibone. The witness said he knew a Mrs. Crowe, a cook, also two women by the name of Bell at the Bradley home. He said he learned from Mrs. Crowe that Bradley was at home. He also knew a man by the name of Labena, who ran a grocery store and saloon. He saw him several times and introduced him to Mrs. Crowe. Orchard did not remember Mrs. Soward's, his landlady's first name. He was asked if he made any experiments in his room there. He said after he made the bomb he experimented with the closet door to see how violently it would have to be opened to pull the cork out of the bottle of sulphuric acid.

Orchard, after the explosion at the Bradley home moved to another location and changed his name. He received money from Pettibone by postal telegram and then started for Denver, where he arrived just before Christmas. When reaching Denver he went to a rooming house on California street. He was disguised by wearing a soldier's uniform and a pair of eye-glasses. He talked with Pettibone over the telephone, and the latter came to the rooming house, accompanied by Steve Adams.

Reports to Officers.

"Pettibone asked if Bradley was dead, and I said no, but he would lose his hearing and eyesight. Pettibone said that was pretty good but he ought to have been killed. I went with Adams to where he was keeping house. His wife was with him. He went by the name of E. Victor. He asked me to go out and stop with him. I lived with him until the latter part of March or April. I saw Haywood shortly after I reached Denver in Pettibone's store. I talked with him. He asked about Bradley

bomb and Adams had told him he had destroyed it—had thrown it in the river.

"Pettibone said it was hard luck when we told him of our failure," said Orchard.

Attempts That Failed.

Orchard said after that Adams and himself hung around Peabody's home and also Judge Gabbert's with guns, but didn't get a chance to shoot.

Orchard then told of an attempt to kill Frank Harne, manager of the Colorado Fuel & Iron company. He said Haywood wanted this man put out of the way. They searched for the man with a gun but didn't get a chance to kill him.

"Haywood told us that Dave Moffat was behind all the attacks on the miners, Moffat was an officer of the First National bank and he told us to locate Moffat's hours and try to kill him. We looked around some but did not get any good opportunity."

Orchard said they had livery rigs at their disposal to get about the city and that they went around nights. In the latter part of July or August, 1905, he said, a rig was purchased for their use.

Orchard said that he and Adams, at Haywood's request, spent considerable time in watching Judge Goddard.

Haywood said that Goddard had defeated the eight-hour bill passed by the legislature when the supreme court declared it unconstitutional. Adams and I were around his place a good deal to see if we could see him and shoot him through the windows. We spent a month or more, off and on, at it."

Orchard said it was in April, 1905, when he finally left Denver for a time—he was not positive. He went to Canon City to get Peabody, who, since January, had resigned the governorship.

"Who sent you to Canon City to kill Peabody?"

Still After Peabody.

"Mr. Moyer, Mr. Pettibone and Mr. Haywood, I didn't talk with them together, but with each separately. Moyer told me where Peabody was and said several times he wanted

FROM ORCHARD'S STORY.

"There had been an understanding between Pettibone and Haywood and Moyer for a good while that when I got done with this business they would give me money enough to buy a ranch."

Peabody put out of the way. Haywood said practically the same thing—he didn't care how Peabody was killed. Pettibone told me of a scheme to get a life insurance contract and then go to Canon City and make a bluff of selling insurance. I went to the Mutual Life Insurance company and saw Manager Kerns. He asked for references and I gave him the names of Pettibone and several others and he said he would write to them. I saw several of the men I had named and told them I wanted the job and was going by the name of Hogan. Kerns finally sent me a note to come to his office and sign a contract."

Among those who recommended Orchard to Kerns at this time was W. J. Hawkins, a law partner of E. F. Richardson.

Orchard told of going to Canon City and getting a room with an old

course of his argument.

"We have tried to make as little scandalous as possible Mr. Shearn, "and I do not make the complaint any more in open court. But if the that the defendant for the maintained illicit and immorality with women of bad and conducted himself notoriously in this respect is to we will make it more spec true that we do not say w defendant's actions were ad worse, but we will be glad t full bill of particulars if for."

Mr. Shearn argued that should strike out these from the complaint it would plaintiff an irreparable injury allowing her to prove then time comes. On the other they were permitted to r defendant still would have edy left at the time of the

FLIPFLAP WINS BIG

Carries Off Westminster With Great Ease.

NEW YORK, June 6. showing great improvement last race, easily won the W handicap of \$10,000 at Grand day. She was admirably I Martin, who had his first n his suspension at Belmont p ing at 7 to 1 the money be on Flipflap and her price dropped until at the clo reached 4 to 1. Off to a Sir Toddington led for h with Far West second, an Water, the favorite, third, fore Highlander. Flipflap about an eighth. When h from the finish Martin b Flipflap up and at the h stretch was leading by th with Philander second an Water third.

National League

At Chicago—Chicago 3; 2. At Pittsburg—Pittsburg 1 At Cincinnati—Cincinnati 4. At St. Louis—Philadelphia 2.

American League

At Philadelphia—Philadelphia 0. At New York—Cleveland 0. At Washington—St. Louis 2. At Boston—Detroit 6; B

Nelson and Britt Ma

SAN FRANCISCO, June Britt and Battling Nelson articles for a 20 round fight place in this city on the 3rd, the weight to be 133 on the day of the contest. is to be split, 60 per cent ner and 40 per cent to the

No Objections

Can be made against the at Brand's.

Giant flowered pansy plant stock of other bedding plants flowers at Bayhouse Flor

See the new tailor and faction; biggest stock. South Ninth street. Idaho ing.

Newspapers from 30 cities 1022 Main street. Free d

ORCHARD TELLS HOW HE KILLED FRANK STEENBERG

(Continued from Page Four.)

Judy by the name of Adams. He looked over our shoulders and then went back to Denver to tell his employers that he thought a bomb should be used to "get" Peabody.

FROM ORCHARD'S STORY.

"Haywood told me that Adams was working on trying to assassinate Judge Gabbert and he wanted us to work on that and see if we could shoot him. He was a justice of the supreme court of Colorado. Haywood said we had to be ready to get out of Telluride on a writ of habeas corpus and they did not think that was according to law."

"I made me a lead round like a bullet with holes bored in it. I told him I wanted it to play a picture in that I got the powder and stuff, put the whole works in my gun and went back to Canon City."

State's Exhibit.

"At this time the state's attorney produced a lead round which entered and introduced it as state's exhibit 'J.' Orchard recognized it and identified it as the lead ray which he had had him to make for him to kill Peabody. He said Pettibone helped him put the powder in the hole in the basement of his store. Orchard said that he had about ten pounds of powder. He himself took the powder to Pettibone's basement. Orchard said that he had bought the previous winter a pair of brass giant powder caps which he placed in the bomb at Canon City. He said that he had a alarm clock device to the bomb to set it off before he went to Canon City, he said, he got \$100 from Pettibone."

"Another Point, Denver, he had a fellow he knew by the name of Bond, who wanted to help him in the basement at Canon City and he told him to get out after he was teaching their destination he said Bond heard a clock ticking in the street at that time and wanted to know what it was."

"I told him jokingly that it was a bomb and it was going to hit under the foot of the building. Orchard went on. 'But when I got to the conversation to Pettibone, he told me I had better not put it on Peabody at all. He said, however, that he wanted something to do before the convention that we must have something to show for the money we spent.'"

"Pettibone and I then went and prepared a bomb for Judge Gabbert. We made it out of a half-cannon strap and used Judge Gabbert's name."

"Orchard said Peabody had been staying in his house and changed the place where he usually sat. He could not locate him. He had previously intended placing the bomb on a window sill. Bond persuaded him to take a trip in the country to try and sell the bomb. He said he went and left the bomb in his grip at Mr. Adams. He found he could make no money selling insurance, got low on funds and returned to Denver finally."

"In the latter part of May or the first of June Orchard said they had made a bomb in Pettibone's basement to get Judge Gabbert. It was made up of a tin snip can. After it was made it was placed in a vacant lot of Judge Gabbert was in the habit of sitting across to and from his home."

book onto the wire in the hopes that the judge would pick it up and get off the bomb. Another man cut in ahead, however, too close to the judge. We waited until the next morning and the same thing happened. Then Pettibone had to go to Salt Lake to attend a miners' convention and I agreed to stay and try and get Gabbert with the bomb."

Gabbert's Escape.

"I was anxious to touch the first bomb, so I made another, only used a box instead of a tin can. I buried it the same as we did the other one. I watched a few mornings and finally saw him come down the sidewalk. I had Pettibone's wheel. I fastened the pocketbook to the bomb and then got on the wheel and rode down town. I didn't hear it go off. An hour later I heard an explosion, and learned afterward a man was a stranger and not a man we wanted. Later I went up to look over the grounds. I found a big hole which had been made in the ground. A few days later, Orchard said, he went down into the country to sell bull insurance. Returning three weeks later to Denver he met Pettibone at his store and told him how Walley had been killed by accident."

"Pettibone said it was 'hard luck,' I said that I was sick in bed. I led him to his residence at Pettibone's store. I told him about the explosion and he said he was sorry I had got Judge Gabbert. I got some money from Pettibone. 'An arrangement had been made long before that Adams and I should get our money through Pettibone. I stayed in Denver then until in August. This was in 1905. In August I was given the use of a team belonging to Hayward, two horses and a double-spring wagon."

After Sherman Bell.

"We wanted a team to use in trying to kill Sherman Bell. He had had a horse and a rig. Orchard and Hayward said to use the rig. We didn't like the horse. I told Hayward they were no good and I tried to get Hayward to sell the rig. He said he would try to sell it. He was offered something over \$200 for the whole outfit, but Hayward wouldn't sell at that price. He went to look around for another rig. We picked out a rig finally and Hayward bought it for us. The bill of sale was made to Mr. Vance, a liverman. We bought the rig from Mr. Vance. In August Moyer came back from California and he called us off. He said he had been in California and had information of Bell. He said it would stir up too much trouble. We'd have to quit and turn our attention to outside work. He said he would like to see me and myself to meet him. We went and met him and had a talk."

"Before you talk about that talk, state if you attempted to kill anybody else before you went after Sherman Bell," said Hawley.

"Orchard said that in June, after the failure of the attempt to kill Gabbert, he had made another bomb to kill Judge Goddard. He and a man in the employ of Max Mollie, a butcher, took the horse and rig and went to Judge Goddard's gate on Humboldt street. The gate was usually opened inside. There was a pad in the yard. The bomb was put in the gate outside the pad near the post the gate shut against. I took a sharp shovel and filed a square of sod out, then dug the hole and planted the bomb. We then put the sod back. I put a screw-eye in the bottom of the gate, didn't connect the bomb with the gate at that time. It was just before daylight. It was the judge's habit to come out at about 8:45 and take a car."

After Judge Goddard.

"At 8:30 I went back to the premises. I walked past the house and pretended to be reading a newspaper. He did not notice me. I dropped the paper and stooped to pick it up. The screw-eye was fastened near the bottom of the gate close in the ground and was string to the gate and then moved on. He never heard any report of an explosion. He was in the gate in August, several months later—and could not see the bomb had been removed. The string had disappeared. The screw-eye was in the gate. He said he told Moyer, Hayward and Pettibone about having placed the bomb on the gate."

"When Orchard was taken back to the conversation at Moyer's office in August after Moyer had called off the atom-bombs to Sherman Bell. The conversation was in Moyer's office. Orchard got there first and talked with Moyer alone for a while."

"Moyer told me his health was so bad he could not take a change of air by pulling off any jobs in Denver. He wanted to get Johnnie Newton out of the way. He said Newton was trying to blackmail him—had demanded \$1200 as hush money to keep quiet about the Independence depot affair."

Plot Against Steunberger.

"Pettibone came in while we were talking. He said it would be a good time to do some outside work. Hayward said he had a plan. He said a good time to get Governor Steunberger. He said four or five men had been sent to Caldwell to 'get' Steunberger. He said Steunberger had lived seven years too long. He asked me if I would try the job and I said I guessed I could. He described Steunberger—how he dressed. Orchard said Steunberger was a sheep man and drove about in the mountains in a buckboard. He said it would be easy to get him in Denver. He said he didn't think it would be quite so easy. We talked the matter over. He said he had sent Art Bastan to Caldwell. He said Art Bastan had failed. He said 'Haywood said Bastan had failed; he had sent a man by the name of Minister, a man by the name of McMinister, and he said Steve Adams. All of whom had failed to 'get' Steunberger. Minister was a man I knew at 'Cripple Creek—a union miner. I had talked previously with Pettibone and Hayward in July, about going to Idaho. I asked where Adams was and they told me he had gone to north Idaho to help J. L. Simpkins out of some of his claims. He said then he would go to Caldwell to 'get' Steunberger. After I came back from California in the early part of 1905, I had a talk with Steunberger and Hayward and Pettibone. Adams told me the money Hayward and Pettibone had sent him to north Idaho had not done any good. He said Jack Simpkins had cleaned out some claim jumpers in north Idaho. Adams said money had been sent to Ed Boyer for Adams to go to look around for another rig. We picked out a rig finally and Hayward bought it for us. The bill of sale was made to Mr. Vance, a liverman. We bought the rig from Mr. Vance. In August Moyer came back from California and he called us off. He said he had been in California and had information of Bell. He said it would stir up too much trouble. We'd have to quit and turn our attention to outside work. He said he would like to see me and myself to meet him. We went and met him and had a talk."

"I talked with Pettibone more than I did with Hayward about going to Idaho. I talked with both of them and they suggested I go first to see Jack Simpkins."

Adams' Murderous Work.

"In talking with Pettibone I told him Adams had told me about killing a man by the name of Tyler up in the St. Joe river country on Marlin creek, how they held him over night in a cabin, then took him out the next morning and shot him. I told Pettibone that Adams told me that Simpkins said the killing of Tyler had

FROM ORCHARD'S STORY.

"Haywood said he had come to the conclusion that Dave Moyer was behind all these strikes, was behind these people that were fighting the Western Federation of Miners. He said he had been interested in the whole of them as Governor Peabody came down to his private office and wanted us to see if we couldn't assassinate him."

"When I got off at Nampa I met a man by the name of Wilcox. He told me 'What we object,' said Richardson, 'is the whole thing. He told us where he lived and wanted us to see if we couldn't assassinate him.'"

"Istered there as Thomas Hogan. 'When I got off at Nampa I met a man by the name of Wilcox. He told me 'What we object,' said Richardson, 'is the whole thing. He told us where he lived and wanted us to see if we couldn't assassinate him.'"

"Well, I tried to find out all I could about the Steunberger while at Nampa. It was about the 15th of September. Orchard could not be just certain of the exact date after he went to Caldwell he stayed two or three days. He found Steunberger was out of town. He said he came to Boise. He stopped the first night at the capital. His business, he said, was then looking after Mr. Steunberger. He found Steunberger was at the Idaho. 'The next day, I went to Beattie and stayed there a week. I went to Portland to see the exposition. At Seaside I was looking for a ranch that Pettibone was firing on buying for a place to send persons who were working for the federation. I didn't get a ranch. I went on to Spokane and stayed there one day, and then went to Wardner to see Jack Simpkins. I knew him and knew his position on the executive committee."

Visits Simpkins.

"Orchard said he found Simpkins at Wardner and had a talk with him regarding the commission to meet in Boise. I came up here, but could not locate the governor. Then I thought I would get a man I knew up the street to help me. I went to Salt Lake, but could not find the man, so I returned to Caldwell. I stopped then at the Saratoga hotel. I was in my grip. I tried to locate Steunberger but it was several days before I located him. I saw him finally on Christmas day and up the street. After dark I took a sawed-off shotgun and went up to his residence, intending to shoot him when he came home from down town."

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"I brought it from Denver with me. 'I got it from a man I knew up the street. 'How long were you there at his house in this attempt on Christmas night?' 'I came soon after I got up there, but he got in the house before I got my gun together. I did not have it together. 'Where did you stay—on what part of the premises did you stay while you were watching there on Christmas night?' 'I was out on the street alongside of his house.' 'What did you do after this incident?' 'I did not see him and I went back to the hotel. I was still working on it, but I did not see him again until Saturday evening. I think it was the 10th of December.'"

"Tells of the Murder. 'Had you done anything towards locating him?' 'Yes, sir; I saw him that afternoon about the town.' 'Had you made any inquiries of any one with reference to him while you were there?' 'Yes, sir; I had. I spoke to his son; I suppose his name is Julian Steunberger. He had a copy of it but very nearly remembered the contents of the letter. He did not know whether or not the sheriff had made a copy of the letter.' Richardson strongly objected to a

"I saw Hayward in a day or two after—I think it was that night, that same evening in Pettibone's store. He asked me about Mr. Bradley. I wouldn't say that when I left there that he was reported that he would lose his eyesight and his hearing. He said he would be a great deal rather be blind than be deaf than to have killed him outright; he said he would be a living example."

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giant caps, some chloride of potash, sugar and sulphuric acid. It was the powder Simpkins bought in Spokane. The giant caps I had in my trunk when I left Denver to go to Spokane. 'Where did you get the chloride of potash and sugar?' 'I am not sure, but I think it was in Spokane or in Denver. I got the sulphuric acid in Spokane. The bomb was made in a box; it was made of eight inches square perhaps, and four or five inches high. It was made out of thin boards, about a half inch thick.' 'After you had taken this bomb up, after it failed to explode and you had taken it up and hid it, what was done by Simpkins and yourself, or either of you with reference to the bomb?' 'We went the next morning and took it up further on the railroad track and went over in a field where there was some straw. We covered it up with straw and left it there. It was about half mile from the main part of the town.' 'What was afterwards done by Simpkins and yourself?' 'Simpkins concluded then that he better not stay there.' 'What did he say with reference to the bomb?' 'Simpkins said he had seen some men whom he knew. He said he'd better go and let me run things alone. He said he would be worse for me if I was seen with him. It was some time in November. Simpkins left for Silver City. I left the Pacific hotel and took a room at a private house—Mr. Scherck's. 'That was on the boulevard. I had been there about a week or ten days when Simpkins returned. During that time I was mostly watching for Steunberger to see when I might catch him. I spent one night in Nampa. I had several letters from Simpkins saying that he was back in Boise. When I returned to Caldwell I met Simpkins at the train. He was going back to Spokane. I got him to wait over until the midnight train. He wanted to stay and try to 'get' Steunberger. He said that he would be busy with other matters. He was going to Denver. He said he would make arrangements to buy the ranch. 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RICHARDSON TRIES IN VAIN TO DISCREDIT ORCHARD'S STORY

TACTICS IN CROSS EXAMINATION TO CONFUSE WITNESS

ORCHARD STICKS TO STORY THAT HE TOLD HAWLEY

RAPID FIRE METHOD RULED OUT

Defense Sets Stakes to Prove that Witness Is a Liar.

TREACHERY TO HIS PALS EMPHASIZED

Indications Yesterday that Defense Will Charge that Orchard Was in Employment of the Mine Owners' Association—Not Much Progress Made—Interesting Tilts Between Attorneys Hawley and Richardson and Borah and Richardson—Big Crowd.

Cool, deliberate, unrattled, unexcited, Harry Orchard sat on the witness stand all through both sessions of the district court yesterday while Attorney E. F. Richardson of Denver plied all the arts and methods of which he, as an experienced attorney in criminal cases is master of, in an endeavor to confuse the witness—to discredit his testimony. Never, but once, during the day did the witness even show a sign of impatience although the attorney for the defense spared no pains to arouse the man's animosity and anger. Early in the examination Attorney Richardson be-

gan without being searched, and that his house was never searched although the houses of many others were. Orchard admitted that Scott had given orders that he be not disturbed. Another admission brought out on the cross examination was that Orchard had become jealous because he had not been intrusted with wrecking the train. He said that he did not think it was right to promise him only \$200 for such a dangerous job as going down in the Vindicator mine to touch off a powder mine that would kill about 50 persons and then give another person more money for such an easy job as removing a few rails to ditch a train. That was one reason, he admitted, why he had tipped off the mine.

Orchard's Minor Sins. The cross examination of Mr. Richardson also resulted in leading Orchard to confess to other sins—offenses that had not been brought out in the direct examination. But they were offenses that could not compare with the crimes he had already confessed. Orchard confessed to Richardson that he had continually squandered most of the wages he had earned in his earlier experiences in the west playing poker, that he had been a "high-grader" or an ore thief, that he had stolen powder and giant caps and other explosives; that he had stolen and sold "high-graded" ore from a room mate. He also confessed unblushingly to having told lies to the basketful—to Moyer, to

Pettibone, to Haywood, to Scott, to his wife. He was no respecter of persons when it came to handling the truth recklessly.

Richardson in handling the cross examination used every tactic possible to mislead and confuse the witness. With the ease of an acrobat the Denver attorney jumped with his questions from the Coeur d'Alenes to California and Cripple Creek to Denver and from Denver back to Coeur d'Alenes. His questions were put in a quick, sharp, excited voice. Orchard's answers were made deliberately, carefully, thoughtfully. The very coolness and deliberation of the witness several times seemed to anger Richardson. He began couching his questions in a sneering, malicious tone.

Money Came Easy.

"You must have had a very good stand-in with Haywood, from what you say," he remarked once very sneeringly. "According to your story you would have us believe that every time you came within his vision he began turning his pockets inside out to dig up money for you. He gave you all the money you wanted, didn't he?"

"It was the understanding that I should go to him whenever I needed money," replied Orchard quietly.

"And you hit him often for it, too, didn't you?"

"Well, when I got out I never hesitated to ask for money," was the reply.

"You were never broke after you got out well acquainted with Haywood I suppose?" still sneeringly.

"Oh yes, I used to get pretty low sometimes before I'd ask for any more."

"But you never dressed so well in those days as you do now, did you?" asked the Denver attorney glancing over Orchard's neat gray suit with meaning eyes.

Orchard did not hesitate with his answer: "I always wore pretty good clothes," he replied.

"But you never wore nice, clean white collars until the last few months

did you?" persisted the attorney, trying the mettle of the witness.

"I didn't wear white, standup collars when I was working in the mine," replied Orchard, "but I usually wore a white collar when not working—when dressed for the street."

Not Much Accomplished.

To those who watched the proceedings yesterday it did not seem that the Denver attorney had accomplished much toward discrediting Orchard's testimony given on direct examination. In the questions and answers yesterday no ground was touched upon relating directly to the Steunenberg murder. Although Richardson jumped around a great deal in his examination but little ground was covered as mapped out by the direct examination.

The independence depot explosion was not referred to nor the plot to kill Judges Gabbert, Goddard, or Governor Penbody or others. Steve Adams name was mentioned but once yesterday.

On several occasions during the day the attorneys had warm tilts and at one time Attorney Hawley told Richardson he was telling an "absolute falsehood, sir." When the Denver at-

torney intimated that he had a "fixed" witness to cope with. On another occasion Hawley objected to the manner in which Richardson was questioning the witness and Richardson kept right on, paying no attention to the interruption. Hawley jumped to his feet and exclaimed:

"Stop that method of examining that witness!"

"I don't have to," replied Richardson.

"Well you will have to," shot back Hawley, "and you'll have to fight away, too."

"I'll stop if the court tells me to, but I won't stop because of any orders you give; that's very certain," returned Richardson with flashing, angry eyes.

Hawley was about to reply again when the court interferred, cautioned Richardson to conform to rules of procedure while cross examining and told him to proceed.

Diamond Cut Diamond.

At another time when Richardson had asked Orchard a question and tried to shut off part of his answer, Hawley again objected and Borah interjected:

"When you lit up the lid, Mr. Richardson, you must expect to let the contents all out."

"When I lit the lid it's for the purpose of letting the contents out," declared Richardson audaciously, resenting the intimation that he had been unskillful and had himself brought up a matter by examining the witness which was rather detrimental to the defense.

"You don't show it," flamed Mr. Borah.

"Perhaps you had better teach me how to cross-examine a witness," sneered Richardson.

"I believe I could teach you a good many things about it," replied Borah with a bland smile.

Richardson looked daggers at the associate attorney for the state and Borah returned the look, still smiling broadly. Richardson got real mad then. He snapped:

"You try to teach me!"

"When I start a kindergarten class in law," replied Borah, "I shall be very glad to give you some instructions which you appear to need badly."

Here the court interferred with the

interesting dialogue and Richardson very much rattled went back to his seat.

Haywood Family Present.

The Haywood family were present, as usual, present yesterday—both were shown—and there seemed to be considerable relaxation throughout among them. At the beginning of the cross examination the "big crowd" that they were unable to get into the hall to some extent. Haywood was still told and his neighbors were packed in the seats and seats. For that

today, on several occasions since the attorney seemed to fill the crowd some extent of advantage, to speak Mrs. Haywood also smiled and smiled.

Several times the state attorney looked and looked over his shoulder at the witness stand at the same time. There was a look of hope about him. Haywood's confidence in his witness was up to the top of his head.

Big Crowds at Court House.

As usual since Orchard started on the stand the waiting capacity of the

(Continued on Page Six.)

FROM ORCHARD'S STATEMENT ON CROSS EXAMINATION YESTERDAY

In regard to conversations with Haywood and Moyer as to what he should do when he got back to Cripple Creek Orchard said, in answer to a question from Richardson:

"Haywood told me that when I got back to Cripple Creek to tear things up all I pleased. I couldn't, he said, make things too hot to suit him. He said that some plan to kill off soldiers would be particularly agreeable to him."

"Who heard Haywood say that?" demanded the Denver attorney savagely.

"Moyer was there and so was Mr. Easterly," replied Orchard very quietly.



RICHARDSON TRIES IN VAIN TO DISCREDIT ORCHARD'S STORY

HAPPY DELEGATES TO U. C. T. HAVE BIG TIME

(Continued From Page One.)

court room was way too inadequate to accommodate the crowds that flocked to the court room at each session from all the four corners of the city. At 8 o'clock yesterday morning an hour before the time for court to convene several hundred people were in the front yard waiting for the doors to open, notwithstanding the fact that a nasty drizzling rain was falling. Fully half of those who stood in the rain yesterday morning waiting for the doors to open were obliged to wend their ways homeward again because of lack of room. Probably ten more people than could be admitted were on hand to attend the afternoon session. During the morning a woman who sat in the front row of the court house fainted away and was held in the arms of nearby persons until she came to her senses. The crowd was packed in so close that it was impossible to remove her from the position.

A lively fight took place in the court house before the opening of the trial in the morning. A big, loose-jointed miner from Silver City, anxious to see the famous witness and hear the examination, sought admittance to the court room about an hour before the opening. At the bottom of the stairway he was stopped by three sheriff's deputies forming a line of guard. The visitor remonstrated the questions put to him and undertook to break through the line. Jack Woodson, a big deputy, tackled the stranger, who made a lively resistance. Woodson, however, finally landed his man on the lawn. He was allowed to go, but not into the court room.

Count opened promptly at 9 o'clock in the morning and the continuation of the cross-examination of Harry Orchard was commenced at once by Mr. Richardson.

Another sister. Orchard asked to correct a couple of statements he had made the day before.

"All right, sir," said Richardson. "You asked for the names of my six sisters. I told you only the names of five. My other sister was Mable. Her name was Rogers."

Orchard started to say something else when Richardson started another question in a quick order.

Hawley at once interposed, "Give that man a chance to answer his questions."

"He has said the off on most every answer I have tried to make," complained Orchard.

"Any time I ask you off, just go on and answer," advised the most impatient, said Richardson. "You talk out for that."

"It's the attorney's place to look out for that," interjected Hawley.

"Mr. Richardson, give the witness an opportunity to answer the questions," said the judge.

"Mr. Richardson asked whether it was not true that he had to give up the woodshed in Burke because he had gambled his capital away."

Orchard admitted he had gambled a great deal, but declared he was not a professional gambler.

Richardson then reverted to the fact on the Bunker Hill and Sullivan mine mill. He took the witness over the trip from Burke as he told about it on direct examination. He asked the witness to tell on what train he rode. Orchard said he was in a passenger coach. In answer to Richardson he named four or five men who were next him in the coach.

"Were you not at Mollin playing poker at the time of the explosion?" "I was not."

"You are certain about that?" "I was not."

Richard told of the meeting at Burke. He said that before starting on the train he went into the coach and got his cigar-thrower.

man asked, "what did you do for the next three years?" "I worked at," began Orchard. "Wait a moment," said Richardson. "Let the witness answer the question," interjected Hawley.

"But I don't," began Richardson. "If the witness wishes to answer that question, let him answer it. Mr. Richardson," instructed the court.

Orchard said he had worked as a milk man in Salt Lake, had mined in Utah, Nevada and Arizona and spent one winter getting out wood in California.

"How much of that three years did you actually do physical labor?" "I think," was the reply, "that I worked an average of 10 or 11 months out of each year."

Richardson asked questions regarding the money earned. He learned that Orchard was often short of funds. The witness said he had beat his way from Colorado to Butte, Montana. While in Butte he had gambled some—but not lost much, if any.

"And after a while it got so that you never lost other people—those you played with—did the losing?" asked Richardson.

Hawley objected to the question but Judge Wood overruled the objection. Orchard replied that often they lost; more often he lost.

Richardson asked the witness to state the various mining camps where he worked in Utah. He told great stress on how much money he made and how many he lost. He made trips every month or so to Salt Lake and other towns and almost invariably returned to the mines broke.

Orchard, Richardson called. Orchard confessed he lost most of his hard-earned wages at the gaming tables. He played poker, mostly.

Gambling Experiences. The witness said it was his own inclination that took him to Colorado, and said that no one connected with the Western Federation of Miners had urged his going. At that time, July or August of 1902, there was no trouble in Cripple Creek. Arriving at Colorado he went to work in the Trachite mine and renewed his membership in the Western Federation of Miners. Joining a local headed by W. F. Davis, who had been in charge of the party which blew up the Bunker Hill & Sullivan mill.

Attorney Richardson asked the witness repeatedly about his gambling experiences, laying much stress on this feature of his examination.

"Did you lose when you first began to play?" demanded Hayward's attorney.

"Not always."

"But you finally got on the other fellow always lost, didn't you?" "Correct for the state objected to this form of questioning, but it was allowed by Judge Wood.

"I nearly always lost," quietly replied the witness.

In reply to Richardson's questions Orchard traced his journeyings from place to place. The attorney wanted to know how much money the witness had at each place. Orchard supplied the information to the best of his recollection, admitting that a large percentage of his wages went over the gaming table. He seldom remained more than a few days at any one place, usually from one to three months in any mining camp.

Up to the time he went to Colorado in 1902, Orchard had never heard of Hayward, Pettibone, Meyer or Strickland.

In answer to a question from Richardson Orchard said that at the St. James mine where he had been he had worked the longest time steadily from the time he left Burke until he arrived at Cripple Creek.

"What time did you get there?" "I don't know," said Orchard. "What time did you get there?" "I don't know," said Orchard.

Richardson did not believe that Governor Steinberger had ordered in the military in north Idaho and was taking an active part in the conflict. He had worked the longest time steadily from the time he left Burke until he arrived at Cripple Creek.

Orchard said he arrived in Colorado just after the fourth of July in 1902. He said he went there to get work. There was no trouble in Cripple Creek when he got there. He had some with Arthur Dodson, a man he had met 14 months before in Salt Lake. Dodson had gambled some.

INTERESTING HIT OF CROSS-EXAMINATION.

Orchard said he left Idaho after the blowing up of the Bunker Hill & Sullivan mill to avoid arrest. He was taken over the years from 1893 to 1902 in detail, explaining to Mr. Richardson where he worked, where he got his money and where he went from time to time. Orchard said he worked on an average of 10 or 11 months a year in the mines of Utah, Nevada and Arizona. He gambled part of the time.

him at Wardner the day the Bunker Hill and Sullivan mill was blown up. Davis remembered Orchard when they first met at Cripple Creek.

Work at the Vincitor. After leaving the Hull City place Orchard said he went to work at Orchard 1 at the Vincitor, running a machine drill. He first worked on a machine drill in Nevada. He began work at the Vincitor, he said, in April or May. He lost no time between working for the Hull City place and beginning at the Vincitor. He had made one trip to Denver while working at the former mine. That was his first visit to Denver. At the Vincitor he first worked on the eight-foot level. He was working at that time on the seventh level. When he quit they were working on the seventh, eighth, ninth, eleventh and twelfth levels. The levels above the sixth Orchard knew nothing about.

Orchard said on August 10, when he walked out with the strikers he had about \$250. He said he usually made John Neville's saloon his headquarters. There was no gambling at that saloon. There were gambling places in the town. He gambled some after going out on the strike. Orchard said he had very little to do just after the strike started.

Orchard said there was a district union and several local unions. The district union was composed of delegates from the local unions. He had never been a member of a district union. W. F. Davis, Charles Kennedy and Sherman Parker were the men who, as the strike committee, managed the strike.

"You said an direct examination that for awhile after the strike you were high grading at the Vincitor?" "Yes, sir."

"That means you were an ore thief?" "You can call it what you wish. I took the ore."

"And sold it?" "Yes."

"Never took the money back to the Vincitor people, did you?" "Well, no; I never took any money back myself," replied Orchard.

Orchard said that while working for the Vincitor mine and after he quit he quit he "high-graded" about \$150 worth of ore altogether. The largest amount he got in any one day was about \$10. He said they stole ore from the mine even after the militia came to guard the mine.

Found Powder Stowed. "While in the Vincitor mine high-grading," Orchard said, he found a car load of powder was secreted in the mine. He told Davis about the powder.

Orchard said that he and several others stole several boxes of the powder and sold them.

"Then you were a powder thief as well as an ore thief?" asked Richardson.

"Yes, we stole several 50-pound boxes."

"You say that while you were in the Vincitor you discovered they had a carload of powder down there in the Vincitor mine?" "Yes, sir, I did."

"Did you have no talk between you and Davis about the subject of violence until you broached the subject to him yourself?" "No, sir, not that I know of."

MAN TURN OUT TO SEE PARADE

"Knights of the Grip" in Natty Suits Make a Fine Showing.

Gov. Gooding, Mayor Haines, Police and Fire Departments in Line—Crowds Line Street to See Men Who "Boost"—Over 100 in Parade.



SAMUEL KOHLBERG, Helena. Elected Grand Conductor.

In accordance with the earnest desire of the visiting members of the United Commercial Travelers and their friends in Boise the weather man yesterday provided a day that to say the least was perfect. At about 2 o'clock in the morning a heavy shower fell and effectually laid the dust. During the most of the forenoon the sky was clouded and it looked for a time as though it might rain again, but the veil of vapor soon broke away and the brilliant rays of the sun shone forth upon the city as if heartily in accord with the evident intention of its people which was to cast all care and business aside and come out one and all for the sole purpose of having a good time.

After the business session of the grand council of the U. C. T. which convened at 8:30 o'clock in the morning and at which the officers for the ensuing year were elected and several other matters of importance were taken up all the visitors with their brethren of the order resident in the

waiting for a few moments for the arrival of the carriages containing Governor Gooding and Mayor Haines, and the city councilmen the snare drums began to beat time and the line started.

First up Main street came the city's finest, followed by the Columbia band. Next came the carriage with the governor and Mayor Haines who were greeted with cheers, handclapping and the raising of hats, then another carriage with councilmen Blomquist, Walker and Aikman and Street Commissioner Burnham. The councilmen were followed by a pine rig containing Mrs. Buer and Miss Kolberg, daughters of Samuel Kolberg, of Helena, and the banner bearers of the Salt Lake delegation who headed the uniforms members of the order carrying their gay parasols and tossing cobweb rolls of paper in all directions until from every overhead wire there hung bright festoons of color. There were over a hundred in line and marching two abreast they presented a most attractive appearance. At intervals along the line the paraders broke into their yell "Who are we? Who are we? We are members of the U. C. T. Are we? Well I should smile, we've been fit for quite a while."

The crowd of onlookers cheered and clapped and joked the men in line as they recognized their acquaintances.

A number of the marching drummers narrowly escaped arrest and fines at the hands of the "officers of the kangaroo" court of the day because on the charge of insanity brought on by attempts to roll up the cobweb strings of paper which floated along the pathway of the parade. They were saved, however, from the designs of the officers by the timely action of friends who rapidly supplied them with fresh rolls and kept their vague minds occupied with the same.

Following the line of the commercial travelers came the two base ball teams which were to give one of the great spectacles of the national game ever seen in the city, with the exception of the carnival band, and bringing up the rear were the handsome horses and equipment of the Boise fire department headed by Chief Teagwood and Assistant Chief Creed. The department as usual appeared spick and span. The horses sleek with careful grooming and all the harnesses as bright as the polished metal and fresh paint could make it.

Following the parade along its entire route the magnificent and pride and to say that it was a success is doing but scant justice to the efforts of the men who were out to their utmost when the line finally arrived at Riverside park there was a crush at the entrance and the extra keeper and ticket seller were out to their utmost to take care of the same crowd that

ELECT OFFICERS FOR THE YEAR

S. M. Barlow of Salt Lake Is Chosen Grand Counsellor.

Salt Lake Practically Decided Upon as Next Meeting Place—Traveling Men Talk of Buying Home for Wayward Boys.



E. H. McMAHON, Salt Lake. Elected Member Executive Committee for Two Years.

At half past eight o'clock yesterday morning members of the grand council of the United Commercial Travelers assembled in the Ellis hall for the election of officers and the transaction of other business before the body.

The election of officers which was first taken up resulted as follows: Officers Elected.

Grand counsellor, S. M. Barlow of Salt Lake; grand conductor, George A. Jeffrey, Red Lodge, Mont.; junior counsellor, Samuel Kohlberg, Helena; grand secretary, W. A. Thompson, Salt Lake; grand judge, H. K. Pettibone of Boise; grand recorder, George W. Davis, Ogden; executive committee for two years, Harry Woodman, Billings, Mont.; and E. H. McMahon, Salt Lake; delegates to the supreme council which opens this month in Columbia, Mo., W. McAllister and R. H. Barlow, both of Salt Lake; Alternates, Charles S. Peterson of Helena, Mont., and A. H. Ad-



H. K. PETTIBONE, Boise. Elected Grand Secretary.

ams, who is the oldest and grandest counsellor in this jurisdiction. This is the first time in the history of the grand council of the three states of Idaho that all delegates that they have sent will be in the city. The delegates and the extra delegates were escorted through the waiting efforts of the members of the order who have graciously left the members in the three states all the while here in Boise in the short time in which the delegates have been organized here.

At the meeting today. A special invitation has been received from Governor Miller, and the answer and the council of Salt Lake have extended the invitation to meet in their city next year. The Salt Lake Commercial club has also strongly urged the selection of the great city by the inland men for the place of holding the next meeting and with the large number of Salt Lake in attendance here it is practically certain that the city will acquire the knights of the grip next summer.

Talk of building cottages. The consideration of the matter of the building of a cottage for the commercial travelers at the Canyon Creek camp, an institution for the homeless and out-of-door boys, was also brought up and discussed in detail. The proposition was approved and the committee on the matter consisted of a number of men subscribed by some of today for the purpose. S. M. Barlow, the new grand counsellor, said that he would like to see a cottage built on the site of the old one and would like to see it built and occupied by the boys who are now in the camp.

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city gathered at the Idaho hotel to make arrangements for the great parade which was the first feature on the boards for the afternoon's sport. Special uniforms of white duck trousers and hats, and parasols of the colors of the order, blue, gold and white were ordered and distributed to the members who were to be in line. The Big Parade. Immediately after the noon hour people from all over the city began to gather at the depot and within a

VISITORS LIKE BOISE. The delegates and the extra delegates were escorted through the waiting efforts of the members of the order who have graciously left the members in the three states all the while here in Boise in the short time in which the delegates have been organized here.

E RICHARDSON TRYS IN VAIN TO DISCREDIT ORCHARD'S STORY

(Continued From Page Nine.)

come out," replied Richardson. Then after a moment he added:

"I know that this lid has been fixed for us and what's beneath is also fixed up."

Attorney Hawley was on his feet in a jiffy.

"If you make a statement like that," he shouted to Richardson, "you make a statement that is absolutely false."

"Proceed, gentlemen," called out Judge Wood.

Richardson did not reply to Mr. Hawley, but again took up the cross-examination.

Orchard said that when he went to Denver in 1903 on money supplied by Detective Scott it was the first time he had met Haywood and Moyer. He hadn't heard of Pettibone up to this time. Haywood and Moyer told him, when he introduced himself that they had heard of him.

Richardson read an extract from Orchard's testimony of yesterday. The witness interrupted him once to say he had omitted something. Richardson read again and Orchard inserted one or two words which he said the stenographer had left out.

"These words were under the lid yesterday, I suppose?" the attorney snarled at the witness.

"I don't know anything about the lid," replied Orchard unperturbed.

Orchard said he had never told Detectives Scott and Sterling anything about the explosion of the Vindicator mine. Richardson questioned the witness closely as to the shaft he used in entering the Vindicator. He said he thought he went down No. 11 to place the bomb.

"Didn't you say the Whiting shaft yesterday?"

"No, sir."

Had Seen McParland.

"Have you seen Detective McParland since yesterday?"

"Yes sir."

"Ah, ha," called the attorney. "How long were you with him?"

"I saw him for five or ten minutes in Mr. Hawley's office today at noon."

Orchard said that when he returned to Cripple Creek from Denver he reported to Detectives Scott and Sterling, but didn't tell them about his interview with Haywood and Moyer. At this interview Moyer and Haywood had told him, Orchard declared, to get busy at Cripple Creek and do what ever he could—that he couldn't go too fierce for them.

He said Haywood and Moyer told him that Easterly had gone to Pueblo. He said he was there at the federation headquarters about 20 minutes and had not asked for money at that time.

"I didn't want any money just then. They offered me some before I left, though."

"They did?"

"Yes, they did. Moyer told me to hang around a few days; that I could have some. I told him I would probably need some before I went away from the city. Either on that visit or the next visit Moyer paid me \$20. He gave it to me in one bill."

"How much of Scott's money did you have then?"

"Not much—I had a few dollars."

"When did Easterly return?"

"I can't say, exactly; I wasn't keeping books," replied Orchard.

A hot fusillade of questions were asked by Richardson to confuse the witness regarding the dates of three meetings Orchard had with the federation officials at headquarters. Or-

ADMISSION BY ORCHARD.

In telling how he came to tip off to railway detective the plot to wreck a train between Cripple Creek and Florence, Orchard said to Richardson yesterday on cross examination:

"I was mad, or sore, because, after I had done one job for them for rather small pay, they went and hired somebody else to do a less dangerous job for considerable more pay. I was broke and they kept putting me off. I was kind of provoked and made up my mind I'd tell the railway officials."

Orchard turned in his seat to look at the man in the audience.

"Yes, sir; he is the man," he replied.

"He's the man who helped you to make those two bombs?"

"Yes, sir."

"They were made in that man's cabin?"

"Yes, sir; in his cabin."

How Bombs Were Made.

Orchard was next told to describe the making of the two bombs in Cripple Creek which were to be thrown into the Vindicator coal bins. Orchard said no one told him to make these particular bombs. He did it in accordance with the understanding at the interview with Moyer, Haywood and Easterly in Denver to go ahead and do what he could. Orchard said that in December, 1903, he was told by Haywood and Moyer to turn things loose—he couldn't go too fierce to suit them. During the first days of January he said he was told to keep quiet until some of the Federation men under arrest in Cripple Creek had been tried.

"So the policy of the federation changed completely inside of two weeks?" asked Richardson.

"It was more than two weeks," replied the witness.

Richardson asked Orchard if Railroad Detective Scott had not told him that the company had arranged to stop a train at a certain curve, draw some spikes and charge an attempt at train wrecking to the Western Federation of Miners. Orchard denied that he had ever heard such a story. At a subsequent trial of alleged train wreckers Orchard said he heard one of the witnesses testify that he was a detective of the Thiele agency and at the same time a member of the miners' union. This man was involved in the derailing.

Free With Soldiers.

"Did Scott ever give you a passport through the military lines?"

"No, sir. He told me if I ever got in trouble with the militia to let him know."

"Did you ever have any trouble with the soldiers?"

"No, sir."

"Did the pickets or sentries ever stop you?"

"No, sir."

"You went where you pleased?"

"Yes, sir."

"And your house was never searched by the militia?"

"No, sir."

"But the searching of houses was very general?"

I suppose, and he went down and dug it up?"

"I understand that he did."

Orchard said he thought there were six or eight cans. It weighed probably 40 pounds.

He was not molested by the militiamen who watched the trains. Nobody was at the station to meet him. He got off at the station nearest his house.

"You were not afraid of the militia?"

"No."

"You knew they wouldn't search you, didn't you?"

"Well, I didn't take any more chances than were necessary," was the reply.

Next Trip to Denver.

Orchard said the next time he had gone to Denver was after receiving a message from Denver—that he had had a telephone message from the federation officials asking him to come to headquarters. He said Duvivis said Haywood wanted him to go to Ouray.

"Didn't Moyer say that he had to go to Ouray to look after the men—the men there who had been deported and were very badly treated—that he wanted you to go along to protect him?"

"He said he wanted me for a sort of bodyguard."

"Didn't he tell you a union man by the name of Evans had been beaten up—almost to death—by deputies?"

"I don't know—I had heard of the Evans case."

"You know the men had been driven out of Telluride, up over the mountains in an inhuman manner by Bulkeley Wells, later adjutant general; did you hear that?" asked Richardson, impatiently.

"I heard the men had been deported by train," said Orchard.

Richardson asked a lot of questions regarding the two sawed-off shotguns Orchard claimed Moyer and himself took on the trip to Ouray. Orchard finally said he brought the guns back to Denver and left them at the federation headquarters.

"You testified yesterday that you got one of those same guns and took it out and killed Lyte Gregory with it?" asked Richardson.

"I think it was one of the same guns," was the reply.

"As a matter of fact, do you know that you never saw those guns again?" exclaimed Richardson. "Moyer right now has one of those guns—yes, he has both of them."

Orchard looked rather confused and Borah spoke up:

"Is that a statement or a question?"

Orchard thought a few moments and finally answered:

"I am not certain that they are the same guns that I afterward got. They looked alike. I always supposed they were the same. They had three or four sawed-off shotguns about headquarters."

"But you testified yesterday that they were the same guns," suggested the attorney for the defense.

"I may have said so," replied Orchard. "I am not sure. I supposed they were the same guns but I may have been mistaken."

It was now 3:30 and court adjourned until 9:30 this morning with the understanding that there would be but one session today.

Explanations Wanted.

"There are some things I should like to know," remarked the Human Interrogation Mark. "We hear of

the dates were more than a month before Christmas. Orchard did not know whether there was any meetings of the executive board during the days he was in Denver on that trip. He saw only one member of the board at the offices. The one member of the board that he saw was Mr. Kirwan.

Orchard said he did not report to Scott the meetings he had at federation headquarters. He said he saw Scott every day to tell him Easterly hadn't got back. He said he got \$5 more from Scott. He said neither Scott nor Sterling knew of his part in the Vindicator explosion. They had not paid him for that work.

Plenty of Money.

"After you got on good terms with Haywood you never went broke, did you?"

"Yes, I probably went broke occasionally, but I always knew where I could get more money."

"You weren't quite so extravagant about your clothes then as you are now, were you?"

"I always had fairly good clothes," was the quiet reply.

Orchard said that before he left Denver, in the presence of Easterly and Moyer, Haywood paid him \$280, making \$300 with what Moyer had paid him.

Richardson tried to get Orchard to confess that after he got back to Cripple Creek he saw Scott and told him all that had transpired in Denver, but did not succeed in getting such an admission. Orchard said he saw Scott and told him some things—just to satisfy him. Neither Scott nor Sterling ever paid him any more money after that.

In regard to conversations with Haywood and Moyer as to what he should do when he got back to Cripple Creek Orchard said, in answer to a question from Richardson:

"Haywood told me that when I got back to Cripple Creek to tear things up all I pleased. I couldn't, he said, make things too hot to suit him. He said that some plan to kill off soldiers would be particularly agreeable to him."

"Who heard Haywood say that?" demanded the Denver attorney savagely.

"Moyer was there and so was Mr. Easterly," replied Orchard very quietly.

Orchard told of Moyer having given him \$100 at one time while on a visit to Cripple Creek. He said Moyer handed him a \$100 bill on the street on the way to the depot.

Powder for Bombs.

Orchard told about stealing 10 pounds of powder up on Bull hill from a man by the name of Charlie Perkins.

"You stole the powder?" asked Richardson.

"Yes, sir."

"Did Perkins know about it?"

"I guess not."

"Does he know about it now?"

"I don't know," replied Orchard. "I know I never told him anything about it."

Orchard said this powder was used in the construction of two bombs to blow up some coal bunkers. Ownie Barnes helped him, he said. The bombs were made at Barnes' cabin.

"Is Mr. Barnes in the room?" asked Richardson in a loud voice.

"Yes, sir," replied a voice from the audience.

"Stand up, please."

A sandy-mustached, average-sized man stood up among the spectators.

"Is he the Ownie Barnes you are referring to," asked Richardson of Orchard, pointing to the standing man.

Richardson asked Orchard if he hadn't been rather ostracized by the union miners about that time—they suspecting he was in the employ of detectives for the mine owners, but Orchard replied negatively.

"Don't you think they knew you were working for Scott?"

"No," replied Orchard.

Another Denver Trip.

Orchard said he next went to Denver as a delegate of his lodge to a labor convention in the last of January or first of February.

Richardson said the convention was held on the 2d, 3d and 4th days of January.

Orchard was not certain. It was his recollection that the convention was the last of January or the first of February.

"Isn't it true that you have become confused—that your first trip to Denver was really at this time—that you were not in Denver in December at all?" asked Richardson.

Orchard said he was certain he had been in Denver in December.

On the second visit Orchard said he had talked to Haywood, Moyer, Pettibone, Smeltzer, O'Neil and several others.

Richardson went back to the attempts made to wreck the trains. Orchard said Scott had never told him that he had himself pulled the spikes from the rails so that he could charge the miners with the crime. He knew the men arrested on the charge had been acquitted and he had heard that a man named McKinnie had confessed that the mine owners' detectives had pulled the spikes.

In answer to a rapid fire of questions, Orchard said that he had not been called as a witness in the trial although Scott knew that Orchard had given the warning word. He admitted that by orders of Scott he was never molested by the soldiers, had the right to go and come through the lines.

Orchard said he had never known that McKinnie and Sterling were in the employ of the mine owners or had worked together.

Pettibone Dope.

Orchard said that after McKinnie had said something on the stand on the stand about some explosive fluid the miners had—that Moyer had warned him not use any of the fluid as it would be directly traced to them. Orchard said he had some of the fluid at Cripple Creek at that time and that Moyer knew he had some of it. Orchard said that most of the defense's witnesses at the trial had been examined by Mr. Hawkins in Mr. Hang's office. He didn't think the union hall was used to any great extent for that work.

Richardson reverted back to the Denver convention. Orchard said daytimes he attended the convention. On one evening, at least, the federation offices were open and he was up there. There he met Haywood, Moyer, Pettibone and quite a number of delegates to the convention. They talked politics. No acts of violence were discussed.

"On another occasion I met Moyer and Pettibone and Moyer wanted me to go down to his store and get some 'Pettibone dope.' Then he told me about the stuff—how he mixed it up. Later I went over and got several cans of it—enough to make four gallons. I took it down to Cripple Creek to throw into cars filled with scabs. I buried the stuff in the yard near my house. I never used it."

"You left it there."

"Yes."

"Is it there yet?"

"I don't think it is."

"You told McParland all about it,

wet hen. NOW, I can understand why a wet hen should feel peevish about it, but why should a March hare be any madder than an April hare or a May hare, or any other hare, for that matter? And why should your hatter be madder than your haberdasher or your shoemaker or your tailor? Surely the hatter stands just as much chance of getting his money as the others—more, in fact, for if a man's hat isn't paid for he's head over ears in debt. See? (Laughter in parenthesis, please!)

"Then there's the expression 'as dead as a door nail,' about which Dickens once wrote a dissertation without being able to arrive at any conclusion as to why a door nail should be any deader than other nail. Did you ever speak of a person as being crazy as a bedbug, or crazy as a loon? Of course you have, but did you ever stop to ask yourself why? Then there is that other absurd simile, 'as drunk as a boiled owl.' Why should a boiled owl show symptoms of intoxication any more than a boiled mutton? Perhaps there is some justification in saying that a person is as cross as two sticks, although not in the way it is usually applied, and to say that a woman is as ugly as blue mud may have some justification, but why particularize 'blue' mud? Did any one ever see blue mud?"

"As big as a house," is a favorite expression, in spite of the fact that there are some mighty little houses, and 'as safe as a church' is another that baffles analysis. Did you ever tell a summer girl in a white, fluffy dress that she looked as cool as a cucumber and then stop to consider why a cucumber should be any cooler than a turnip? But why prolong so unprofitable a line of thought? Let's have a drink, I'm as dry as a fish."

Patient Angler.

If ever there was an enthusiastic fisherman it was old Jones. He was quite content to sit for hours on the bank of the stream, hoping for a bite, and if he didn't get one, his mind thrilled at the thought of what splendid sport he had two years ago. Thus he was found by a fellow angler.

"Fished long in this stream?" he asked, pleasantly.

"Twenty-three years," was the laconic response.

"Then this stream must be worth fishing in," went on the stranger. "You must get a lot of bites?"

Gazing intently at his rod, Jones replied with zest.

"Two years ago, in this very spot, I had as fine a bite as any one need wish for. And I shall get another yet."

London Answers.

Mathematics in the Kitchen.

Mrs. Dickenharry—For goodness sake, Mary, how long did you boil those eggs?

The new cook—Half an hour, mum.

Mrs. Dickenharry—But didn't I tell you that three minutes was enough for an egg?

The new cook—Yessum. But I billed ten of 'em.—Cleveland Leader.

Sunday at the Druggists.

"Any stamps?" she asked as she entered the drug store.

"Yes, ma'am," replied the proprietor.

"Let me have a 2-cent stamp, please"

"Got a prescription? It's Sunday, and we can't sell you a stamp without a prescription, ma'am."—Yonkers Statesman.

ORCHARD STICKS TO STORY TOLD ON DIRECT EXAMINATION

(Continued From Page One.)

owners." The story was taken up yesterday at the point where Orchard returned to Denver and reported to Haywood and Pettibone that Moyer had been arrested. Then the narrative was followed through the first attempt to kill Peabody, the killing of Lyte Gregory and the preliminaries to the blowing up of the Independence depot.

Orchard a Fire-Bug.

As the last mentioned event was being entered into Orchard made a surprising admission that he had committed the crime of arson. He confessed that he entered into a plot with Johnnie Neville to defraud an insurance company which was successful. Neville ran a saloon in Cripple Creek which was not paying. At Neville's suggestion Orchard said he set fire to the building with a quantity of "Pettibone dope," burned the building to the ground and, for his work received \$100 of the \$700 which Neville got as insurance.

Story of Crime Re-Told.

The defense has rigorously insisted upon Orchard reviewing in great detail all of the disgusting, terrible crimes he confessed to on direct examination. Regarding every infamous plot, every nefarious crime, every offense, Richardson has cross-questioned until every detail was fully explained. He has tried to play up the facts that with Orchard "assassination was a trade and murder a means of livelihood." He brought out that Orchard was willing to slaughter human beings for small pay, and was entirely indifferent as to the number or conditions of his victims. It seems evident that Richardson is bound that Orchard shall re-tell his life story so that the most diabolical and most squalid detail may not fail to be impressed upon the minds of the men in the jury box, but so far, under the grilling examination by the Denver attorney, Orchard has stuck to his first story—line, chapter and verse.

Orchard has shown a determination to make a clean breast of everything. He has not hesitated at making any admissions of guilt in any circumstance. He has confessed that he has not only been a murderer, but also that he has been a liar, a thief, a wife deserter, a bigamist and a fire-bug. He denied yesterday, however, that he had held up people on the streets of Denver to take their valuables or that he burglarized any homes or business places.

The Usual Fireworks.

The usual tilt between attorneys for the state and defense was not omitted yesterday. Borah, as usual, displayed his ability for sharp, cutting sarcasm and Richardson's resonant voice was heard thundering objections to Hawley's downright, emphatic challenges. Clarence Darrow took no part yesterday in the tilts between attorneys but all the morning sat beside his associate watchful as a cat, several times engaged in smoothing the ruffled feelings of Richardson and whispered repeated suggestions in his ear regarding the examination. Haywood was very alert. He watched every detail and yesterday showed few signs of emotions. He consulted with his attorneys, continually coaching them evidently on events there were being covered and seemed particularly to be refreshing their memories on dates.

Considerable comment has been made regarding the actions of Judge Wood on the bench. He has been probably the most alert of the principals in the case. Not a word or movement escapes him. He is prompt in his decisions and permits no infringement of the dignity of his court.

Orchard yesterday, as at all times since he has been on the stand remained perfectly cool and level-headed. He seldom changes the pitch of his modulated voice. His answers always have come promptly and with

that was before or after he returned from Silverton, Orchard could not state. He said he first met Pettibone at headquarters in 1904.

It was at this time—after returning from Silverton—that Orchard was first talked to by Haywood and Pettibone regarding plans for putting Governor Peabody out of the way. Orchard said that they complained of Peabody because he would not recognize an order of the court to release Moyer. At this point the attorneys for the prosecution took notes and Richardson passed over the point quickly.

Richardson for 10 minutes dwelt upon the matter of where the conversation with Haywood had been held. Orchard could not state positively whether it was at the headquarters office, at Pettibone's store or at Haywood's house. He said he had been to Haywood's house about 20 times.

Orchard said they wanted him to kill Peabody with a shot gun. Richardson asked: "Now, it seems to me it would not have been very difficult for a man like you to shoot Peabody. You had plenty of chances, didn't you?"

"I didn't get the man," was the reply. "I watched for an opportunity and didn't see any," was the reply.

"Didn't you see him at all?" "Yes, but I was studying his habits."

"Do you have to learn a man's habits in order to shoot him?" "I was following orders," was the reply.

Went After Help.

Orchard said he finally went to Cripple Creek to get Steve Adams.

"Couldn't do the job alone, eh? Wanted a partner?"

"I wanted help."

"You knew Adams pretty well, didn't you?"

"Not very well. I had known him before."

"You attended the trials in Cripple Creek constantly together—the spike-pulling trials. Didn't you sit together all through the trials?"

"I think we both attended the trials. I don't think we ever sat together."

Orchard said he got either from Haywood or Pettibone money to go to Cripple Creek to get Adams. He didn't remember how much. He made arrangements for Adams to come and preceded him back to Denver. When he came he met him at the train.

"We didn't do anything at first. Adams went to headquarters and got some money from Haywood and Pettibone got him a suit of clothes."

"How do you know that?" asked Richardson.

"I saw Haywood pay Adams some money. I was there. I think Pettibone bought the clothes. At any rate Adams and Pettibone went out together for that purpose and I know Adams brought back a new suit of clothes."

Orchard said he may have called at one time on John M. O'Neill at headquarters when Moyer and Haywood were absent.

"Wasn't that before you ever did any work toward attempting to kill Peabody?"

"No, sir—it was long after that."

Orchard said he had often talked to John O'Neill. He had never asked O'Neill for Peabody's address.

Attempt on Peabody.

Richardson reverted to the direct examination statement where Orchard reported to the officers that if he had somebody to help him he could shoot Peabody from behind a stone fence.

"Why did you want somebody to help you?"

"I didn't want to do it alone. I wanted somebody with me."

"Couldn't you have shot him alone?"

"I thought I could, but I wanted someone there with me."

"What for—to pull the trigger?"

"I didn't want to do it alone. I wanted someone else there to shoot too."

"Wasn't it a fact you wanted Adams in it because he was a member of the Western Federation of Miners?"

"No, sir."

"He was a member—wasn't he?"

"I believe he was."

"You didn't have any talk with Moyer about killing Peabody?"

on the street and take their money away from them?"

"No, I did not."

Murder of Lyte Gregory.

Asked about the assassination of Lyte Gregory in Denver, Orchard said he had never known Gregory personally and had no grudge of any sort against him.

"What was the reason given you for killing Gregory?" demanded Richardson.

"Because of his opposition to the federation and the coal miners," the witness replied.

"But the federation had nothing to do with the coal miners, did it?"

"I believe not."

"And there was no coal strike on?"

"Yes, I believe there was."

"But the coal miners belonged to Mr. Mitchell's organization?"

"Yes, I believe Mitchell was president."

Orchard said Gregory had been a deputy of the coal operators. He had also been a detective at Idaho Springs during a strike the federation was conducting there.

The witness said Pettibone had reported the proposed assassination of Gregory to the executive board of the Western Federation of Miners and had said the board thought it would be a good thing. Asked the members of the executive board at this time Orchard gave the names of Jack Simpkins, James Kirwan, E. C. Coakley and Jack Williams.

Orchard said it was not Bob Meldrum of Telluride, who was drinking with Gregory the night of his assassination, but a man named Mildrin, whose first name the witness did not remember.

Asked why he shot Gregory three times with his sawed-off shot gun, Orchard replied coolly:

"He didn't go down till the third shot."

"You kept pumping till he did go down?"

"Yes, there were five or six shots in the gun."

Gregory called out something when he was shot the first time, but Orchard said he could not hear what it was.

Orchard said he got \$100 from Pettibone a day or two after Gregory's death.

"Was this specifically for the Gregory matter or were you a general salaried officer for killing people?" asked Richardson.

"I drew money whenever I needed it."

"You didn't care what you did to get money so long as it wasn't work, did you?"

"I didn't work much."

Orchard said there was no fixed schedule of prices for his crimes. He never asked for money until he needed it.

Orchard testified that Meldrin had been "sweated" by officers regarding the murder of Lyte Gregory—that Haywood had told him and had added that Meldrin had an alibi fixed up and was a "level-headed fellow" and was in no danger. Richardson asked:

Orchard's Life History.

"Have you written this matter in narrative form?"

"Have I written it up?"

"Yes. I have noticed that several times Hawley had told you to 'go on and tell the story in narrative form.' Have you written a narrative?"

"Yes; I have written the story of my life—the true history as near as I could remember it."

"How many times have you written it?"

"I have been over it a good many times."

"And every time you went over it you changed it?"

"Changed the phraseology a good deal."

"And the changes you made were made at the suggestion of McParland, I suppose?"

"No; he never suggested any changes."

"Did you ever hand him a copy of your narrative?"

"He saw a copy of it, I think."

"Didn't he help you write it? How long have you been working on the story of your life?"

"He didn't help me write it. I worked on it for over a year past."

"And you went over it a good many times?"

"Yes. I was getting it ready to print

figuring on withdrawing the troops?" Orchard could not state that Richardson's statements were correct. He had not heard of much trouble during that time at Cripple Creek.

"You were in Denver that spring?" "Yes, sir."

Crimes in Denver.

"And all during that time do you remember there were many hold-ups in the city; children were robbed on the way to school; small banks were looted and robbed. Do you remember?"

"Yes, there were a good many hold-ups, but I don't know there were more than usual."

"Well, it got so bad that the newspapers referred to it as an 'era of crime,'" said Richardson.

"I don't know as I remember that," said the witness.

Richardson said the Independence depot was a small, nearly abandoned building, costing only a few hundred dollars, had boarded up windows and no agent in charge.

Orchard agreed he had described the depot pretty accurately.

"What did you or anyone else hope to accomplish by blowing up the Independence depot?" asked Richardson.

"We expected to blow up a lot of non-union miners and scare others out of the district or induce them to join the union."

Orchard said that Adams had preceded him to Cripple Creek about three weeks. When he went to Cripple Creek he went first to see Billy Ackman, the man who had helped place a bomb in the Vindicator mine. Ackman, he said, wouldn't help pull off the job at the Independence depot, as he couldn't get away. He worked nights as a bartender and his absence would point suspicion toward him.

Orchard said he then went to Steve Adams and Adams said he would help.

"Why didn't you see Adams first? Were you afraid of him?"

"No; only that he drank a good deal."

"Well, you drank a good deal yourself, didn't you?"

"I didn't get drunk."

Orchard went on to say that Floyd Miller got him 100 pounds of powder but didn't know what was to be done with it. He said he didn't know now where Miller was. He had heard he was back east somewhere—in Kansas or Missouri.

"Who told you that?"

"Mr. McParland."

"Did he give you Miller's postoffice address?"

"No, but I think he knew where it was."

Orchard told of how he and Johnnie Neville hatched their plan to take a prospecting trip. He said that Neville was complaining that the saloon business was not paying and they hatched a plan to remove the valuables and then set fire to the building and get the insurance.

"I got \$100 out of the insurance money," said Orchard. "The insurance amounted to about \$700 in all. I went upstairs and set the building on fire with several small bottles of 'Pettibone dope.'"

Orchard said that neither Moyer nor Haywood knew anything about the plan to burn Neville's saloon until later.

"We bought a team and wagon, part of a camping outfit and Neville, his son and I started off down the trail."

"You left your wife and her children there?"

"Yes."

"You never sent her a dollar since for her support, have you?"

"No, sir."

Sent Wife Some Money.

"But you sent your other wife money, didn't you, since you were placed in state prison?"

"Yes, sir."

"Where did you get the money?" demanded Richardson.

"I got it from Warden Whitney. I asked him if he would advance me money on a couple of guns I had, some field glasses and other things. I said I would be willing to sell them and turn them over to the purchaser at any time after the trial."

"Where did Whitney get the money?"

"I believe he got it from the governor," returned Orchard.

"Did the governor or Mr. Whitney give you any other money?"

"I don't think anybody gave me any money," replied Orchard.

"Did McParland give you any money?"

"No, sir."

"Did you get any money from McParland at all?"

"No, sir."

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Orchard openly stated that he had not committed that crime by direction of the officials of the Western Federation of Miners. He stated they had known nothing about that affair until long after it had been consummated.

The Usual Fireworks.

The usual tilt between attorneys for the state and defense was not omitted yesterday. Borah, as usual, displayed his ability for sharp, cutting sarcasm and Richardson's resonant voice was heard thundering objections to Hawley's downright, emphatic challenges. Clarence Darrow took no part yesterday in the tilts between attorneys but all the morning sat beside his associate watchful as a cat, several times engaged in smoothing the ruffled feelings of Richardson and whispered repeated suggestions in his ear regarding the examination. Haywood was very alert. He watched every detail and yesterday showed few signs of emotions. He consulted with his attorneys, continually coaching them evidently on events there were being covered and seemed particularly to be refreshing their memories on dates.

Considerable comment has been made regarding the actions of Judge Wood on the bench. He has been probably the most alert of the principals in the case. Not a word or movement escapes him. He is prompt in his decisions and permits no infringement of the dignity of his court.

Orchard yesterday, as at all times since he has been on the stand remained perfectly cool and level-headed. He seldom changes the pitch of his modulated voice. His answers always have come promptly and with very little hesitation. So far he has not been caught in a material contradiction. Several times he has actually corrected the record itself when his answers of the day before have been read and the transcription shows an error. At times in reply to some assertion made by Richardson he is very positive. "I made no such statement," or, "I said nothing of the kind," is a frequent expression with him, and when he finds some statement not to his satisfaction he will change it always preceding his change with: "I beg your pardon, sir, but I would like to correct that answer."

Progress of Examination.

The cross examination of Harry Orchard seems now likely to last through Monday and Tuesday of next week and possibly longer. He has now been on the stand just fourteen hours and of this seven hours and a half were consumed in his telling the narrative of his terrible crimes on direct examination by Mr. Hawley. At the close of the cross examination the state will take him in hand for re-direct examination. It seems probable that he will therefore remain on the stand until the last of the coming week, and after that, later in the trial, it is quite probable that he will be recalled. Warden Whitney says that the ordeal, since the first day, has had no noticeable effect upon Orchard's physical condition or spirits. The warden says the giving of his testimony has been a relief to the man. He eats heartily and talks unemotionally about the events of the day.

As usual a very large crowd was present when the court room doors were opened and several hundred were turned away disappointed. Court convened at promptly 9:30 and there was no delay in getting down to proceedings. Orchard was brought in in the usual way, through the judge's office preceded and followed by guards and deputies. He appeared refreshed, determined and ready to face the ordeal. His step was firm and yesterday, for the first time, his eyes were not on the floor. He gazed fearlessly about the room as he marched to the witness chair.

Cross-Examination Resumed.

As soon as Orchard was seated Richardson began the cross-examination where he had left off. Orchard said that after he returned from Silverton to Denver, he met Haywood at the offices and told him of what had happened to Moyer, of his arrest. He said he roomed at the Belmont.

Witness said he got acquainted with a man by the name of Vaughn at the Belmont hotel, while rooming there under the name of Dempsey. Whether

Richardson said he saw Haywood pay Adams some money. I was there. I think Pettibone bought the clothes. At any rate Adams and Pettibone went out together for that purpose and I know Adams brought back a new suit of clothes."

Orchard said he may have called at one time on John M. O'Neill at headquarters when Moyer and Haywood were absent.

"Wasn't that before you ever did any work toward attempting to kill Peabody?"

"No, sir—it was long after that." Orchard said he had often talked to John O'Neill. He had never asked O'Neill for Peabody's address.

Attempt on Peabody.

Richardson reverted to the direct examination statement where Orchard reported to the officers that if he had somebody to help him he could shoot Peabody from behind a stone fence.

"Why did you want somebody to help you?"

"I didn't want to do it alone. I wanted somebody with me."

"Couldn't you have shot him alone?"

"I thought I could, but I wanted someone there with me."

"What for—to pull the trigger?"

"I didn't want to do it alone. I wanted someone else there to shoot too."

"Wasn't it a fact you wanted Adams in it because he was a member of the Western Federation of Miners?"

"No, sir."

"He was a member—wasn't he?"

"I believe he was."

"You didn't have any talk with Moyer about killing Peabody?"

"No."

"Where was Moyer?"

"I think he was in jail at Telluride."

"Haywood was under the surveillance of an officer, wasn't he?"

"Yes."

"So you couldn't talk privately with him, then—could you?"

"Yes, sir—I could."

"How was that?"

Orchard said that on several occasions he had talked with Haywood privately in the latter's office at headquarters. The officer permitted that. Once he talked with Haywood in the rear of Pettibone's store while the officer was out in front.

Orchard told why they abandoned the plan of shooting Peabody, of the time he and Adams sneaked up behind the hack at Peabody's residence, thinking the governor was in the hack, and several women instead got out of it. He then told the story of the construction of the bomb.

He said Pettibone made the thin board box of which the bomb was made and helped plant it. He then told of Moyer's returning home and heading off the plan to kill Peabody.

Very Thorough Examination.

Orchard constantly corrected Richardson as to inferences he would draw from his answers and as to the attorney's recollection of his direct testimony. Haywood was repeatedly in conversation with Mr. Richardson suggesting questions and giving correct dates.

The tack taken by the defendant's attorney in asking Orchard if he wanted Adams to help him in the assassination of Governor Peabody because Adams was a Federation man, is taken as another indication that the defense will contend that Orchard was in the employ of the Mine Owners' association and that he tried to involve the Federation or a Federation man in all of his crimes. It is certain the defense will claim there was a counter plot on the part of the mine owners to break up the Miners' union by having lawless acts attributed to it.

Richardson went over Orchard's testimony on direct examination almost word for word with the witness, each question in the direct evidence suggesting from five to 10 interrogations in the cross-examination. Orchard adhered to every one of his first statements and elaborated them under the hall of questions of the defense. Mr. Richardson devoted much time to fixing places and dates in the witness' story, evidently laying the foundation for contradictory evidence when the defense has its innings.

"Outside of your assassination," Richardson asked the witness, "did you have any little enterprises on the side?"

Orchard said he gambled some with the money he drew from the Federation, but lost oftener than he won.

"Didn't you ever hold anybody up

"I didn't work much." Orchard said there was no fixed schedule of prices for his crimes. He never asked for money until he needed it.

Orchard testified that Meldrin had been "sweated" by officers regarding the murder of Lyte Gregory—that Haywood had told him and had added that Meldrin had an alibi fixed up and was a "level-headed fellow" and was in no danger. Richardson asked:

Orchard's Life History.

"Have you written this matter in narrative form?"

"Have I written it up?"

"Yes. I have noticed that several times Hawley had told you to 'go on and tell the story in narrative form.' Have you written a narrative?"

"Yes; I have written the story of my life—the true history as near as I could remember it."

"How many times have you written it?"

"I have been over it a good many times."

"And every time you went over it you changed it?"

"Changed the phraseology a good deal."

"And the changes you made were made at the suggestion of McParland. I suppose?"

"No; he never suggested any changes."

"Did you ever hand him a copy of your narrative?"

"He saw a copy of it. I think."

"Didn't he help you write it? How long have you been working on the story of your life?"

"He didn't help me write it. I worked on it for over a year past."

"And you went over it a good many times?"

"Yes. I was getting it ready to print in book form."

Independence Depot Affair.

Orchard said he talked with Simpkins, with Davis, with Moyer and Haywood about pulling off something in Cripple Creek for the purpose of holding the convention together. He said they told him there was dissension in the convention. Many were finding fault about the way the Cripple Creek strike had been managed. He said the Butte delegates in particular were kicking—said too much money had been and was being spent. Some said the strike never should have been ordered.

"Don't you know there was no dissent in that convention?"

"I know there was all kinds of kicking and wrangling," said Orchard.

"Don't you know that before that convention adjourned the delegates indorsed the strike and the way it had been managed without one dissenting vote?"

"I do not know that; no sir."

Regarding Simpkins.

Right here Richardson again digressed from the matter in hand to ask:

"When you and Jack Simpkins were talking about your experiences in the Coeur d'Alenes," questioned Richardson, "didn't you tell Simpkins that if Governor Steunenberg hadn't driven you out of Idaho you would be a rich man—that your former partners in the Hercules mine were all millionaires?"

"I told him part of that," Orchard replied. "I said my partners were all rich men."

Senator Borah for the state wanted to know if this question was for the purpose of impeaching the witness by Jack Simpkins, who has never been apprehended.

"Yes," replied Richardson, "just as soon as your Pinkertons produce him."

"We are producing the Western Federation as fast as we can," declared Senator Borah.

"And as a matter of courtesy to you we have brought on many of the federation officials and will bring more if you let us know about it," Attorney Richardson finally declared.

Orchard said that Davis, Parker and others were trying to think of something to pull off at Cripple Creek to head off a split in the convention—before the convention adjourned. It was then, he said, that the blowing up of the depot at Independence was suggested.

Orchard remembered that a committee was appointed by the federation to see the governor about withdrawing the troops from Cripple Creek.

"Wasn't it very quiet and orderly at Cripple Creek then? Were they not

"I got \$100 out of the insurance money," said Orchard. "The insurance amounted to about \$700 in all. I went upstairs and set the building on fire with several small bottles of 'Pettibone dope.'"

Orchard said that neither Moyer nor Haywood knew anything about the plan to burn Neville's saloon until later.

"We bought a team and wagon, part of a camping outfit and Neville, his son and I started off down the trail."

"You left your wife and her children there?"

"Yes."

"You never sent her a dollar since for her support, have you?"

"No, sir."

Sent Wife Some Money.

"But you sent your other wife money, didn't you, since you were placed in state prison?"

"Yes, sir."

"Where did you get the money?" demanded Richardson.

"I got it from Warden Whitney. I asked him if he would advance me money on a couple of guns I had, some field glasses and other things. I said I would be willing to sell them and turn them over to the purchaser at any time after the trial."

"Where did Whitney get the money?"

"I believe he got it from the governor," returned Orchard.

"Did the governor or Mr. Whitney give you any other money?"

"I don't think anybody gave me any money," replied Orchard.

"Did McParland give you any money?"

"No, sir."

"Did you get any money from McParland at all?"

"No, sir."

"Have you had any other money since you were in the penitentiary, other than this \$50?"

"Yes, sir."

"You did not have any money when you went into the penitentiary, did you?"

"Yes, I had a few dollars."

"How much did you get after you went in, altogether?"

Orchard said he had sold two lockets and some gold chains, and altogether had got about \$115 since his arrest.

"What did you do with that money?" asked Richardson.

"I sent most of it to her," said Orchard.

"To your first wife?"

"Yes, sir."

"Is that all you got?"

"I got some clothes once in a while."

"You got some clothes lately, too, didn't you?"

"Not long ago."

"Got them on purpose so as to look your best during the time you appeared as a witness, I suppose?"

"I got them to wear during the trial."

"Had your picture taken, too, didn't you—just before the trial?"

"Quite a little while before the trial."

"Right after you got your new suit of clothes?"

"I had had the clothes a while before that."

"When you got the new clothes you dressed up and had the newspaper men call on you, didn't you?"

"I was interviewed by some newspaper men, yes."

Richardson then asked him several unimportant questions regarding the preparations for the trip with John Neville, and, it then lacking but five minutes of 12 o'clock, he announced that he had come to a good place to stop in the examination and stated that if the court was to adjourn at noon he would like to break off where he was.

Adjournment was taken until 9:30 Monday morning.

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DAILY STATESMAN.

MONDAY MORNING, JUNE 10, 1907.

PRICE FIVE CENTS.

VIGOROUS DENIAL BY MURPHY

Former Western Federation Official Declares Orchard Is a Liar.

Asserts That He Did Not Approve of Killing of Lyte Gregory and Never Knew There Was Such a Man Until After the Murder.

SALT LAKE, June 9.—James P. Murphy, a member of the Butte executive board of the Western Federation of Miners three years ago, now a resident of Mill Creek, a suburb of Salt Lake, made a statement today in regard to the reference to him in Orchard's testimony to the effect that Murphy approved the plot to murder Lyte Gregory over two years ago for beating up two organizers of the United Mine Workers. Murphy said: "I never knew Lyte Gregory. The first time I knew there was such a man was when I read of the murder in a Denver paper over two years ago. I saw a picture with the story, but did not recognize it as of any man I ever knew in Butte or elsewhere. It seems from the press dispatches that Orchard says I approved the plot to murder Gregory. If Orchard means me, he is the dirtiest scoundrel on earth.

"Haywood and I are enemies, but I will go to Boise to testify for the defense any time the defense wants me. I quit the executive board because Haywood and I could not agree. I never knew Orchard or Steve Adams as working in Butte, although I worked there 12 years. I am well known there to mine owners and miners. I never knew of any plots in the executive board to destroy the property of operators or miners. I am opposed to strikes and tried to keep peace in the unions when in Butte and was never in a strike while I was there."

It is intimated that the defense may fear to call Murphy as a witness on account of his enmity with Haywood, which is bitter. It is believed agents of the miners' union knew where Murphy has been since leaving Butte and that he was passed up when seeking for witnesses in Utah.

Detective Pender of the Ogden police force, leaves Monday with other Ogden officers to testify for the defense to attempt to break down Orchard's testimony.

MRS. ORCHARD AT HER HOME IN ALTMAN

COLORADO SPRINGS, Col., June 9.—A special to the Gazette from Cripple Creek, says:

Mrs. Harry Orchard is now at her home in Altman. She is undecided whether to journey to Boise to appear in the case in which her husband has made such startling disclosures.

Both sides have asked Mrs. Orchard to testify, but so far she has refused, believing she could give no important testimony.

MANY WITNESSES NOW IN BOISE TO TESTIFY IN HAYWOOD TRIAL

ADAMS NOW ON WAY TO BOISE AS A WITNESS

Sheriff of Kootenai County Turned Him Over to Officers on Orders From Judge Wood of Boise and Judge Woods of Wallace.

(Special Dispatch.)

SPOKANE, June 9.—Steve Adams, Harry Orchard's pal, waiting his second trial at Wallace on the charge of murdering Fred Tyler, was Saturday night taken from the county jail at Rathdrum, Idaho, by two officers from Boise, and started on his way to Boise to testify in the Haywood trial. One of the officers was a deputy sheriff of Washington county, Idaho, and the other was a detective from Boise.

Sheriff E. A. McDonald of Kootenai county, who had Adams in charge, said that the order was served on him for the delivery of Adams from Judge Wood of Boise and Judge Woods of Shoshone county. The purpose for which Adams was wanted as conveyed in the order was to testify in the Haywood trial and to confirm part of the testimony given by Harry Orchard.

"I knew that Adams was to be taken several days ago," said Sheriff McDonald tonight over the long distance telephone. "I was looking for the officers. The two officers arrived here this evening and Adams was delivered over to them on the serving of the order."

They left there in an automobile, going to Ross, Idaho, and from there took the electric car, presumably to Spokane. Adams was taken from the county jail at Wallace the first part of the week and lodged in the jail at Rathdrum while the jail at Wallace was being remodeled. Sheriff McDonald said that there was no effort to secrete the prisoners away, but that the removal was made necessary for repairs.

Adams is safely secreted in Spokane and probably was taken south on Sunday morning's O. R. & N. train.

ORCHARD INTERESTED IN NEWSPAPER ACCOUNTS OF HIS TESTIMONY

Says Denver Attorney Cannot Confuse Him—Haywood's Spirit Seems to Be Revived After Restful Sunday and Talks With Mother, Wife and Attorneys—Prisoners Receive Visitors.

Harry Orchard passed a very quiet Sunday and it is reported entirely recovered from his fatigue and strain of the previous 14 hours on the witness stand. He ate heartily and slept well. He talked unemotionally during the day regarding the trial and the part he is taking in it. He said that he had no fear of the defense attorneys confusing him. He said his story was absolutely true; that he didn't intend to state anything but facts and had so thoroughly gone over the events of his past life and settled the leading features so well in his mind that he thought there was no possible chance of making erroneous statements.

Orchard admitted that the cross-examination of Mr. Richardson was very severe and remarked that it was necessary to keep his mind fixed constantly upon the subject in hand to keep from making some statement he knew was wrong so that the Denver attorney could not put things into his

STEVEN ADAMS ON WAY FROM NORTH

Being Brought Here in Custody of Gene Johnson and Two Others.

MEN WELL KNOWN IN MINING TROUBLES

Large Number from Denver, Salt Lake, Ogden, Cripple Creek District and North Idaho—Mrs. Toney Not Here—Mrs. King, Witness for Defense, Creates Sensation on Train, Being Taken for the Woman Orchard Pretended to Marry in Colorado.

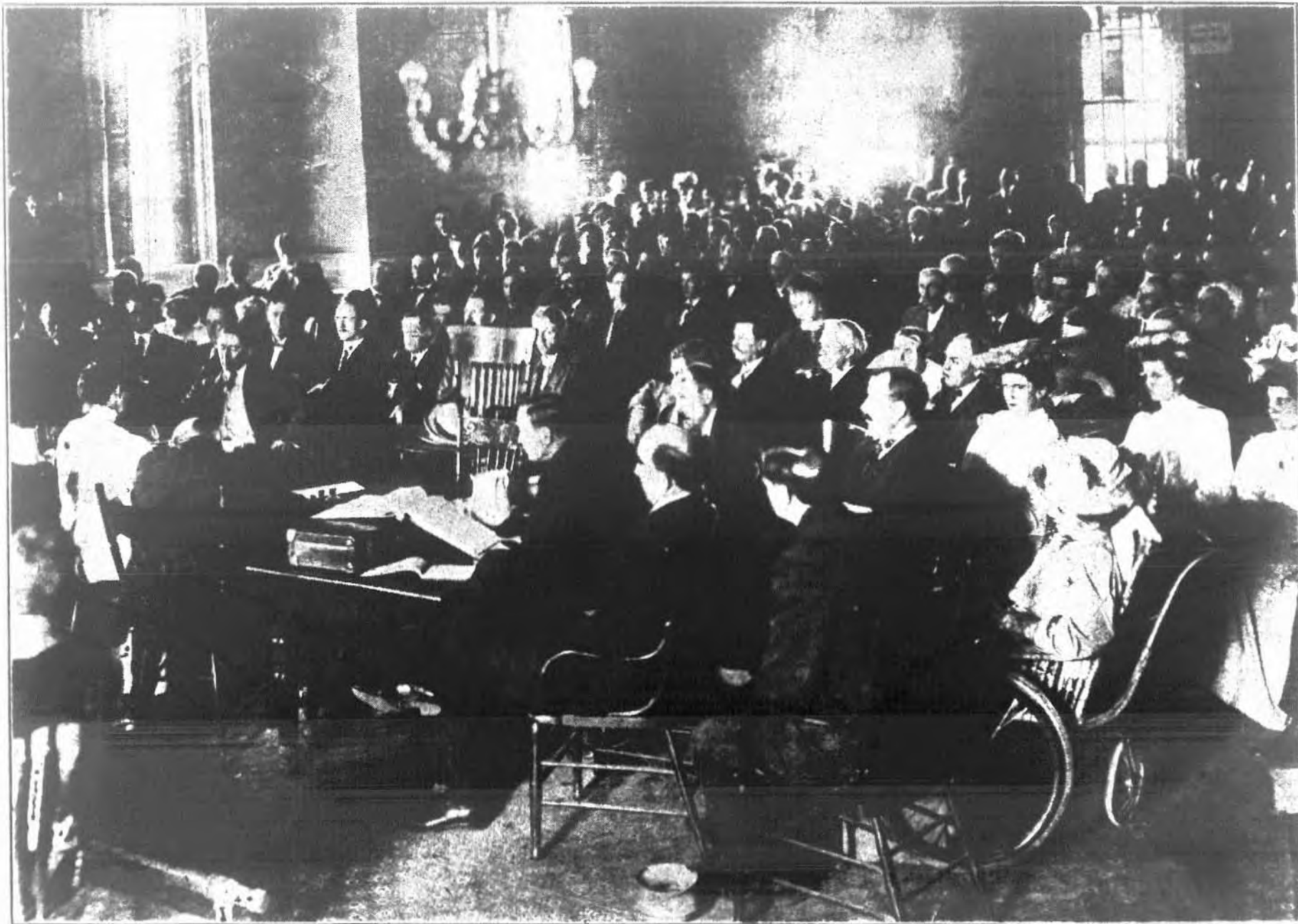
Steve Adams will be a witness introduced by the state in the trial of William D. Haywood, charged with the murder of former Governor Frank Steunenberg. Adams is now on his way to Boise in company with Detective Gene Johnson of Boise and two other officers. Johnson started after the man several days ago and laid over in Spokane two days waiting orders from the attorneys for the prosecution as to when to get his man and start for Boise. The orders were sent immediately after the defense began the cross-examination of Orchard. Adams, it is expected, will arrive late this afternoon.

With other prisoners in the Wallace jail, Adams was removed to Rathdrum last Tuesday by order of the district judge of Shoshone county to be held for safe-keeping while the jail at Wallace was being moved to a place near the courthouse there. Adams is, therefore, being brought from Rathdrum. He has been held at Wallace pending a second trial for the murder of Fred Tyler, the jury in the first trial having disagreed.

Second only to the interest in Orchard's testimony will be that of Steve Adams. According to Orchard's story Adams was his partner in many of the assassination expeditions; he was the one who helped Orchard on several man hunts—notably the attempts on former Governor Peabody of Denver, the death expedition of which Lyte Gregory was a victim, and the blowing up of the depot at Independence by which 12 or 14 lives were sacrificed. It was Adams, it was charged, who killed Arthur Collins at Cripple Creek.

(Continued on Page Six)

(Continued on Page Eight)



SCENE IN DISTRICT COURT DURING PROGRESS OF HAYWOOD TRIAL.

Defense table in foreground. The attorneys are E. F. Richardson (partly bald with arms folded), C. S. Darrow (leaning over on the table), Peter Brown, next to Darrow. Defendant Haywood sits behind Richardson and Mrs. Haywood sits in the invalid chair. Just beyond Haywood and in front of Mrs. Haywood sits J. F. Nugent of the defense. The three women beyond Mrs. Haywood are (left to right) Mrs. Haywood's nurse, the older daughter and Mrs. Steve Adams.

the other events of the week prove as enjoyable, the class of 1907 will learn hearty congratulations.

ORCHARD INTERESTED IN NEWSPAPER ACCOUNTS

(Continued From Page One.)

mouth that he did not intend to say.

Orchard spent yesterday in his old quarters in the state penitentiary. He spent much of his time reading the papers, particularly the accounts of the trial and went over the stories of his testimony quite fully. He said The Statesman, he thought, had been very faithful in its accounts of the trial as far as it concerned him. He found no errors. He will go on the stand this morning again at 9:30.

It can hardly be estimated just how long he will remain on the stand. It may be the rest of this week. It is thought the defense will at least take two more days in completing the cross-examination; then will come the re-direct and the re-cross-examinations.

Details Being Brought Out.

The cross-examination of Orchard is bringing out a mass of detail that will again be taken up in the re-direct. It would appear even as if the prosecution had purposely sketched through the direct and the story of Orchard's life in order to allow the defense to bring out certain features. This is instanced in the connection of Orchard and Moyer, the president of the organization of which Haywood is the secretary, also the intimacy between Orchard and Pettibone, the third of the prisoners charged with the same crime under the same indictment. That this connection will be brought out very clearly and that the selection of Orchard as a body guard to Moyer at a critical time when both of them traveled with sawed off pump guns and revolvers, must be explained is admitted. After Orchard, the state will probably put Adams on the stand.

Haywood Has Visitors.

William D. Haywood was visited yesterday morning and afternoon by his wife and daughters and by his mother. Several of the attorneys for the defense also spent some time with him. He spent considerable time in reading the papers and took great interest in what outside papers had to say of the trial. He had read each day the accounts in the local papers, but not until yesterday did he have a good chance to read the others. The rest of Saturday afternoon and yesterday and the encouraging conversations he had yesterday with his mother, wife and attorneys all had a good effect on reviving his spirits and it is said he will appear this morning feeling and looking better than for some days past.

Mrs. Pettibone visited her husband a short time yesterday, at the time he took his regular outdoor exercise and Mrs. Moyer was with her husband both in the morning and afternoon. She has now been out of the hospital several weeks and during the past 10 days has been recovering very fast. She spends most of her time at the jail and is usually accompanied by her sister.

Court convenes this morning at 9:30 o'clock and the morning session will last until noon. The afternoon session will probably last from 1:30 o'clock until 3:30 o'clock.

Giant flowered pansy plants. A full stock of other bedding plants and cut flowers at Bayhouse Floral Co.

For Sale—One first-class single buggy, one gentle driving horse for

Messrs. King and McCarty of Chicago, stockholders of the Mt. Belle Mining company, arrived in Hailey yesterday to stay a few days.

H. L. Hollister and several other mining men came in on the north-bound train and passed on up to Ketchum yesterday.

Unclaimed Letters.

List of unclaimed letters remaining uncalled for at the Boise postoffice for the week ending June 8, 1907. Parties calling for these letters must say: "Advertised June 10th, 1907."

Adamson, Mrs Arrie	Hendric, Edwin
Aggie, Miss	Highland, E C
Allen, G A	Hoffman, Max
Allen, C V	Holm, Axel
Anders, Lyman E	Huppertz, Ernest
Angell, H	G
Angelo, Mike	Hurst, Ross
Bailey, James	Jones, John
Bailey, Mrs. A E	Jacobs, Myron
Ball, Mrs Jennie	Lambourne, Mrs
Cleveland	Frank
Barnes, W R	Little, John H
Bass, Miss Mamie	Lytle, Fred
Bell, Jno F	Macdonald, D
Betts, Graham K	Harlin, John H
Bowers, Mrs P R	Mason, Walter
Bowling, Miss	Michlin, Geo
Mona	Mincer, Mrs
Bowling, Maurice	Maggie
Bowling, Miss	Montgomery, Miss
Ethal	Beaulab-2
Brady, Chas	Naron, Lee
Briggs, B W	Neal, All
Bunner, Wm	Nichols, Hugh A
Perry	Parker, Lee
Butler, Mrs	Payton, H L
Winnie	Pinegar, Mrs Della
Butler, John D-2	Pittorf, Mrs C E
(Highland, Ida)	Phelan, John
Camp, Mrs Walter	Prescott, Mrs Sue
Campbell, Neel	Price, Miss
Campbell, Mrs	Sylvia E
Minnie	Prigerson, S
Carter, Morris	Rankin, Mrs Neva
Chapman, Mr &	Roebor, Walter
Mrs Carl	Rosa, 600 S. 15th
Chisholm, Hugh	street
Clark, Miss Maude	Rose, Rev. Samuel
Clark, Mrs May	Ross, J O
Clarkson, Mrs E	Rundquist, Mrs
P-2	H O
Cottam, W	Seines, Helmer P
Cruse, W H	Schuster, F C
Cullins, Charles E	Shaffner, E P
Dee, W W	Snow, Miss Ethel
Doyce, Mrs W M	Soward, Fred
Drake, A F	Sprague, J T
Duncan, R J	Stafford, Wm
Dwights, W D	Storms, V L-2
Dyer, Mrs F M	Stone, George W
Editor Boise City	Stitch, Will-2
Journal	Strong, Harry
Fiden, Wilgus C	Stuart, Miss Nellie
Filley, W R	Taggart, Harold
Flexing, W H	Talbert, J W
Flinn, Mrs Chas	Tatton, Mrs Jas
Foot, Mrs Arthur	Taylor, Miss M M
Hallock	Thurman, Theo-
Fuller, Mrs W	dore-2
Caro's Martin	Thurman, Shelly
Godbold, Ray	Treadgold, J W
Greenwood,	Waxham, E S
Frank	Willet, Mrs Emma
Hainsworth, Jef	Wilcox, Mrs Edgar
Harmon, N S	Wilkinson, L J
Harpale, Lee	Wilson, Mrs Will
Hartrauf, W G	Wilson, Miss
Harris, Orlowe	Maud
Haskins, George	Wilson, W E
Hathaway, Claude	Wheeler, Mrs
Hayes, Dr P G	Chas
Heald, E A	Woods, Mrs S A
Heloeuy (?)	Yoeune, H W
Florence	Zahl, Harry

Postage due on each of the above letters 1 cent each. Letters remaining uncalled for at the end of 14 days will be sent to the dead letter office.

W. C. FENTON,
Postmaster.

Low Rates to Pacific Coast.

From June 9 to 16, inclusive, low round trip rates will be in effect from O. S. L. stations to San Francisco and Los Angeles, limited to August 26

MANY WITNESSES NOW IN BOISE

Adams was arrested in Oregon shortly after the arrest of Orchard for the murder of Steunenberg and was held at the penitentiary for a long time. While at the penitentiary Adams also made a confession which he later repudiated, claiming he had signed the confession under threats of punishment if he did not. It is said that Adams' confession even surpasses that of Orchard as a cold-blooded recital of man-hunting expeditions and cruel, inhuman, dastardly murders.

Adams Not to Follow Orchard.

It was at first the intention of the prosecution to put Adams on the stand as soon as the examination of Harry Orchard was finished, but yesterday it was the opinion of the state's attorney that some of the 20 or more witnesses upon whom they depend to substantiate Orchard's story would be next called. Who will follow Orchard has not yet been decided. Mr. Hawley stated yesterday that he had 20 witnesses ready to go on, any one of whom could be placed on the stand next.

Witnesses Arrive Daily.

Witnesses for the state are now arriving in bunches and one or two have shown up for the defense. The defense has just commenced to summon witnesses, having so far subpoenaed about 10. They expect to summon in the neighborhood of 50 or more by the last of this week. The arrival of witnesses is proving a very interesting feature of the case. Men whose names have been connected with the history of mining troubles in Idaho and Colorado are now seen constantly on Boise streets, and in the court room and about the hotel lobbies.

Sheriff Bailey of Shoshone county arrived in Boise yesterday afternoon. He left Wallace last Wednesday and came here by the way of Blackfoot, where he took an insane man from his county. He said when he left Adams was in the jail at Rathdrum and he did not know when he was to start for Boise. "I saw him a couple of days before I left," said Bailey, "and told him I was going to Boise. I asked him if he had any word to send his wife and he replied: 'Tell the old lady I'm well and that the kids are being well looked after.'"

Bailey will testify regarding the finding of the bomb which Orchard said he carried up into that country—the bomb which was made to "bump off" Peabody, and was afterwards found in the Coeur d'Alene river. This is the bomb, the casing of which was introduced in the court the other day as a state's exhibit and which was identified by Orchard.

Sutherland and Others.

Besides Bailey several other men are now here as witnesses for the state from north Idaho. Among them are Angus Sutherland and William O'Neill. Sutherland was formerly sheriff of Shoshone county and was active during the Coeur d'Alene troubles where he earned a reputation as a fearless officer and a famous gun fighter. William O'Neill was the proprietor of a small hotel at the head of navigation in the St. Joe river country where Orchard the other day on direct examination, said Jack Simpkins and himself stopped when they made a trip up through there in the summer of 1905 just before going to Caldwell to make the preliminary arrangements for killing former Governor Steunenberg.

Witnesses From Colorado.

QUIT SALE

Going

Our loss is your gain. This

Silk Jumper Suit - - \$8

White and colored Wash Suits,
new styles, values \$7.50
to \$8.50 at - - \$4

Waist values up to \$2.00 at -

Long Lisle Gloves, in tan, black
and white, value \$1.35 -

from Haywood. Mr. Burke was proprietor of the Tupper house in Pocatello where, according to Adams, the latter registered under an assumed name at the time he said he went to Pocatello to set fire with Pettibone dope to a carload of non-union miners.

Another State Witness.

H. F. Carey, superintendent of the Denver office of the Pinkerton agency, arrived in Boise yesterday. He said he thought he would not be called as a witness but came principally to help handle certain affairs in the hands of the Pinkertons relating to the bringing of witnesses. W. B. Hopkins is another Denver witness whose testimony promises to be interesting. He was formerly private secretary and stenographer to Detective Mc-

COFFEE

It is a mistake part of a housewife's poor coffee; it is for anybody.

Your grocer returns your money like Schilling's Best; we pay him



Credited during the days of the troubles there in 1903 and 1904, later deputy sheriff of Telluride country, as another witness whose testimony is deemed of great importance for the state. He is known as a great gun fighter and fearless officer. He was with the party who guarded Meyer, Haywood and Pettibone when brought to Idaho on the special train from Denver. Claude Bartell, another officer who has worked with Meldrum for some years, is also here. Bulkeley Wells, formerly adjutant general of Colorado, is one of the state's witnesses, who has been here for some days. He was captain of state militia on duty at Cripple Creek during the big strike. He dug up the bomb planted for Judge Goddard and had charge of the special train which brought the federation officers from Denver.

Substantiates Orchard.

Another witness who has just arrived from Colorado is Major H. A. Naylor who was also in charge of troops on duty in the Cripple Creek district during the trials. To a Statesman man he said yesterday:

"I will testify that no privileges were shown to Orchard by the militia in Cripple Creek during those times, more than was shown to scores of other men. No men—union or non-union men—who were not directly under suspicion were stopped from going or coming through the lines. It is true some men were stopped and searched. The homes of some were searched. But that was only when the men were under direct suspicion. Orchard moved about at his own free will the same as many, many others."

Major Naylor will also testify regarding the Independence depot explosion. He says that he was one of the party which followed Orchard and Johnnie Neville up into Wyoming. "We got Neville and brought him back," he said, "but could not catch Orchard." He said immediately after the explosion suspicion pointed toward Orchard and Steve Adams, but Adams' connection with the crime could not be shown.

Plumber from Denver.

Another witness for the state from Denver is Mr. Roach, the plumber who says he is the man who made for Orchard the sheet lead case used in the construction of the bomb which Orchard testified was made for the purpose of blowing up Governor Peabody. Roach says he well remembers the case and was curious about the holes which Orchard ordered punched in it. He substantiates what Orchard said on the stand the other day that the plumber asked what the case was for and he told him it was to plant cactus in and that the holes were made to let the flowers grow through.

Mrs. John Gernes, landlady of the Belmont hotel over Pettibone's store in Denver, where Orchard and Adams were said to have stopped a great deal of the time, will also be here to testify for the state. H. L. Arnold, who has mining interests in the Cripple Creek district, will be another witness for the state, he arriving yesterday.

Witnesses Coming Today.

Five witnesses are expected to arrive this morning from Salt Lake and Ogden. They are James Pender, city detective of Ogden; W. C. McIntyre, night watch at Ogden; H. F. Snyder, formerly secret agent for the Southern Pacific at Ogden; Thomas Burke, police officer of Ogden, and G. W. Rich, a Christian Scientist doctor of Salt Lake.

The first three will testify regarding Adams' arrest in that city in 1904 and of his having wired to Haywood for money to bail him out of the city jail and of Adams' receiving the money

from a detailed confession made by Harry Orchard to the great detective at the state penitentiary. He may be the first witness called after Orchard leaves the stand. Harry Williams, famous because of many fearless acts as deputy sheriff in the Coeur d'Alene district during the strikes, is here as a witness for the state.

Not Mrs. Harry Orchard.

It was rumored here yesterday that Mrs. Ida Toney, the widow whom Orchard pretended to marry at Altman in the Cripple Creek district, had arrived as a witness for the defense, but the rumor proved to be false. A witness from Denver who arrived yesterday explains how the rumor started. He says a Mrs. M. King and her daughter, a girl of about 17 years of age, were on the train on which he came from Denver. They arrived in Boise the same time he did. Out of Denver it was rumored through the train that Mrs. King was Mrs. Orchard and he says she attracted a great deal of attention. He says he finally went to the woman and asked her about her identity and she readily told him her name was King and that she was on her way to Boise as a witness for the defense. She would not tell what would probably be the nature of her testimony but said enough so that the Denver man understood that she had at one time conducted a boarding or rooming house at which Orchard had stopped.

Light on Gregory Murder.

Some new light is said to have been thrown upon the murder of Lyte Gregory in Denver by the statements of Captain Loomis, formerly chief of detectives in that city. Loomis is quoted as saying that he had charge of the investigations of the Gregory murder and procured evidence that Orchard and Adams committed the crime—either both, or one of those two. He said he traced them to the place where they were stopping and that bloodhounds took a scent at the scene of the crime and traced the murderers to Pettibone's back yard, where Orchard confessed the gun with which he shot Gregory was hidden. Loomis said he reported the results of his investigations to the chief of police and the chief would not let him proceed to arrest the men he suspected. Loomis may be summoned as a witness.

A dozen other men are said to be here who will be put on the witness stand by the state. One of these—a Pinkerton detective, will testify that he has been a member of the Western Federation of Miners for some years and that he was president of a local lodge. He, while not a member of the executive board, was in their confidence up to a certain point and it is said he will be a formidable witness for the state. His employment to join the Western Federation and learn their secrets is in line with the detection of the Molly Maguires in Pennsylvania which led to the conviction of the men accused.

Freedom for Jurors.

The jury is allowed much freedom, but always in charge of the deputies. Judge Wood gave orders to the sheriff that if the jury wished to go out into the country on the street cars they should be allowed to do so. Their jury house is a pleasant place with its rose-covered porches and green lawns and the jury all apparently on very friendly terms receive visits from their families always, of course, in the presence of the bailiffs and read the daily papers which, however, come to them these days much mutilated, the newspapers being largely taken up with the Haywood trial and the Orchard testimony. They get six copies of The Statesman every day.

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**GOOD
CHANCE
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ROUND**

Chicago.....
St. Louis.....
Kansas City....
Missouri River

May 30, June 3, 7, 10
October 31. Stopover
Missouri river.

**NORFOLK
[and Eastern]**

Daily low round trip
routes and side trip
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trip.

Daily through Stand
sleepers via scenic Co
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via the various route
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G. A. Burling
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Salt Lake Cl

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Rou

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DEFENSE GIVES HINTS OF HOW IT EXPECTS TO CONTROVERT ORCHARD'S TESTIMONY

ORCHARD STICKS TO FIRST STORIES

Richardson Attempts to Show General Improbability of Witness' Statements.

ALSO THAT M'PARLAND CONTROLS HIS TESTIMONY

Yesterday's Work Covered Details of Independence Depot Wreck Down to and Including First Attempt to "Bump Off" Fred Bradley by the Strychnine Route — Every Point Covered Minutely — Orchard Shows No Weakening.

For five hours yesterday Harry Orchard was led in cross-examination by Attorney E. P. Richardson, counsel for the defense of William D. Haywood, by a zig-zag course through all the minutest details of his story concerning the dynamiting of the depot at Independence, his trip to Denver with Johnnie Neville and son, his trip on from Denver with them up into Wyoming and alone back to Denver, and down to the particulars of his San Francisco excursion to assassinate Fred W. Bradley. The cross-examination closed yesterday afternoon with questions regarding the first attempt made by Orchard to kill Bradley in San Francisco by poisoning the milk left early in the morning at his residence — by placing in the bottles, shortly after delivered, a dime's worth of strychnine.

All through those five hours Harry Orchard, refreshed by Saturday afternoon's and Sunday's rest, sat on the witness stand, looked the Denver attorney squarely in the eyes and promptly answered question after question, many of which were flung at him with the evident intention of arousing his resentment and causing him to lose his patience and his wits. His answers were made with every indication of truthfulness. There was no indication of evasion on Orchard's part. Following his usual tactics, Richardson at intervals attempted to put statements into the lips of the witness, but unsuccessfully.

Yesterday Orchard's story was gone into with even more careful detail than at any time before. Matters that had been merely sketched over on direct examination were, under the cross-examination, pulled carefully to pieces and the threads carefully sorted and picked apart. Often there were digressions from the subject directly in hand. Richardson led the witness off on by-paths, with which Orchard showed plainly he was not familiar, in the evident hope of tripping the witness. At the close of yesterday's proceedings, however, while much had transpired which showed plainly what course the defense expected to follow in controverting Orchard's testimony, Orchard's original statements on direct examination were not discredited in any substantial respect.

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The whole of yesterday's cross-examination by Mr. Richardson suggested that the defense was preparing to

POINTS OF INTEREST BROUGHT OUT YESTERDAY IN CROSS EXAMINATION OF HARRY ORCHARD

Some interesting points were brought out yesterday by Attorney Richardson in his cross-examination of Harry Orchard, but there seemed to be nothing that materially changed the complexion of the story he told on direct examination. The matters in connection with the trip with Neville and his son into Wyoming and his excursion to California to kill Fred W. Bradley were the only matters gone over all day yesterday and they were brought out in much detail. The particularly interesting points learned by Richardson were:

That the first crime Orchard had ever remembered of committing was that in underweighing cheese at his cheese factory back in Canada when he was about 26 to 28 years of age.

That his first crime of any considerable importance was the burning of a cheese factory he owned to get the insurance—about \$800.

That his first participation in murder was the blowing up of the Bunker Hill & Sullivan mine at Wardner and that he had never been in jail or placed under arrest for any offense until arrested in Caldwell on charge of the murder of former Governor Steunenberg.

Orchard confessed that he had lied to Steve Adams and to Peter L. Huff in telling them he had at one time held up a street car conductor in San Francisco and robbed him, and the attorney for the defense laid particular stress in drawing from Orchard that he often told fictitious stories of crimes he had committed—that he sometimes confessed to crimes he never committed.

Richardson unsuccessfully tried to draw from Orchard that he had a personal grudge against Bradley for the reason Bradley was the manager of the Bunker Hill & Sullivan mine at one time. He also tried to draw from him that McParland had instructed him each morning as to how to testify and Orchard stoutly and emphatically declared all the instructions McParland or the attorneys for the prosecution had ever given him regarding his testimony was to "go on the stand and tell the straight truth."

Richardson yesterday at one time opened a lid which he didn't get a chance to shut down as quickly as he evidently wished. He asked Orchard if he had given any of the money he got from the federation officers to his wife before he went up into Wyoming. Orchard replied he gave her about \$5. "That was the last dollar you ever supplied her with?" was asked. "Yes, directly," was the reply. "You say directly," repeated Richardson. "How indirectly did you send her money?" "Well, before I left for Wyoming, Haywood agreed to see that she got some money occasionally, and I heard later that he had done so," Orchard replied.

ON CROSS-EXAMINATION.

"Mr. Orchard, have you been cautioned in any way to avoid giving definite dates and stating definite places while on the stand?" asked Richardson, in an exasperated tone.

"No, sir; I have received no instructions from anybody except to go on this stand and tell the absolute truth," replied Orchard, very decidedly.

"Oh, is that so?" asked Richardson, with raised eyebrows.

"Yes, that's so," replied the witness.

"Well, who told you to tell the truth?"

"Mr. McParland," replied Orchard.

and Orchard stoutly maintained McParland had made no suggestions to him regarding the way he should testify.

"Do you mean to say," thundered Richardson, "that McParland has given you no directions regarding your testimony?" McParland nor anyone else?

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who didn't want the train injured under any circumstances.

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Orchard claimed emphatically that he had been requested not to damage the train by Sherman Parker, and when Richardson wanted to know the details of Parker's interest in the matter he learned that Parker had told Orchard that the engineer on the train was a man who had befriended him, one who had given some testimony at the spike-pulling trial which had helped Parker. Parker wished to avoid injuring him if possible.

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After getting down to the Bradley crime, Richardson devoted himself very largely to the revolting story of Orchard's attempt to poison the entire Bradley household, including the infant child he had seen in the care of a nurse—all in the desire to "get" Bradley. In this instance Richardson spent a great deal of time in playing up for the reflection of the man on

ADAMS NOW HELD AT ADA COUNTY JAIL

Steve Adams, Orchard's former pal, is now in the Ada county jail waiting to be called by the state as a witness in the Haywood trial. He arrived from Rathdrum early yesterday morning in the custody of Special Deputy Brizindine, appointed by Sheriff Hodgkin to bring the man here. Officer Brizindine was assisted by Gene Johnson of Boise and Deputy Sheriff Frank Rose of Kootenai county. Adams was accompanied by his attorney, John Worms, and Prosecuting Attorney Hansen of Shoshone county came along.

Adams stood the trip well, say the deputies who had him in charge. They got no expression from him regarding how he felt about testifying. He was not handcuffed nor shackled during his trip and spent much of the time en route conversing with his attorney. After arriving at the jail here Attorney Hawley announced that no newspaper men would be allowed to interview or talk with Adams. No one would be allowed to converse with him except the jail officers, the attorneys and the man's wife.

It was reported that Adams was in excellent condition physically and that the trip here from Rathdrum was without incident.

Import Fav

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Course of Defense Shown.
The whole of yesterday's cross-examination by Mr. Richardson suggested that the defense was preparing to endeavor to prove a great counter-conspiracy—that Orchard was at all times in the employ of the mine owners, that he was constantly working to aid and to get federation officers in the toils of their enemies, to connect them with crimes for which they might be punished. These suggestions were much more pronounced yesterday than during any of the previous cross-examinations. That such a course would be followed by the defense was hinted at in a number of instances.

Richardson, taking the witness over the territory stated, engaged in a series of particular attacks tending to show the incredibility of the witness and the general improbability of his stories. He sought to show that Orchard had a mania for boasting of diabolical deeds and the commission of crimes non-existent except in his imagination. Richardson endeavored to bring out a strong impression that Orchard was testifying under the control and direction of Detective James McParland.

"Con" Story Told Adams.
It developed that Orchard had told Steve Adams and another man that while in San Francisco he got short of funds and that to replenish his pocket book he held up a street car conductor and made him disgorge at the point of a six-shooter. When confronted with that charge by Richardson, Orchard with no hesitancy acknowledged he had told that story to Adams and maintained he had told Adams a lie. He said he had never held up a conductor. Richardson immediately attempted to make capital out of Orchard's confession by trying to persuade the witness to say that he had lied when confessing many crimes; that he had told of committing many crimes which had never been committed by him.

Almost the first thing that came up yesterday morning was an attempt by Richardson to show that McParland was controlling Orchard in giving his testimony. Orchard asked for permission to change a part of the testimony he had given Saturday and, after he had changed it, Richardson with severe questions, demanded to know if Orchard had had a talk with McParland since last on the stand. Orchard admitted he had seen McParland. The Denver attorney, with a savage expression on his face, wanted to know if McParland had been the one to suggest the alteration of the testimony

from the federation officers to his wife before he went into Wyoming. Orchard replied he gave her about \$35. "That was the last dollar you ever supplied her with?" was asked. "Yes, directly," was the reply. "You say 'directly,'" repeated Richardson. "How indirectly did you send her money?" "Well, before I left for Wyoming, Haywood agreed to see that she got some money occasionally, and I heard later that he had done so," Orchard replied.

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The Independence Explosion.

Passing to the dynamiting of the depot at Independence, the first crime with which the testimony of Orchard directly connects Haywood, Moyer and Pettibone, Richardson endeavored to show that Orchard, in exploding the powder had purposely sought to spare the incoming train and the non-union men who were expected to entrain there, and that the whole plot was engineered by agents of the mine owners and railway managers who wanted a comparatively harmless "outrage" to injure the union miners who were on a strike.

In dwelling on this subject Richardson brought out the wire which precipitated the explosion at the Independence station had been pulled at the time the train was some 100 yards from the depot. He tried to show that under usual circumstances the non-union miners rarely started from the shaft houses, a short way from the station, to the depot until the train had almost reached the depot and that had the plans made for the explosion worked none of them would have reached the station in time to be killed. He tried to get Orchard to admit that the train was late that night, but he stoutly maintained that he believed it was just on time—that it nearly always was right on time. Orchard testified that the shaft houses were too far away from the depot for the men to catch the train unless they ran very fast all the way to the depot if they did not start until the train had nearly reached the depot.

Orchard readily admitted that it was not a part of the plot to wreck the train—that the explosion had been brought about before the train reached the depot for the express purpose of not wrecking the train. This was evidently deemed a very important admission by the Denver attorney and he immediately waded in to where the water looked inviting.

He began to ask questions tending to bring out that this was an indication that Orchard was carrying out the plot in the interests of someone

who didn't want the train injured under any circumstances.

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After getting down to the Bradley crime, Richardson devoted himself very largely to the revolting story of Orchard's attempt to poison the entire Bradley household, including the infant child he had seen in the care of a nurse—all in the desire to "get" Bradley. In this instance Richardson spent a great deal of time in playing up for the reflection of the men on the jury the utter depravity of the witness and gave the ear-strained, gaping, hungering crowd of spectators the one nerve-thrill of the day.

Orchard calmly stated in answer to Richardson's hard-piled questions that he made the attempt to poison Bradley by putting poison in the family milk and that in doing so he never gave one thought to the probability of the other members of the family also being victims. While in San Francisco, Orchard swore he received in all some \$450 from Pettibone, who, he said, used the name of "Pat Bone."

The use of that name was dwelt upon considerably by Richardson, who very evidently sought to show that the money had been sent under Pettibone's name obviously thinly disguised by persons plotting against the leaders of the Western Federation. Orchard, on severe cross-examination, said that he had heard Pettibone quite often called "Pat Bone," or "Pat," by the "boys" about his store, but said the nickname was not in general use so far as he knew.

Orchard's Early Crimes.

Two more crimes were brought home to Orchard yesterday under Richardson's exhaustive cross-examination. He confessed that he burned his own cheese factory in Ontario at one time to get \$300 insurance money and he confessed that he commenced his criminal career when about 23 years of age by selling cheese at light weight.

For the most part Orchard answered all questions in the evenly modulated tone characteristic of him throughout the five days he has been on the stand, but occasionally yesterday he showed a slight exasperation at some of Richardson's questions and his voice was occasionally pitched in a higher key and with a touch of spirit in it. But he firmly held to all of his first stories and was careful and certain of every step he took throughout the long and trying examination. Counsel for the state interrupted with very few objections and at the close signified their entire satisfaction with the conduct of their chief witness during the day.

Large Crowd as Usual.

There was the usual large crowd in attendance yesterday morning. The sheriff has adopted what he thinks is an approved method of handling the crowds. Now none are permitted in

ADAMS NOW HELD AT ADA COUNTY JAIL

Steve Adams, Orchard's former pal, is now in the Ada county jail waiting to be called by the state as a witness in the Haywood trial. He arrived from Rathdrum early yesterday morning in the custody of Special Deputy Brizindine, appointed by Sheriff Hodgins to bring the man here. Officer Brizindine was assisted by Gene Johnson of Boise and Deputy Sheriff Frank Rose of Kootenai county. Adams was accompanied by his attorney, John Worms, and Prosecuting Attorney Hansen of Shoshone county came along.

Adams stood the trip well, say the deputies who had him in charge. They got no expression from him regarding how he felt about testifying. He was not handcuffed nor shackled during his trip and spent much of the time en route conversing with his attorney. After arriving at the jail here Attorney Hawley announced that no newspaper men would be allowed to interview or talk with Adams. No one would be allowed to converse with him except the jail officers, the attorneys and the man's wife.

It was reported that Adams was in excellent condition physically and that the trip here from Rathdrum was without incident.

MORE WITNESSES FOR THE STATE

Member of Telluride Union Who It Is Claimed Peddled Information to Pinkertons—Witnesses From Colorado and From Up North.

Quite a number of new witnesses for the state arrived yesterday, the most prominent of whom was one Harry Riddle, whose evidence, it is hinted, will be extremely interesting and of great importance to the state. Riddle is not handing out any interviews, but he cannot suppress the stories that are being told about him. It is known that he was a member of the Telluride Miners' union No. 63 of the federation, and it has been asserted that for several years he used that membership as a means of connecting with important information which he turned over to the Pinkertons. He was prominent in union affairs inureka.

Notwithstanding the fact that he was under suspicion of smuggling information to the Pinkertons, Riddle was sent by his union as a delegate to the annual convention of the federation which convenes this week in Denver. His credentials were refused, however, and Riddle came to Boise.

To Confirm Bradley Story.

Though Fred W. Bradley is so situated that he cannot come here to testify respecting the attempts to take his life in San Francisco, the story told by Orchard is likely to be very fully confirmed. It has been known for some time that the state has a number of witnesses who will corroborate a great many of his statements.

DEFENSE GIVES HINTS OF HOW IT EXPECTS TO CONTOVERT TESTS

(Continued From Page One.)

side of the building until a few moments before time for court to convene. The would-be visitors are halted by a force of deputies at the foot of the entrance stairs and when the word is given are admitted to the building in an orderly manner several at a time. In admitting the visitors to the building witness cards, members of the bar and their wives, court officials and the newspaper men are given preference. When those witnesses are all in the word is sent down from the court that each witness is to go to the room that is left for visitors and then the visitors are admitted to that number in order—first come, first admitted. When the court room has been filled with witnesses the rest of the crowd are turned away.

Yesterday two women who had been turned away several times because not in the front ranks when the doors were opened early in the morning, were determined to see the "whole day's proceedings or bust." They arrived at the courthouse at a few minutes after 7 o'clock yesterday morning, and were the first on the scene even then. When they got upstairs and were about to enter the court room the officer on guard there discovered each had a neatly wrapped package in her coat. The first on the scene even then. When they got upstairs and were about to enter the court room the officer on guard there discovered each had a neatly wrapped package in her coat. The first on the scene even then. When they got upstairs and were about to enter the court room the officer on guard there discovered each had a neatly wrapped package in her coat. The first on the scene even then.

Haywood Family.

That the whole Haywood family have greatly recovered from the strain incident to the beginning of the retrial by Orchard of the charges preferred against the defendant, and the result of the retrial was very evident yesterday. Several times yesterday broadcast mikes directed over the faces of each member of the family when Richardson brought out particular admissions from his witness that seemed to favor the defendant. Haywood, himself, showed a very close interest in the cross-examination. As usual he was constantly coaching his attorneys at the trial. Harrow watched every move as carefully as usual and was repeatedly making suggestions to Richardson regarding questions to ask the witness.

Orchard Makes Charges.

Orchard was brought in at 2:40 o'clock. He was asked if he had ever been in Tuscarora, Nevada. He asked to be allowed to correct some testimony that had given on Saturday. He asked to be allowed to correct some testimony that had given on Saturday. He asked to be allowed to correct some testimony that had given on Saturday. He asked to be allowed to correct some testimony that had given on Saturday.

His other correction was to the effect that Billy Ackman instead of Billy Bradley had made experiments with him with Pettibone's gun at Cripple Creek. "Mr. Orchard," asked Mr. Richardson, "did you have a conference this morning with James McFarland?" "Yes, sir," said Orchard. "You were brought down from the penitentiary at 3 o'clock. That is the time you got here this morning, anyway. You were taken to the office of the judge. Was that not for the purpose of going over your testimony with McFarland?" "No, sir, I think not."

had last talked with Haywood about it on the floor of the lobby of the hall where the convention was being held in Denver. He also talked with Pettibone about it. He had never talked with Meyer about it.

Orchard said he first talked to Pettibone, Parker and Davis in the convention hall when Haywood came up. They talked first about a scheme to set a clock to blow up the depot at a specified time. The first talk he had ever had about blowing up the depot was with Parker and Davis. He could not name the exact place where that first talk was held, but he knew it was somewhere within the district—probably at Victor or Altman.

"You cared so little about killing people that you didn't pay any particular attention to time and place when you first talked over this plot?" "We were always talking of plans to 'jump off' ammunition here."

"A little later that didn't seem so important to you?" "No, sir."

Orchard said that his first talk with Parker and Davis had been some time before the trial. He said his next talk was with Parker and Davis at the Belmont hotel in Denver. Parker at that time revived the subject. He thought that if "something was done in the district it would tend to bring together the several factions who were scrapping in the convention."

"It was in the evening we had the talk at the Belmont hotel. We had several talks about the split in the convention and how it might be fixed up."

"And one of those same men—Sherman Parker—did you not pull off the explosion until the convention was over?" "Yes, sir; after he had come down to the district."

Talk With Parker.

Orchard, in answer to questions, said it was on a Sunday evening, June 26, when he had seen Parker alone on the street near his house. In answer to a dozen or more questions Orchard insisted that Parker was alone when he saw him, but it was early in the evening—about 8 o'clock.

"How do you know nobody was there besides Parker?" "Because we didn't talk about those things before other people."

"You weren't afraid of the peace committee?" "We didn't talk with those men about those things."

Parker came up with them, didn't he?" "I think so."

"Yes—quite a few. I think: agents and solicitors."

"And he rented desk room in his store, didn't he?" "Yes, sir."

Orchard said he thought the money was paid in the store.

"Well, that isn't saying it was paid in the store," snapped Richardson.

"That is the way I will state it," snapped Orchard back.

Orchard said he received money from Pettibone shortly after then. It was paid to him in the back end of the store. He could not say just what it was. He said he gambled some, drank a little and ran around with women a good deal—spent lots of money.

Orchard said during the time he was in Denver trying to kill Peabody and Lytle Gregory, he received about \$400 paid by Pettibone to him in various amounts.

Richardson digressed to mention that he noticed the witness used the word "assassinate" very frequently. He asked: "Is that a word you used frequently before coming to the state penitentiary?"

"Did McFarland tell you to use that word?" "No, sir; he did not," was the reply.

In answer to Richardson Orchard said he would not attempt to state an exact time when any of the money he had received at Denver had been paid over to him.

Back to the Subject.

"Were you afraid of Neville?" asked Richardson.

"Not particularly."

"You weren't afraid of anybody, were you?" "I wasn't afraid of Neville."

"ON CROSS-EXAMINATION."

Orchard was being questioned severely by Richardson regarding money Orchard said he had received from Haywood. After several questions Richardson demanded:

"You know you got that money?"

"When I say positively regarding anything, it is because I am certain I know it."

Orchard admitted that there was no plan to commit any crimes or any other offenses on the trip to Wyoming.

"Isn't it true you intended to go from Colorado to Denver that June 26?" "I didn't know whether I would ever come back or not," was the reply.

Sent Money to His Wife.

Orchard said he left word that he would write to his wife at Cripple Creek when he was going to Wyoming.

Orchard said he had never sent her a dollar since, have you?" "Not directly," was the reply.

Orchard said he had never paid Hull back the \$50 he had borrowed.

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asked Moran to go to Denver and paid him \$10 to go. He brought back a package which contained a letter from Pettibone and the money. The fare on Orchard's train was about \$15 or 16 for the round trip. He said he did not tell Moran what was in the letter or what he had done.

"Did you tell him your name was Harry Orchard?" "I told him it was Dempsey or Hogan—I don't know which. Johnnie Neville was going by his right name."

Orchard said he saw W. F. Davis and D. C. Copley. He met them at Moran's saloon and they told him they were "getting out of the country."

"You talked over matters with Davis?" "Yes, sir."

"Did you give him the money yourself to pay for them?" "No, sir; he paid for them."

Orchard said he left Cheyenne the next afternoon and traveled to "Crow Creek." It was there one or two days and on the second day Davis and Moran came up. They came to fish. They drove out. Davis wanted to join them on the trip but Orchard said he had decided Davis too well known as a criminal and told Davis there was no room in the rig at Thermopolis. Orchard said he parted with Neville, leaving him the wagon and one horse. He took the other horse and went to Cody. At Cody he got a letter from Pettibone warning him that they were looking for him all over and that he'd better get "into all timber."

"Well, there is a lot of tall timber about Cody, isn't there?" "I didn't see much."

Orchard said instead of "going to the timber," he borrowed some money of Hull, proprietor of a gambling place at Cody, where he had lost \$50. He borrowed \$50 of Hull to go to Denver by train.

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methods to kill him. We about concluded to go as soon as they were ready to send us."

Here Richardson interrupted to find out if Orchard was in disguise while in Denver at that time. Orchard said he had merely shaved off his mustache. Richardson learned that Orchard was a mustache part of the time during his criminal career and part of the time was smooth-shaven.

In Pettibone's Yard.

"The next time I met Haywood and Pettibone was on a Sunday afternoon in the back yard of Pettibone's home."

"You discussed crimes there?" "Yes, sir."

Richardson drew from Orchard that where Pettibone's house was located the houses were very thick, almost so close together that there was not room enough to get back to the alley, but that there was no house on the lot on one side of Pettibone's house. There was a high board fence back of Pettibone's house.

"There are lots of children in that locality?" "Yes, quite a few."

"The streets are full of kids aren't they?" "Not so bad as that."

"Well, almost full?" "No, not even 'almost full,'" replied Orchard.

"Well, the family next to Pettibone's had a family of 10 children, didn't they?" "I didn't count them. There were some children there."

"The windows adjoining houses were all open; it was hot weather, was it not?" "It was warm weather."

"And under all of those unfavorable conditions you got together around a table in the back yard and talked over the history of your past crimes?" "Yes, sir; we did."

"Did you have your heads close together?" "Not exactly."

used to make up some stories himself.

How Money Was Sent.

The second money was sent by Orchard to the name of Harry Orchard, he said. He met Peter L. Huff, secretary of the bartenders' union in San Francisco. He had got acquainted with him and Huff identified him at the postoffice and about the telegram office. Aside from the \$150 he got before starting to San Francisco, Orchard said, he got about \$450 in all while in "the name of Harry Orchard," was sent by telegram by "Pat Bradley" in all the San Francisco trip. Orchard said, cost Pettibone or the man Pettibone sent the money from about \$600.

Orchard said he was introduced to the cook, Mrs. Crowe, by a friend. He said when he first got to the city he went up and rang the door bell. He wanted to get the number of the Bradley flat. Some girl, whom he afterward learned was Bell, opened the door and took him up two flights of stairs and seated him in the sitting room. After that he had a drink and asked her when Bradley would come home. He didn't see any child at that time. He said he had afterward seen a little child in a baby carriage on the street whom he was informed was Bradley's child.

Orchard said he took the cook to a theatre once and walked out, once with her. He learned when the milk was sent after it got to the house. He introduced to one of the Bell girls. He learned Bradley ate his breakfast very early in the morning. He said he could see him from his room. He happened Bradley would get the milk every milk first Orchard said he never thought about the whole family being liable to death when he put the strychnine in the milk. But he thought it was after his attempt to poison Bradley with strychnine that he took the cook to the theatre, then he asked permission to change it. He said he was sure that I poisoned the milk, he said.

"You didn't plan to poison the cook until after you had taken her to the theatre?" "No, sir."

"Didn't she appreciate the theatre?" Orchard didn't know. He said in answer to further questions that he thought the strychnine—He was sure it was strychnine. He had been unable to get it. He said he went up on top of a flat roof in the rear of Bradley's residence before daylight and hid and waited until the milkman came. He said he saw the milk man through the window. He had one quart and two pint bottles of milk on the Bradley back porch. Then he hid. He hid in the corner of the milk.

Orchard was asked if he had ever experimented with strychnine in milk before. He said he had never tried it before. He just took a chance. He learned afterwards that it was strychnine. He had been told that it was strychnine. He had been told that it was strychnine. He had been told that it was strychnine.

Richardson drew from Orchard that he had been in the north of California, that he had been fighting the federation and was then raising money to drive federation miners out of that state.

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FORMER BUYS TELEGRAPH LINE

Mrs. H. W. Warner Engaged in Business at Santa Fe—Given Much Praise in Newspaper.

Richardson closed the cross-examination. As usual he was constantly coaching his examining attorney. Clarence Darrow watched every move and made suggestions to the reporter regarding questions to ask the witness.

Orchard Makes Changes.

Orchard was brought in at 9:40 o'clock. He was asked if he had ever been in "Pettibone's dope" and was allowed to correct some testimony he had given on Saturday.

"Answer that question first," demanded Richardson.

Orchard said he did not think he had ever been at the place mentioned. Then he was allowed to make his correction. He said he had made a mistake in saying he had carried the gun to the boiler. The gun in Pettibone's shop shot Gregory. At that time, he said, he carried his gun in parts and put them together before he did the shooting.

His other correction was to the effect that Billy Ackman instead of Billy Easterly had made experiments with him with "Pettibone dope" at "Cripple Creek."

"So, Orchard," asked Mr. Richardson, "did you have a conference this morning with James McFarland?"

"I saw him to speak to him was all," "Every morning he had been in the building from the penitentiary at 8:20. That is the time you got here this morning, anyway. You were taken to Hawley's office. Was that not for you to bring over your testimony with McFarland?"

"No, sir, I think not."

Attorney Richardson brought out the fact that Orchard had been taking before appearing at the stand, was taken to Hawley's office, but the witness denied that he corrected his testimony on any suggestion from either Hawley or McFarland. He said he did not know if he had made a mistake in his testimony and asked if he should correct it, and Hawley had told him to do so.

"Didn't McFarland speak to you about the method by which you could withstand cross-examination?" demanded Attorney Richardson, who has handled the cross-examination through the court.

"No, sir," replied Orchard, "but he spoke of what gave me strength to go through this examination." Orchard has professed religion since he was a boy.

Richardson, "didn't you make this correction because you discovered that Easterly is here and Ackman is not here?"

"No, sir, I know Easterly was here all the time."

Orchard was asked if he had been interviewed by any newspaper men on Saturday or Sunday and said he had not.

Orchard said he had heard that Ackman was in Goldfield, Nevada.

Attorney Richardson next demanded to know of Orchard whether he had talked to Nelson Franklin and A. E. Carlton of the Mine Owners' association about. He said he had a certificate of deposit in a bank which had closed and he had known those men were having such certificates.

Orchard was going into the details of the conversation when he was stopped by Richardson, who declared the matter was immaterial. This called for a protest from Senator Borah, who said:

"You asked for this, now take it as it comes."

Richardson said he would ask the attorney for the defense.

Judge Wood said the prosecution could go into the matter on redirect if it desired and Orchard was not allowed to protest.

Orchard denied that he had ever discussed the mining troubles with Franklin and Carlton. He entered the Frank S. Beardson, A. T. Holman and Mator Tom McCallan.

Orchard said he had put \$35 in the bank at Victor and had a certificate of deposit by a man by the name of Holman, a mine manager. He had never talked with him about the troubles at Cripple Creek. Neither had he talked with Major Taylor or Major McCallan. He said he had never intended to know of anything that was to be pulled off on the sixth of June. He had not told Sterling Norstrom anything about the matter, except the fact that he was leaving the town that afternoon with Neville. He said, in fact, he spread the news as much as possible, that he was leaving. He wanted to know that he would not be suspected after the blowing up of the Independence depot later.

The Independence Depot Affair.

Orchard testified that he had no talk with Haywood regarding the method to be used in destroying the depot. He

things were other than the peace commission. You weren't afraid of the peace commission, were you?"

"We didn't talk with those men about those things."

"Parker came up with them, didn't he?"

"I think so."

"Don't you know Parker came up ahead of the committee on the train and got a committee of union men together to welcome the committee?"

"Yes, I do."

"Were you at the train when it came in?"

"I was not."

"Didn't see the train when it came in?"

"No, sir."

Orchard said Davis was not with Parker. He said he (Orchard) didn't know where Parker had been after the killing of Lyle Gregory. He didn't climb out of any window at that hotel after the murder while Captain Loomis was after him. He said that after he had been in the train he had his horn back yard he had gone directly home.

Richardson went back to the Independence depot affair. He asked Orchard where he had last seen Adams before the time of pulling off the explosion.

Orchard said it was somewhere in the district. He might have been at Adams' home the previous day. While in the district he said he had been at Adams' house a number of times—perhaps a dozen times. He said he had seen Mrs. Adams there a great many times. He said a woman there called Mary Mahoney. He had seen the same woman later in Denver.

Orchard said he had seen her there after he had come up to Denver.

Instructed to Tell the Truth.

"Mr. Orchard, have you been cautious in any way about giving definite dates and stating definite places while on the stand?" asked Richardson in an exasperated tone.

"No, sir, I have received no instruction in any way except to go on this stand and tell the absolute truth," replied Orchard, very decidedly.

"Oh, is that so?" asked Richardson, with raised eyebrows.

"Yes, that's so," replied the witness.

"Well, who told you to tell the truth?"

"No, sir," replied Orchard, "but he promptly."

"You received a letter from Mr. Bangs of New York, superintendent of the Pinkerton detective agency, enclosing a letter from you?"

Orchard said he had never seen any such letter. He also denied that he had ever received a letter from William A. Pinkerton.

Orchard was next required to relate the details surrounding each occasion on which he received money from Haywood.

Regarding Money.

Orchard said he thought he didn't get any money between December and January, when he got \$110 from Mr. Haywood.

"You know you got that money?" demanded Richardson.

Orchard said he had no memory regarding anything it is because I am certain I know it," declared Orchard, and added: "If I am not certain I won't state positively."

Orchard said Haywood gave him \$100 on the street and he followed Haywood up to his office and asked for \$100 more and got it.

Orchard said the next money was given him by Moyer \$100 on the way from the depot to the hall at Victor and that Moyer gave him \$50 later.

The next money, he said, was given him by Haywood in Denver and he took it on the trip to Ouray, when he was getting ready to go with Moyer as a bodyguard. The next money he got from Haywood after he got back to Ouray was \$100. He was getting ready to go to Cripple Creek to get Adams to help him shoot Peabody.

"How much did you get then?" asked Richardson.

"I don't know. It was a small amount. I had some money left when I got back from the trip with Moyer."

"Did you have to pay your fare to Ouray?"

"No, sir."

"Or did Scott furnish you transportation?"

"No, sir."

Orchard said after he got back from Cripple Creek with Adams he got some money from Pettibone. He thought it was \$100. He was not certain. He thought it was paid to him in Pettibone's room, but he couldn't say positively. He met Pettibone usually in the store. Adams was with him and some of Pettibone's employees were there.

"Pettibone had a lot of employees, didn't he?"

He said he did not use a gun as part of the machinery to cause the explosion nor any candle arranged to burn down to a fuse.

Orchard said there was a trainman on the cars who was a friend of Parker—an engineer by the name of Wash—and he asked them to pull off the explosion before the train got clear in. Orchard said he had told Scott nothing about the explosion.

Attorney Does Not Scorp.

"Isn't it true that you didn't want to wreck the train on Scott's account?"

"No, sir; it was Parker who gave the instructions."

Orchard said Adams and himself were on a spur below the depot when they pulled the wire that destroyed the depot. The spur for a distance of 100 yards was about 100 yards from the depot. Then, he said, they ran away for a distance and then returned to the track and followed it down to the mine. He said he had his horn back yard. He got on the horse and hurried back to camp, getting there early Monday morning.

Neville said he had heard the explosion on the street car. He had blown up the Finley mine. I told him I had not blown up anything. I had heard the explosion, but didn't know what it was."

Richardson skipped along over the rest of the journey overland to Denver. Orchard said Neville and himself stopped at Englewood and went into a room at a street car. He said he went directly to see Jack Simpkins in his room at the Granite hotel. He met Simpkins on the street and went with him up to the room. He said he had a gun in his room. He was but got up and left almost immediately.

Soon after his arrival Haywood and Pettibone came. The subject of the conversation was the money which the depot explosion. Orchard could not state positively whether or not Kirwan went before or after Haywood and Pettibone arrived. In about half an hour after they had arrived, Orchard didn't stay a great while. Orchard said he had read the papers just before he got to Colorado Springs and learned how many had been killed. He said Neville charged him with the explosion.

"Did the boy hear it?"

"Neville tried to speak so he would not," replied Orchard. "If it was all right I could have the money to buy it," said Orchard, "but nothing further was done regarding the rich then. I introduced Neville to Pettibone and he said he would buy it and Pettibone said he would like to see it or have someone else see it for him. Neville said he wanted \$500 for the ranch. Neville said he had a letter about Haywood or Moyer being interested in the ranch."

Journey Resumed.

Orchard said that Neville and himself went to the depot. He himself had about \$300 and Neville had probably \$700 or \$800—he couldn't say just how much. They were four days on the road to Cheyenne and didn't stop at night. Orchard said he did not remember of having had any talks with Neville about finances nor had he tried to get any money from him.

Orchard said that Moran had arrived and a review was taken until 1:30 o'clock.

Attorneys Session.

Immediately upon the convening of the afternoon session Richardson asked of the witness where he stopped when they got to Cheyenne.

Orchard said they stopped at a hotel. He had been there for a few days. Haywood for more money and he replied that he saw in the papers they were after him and he wanted to go to California. He never heard by Pat Moran that they were running for the city. He had never heard of Moran before. He knew he had worked for Pettibone in a novelty business. He arrived at Cheyenne about 10 o'clock and stayed at the rooming house until about midnight. He said he knew of no gambling place there owned by Harry Helms. He said he did no gambling there. He said he had the money gambling. That was not the reason he sent for more money; he said he gave Moran a letter to Pettibone and that Moran took the letter to Pettibone in Denver and returned with the money.

"You are making no mistake about the identity of this man Pat Moran?"

"No, sir."

"A good keeper?"

"Yes, sir."

Orchard said Moran was a stocky-built man with a large head. His hair was black and he had been bald. He had told him to see Moran if he went to Cheyenne. He said he

took him back to Denver by train. Orchard said he never paid Hall back the \$50 he had borrowed. He was in answer to further questions Orchard said:

"I got into Denver about noon and got a room on Broadway. I went out with the girls on the street. I kept away from the central part of the city. It was four or five blocks from Pettibone's house. I went out to Pettibone's home in the evening."

Orchard said he had been out to Pettibone's house before. Once in 1904 when Pettibone sent him out to get Mrs. Pettibone to go out to the grounds. Davis put some plants on the grass.

Orchard said Pettibone was at the house when he got there that evening in July.

Lied to Pettibone.

"Pettibone was surprised and I then asked him if they were after me very strong. I think she was there. I am not sure she was there. If she was there we didn't talk about any crimes. I don't know if she knew anything about the crimes we had committed together. I told him I'd been to Cody and bought some lots and spent the money."

"How many lots did you buy in Cody?"

"I didn't buy any."

"You lied to Pettibone?"

"Yes."

"Well, what did he say about the lots?"

"He said I had better turn the lots over to Neville and let him dispose of them."

"What did you say?"

"I told him I thought that would be a good plan."

"Well, you asked Pettibone for more money."

"Yes."

"How much?"

"One hundred and fifty dollars."

"An amount about Haywood. He stayed about his room that day. He didn't go down town. The next evening he saw Pettibone and Haywood in Pettibone's residence. It might not have been the next, but the next but one."

"Your memory is weak?"

"On that point, yes."

"On the particular method in your forgetting things at convenient places?"

"No, sir; but I do not propose to make any statement that I'm not certain is true," replied Orchard, somewhat impatiently.

"What did you and Pettibone talk about before you saw Haywood?"

"About general things, I suppose. We talked about my going away," was the reply.

"Might it not have been the third evening after you got back you saw Haywood?"

"It might have been."

Proposed Trip to Utah.

Before Haywood came over nothing was said, Orchard said, about a trip to California. There was some talk about going to Utah with Arthur Bastian to kill Andy Maybury at Bingham. Maybury was a boss who had fired a lot of union men who had said off a day to take part in a Labor day parade.

"Didn't you know that Maybury and Haywood had for years been warm friends?"

"No, sir."

"Didn't you know they worked together for years?"

"No, sir. I didn't know they were warm friends."

"That Maybury taught Haywood how to smash?"

"No, sir, I didn't."

"Why didn't you go to Utah and kill Maybury? Didn't you hesitate to kill one man—would you?"

"I didn't go because before the plans were made Haywood made different suggestions and Pettibone may have changed the appointment."

Orchard said he was introduced to Art Bastian the next evening at Pettibone's store. There was not much conversation. He thought it was then that he met Steve Adams. He was employed in trying to get Governor Peabody. The next day he met Bastian by appointment at his (Orchard's) room. He said he had no conversation with the appointment. He said he had no conversation with Bastian.

Orchard said:

"Bastian and I talked over the plan of going to Utah with Maybury. He was alone. There were no other men there. We didn't talk over

"Haywood told me I could get money when I wanted it. There was no stipulation as to how much I was to get."

"You didn't know whether you'd get \$5 or \$5000 for killing Bradley?"

"No specific price was named."

Admittedly, Orchard said, he had belonged to the Knights of Labor before joining the Western Federation of Miners, withdrawing from the one to join the other. He said he had drawn from Orchard that he was personally prejudiced against Bradley because he had been driven out of the Cour d'Alene mining district, but Orchard said he had no feeling against Mr. Bradley. He said he never had two thoughts about Bradley until Haywood wanted him to go to San Francisco to meet Bradley off.

"Are those the words Haywood used?"

"I'm not certain; he may have said 'oh up Bradley' or 'get him out of the way'."

After the consultation, Orchard said, Haywood went away. He was not certain whether he had dinner at Pettibone's house that day or not. He had no conversation with him.

Starts for San Francisco.

The next day, he said, he had gotten \$150 from Haywood and a ticket for San Francisco. The following morning he started for San Francisco on the California over the Union Pacific. He went straight through.

"You got the money of Pettibone and started out with no orders except to get your trunk?"

"That is right."

Orchard said on arriving at San Francisco he stopped on a street which he thought was called the Golden West hotel. He stayed there about two weeks and then went to a private boarding place near Tenth street and Broadway. He said he had been at Bradley occupied an upstairs flat. He lived in the third flat up—on the third floor. He said he thought six families lived in the flat, all of whom used a common street entrance.

There was a sort of archway flush with the street leading to a sort of porch from which separate doors led to the flats.

Orchard said it was about two months before he got acquainted with Mrs. Crowe, Bradley's cook. He said he thought that Bradley had gone to Nome, Alaska. He said he had been around and killed time until Bradley returned. It was two months before he got acquainted with any of the Bradley family. He said he was during that time no letters from either Haywood or Moyer, but received several letters from Pettibone, all of which he destroyed upon reading them. He said it was not until he had been in San Francisco was writing back for more money. He said in his letter that the party he had come to see had gone away to Alaska and he would like to have \$100 more to get over to Alaska. He said he was writing back from Pettibone containing the money and the information that Neville and the boy had been arrested and that they were looking for him. He said the money he had sent was \$100 in \$20 bills. The letter was in Pettibone's handwriting and was signed "Pat Bone."

Orchard said he had heard Pettibone called "Pat Bone" many times. He was often called "Pat."

"How long did that \$100 last you?"

"Oh, about four weeks."

"And when I gave out you wrote for more money?"

"Yes."

"To whom?"

"To whom?"

"How much this time?"

"The same amount—\$100."

Orchard said he remembered no name on the return card for the registered money. He said the money supposed to have come from a man by the name of Wolff.

Orchard said the second \$100 came by Postal telegraph. In answer to a question by Richardson he said he had been nearly broke while in San Francisco. He denied that he had held up a street car conductor in San Francisco and took his money.

"Did you ever tell anyone you did that?"

"I believe I have."

Orchard admitted he had told that story to Peter and Steve Adams. He thought he had told it to Steve Adams—he thought he had.

"You then confessed to a crime you didn't commit?"

"Yes, sir."

Orchard said he had also confessed to other crimes which you never committed.

Haywood objected to the question, but the objection was overruled. Orchard answered that he had told the boys got to telling "tall stories" he

permeated with strychnine in his coffee. He said that he had offered to sell milk. He said that he had tried it before. He just took a cup. He tasted it afterward that it was not milk. He said that that was the center near the Bradley home very soon after he had poisoned the milk. He said he had taken the milk into the grocery, which also had a bar to get a drink, and noticed four of the boys had been talking with on the bar. All was quiet but the Bradley home and he suspected his milk had been poisoned. He said he had asked the grocer to get the grocer to have a milk.

"That he told me," said Orchard, "that Mr. Bradley had sent me a slip to get her some milk, that she said Mr. Bradley had found fault with the milk. He had said that he had to drink some and it tasted so strong that he had to spit it out. She had sent the slip to get the grocer to have a milk analyzed."

"Did he get it analyzed?" was asked.

"I don't know whether he did or not," was the reply.

"Did you tell this man there was strychnine in the milk?"

"I did not tell him anything about strychnine."

At this point the cross-examination was to close at 1:30 o'clock, and court adjourned until 10 o'clock.

FORMER BOISE WOMAN BUYS TELEGRAPH LINE

Mrs. H. W. Warner Engages in Business at Santa Fe—Given Much Praise in Newspaper.

Mrs. H. W. Warner, about whom the following article appeared in the Albuquerque, New Mexico, Evening Citizen, was formerly employed in the office of the independent telegraph company. It is about two years since she left here. The article follows, which is a special dispatch from Santa Fe, under date of May 20: "It is reported here with great authority that the independent telegraph line from this city to Cerrillos, operated by J. W. Mays in connection with the local office of the Postal Telegraph company, has been purchased by a woman, Mrs. H. W. Warner, and will be operated by her."

"Mrs. Warner has been local manager of the Western Union telegraph office for the past two years and is popular in this city."

"She believes that a woman can conduct a business as well as a man and if the energy, pluck and business ability she has shown in conducting the affairs of the Western Union here are continued in her new position, she will have a handsome income. The Cerrillos office was a very profitable one during the last year. It was a busy mining camp and has always remained a paying proposition. Renewal of mining activity in the south Santa Fe mines will result in a large increase in the business over the line double several times. It is probable that the line will be extended from Cerrillos south to Madrid and Silver mine, a distance of 40 miles or more."

For a mild, easy action of the bowels, a single dose of DeWitt's Regulator is sufficient. It is a natural combination. 25 cents a box. Ask your druggist for them.

Low Rates to Pacific Coast.

From June 1 to 6, inclusive, low round trip rates will be in effect from O. S. L. stations to San Francisco and Los Angeles, limited to August 26 going, and returning to August 31. Fare to Los Angeles via Portland, returning via Ogden, \$13.40. Fare to Los Angeles, via same routes, \$14.50. See O. S. L. agents for particulars.

D. P. BRIDGES,
D. P. F. A.

Summer coughs and colds yield at once to Beech Laxative Candy (Syrup, cough lozenges and sugar but no opiates). Children like it. Its laxative qualities recommend it to mothers. Hoarse, noisy, coughs, croup yields quickly. Keep it on hand. Sold by McCrum & Deary.

Indications.

Fear of death indicates lack of moral courage. Hat at Brand's and have no fear.

Newspapers from 20 cities. Collins, 1022 Main street. Free deliveries.

Glant flowered pansy plants. A full stock of other bedding plants and cut flowers at Bayshore Floral Co.

NO FAGGING ON PART OF ORCHARD

SHOWS REMARKABLE FORTITUDE UNDER THE STRAIN OF ATTORNEY RICHARDSON'S CROSS-EXAMINATION

RICHARDSON STUNG SEVERAL TIMES

Lid Lifting Stunts Gratifying to the State's Attorneys.

ORCHARD ADMITS HE STOLE A SHEEP

Tells of Dastardly Plot to Blow Up 150 "Scabs" in Boarding House and How Haywood Vetoed the Job—Second Attempt to Kill Bradley and Events of Winter Following in Denver Reviewed Yesterday.

The attack of Attorney Richardson, in behalf of the defense of William D. Haywood, on the testimony of Harry Orchard, was continued unremittently yesterday all through both sessions of the district court and at the end of proceedings there was every promise that it would continue through tomorrow and the day after and very possibly along into Friday. Orchard yesterday, as on previous days, withstood the strain with remarkable fortitude, with no indication of flagging either mentally or physically, and, though Richardson's onslaught of questions was much more severe than on any previous occasion, Orchard stuck to his original story in every important detail and the day closed without any material point seemingly gained by the defense.

By suggestive statements on the side, by insinuating questions, by resorting to all sorts of by-play and digressions Richardson attempted to show up absurdities, discrepancies, failures, improbabilities in the stories Orchard had told. Often times he led Orchard to make statements that in the rough seemed to show "color." And on each occasion Richardson began at once to assay them. Each time he came out with ruffled feathers defeated. He opened lids which exposed matters that caused broad smiles of satisfaction to spread over the faces of Hawley and Borah. Several times Richardson's curiosity led him to open parcels that looked like prize packages only to find that he had, in the street vernacular, "been stung," and when he looked to his colleagues for sympathy he was met with stony stares and impatient frowns.

After several severe lumbines Richardson finally got started on a path that professed better than usual results. He had learned from Orchard



SNAP SHOT OF HARRY ORCHARD.

Taken as he stepped from the conveyance to enter the court house at the rear entrance of the court room on his way to the witness stand in the Haywood trial.

dered in dramatic tones something like this:

"All of this time, Mr. Orchard, you were doing murders and attempting other serious crimes and you were drawing money in large or small amounts as you wanted it from the officers of the federation. You were getting money—all the money you needed. You were never without money. You had a place to go and get money any time you wanted it, so you have testified, and yet—Richardson hesitated here—a dramatic pause—then he continued; "and yet you were drawing supplies from the relief store. Can you explain to the jury the consistency of your testimony in that respect?"

Orchard promptly said he thought he could.

"I'd very much like to have you do so," replied Richardson haughtily and with a glance over the jury box to note what kind of an impression he had made. Orchard, addressing his answer to the jury more than to Richardson, replied that Meyer and Haywood had instructed him to draw supplies from the relief store, to put his name on the relief list, stating that it would tend to allay suspicion that he was getting money from headquarters to do certain "jobs." They

assassinate Justices Gabbert and Goddard of the supreme court, some minor crimes in and about Denver during the winter of 1904 and 1905 and the attempt while in Denver that winter to kill former Governor Peabody.

The Bradley Affair.

In connection with the dynamiting of Fred W. Bradley a large portion of the forenoon session was taken up in a long and determined effort of Richardson to expose several features of it to doubt, improbability and future discrediting and to vitiate it all by exposing the hand of the Pinkertons. A desperate attempt was made by Richardson to prove by Orchard's admissions that his testimony regarding the events surrounding the attempt to dynamite Bradley had actually been furnished him by McParland, the Pinkerton detective, but the desired admissions of Orchard did not materialize, although they were skillfully angled for by the Denver attorney and all sorts of bait were experimented with by him.

Richardson carefully questioned Orchard regarding the pieces in San Francisco where he had purchased the powder from which the Bradley bomb was made, and Orchard stated, although not positively, that he had bought 10 pounds of powder of the

HAYWOOD TO TAKE THE STAND

He Announces to Federation Convention That He Will Show Orchard a Liar.

Declares a Hung Jury Will Not Do, and Demands Complete Vindication—Kirwan Asserts Steve Adams Will Not Testify for the Prosecution.

DENVER, June 11.—"Steve Adams will not testify for the prosecution in the Haywood case."

This was the positive declaration of Acting Secretary James Kirwan of the Western Federation of Miners at the convention today. The Federation leader, who returned from Boise last night, assured the delegates that Haywood's lawyers have the assurance from Adams that he will repudiate his "confession" if he is placed on the stand by the prosecution.

Mr. Kirwan also brought the following message to the convention from William D. Haywood:

"Harry Orchard is the greatest liar of the twentieth century, as every man he has implicated in his confession stands ready to testify. I am determined to take the stand and show where he has lied. There will be nothing to the case but an acquittal. A hung jury will not do. I demand complete vindication. If your convention had been six weeks later I would be with you, for by that time I will be a free man."

The convention spent practically the entire day on the report of the committee of credentials.

Robert Adamson of Eureka, Utah, the delegate from that place who was refused admission because he was charged with being a Pinkerton spy. There was a protest against seating Daniel Barnhouse of Doerun, Mo., and Austin Patterson of Transvaal, Nev. on account of an irregularity in their appointments by their locals.

The former was unseated but the latter was allowed to remain in the convention.

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One of the resolutions which will be introduced at a later date is for a proposition to sever all connections with the Industrial Workers of the World.

The reports of the officers will be submitted tomorrow and a vote probably will be reached on the proposition to hold open sessions.

ADAMS WANTED BY COLORADO AUTHORITIES

Arrangements May Be Made for Extradition—Some Witnesses May Face Perjury.

Preliminary steps are being taken for the extradition of Steve Adams. He is wanted in

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After several severe rumbles Richardson finally got started on a path that promised better than usual results. He had learned from Orchard that during the strike in Cripple Creek his wife, or the woman whom he had pretended to marry there and who was known as Mrs. Orchard, was on the list of the relief committee who were supporting the families of union miners who were out on the strike.

Then a few more questions brought an admission from Orchard that he had also been on the relief list, that he had drawn supplies from the Union store at Cripple Creek.

Richardson Gets "Stung."

Richardson forged his past stumble. He rubbed his hands in satisfaction. He smiled to himself and then he scowled up his face and thum-

pled in dramatic tones something like this:

"All of this time, Mr. Orchard, you were doing murders and attempting other serious crimes and you were drawing money in large or small amounts as you wanted it from the officers of the Federation. You were getting money—all the money you needed. You were never without money. You had a place to go and get money any time you wanted it, so you have testified, and yet—Richardson hesitated here—a dramatic pause—then he continued: "and yet you were drawing supplies from the relief store. Can you explain to the jury the consistency of your testimony in that respect?"

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Yesterday's cross-examination began with the events surrounding the second attempt to kill Fred W. Bradley of San Francisco and continued through the history of Orchard's travels back to Denver, his attempts with the help of Steve Adams and others, to

assassinate Justices Gabbert and Goddard of the supreme court, some minor crimes in and about Denver during the winter of 1904 and 1905 and the attempt while in Denver that winter to kill former Governor Peabody.

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Richardson carefully questioned Orchard regarding the places in San Francisco where he had purchased the powder from which the Bradley bomb was made, and Orchard stated, although not positively, that he had bought 10 pounds of powder of the Easter Powder company. He told at about what time it was purchased and said he had given a fictitious name when ordering the powder and he told the man he purchased it from that he wanted to use it for blowing up some stumps on his ranch.

Richardson weakly endeavored to controvert this testimony of Orchard by claiming there were no stumps within 150 or 200 miles of San Francisco and when he demanded of Orchard to tell where there were any stumps nearer than that the witness

(Continued on Page Three.)

INSINUATING QUESTIONS BY RICHARDSON FAIL IN PURPOSE TO DISCREDIT THE TESTIMONY OF ORCHARD

Attorney Richardson didn't introduce new methods yesterday in the cross-examination of Harry Orchard but he enlarged upon a method he had resorted to at several times previously without much success. It was the method of attempting to show up matters he would dearly love to have Orchard acknowledge by insinuating questions. And his efforts yesterday to discredit the witness were a flat failure. Orchard at every stage stuck to his original story.

Much stress was put upon the account of the explosion at the Bradley residence. Richardson attacked the testimony of Orchard on that matter, endeavoring to show discrepancies and improbabilities and sought to show that it had in part been inspired by McParland. He tried to show that until told by McParland, Orchard had never seen or heard of the Jap servant who cleaned the porch of the Bradley flats, but Orchard maintained he had seen the Jap and had waited for him to get out of the way before placing the bomb.

Richardson endeavored to discredit in a number of ways Orchard's claim that he got money often and readily from Haywood and Pettibone by trying to get Orchard to admit Adams family and himself were very hard up the winter of 1904-05 spent in Denver; that they had to move because they couldn't pay rent; that Orchard wore shabby clothes because of lack of means, that they stole a sheep from the stockyards to keep from starving; that Orchard did not gamble that winter because he had no way of getting money to gamble with. Orchard did not deny stealing the sheep but denied that he was at any time that winter hard up for money and denied that Adams' family finally told him to leave the house because he didn't do his part toward supplying the needs of the family.

Not much ground was covered yesterday and it seems probable that three more days may be required to finish the cross-examination, although two days may be sufficient.

bring jury will not do. I demand complete vindication. If your convention had been six weeks later I would be with you, for by that time I will be a free man."

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Robert Adamson of Eureka, Utah, was seated in place of Harry Riddell, the delegate from that place who was refused admission because he was charged with being a Pinkerton spy. There was a protest against seating Daniel Barnhouse of Doerun, Mo., and Austin Patterson of Transvaal, Nev., on account of an irregularity in their appointments by their locals.

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ADAMS WANTED BY COLORADO AUTHORITIES

Arrangements May Be Made for Extradition—Some Witnesses May Face Perjury.

Preliminary steps are being taken for the extradition of Steve Adams. He is wanted in Colorado to stand trial for the murder of Arthur Collins at Telluride. When he went there a year ago last spring in charge of Bulkeley Wells, he furnished the officers a mass of information that has enabled them to clinch the case against him. In view of this fact, it is understood this state is willing to surrender him, notwithstanding it still has the Fred Tyler case against him.

As Adams will get through on the witness stand here very quickly, refusing to testify, there will be nothing in the way of starting him for Colorado in a very short time after he shall have been given the opportunity to tell what he knows of the matters under investigation. Those speaking for him have already announced his intention of remaining dumb, and the arrangements are therefore under way for his removal as soon as possible.

Adams spent some time on the lawn yesterday at the court house exercising. His wife paid him a protracted visit during the day. The cell selected for the prisoner is that which is usually devoted to insane persons, a screen being placed before it so that persons passing through the main room of the jail offices may not peer in upon him.

The state is taking steps to catch two or three of the defense witnesses in the meshes of the perjury law, and some of them may not get home so soon as they expected. It has been learned what they propose to testify and, it is claimed, on investigation, ample evidence of its falsity in important particulars has been secured.

Honduran Minister Arrives. NEW ORLEANS, June 11.—Dr. Angel Ugarte, minister from the new government of Honduras, has arrived here en route to Washington. His purpose is to obtain recognition for the government and urge that Nicaraguan troops should be withdrawn from Honduras on the ground that their presence retards the return of normal conditions.

The witness stand established. Firmly formed that t him a tauran their paid with licens plos they obedi ism. A f defem prose nearness the st Sully. Work to ove the v sugge Mr. I ment. At torney "Ca The ner h from street-mayor Judge-way s gogue tion's. Rue his ov tered made couns he to "De until turity bell, a stand. "Rue "Mi Attor the h the h Schm \$2500 Ruef the m vante paid l To terpos was r dealt asked amin butta' the m Mr. tion prope cause the m the n the F The adju court LO of th after gover the C the L a bro was council PAJ missi again suspe owing ai al O as el G P w P w aj ci in as

NO TAGGING ON PART OF ORCHARD

(Continued from Page One.)

unhesitatingly told where he, himself, had seen lots of them.

Buying the Powder. When Richardson was asked if McParland had been looking up and confirming addresses of places where Orchard had been in San Francisco, the witness readily admitted that he believed McParland had investigated as to where he had bought the powder. He could not remember the fake name he had given in buying the powder, but in looking over a list of those who had bought powder at Foster's, which had been obtained by McParland, Orchard said he thought he had used the name of "A. Debe."

Richardson endeavored to discredit this testimony by declaring that but one 10-pound purchase of powder had been made at Foster's that fall and that the one purchase of which the firm had a record had been made by a man who was well known as an old customer of the concern. Orchard seemed not to be impressed by this statement by the chief attorney. He repeated he had bought 10 pounds of powder there and that he understood McParland had a list of several persons who had bought powder there, about that time in 10-pound lots.

Gas Company Suit. Richardson laid great stress upon developments in the case in which the owner of the State in which Bradley lived had sued the gas company for damages and that, notwithstanding the governor of Idaho and McParland had made affidavits regarding the part in the explosion which the gas company had taken, the court there gave a judgment against the gas company and that an appeal was pending. He said that since the gas company had no claim that a dynamite bomb had caused the explosion but had instead put the street instead of into the house, that showed in fact, that the explosion must have been within the house.

A suggestion that he endeavor to explain that matter through a report of a certain amount of paper embodying a diagram showing the shape of the porch where the bomb was placed, the position of the bomb and whether that it, as he had stated, had been in a certain position in regard to the bomb when it exploded, he could have easily been shown toward the street. This diagram was shown to the jury by the chief attorney, who then stated to be by direction of the court.

Richardson tried to prove by Orchard that he had never seen or heard of the man who had been in the porch and had swept off the steps just before the explosion had occurred in the papers. He showed a card which he admitted that McParland had not told him about the man who had been in the porch and had swept off the steps just before the explosion had occurred in the papers. He showed a card which he admitted that McParland had not told him about the man who had been in the porch and had swept off the steps just before the explosion had occurred in the papers.

All through the review of the earlier attempts on the life of former Governor Peckby Richardson was alert to intersperse observations and to get testimony from the witnesses in the line of the obstructive witness to discredit his first statements, but all unsuccessfully. This same method was pursued all through the review of the attempts upon the lives of Judges Gabbert and Goddard.

Long Hard Winter. While reviewing the events in Denver during the winter of 1902-3 and the suffering that followed there was an extended effort on Richardson's part to show that Orchard had practically no communication with the leaders of the revolution, that the revolution was not the Bradley crime or anything else, and that with Steve Adams in a period of extreme poverty extending over several months he had been in the neighborhood of the city and that he might have found.

two magazines and stole 600 pounds of dynamite which they lugged home at night and buried in their cellar. The crime was abandoned, Orchard said to one of the flashes that make his testimony remarkable, because Haywood intervened and forbade him to have anything to do with it.

Orchard brought Mrs. Steve Adams into the play yesterday. He said that while he and Adams were watching Judge Goddard's house Mrs. Adams went with them a couple of times as a blind to divert suspicion from them. Mrs. Adams, who had a seat among the witnesses giggled and smothered and drew much attention to herself when Orchard told of the incident.

Orchard, who confesses that he hesitated at no crime and took a hundred desperate chances in those he committed, made an interesting contribution to the psychological study of his personality when he called himself a cowardly fellow who had been cowardly to openly kill Judge Gabbert; said that he regarded all his acts as cowardly.

Support of Orchard's Wife. Richardson had another bad shock during the afternoon when he gave the witness a stern and unrelenting hauling over the coals on the grounds that he had not contributed any of the money he got from the federation to the cause of the State in which Bradley lived had sued the gas company for damages and that, notwithstanding the governor of Idaho and McParland had made affidavits regarding the part in the explosion which the gas company had taken, the court there gave a judgment against the gas company and that an appeal was pending.

Richardson soon realized he had secured another point for his enemies. The attorney for the prosecution, when Orchard calmly stated that he had been mentioned by Haywood and that he had gone to San Francisco to look for him, that Pettibone had promised to send the wife money to come to Denver and live at the time Orchard started for San Francisco, that he had gone to San Francisco to look for him, that Pettibone had promised to send the wife money to come to Denver and live at the time Orchard started for San Francisco, that he had gone to San Francisco to look for him, that Pettibone had promised to send the wife money to come to Denver and live at the time Orchard started for San Francisco.

Disgraced because he had again been tripped up, Richardson demanded of Orchard: "Why, if you had any human interest in your wife's welfare, why did you not see to it that she was taken care of by the money Orchard had sent and it is her own fault? You say money came easy—just for the asking."

Orchard replied that he was keeping his mouth as tight as possible. He did not write to his wife for fear that the letter would fall into unwelcome hands and he said where he had been in the city and that he was the first opportunity he had, he sent her a letter in charge of a man whom he knew who was in Denver but who lived in Cripple Creek and was a well known man.

On account of threatening weather there was not so large a crowd as usual yesterday morning or afternoon when Orchard was brought to the court room. For the first day since Orchard had been on the stand no clerk or other man went toward away. The court room was as fully filled as on other days and the witness was brought to the stand by the jury.

Cross-Examination Resumed. Orchard was examined "generally at 9:30 o'clock. After the first hour had been spent in the cross-examination of Orchard, the witness was brought in and he then was led in beginning work where it was left off the previous day. Orchard took the seat in the main

the old Chronicle office—between that office and the California ferry. Orchard said he was not real positive it was at the Judson Powder company's but thought that was where it was.

Orchard said he ordered the powder on the night he had set it. He said he could not remember what kind of a looking man he ordered the powder from. There was a desk grat- ing between himself and the clerk.

Orchard said he was not sure whether the man was thin or fat, big or little. He said there were several clerks in the office.

Here Richardson asked if the witness had ever bought powder before—dynamite. He said he had bought some in Salt Lake.

Orchard said when he ordered the powder in San Francisco they asked him his name and what he wanted with the powder. They also wanted him to tell where he lived and he replied that he lived outside of the city on some ranch. He didn't remember whether he gave a street address or not.

Orchard said he wanted to get the dynamite to blow out some stumps. "Don't you know there isn't a stump in 150 miles of San Francisco?"

"Yes, I know there are lots of stumps."

"Where?" demanded Richardson.

"Why, all around San Francisco. Anywhere you see a Sacramento valley toward Santa Rosa there are lots of trees."

"Were you ever on a ranch outside of San Francisco?"

Orchard said he had been several times. At the time he bought the powder he was not rooming near the Bradley home. He was rooming at McKinley's saloon house. He had first lived at the Golden West hotel, then he lived at a place on the west side—a private place—for several weeks, then from here he went to various places where he stayed for three or four weeks and met a man by the name of Watkins and a soldier by the name of Williams.

Not a Card Sharp. Orchard said he had nothing only have a good time. He said he didn't gamble, but played some cards for drinks in the hotel.

"You are something of a card sharp aren't you?"

"No, sir."

"You're a handy man with the cards, aren't you, Mr. Orchard?"

"I don't know what you mean by a handy man, but I can play cards."

"What is commonly known as a card sharp?"

"No, sir, I am not."

"Aren't you an expert in handling cards?"

"No, sir, I am not."

"And haven't you been for a good many years?"

"No, sir, I have played cards, but I would call an expert, what I would call an expert."

"You commenced playing cards and gambling before you left Canada, didn't you, when you was a boy?"

"I gambled before I left Canada. I played cards, but I never gambled 120 while I lived in Canada."

"But you played cards and became known as an expert at cards before you left Canada, didn't you?"

"I don't think I became known as an expert. When I played I played to win. What card-playing I don't do any more."

"You didn't dynamite anyone at Caliente Springs?"

"No, sir."

me if I could pick out the name I had in mind. Orchard said he was not real positive it was at the Judson Powder company's but thought that was where it was.

Orchard said he ordered the powder on the night he had set it. He said he could not remember what kind of a looking man he ordered the powder from. There was a desk grat- ing between himself and the clerk.

Orchard said he was not sure whether the man was thin or fat, big or little. He said there were several clerks in the office.

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see him. I didn't tell him I was broke because I was told. Adams told me he was short of money. He told me to come out where he and his wife and little boy were keeping house. They had two rooms and in the same house they had a room for a room.

Orchard said he had heard from McParland about the suit of the owner of the apartments against the San Francisco Gas company after the explosion of the Bradley bomb. Orchard said he had heard from McParland and Governor Gooding made affidavits for use by the gas company in moving for a new trial.

"Do you know that the motion for a new trial based on these affidavits has been overruled by the court?"

"Yes, sir. I heard the judgment was stayed."

"But that was an appeal?"

"I don't know about that."

Orchard said that the morning he placed the bomb at the front door of the Bradley house, people were passing on their way to work. The lead bomb was inside a wooden box. Orchard took a down town car and was out of the city before the explosion occurred.

"From the examination of the place after the explosion don't you know that the bomb was blown out instead of in?"

"I don't know about that."

Some Explanations. Orchard said that the morning he placed the bomb at the front door of the Bradley house, people were passing on their way to work. The lead bomb was inside a wooden box. Orchard took a down town car and was out of the city before the explosion occurred.

"From the examination of the place after the explosion don't you know that the bomb was blown out instead of in?"

"I don't know about that."

Richardson asked Orchard if it was not true that he was out hard up after he got back from San Francisco that all that winter he had to live on the charity of Steve Adams; that he often went to his meals and had very shabby clothes.

"That is not true," declared Orchard. "I had all the money I needed that winter."

"I got it from you get it?"

"I got it from Pettibone through Haywood. The first I got was given to Steve Adams for me."

"When did you first see Haywood after you got back from San Francisco?"

"I saw Haywood soon after I got back. He asked about the Bradley affair and I told him that Bradley's condition was such that he would probably lose his hearing."

"You lied to Haywood about it?"

"I think I made the story of Bradley's condition a little longer than it was, but it was really reported in San Francisco that Bradley would probably lose one eye and his hearing."

"Did you ask Haywood for money at that time?"

"Yes, I did tell him I wanted some more money."

"Did he say you could have it?"

Richardson asked Orchard if he had asked for money to send to the wife at Cripple Creek.

Orchard said he had not sent any himself, but he had understood that she was being cared for.

Orchard Shows Emotion. For the first time during the trial Orchard showed strong emotion while answering the new questions put by Attorney Richardson. The Denver attorney asked if he had sent any of the money he received for the Bradley affair to either of his wives.

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A Bold Step.
To overcome the well-grounded and reasonable objections of the more intelligent to the use of secret, medicinal compounds, Dr. E. V. Pierce, of Buffalo, N. Y., some time ago, decided to make a bold departure from the usual course pursued by the makers of put-up medicines for domestic use, and so has published broad- cast and openly to the whole world, a full and complete list of all the ingredients entering into the composition of his widely celebrated medicines. Thus he has taken his numerous patrons and patients into his full confidence. Thus too he has removed his medicines from among secret nostrums of doubtful merits, and made them remedies of known composition.

By this bold step Dr. Pierce has shown that he is not afraid to subject them to the public scrutiny.

Not only does a trapper of every bottle of Dr. Pierce's Golden Medical Discovery, the famous medicine for weak stomachs, indigestion, and all catarrhal diseases, wherever located, have printed upon it in plain English, a full and complete list of all the ingredients composing the same, but a standard medical works, of all the different kinds of books containing very numerous extracts from the writings of leading practitioners of medicine, endorsing the efficacy of the medicine, each and every ingredient contained in Dr. Pierce's medicines.

Reference will be mailed free to any one sending address on postal card by letter to Dr. E. V. Pierce, Buffalo, N. Y., and receiving the same. From this little book it will be learned that Dr. Pierce's medicines contain no alcohol, narcotics, mineral acids and deleterious drugs, were employed, long years ago, by the Indians for similar ailments, affecting their spouses. In fact, one of the most valuable medicinal plants ever known, that Dr. Pierce's Favorite Prescription for weak, nervous, over-worked, run-down, nervous and debilitated women, were employed, long years ago, by the Indians for similar ailments, affecting their spouses. In fact, one of the most valuable medicinal plants ever known, that Dr. Pierce's Favorite Prescription for weak, nervous, over-worked, run-down, nervous and debilitated women, were employed, long years ago, by the Indians for similar ailments, affecting their spouses.

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TERMS TO SUIT PURCHASER. Don't buy a phonograph until you have learned our proposition. Larger stock than all other dealers in Idaho combined.

OVER 1000 PLEASSED CUSTOMERS. The Sampson Music company is the largest dealer in talking machines between Denver and Portland and never has had and will not have a dissatisfied customer.

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For the first time during the trial Orchard showed strong emotion while answering the new questions put by Attorney Richardson.

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Strictly one price and your money's worth or your money back

803 MAIN STREET

NO FAGGING ON PART OF ORCHARD

(Continued From Page Three.)

supporting herself by mental labor—supporting herself and her little girl. She had been working hard all that time. You never sent her a cent up to that time in all the years you had been deserting her. Isn't that true?"

"It is true."

"And she had to work like a slave to live?"

"She worked in a cheese factory making cheese, so I understand," replied Orchard, now rather defiantly. "And you know that is mighty hard work, isn't it?"

"Not for a man," was the reply. "But for a woman?"

"It is too hard work for a woman," Orchard replied very huskily and so faintly as to hardly be heard. He dropped his eyes again. He showed great emotion, but quickly regained his composure when Richardson returned to his desertion and non-support of the wife at Cripple Creek.

"And the wife at Cripple Creek whom you deserted with her small children—you never sent her any money until you came to the penitentiary, did you?"

"I never sent her a cent since I have been in the penitentiary," replied Orchard. "All the money I have been able to spare since I was put in the penitentiary I sent to my real wife back in Canada. At the time you speak of I supposed the Cripple Creek woman was getting money from Pettibone. I did not know until later that they hadn't kept their agreement to send her money."

"When you found out your wife had not got any money, what did you do?"

"I asked Pettibone to send her \$100 to get away from Cripple Creek to go to Denver and he said he would. Haywood was there. When I got back to Denver I expected to find her there but she wasn't there. I didn't go to see her because I was keeping out of the way. All the time Pettibone assured me he was taking care of her and the children. I wrote to her and sent a letter to her that winter by a man from Cripple Creek whom I met in Denver."

"When was the first time you found out these men had not provided for your wife?"

"It was before I left Denver. I told them they had not treated her right."

Richardson asked Orchard if his Cripple Creek wife had not inherited some money shortly before or after he married her, and he stated positively that she had not. Richardson ignored the answer and asked Orchard if he had not taken the money she inherited and gambled it away. Orchard repeated that she never to his knowledge inherited any money. He stated that at one time she sold a shanty she owned in Anaconda and got \$50 for it.

"And that was the money she had that you took and spent in gambling and carousing?"

"I did not."

"You spent that money?"

"That money," replied Orchard, "was put with some I had in a bank and we used to live off from—to meet our household expenses. We used it all but about \$35 and that we finally drew out of the bank to spend. In all, after we put her \$50 in the bank, we had something like \$150 in the bank altogether."

Here Richardson switched off from the subject in hand and went back to Orchard's story on direct examination regarding crimes attempted during the winter of 1904-1905 in Denver.

Attempt on Judge Gabbert.

Orchard said that while he was in the city during the winter of 1904-1905 the plot and attempts were made to kill Judge Gabbert. Moyer, he said, so far as he knew, knew nothing about it, but Pettibone and Haywood had talked about it in Pettibone's store.

"Haywood told me Adams was then working on a plan to shoot Gabbert and I might as well put in my time helping him. He said he didn't want dynamite used, because if a bomb was used the chances were the federation would be blamed."

"What were your plans?"

"We expected to clean up a few jobs and then get a ranch."

"Oh, you hadn't yet killed enough

the money, and had to give up having the work completed."

"Didn't he get that work done at a dental college for nothing?"

"I think not. I heard him say something about a dental college. He said he could get the work done cheaper there."

Richardson tried to play up the absurdity of Alkman trying to save money on work on his teeth if Orchard's story that they could get all the money they needed from Haywood was true.

Richardson drew a statement from Orchard that he had done little if any gambling that winter and tried to induce him to say he didn't gamble for the reason that he was short of money—had no money to gamble with. Orchard said maintained he could get money from Haywood at any time he wanted it. Orchard confessed that from the time he returned from California up to the time he went to work on the Peabody job all the money he got was \$25 out of \$125 which Haywood had given to Adams for the three of them—Orchard, Adams and Alkman. Durink that period he said he had met Haywood and the others a number of times. He could not say just how many times. He thought he had called once at Haywood's house, upstairs in his bedchamber. Adams was present, also Pettibone. It was late in the evening—at about 9 o'clock.

"Did Haywood ever make any appointments with you?"

"I have called him up by telephone."

"Did Haywood ever make an appointment with you; that's what I asked, sir."

"Often he did. He'd send word for me to come to him—usually sent word by Pettibone."

The Peabody Bomb.

Orchard was then asked where he planted the first bomb to get Peabody. He said it was at Thirteenth street and Grant avenue. Richardson, by questions, endeavored to show the improbability of the story for the reason that the place named was a very busy street, and that it was all solid pavement at that place and it would be impossible to dig a hole. Orchard claimed the bomb had been placed by the side of the walk in the gutter or water-way and had been covered with snow.

Richardson asked why Orchard went two miles to Max Mallick's store to trade when grocery stores were handy in his neighborhood.

The witness said he went there to trade because Max was a friend.

Orchard stoutly denied that he endeavored to get Max Mallick to enter into the conspiracy to kill Peabody or that he had ever offered to kill a man by the name of Campbell who ran a rival store to Mallick in that neighborhood. Orchard said, however, that Mallick was the man who hired the livery rig they used to carry the bomb which he said weighed about 40 pounds.

Orchard, in answer to a question by Richardson, said they didn't want to place the bomb in place at night because it might freeze before the time to use it.

This started a discussion regarding whether frozen powder would explode. Orchard said frozen powder would not explode with satisfactory results. If frozen hard it would not explode at all.

It was about 8 o'clock in the morning when the bomb was planted. Orchard said at that hour there were a few people on Grant avenue. It was rather early for business men and anyway, business men in that part of the city usually took the cars down Thirteenth street.

The rig, Orchard said, was several blocks away. Orchard said he placed the bomb, hooked on the wire, so that Adams and himself could pull the wire from Thirteenth avenue, a block away. Orchard said the wire had to cross an alley-way. There were not many people passing along Thirteenth street, Orchard said.

"The wire was about the size of a broom wire. It was soft wire, but not copper," said Orchard. "We walked around the block several times waiting for Peabody to show up. We stayed where we could see him when he came out of his residence. We

pretty carefully. He said he met a policeman who looked at him suspiciously. So he threw away the shovel and went away rather hurriedly.

After the plan to kill Peabody on Grant avenue failed, Orchard said Adams and himself got the bomb, wrapped it up in a piece of burlap and carried it over to where the rig was and then drove home with it.

"Then I suppose, you went after more money?" sneered Richardson.

"Yes, we did."

"You went down and told Haywood and Pettibone that you had made another blunder—a miserable failure—and wished your pay?"

"We told Pettibone about the attempt to blow up Peabody."

"And that you had now abandoned the plan to kill him?"

"We didn't say we had abandoned the plan. We didn't give it up until later. We watched around for him and didn't really give up the plan to 'get' him until after he was out of the governor's office a short time after that." Orchard couldn't remember whether Haywood and Moyer had got back to Denver yet or not.

Money Matters.

After the attempt on Peabody Orchard couldn't remember just when, and how much money he got. He said several times he got money through Adams. He, himself, he said, went down town very seldom that winter except at night. He had been instructed not to be seen often on the streets and he swore an arrangement had been made whereby Pettibone was to send money to Orchard by Steve Adams. Orchard said that during the winter all the money he got direct from Pettibone was \$30 as near as he could remember. He had got no money directly that winter from either Haywood or Moyer. He had talked with Haywood perhaps a dozen times that winter.

"When you were talking with Haywood some of these times why didn't you ask him for money?"

"Because," replied Orchard, "we had agreed that I should get the money in another way which was entirely satisfactory. I was getting money whenever I needed it."

Soon after the failure of the Peabody plot Orchard said the first unsuccessful attempt to "get" Judge Gabbert by shooting him took place. The affair wasn't immediately reviewed but two attempts to "get" Judge Goddard were taken.

Orchard said the attempt on Goddard was right after they had moved to Globeville. Asked why they moved to Globeville Orchard replied that Alkman had got arrested and told the police where he lived.

"We were afraid they might come up to investigate and find us there—so we moved."

Globeville Plot.

"There was a strike over in Globeville at that time. Why didn't you get up a plan to kill off some of the scabs over there?"

"Well, we did talk of it," replied Orchard. He told of a plot to put some dynamite under a boarding house where about 150 non-union men were boarding. Orchard said that Max Mallick asked him to do it.

"You tried to get Max into that scheme yourself and he wouldn't hear to it. Isn't that true?"

"No, sir. He wanted me to do it."

"Didn't you tell Max that you considered it a d—n good chance to blow up 150 scabs all at once and you were going to do it, and didn't he tell you not to do it, or think of it?"

"Max is the one who first spoke about it," said Orchard.

"Why didn't you tell about this plot by your direct examination?"

"I wasn't asked about it."

"Is it in your book?"

"I don't think it is."

"Why?"

"Because nothing resulted. We didn't do anything there."

"Well, when Max Mallick asked you to blow up this place what did you say?"

"I said I'd do it."

"Any bargain as to what you'd get for it?"

"No, sir."

"Didn't ask how much you'd get?"

"No, sir."

"Well, why didn't you blow up the house?"

"Because Haywood told me not to do it."

"You talked with Haywood about it, eh?"

"Yes, sir."

"Where did you talk with him?"

"Either at his residence or Pettibone's store."

"Then you started on some other job?"

"Yes, sir."

"The Goddard job?"

"Yes, sir."

"Did you have any other job on while you lived at Globeville?"

"We looked up Frank Herne, manager of the Colorado Fuel & Iron company."

Stalking Herne.

Richardson then opened up on this matter. Orchard told him all he knew about Herne. He said he had never heard Haywood make any public speeches that Herne was engaged in trying to bribe members of the legislature in respect to the 8-hour law. He said he'd seen something in the papers to that effect. He had never heard of Haywood and Herne holding a public debate there that winter.

Howley here entered an objection as

ON CROSS-EXAMINATION.

Orchard said he lurked about Judge Gabbert's house several nights hoping for a chance to shoot him.

"Why didn't you go up and ring the door bell and 'pump it into' him?" asked Richardson.

"Because I was too cowardly," said Orchard without a moment's hesitation.

"You never allowed anybody else to call you a coward did you in those days?"

"I don't know about that."

"You considered yourself a very brave man didn't you?"

"I call all the things I've done very cowardly," said Orchard in a low, even voice.

paid Mrs. Adams for his board and had for a long time paid their rent out of his own pocket. Orchard said he had drawn relief at Cripple Creek for awhile after the strike began and later his wife then drew relief. It was here, then Richardson made his last grand stand play which resulted to his discomfiture.

The first work on the Goddard case, Orchard said, was after they moved to Globeville. He said the orders to kill Goddard came from Haywood.

The only attempts made against Goddard at that time, Orchard said, were to shoot him.

Richardson called Orchard's attention to the fact that the decision of the supreme court regarding the constitutionality of the eight-hour day law was the reason he had given on direct examination why two justices of the Colorado supreme court were wanted put "out of the way" by Haywood and asked why it was that other justices of the supreme court were not also doomed to death by Haywood for the same reason. He spoke about Judge Campbell in particular.

Haywood Admired Campbell.

Orchard replied he had not been much in Haywood's confidence in those matters. All he knew was what Haywood had ordered. He had not asked for detailed particulars. He had heard Haywood once say that he admired some things about Campbell and one was that there never was any question about how Campbell stood. "He said that he could always be certain of one thing regarding Campbell when matters arose of interest to the miners and that was that Campbell would be against the miners."

"Well, then," announced Richardson, "I should think that would be a reason why Haywood would want Campbell out of the way more than the others—if he was certain he was against the miners and only had ideas about the others."

As this evidently seemed not in the form of a question and apparently did not call for an answer Orchard passed the reflection of Richardson by without a reply and waited for the next question which pertained to stalking Judge Goddard.

Orchard said then Adams and himself went over around Goddard's place. Joe Mallick also went.

Adams' Wife in Plot.

"Adams' wife also went over two or three times. She went along for a blind so as not to arouse any suspicion. She wasn't armed. I carried a shot gun—one I'd got from Pettibone—and a six-shooter. Adams had a sawed-off gun also and I think he had a six-shooter."

A chance question by Richardson developed that Adams, Joe Mallick and Orchard had, while at Globeville, stolen 600 pounds of powder from a magazine on the Northern Pacific railway. They also stole a lot of plant powder cases from another magazine. They broke two powder houses open to do it. They broke two locks to get into the magazines and used a rig to carry it away. Orchard said the powder was put into the cellar of the house where they lived.

Orchard denied that Adams finally got sore because he had laid around all winter and had paid no board; that he finally told Orchard to leave and that Adams held his things until Orchard settled a \$20 bill.

Orchard said he did give Adams a \$20 bill after he had left the house. He said he left the place because he didn't like Adams' ways. He said Adams got drunk and was arrested on the charge of stealing a wheel.

Orchard said that after Adams got drunk Haywood refused to give Steve any more money. He said Steve felt sore and he was going to beat his way out of town. "I borrowed \$20 of Max Mallick and gave it to Steve to get out of town."

Orchard said he then parted with the Adams family and went down on Twenty-sixth street to room. He stayed there a couple of weeks. He said he went around Goddard's house a few times and only saw him once too far away to shoot him. Before that, he said, while learning his habits, he saw the judge through a window but didn't have a gun.

some money shortly before or after he married her, and he stated positively that she had not. Richardson ignored the answer and asked Orchard if he had not taken the money she inherited and gambled it away. Orchard repeated that she never to his knowledge inherited any money. He stated that at one time she sold a shirt she owned in Anaconda and got \$50 for it.

"And that was the money she had that you took and spent in gambling and carousing?"
"I did not."
"You spent that money?"
"That money," replied Orchard, "was put with some I had in a bank and we used to live off from—to meet our household expenses. We used it all but about \$35 and that we finally drew out of the bank to spend. In all, after we put her \$50 in the bank, we had something like \$150 in the bank altogether."

Here Richardson switched off from the subject in hand and went back to Orchard's story on direct examination regarding crimes attempted during the winter of 1904-1905 in Denver.

Attempt on Judge Gabbert.
Orchard said that while he was in the city during the winter of 1904-1905 the plot and attempts were made to kill Judge Gabbert. Moyer, he said, so far as he knew, knew nothing about it, but Pettibone and Haywood had talked about it in Pettibone's store.

"Haywood told me Adams was then working on a plan to shoot Gabbert and I might as well put in my time helping him. He said he didn't want dynamite used, because if a bomb was used the chances were the federation would be blamed."

"What were your plans?"
"We expected to clean up a few jobs and then get a ranch."
"Oh, you hadn't yet killed enough men to buy a ranch?"
"I had thought nothing about that—how many to kill to get a ranch. There was work they wanted cleaned up and which had to be done before the ranch was bought."

Richardson attempted to draw from Orchard that he was at that time out of money and exceedingly hard-up for clothes.

Orchard said that at the time he lived at Adams' home he wore good clothes, a suit he had made by a tailor at Victor; he usually wore a white shirt and white collar.

"Why didn't you shoot Gabbert?"
"We didn't see him. We walked around his house some, but it was too cold weather to stay long at a time."
"Couldn't shoot in cold weather?"
"It was too cold to stand around waiting for a chance to shoot."

After Peabody.

Orchard said that along about Christmas time they were called off from Gabbert's trail by Haywood, who wanted he and Adams to try to "bump off" Peabody so that he could not by chance become governor again.

"He preferred Alva Adams to Peabody for governor?"
"Yes, sir."

"Don't you know that at that time Haywood was proclaiming all over that it made not a particle of difference to the miners as to which—Peabody or Adams—was elected governor?"

"I heard that Haywood made that statement publicly," replied Orchard, "but I also know that Haywood talked far differently to us on the side."

"Now you were going to bomb Peabody?"
"Yes."

"You couldn't use a bomb on Gabbert because that would reflect on the officers of the federation, but it would be all right to blow up Peabody that way?"

"Yes, sir; Haywood and Moyer said they were going to leave town, were going to Chicago; they wanted us to kill Peabody while they were gone."

Orchard was telling of how the first bomb to "get" Peabody was being made at Adams' house, when the noon hour arrived and a recess was taken until 1:30 o'clock.

Afternoon Session.

As soon as Orchard had resumed the witness stand after the noon recess, Richardson asked when Billy Aikman left. Orchard replied that it was after the first attempt on Peabody.

Orchard remembered that Aikman had trouble with his teeth.

"And he was so poor he couldn't get his teeth fixed?"
"No, sir; I knew he went and got some money to get his teeth fixed; that he got some work done on them and then spent the money or part of

were handy in his neighborhood.

The witness said he went there to trade because Max was a friend.

Orchard stoutly denied that he endeavored to get Max Mallich to enter into the conspiracy to kill Peabody or that he had ever offered to kill a man by the name of Campbell who ran a rival store to Mallich in that neighborhood. Orchard said, however, that Mallich was the man who hired the livery rig they used to carry the bomb which he said weighed about 40 pounds.

Orchard, in answer to a question by Richardson, said they didn't want to place the bomb in place at night because it might freeze before the time to use it.

This started a discussion regarding whether frozen powder would explode. Orchard said frozen powder would not explode with satisfactory results. If frozen hard it would not explode at all.

It was about 8 o'clock in the morning when the bomb was planted. Orchard said at that hour there were a few people on Grant avenue. It was rather early for business men and anyway, business men in that part of the city usually took the cars down Thirteenth street.

The rig, Orchard said, was several blocks away. Orchard said he placed the bomb, hooked on the wire, so that Adams and himself could pull the wire from Thirteenth avenue, a block away. Orchard said the wire had to cross an alley-way. There were not many people passing along Thirteenth street, Orchard said.

"The wire was about the size of a broom wire. It was soft wire, but not copper," said Orchard. "We walked around the block several times waiting for Peabody to show up. We stayed where we could see him when he came out of his residence. We walked up Logan to where we could reach the wire. Peabody came down Grand avenue. We got ready to pull the wire, when a coal wagon passed over it just in time to prevent us from pulling the wire until he had gone past the bomb."

Orchard said he was not certain whether the wagon was loaded or unloaded. He didn't know of any coal yards in that vicinity.

"You were afraid to pull the wire for fear you'd get caught?"
"Yes, sir."

"You then abandoned the plan to 'get' Peabody?"
"Yes, for the time."

Another Bomb Plot.

Orchard said he did not think there were any more attempts made to get Peabody until he went to Canon City. He told of an attempt or plan to "get" Peabody several days before the attempt with the wire. The plan was to plant the bomb near Peabody's home in a vacant lot before the snow fell. He was up there with a spade to dig the hole and was scared away. Several people, he said, seemed to be watching him

Isn't that true?"

"No, sir. He wanted me to do it."

"Didn't you tell Max that you considered it a damn good chance to blow up 150 sabs all at once and you were going to do it, and didn't he tell you not to do it, or think of it?"

"Max is the one who first spoke about it," said Orchard.

"Why didn't you tell about this plot in your direct examination?"

"I wasn't asked about it."

"I don't think it is."

"Why?"

"Because nothing resulted. We didn't do anything there."

"Well, when Max Mallich asked you to blow up this place what did you say?"

"I said I'd do it."

"Any bargain as to what you'd get for it?"

"No, sir."

"Didn't ask how much you'd get?"

"No, sir."

"Well, why didn't you blow up the house?"

"Because Haywood told me not to do it."

"You talked with Haywood about it, eh?"

"Yes, sir."

"Where did you talk with him?"

"Either at his residence or Pettibone's store."

"Then you started on some other job?"

"Yes."

"The Goddard job?"

"Yes, sir."

"Did you have any other job on while you lived at Globeville?"

"We looked up Frank Herne, manager of the Colorado Fuel & Iron company."

Stalking Herne.

Richardson then opened up on this matter. Orchard told him all he knew about Herne. He said he had never heard Haywood make any public speeches that Herne was engaged in trying to bribe members of the legislature in respect to the 8-hour law. He said he'd seen something in the papers to that effect. He had never heard of Haywood and Herne holding a public debate there that winter.

Hawley here entered an objection as to the way Richardson was questioning. Richardson replied he was trying to show that it was quite possible that the witness got information about Herne from other sources than from Haywood. The objection was overruled.

Orchard said Haywood told him to "get" Herne if he could.

Orchard was made to confess that he and Adams stole a sheep at the stock yards one night and butchered it in Mahallick's cellar.

"Was it easier to steal the sheep than go down and get money from Pettibone and buy meat?"

"It wasn't very hard to get the sheep," replied Orchard.

"You ate the sheep—you and Adams and his wife?"

"Yes."

"And that was about the only thing you had to eat that winter too, wasn't it?"

"We had all we wanted to eat," replied Orchard.

Orchard denied that after he went to Adams' to live that Mrs. Adams drew "relief" money from the federation or that he did. He denied that Aikman

tion which pertained to stalking Judge Goddard.

Orchard said then Adams and himself went over around Goddard's place. Joe Mahallick also went.

Adams' Wife in Plot.

"Adams' wife also went over two or three times. She went along for a blind so as not to arouse any suspicion. She wasn't armed. I carried a shot gun—one I'd got from Pettibone—and a six-shooter. Adams had a sawed-off gun also and I think he had a six-shooter."

A chance question by Richardson developed that Adams, Joe Mahallick and Orchard had, while at Globeville, stolen 600 pounds of powder from a magazine on the Northern Pacific railway. They also stole a lot of giant powder cans from another magazine. They broke two powder houses open to do it. They broke two locks to get into the magazines and used a rig to carry it away. Orchard said the powder was put into the cellar of the house where they lived.

Orchard denied that Adams finally got sore because he had laid around all winter and had paid no board; that he finally told Orchard to leave and that Adams held his things until Orchard settled a \$20 bill.

Orchard said he did give Adams a \$20 bill after he had left the house. He said he left the place because he didn't like Adams' ways. He said Adams got drunk and was arrested on the charge of stealing a wheel.

Orchard said that after Adams got drunk Haywood refused to give Steve any more money; that Steve felt sore and said he was going to beat his way out of town. "I borrowed \$20 of Max Mallick and gave it to Steve to get out of town."

Orchard said he then parted with the Adams family and went down on Twenty-sixth street to room. He stayed there a couple of weeks. He said he went around Goddard's house a few times and only saw him once—too far away to shoot him. Before that, he said, while learning his habits, he saw the judge through a window but didn't have a gun.

During that two weeks Orchard said he got \$100 of Pettibone at his store. From the room on Twenty-sixth street Orchard said he went back to the Belmont hotel. This was in April, 1905, and Orchard said he met a man there by the name of Bond whom he had met at the same place before. He met a woman there by the name of Lottie Day whom he had seen there before. He said he had never got particularly well acquainted with her. He met a girl by the name of Flossie—a sister of Mrs. McGurrin, wife of the proprietor.

"After I got over to the Belmont Moyer, Haywood and Pettibone wanted me to go to Canon City to 'get' Peabody. I met Moyer at his home at the Aberdeen flats. I saw Moyer early that spring and he told me about the experiences he had in jail. He was very bitter against Peabody and wanted him 'bumped off'—the quicker the better. Mrs. Moyer was at the home but she went in another room. I don't think she heard the conversation."

At this point the cross-examination was broken off, 3:30, the hour for adjournment having arrived. Court adjourned to 9:30 this morning.

BANK OF MERIDIAN, Ltd.

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CAPITAL \$25,000.00

F. E. Madden, President.

John Ennis, Vice Prest.

A. R. Wallace, Cashier.

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DETAILS OF PLOT TO KILL STEUBENBERG

Orchard Tells of His First Attempt to Blow Up Governor in Room at the Idanha Hotel

RICHARDSON FAILS UTTERLY

Orchard Sticks Doggedly to Story He First Told.

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The Steubenbergs Plot.
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ATORNEY E. F. RICHARDSON of Denver yesterday continued his blundering methods of cross-examination so disastrous to the interests of the client, William D. Haywood, who is depending so much on him to clear him of the charge for which he is being tried for his life. In his stumbling, clumsy procedure Richardson yesterday brought out testimony showing there was a very close intimacy between Orchard and Pettibone. He led Orchard to testify that he spent a whole month with Pettibone at the latter's home, by Pettibone's invitation, as company for Pettibone while his wife was east on a visit, and the record shows a statement by Richardson that HE KNEW ALL ABOUT IT BEFORE ORCHARD TESTIFIED ABOUT IT.

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Mayor of Springfield, Ill., Drowned.

SPRINGFIELD, Ill., June 12.—Mayor Griffiths of this city was drowned this afternoon while endeavoring to ford a stream of water on horseback southeast of this city.

SECRETARY WILSON TESTIFIES

Again Occupies the Witness Chair in the Cotton Leak Trial.

Attorney For Defense Charges Secretary With Violation of His Own Rules—Never Contradicts Statements Credited to Him by Papers.

WASHINGTON, June 12.—Secretary Wilson was again upon the witness stand today in the trial of E. S. Holmes, Jr. He was questioned further concerning his alleged progress to suppress information given him at the time of Holmes' dismissal from the department of agriculture.

Regarding the formal statement given out by the witness at the time Holmes was dismissed, Secretary Wilson said he did not make the statement which was signed by him, but that it was the report of the secret service people who investigated the Holmes case. He declared that he had made no arrangement or pledge with Broker Van Ripper for the suppression of names.

Mr. Worthington asked the witness why he had given the secret service report to the public to the prejudice of Mr. Holmes.

Counsel for the government objected but the question was admitted and the secretary replied:

"I thought the American people had a right to the report."

Mr. Worthington then turned his attention to what he had charged to be Mr. Wilson's violation of his own rules in the matter of prematurely giving out information and in support of his theory, quoted an interview given out by the secretary last fall in regard to the prospective production of the macaroni wheat. The secretary said he did not remember the interview, but that if he had made this statement it would not be in violation of the rule of secrecy, that the violation of the rule was a question of premature giving out of information that comes to the bureau of statistics.

"If you find me giving out that information," he said, "the information

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TRIAL

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The afternoon session of the court was taken up with cross-examination of that most of Orchard's narrative regarding his leaving for Idaho, his first stop in Nevada to look over the field, his re-constituting trip to California, his trip to Idaho where he first saw his victim, his trip to Portland and then to Seattle and then to Vancouver to see Jack Simpson and to confer with David Coates about a scheme for kidnapping the children of Gus Graham. The work of the afternoon took in the events up to the time that Orchard and Simpkins were about to leave on the trip up into the St. Joe river country and Richardson announced that that is where the cross-examination would be resumed this morning.

At the adjournment of court last evening Mr. Richardson said that in all probability he would complete the cross-examination of Harry Orchard today and that he would be ready to turn the witness over to the state for the re-direct examination tomorrow morning. Mr. Hawley for the prosecution states that the re-direct examination by the state will probably last about two hours—not over three hours. After that the defense will have the re-cross-examination which may possibly last for another day, so that it now looks as if Orchard would probably remain on the stand until some time Saturday.

While Richardson yesterday utterly failed to discredit any of Orchard's statements made on direct examination he managed to do more damaging work for his own side of the case. In one instance, with seeming disregard for consequences, and with a statement from his own lips that went into the record that he knew all about what he was talking about before the witness testified on the point, he brought out evidence to show that during the summer of 1905, before Orchard's start in Idaho, Orchard and Pettibone were on the most friendly and intimate terms.

Orchard Visits Pettibone.

Richardson, with all the dramatic trimmings and flourishes that would have been appropriate to assume had he been the leading counsel for the prosecution instead of associate counsel for the defense, deliberately led the witness to testify that for a whole month he lived with Pettibone at his home in Denver, that he had been invited by Pettibone to make the house his home so as to be company for him while Mrs. Pettibone was away in Michigan or Wisconsin or somewhere back east visiting relatives.

And then, when it was all over, Richardson paraded a look of su-

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Richardson in his stumbling, blundering way did attempt to make Orchard admit that he really went to Canon City to sell life insurance instead of to murder Peabody, and he tried to show Orchard's excuse for not killing Peabody there to be absurd. Orchard stated he planned to kill Peabody by placing a bomb under a window where he learned Peabody had a habit of sitting at certain hours of the evening. Orchard confessed it was an infernal machine powerful enough to blow up the whole Peabody residence and kill everybody in it.

His excuse for not carrying out his intention was that some changes were being made in the house and Peabody quit sitting by the window. Later it developed Orchard had another reason. Another man, who was also in the insurance business, had advised Orchard at Canon City and he had discovered that Orchard had a bomb in his grip. Orchard had told the man jokingly that the bomb was intended for Peabody and the fellow had taken it seriously. After that Orchard said he was afraid to blow up Peabody for the reason he believed this man would not hesitate to point the finger of accusation at him.

Orchard Stands Pat.

By peeling deep into details and skimming lightly over the high places, which were touched upon only in Orchard's original story, Richardson sought time and again to trip up the

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His Own Rules—Never Contradicts Statements Credited to Him by Papers.

WASHINGTON, June 12.—Secretary Wilson was again upon the witness stand today in the trial of E. S. Holmes, Jr. He was questioned further concerning his alleged progress to suppress information given him at the time of Holmes' dismissal from the department of agriculture.

Regarding the formal statement given out by the witness at the time Holmes was dismissed, Secretary Wilson said he did not make the statement which was signed by him, but that it was the report of the secret service people who investigated the Holmes case. He declared that he had made no arrangement or pledge with Broker Van Kiper for the suppression of names.

Mr. Worthington asked the witness why he had given the secret service report to the public to the prejudice of Mr. Holmes:

"Counsel for the government objected but the question was admitted and the secretary replied:

"I thought the American people had a right to the report."

Mr. Worthington then turned his attention to what he had charged to be Mr. Wilson's violation of his own rules in the matter of prematurely giving out information and in support of his theory, quoted an interview given out by the secretary last fall in regard to the prospective production of the macaroni wheat. The secretary said he did not remember the interview, but that if he had made this statement it would not be in violation of the rule of secrecy, that the violation of the rule was a question of premature giving out of information that comes to the bureau of statistics.

"If you find me giving out that information," he said, "the information

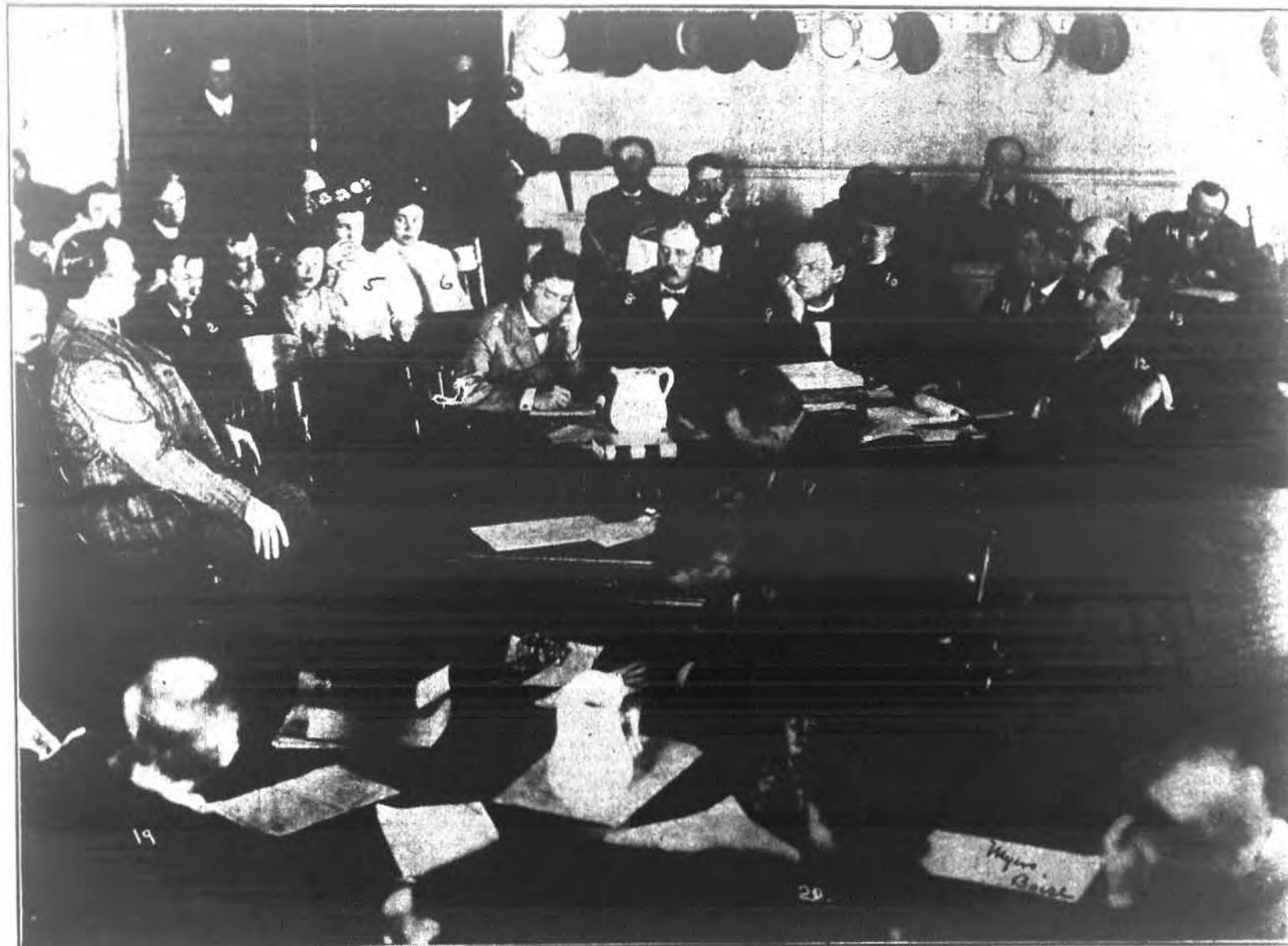
(Continued on Page Two.)



SCENE IN COURT ROOM DURING CROSS-EXAMINATION

- | | | | |
|--|---|--|------------------|
| 1. Harry Orchard, in witness chair. | 5. Miss Carruthers, Hayward's half-sister. | 10. Mrs. Carruthers, Hayward's mother. | 14. H. L. C of B |
| 2. John Murphy, attorney for defense, from Denver. | 7. Leon Whitsell of Wallace, clerk for defense. | 11. William D. Hayward. | 15. Martin Pres |
| 3. W. H. Miner, Hayward's father-in-law. | 8. Peter Breen of Butte, attorney for defense. | 12. John Nugent of Boise, attorney for defense. | 16. R. J. Pres |
| 4. Verne Hayward, Hayward's younger daughter. | 9. Clarence S. Darrow of Chicago, defense attorney. | 13. E. F. Richardson of Denver, cross-examining Orchard. | 17. Court of D |

(Continued on Page Two.)



SCENE IN COURT ROOM DURING CROSS-EXAMINATION OF HARRY ORCHARD.

- | | | | | |
|--|---|---|---|---|
| 1. Harry Orchard, in witness chair. | 6. Miss Carruthers, Haywood's half-sister. | 10. Mrs. Carruthers, Haywood's mother. | 14. H. L. Crane, representative of Boise Statesman. | 18. Court Reporter Phelps of Boise. |
| 2. John Murphy, attorney for defense, from Denver. | 7. Leon Whitzell of Wallace, clerk for defense. | 11. William D. Haywood. | 15. Martin Egan, Associated Press. | 19. W. A. Stone, attorney for prosecution. |
| 3. W. H. Miner, Haywood's father-in-law. | 8. Peter Breen of Butte, attorney for defense. | 12. John Nugent of Boise, attorney for defense. | 16. R. J. Kennedy, Associated Press. | 20. W. E. Borah, attorney for prosecution. |
| 5. Verne Haywood, Haywood's younger daughter. | 9. Clarence S. Darrow of Chicago, defense attorney. | 13. E. F. Richardson of Denver cross-examining Orchard. | 17. Court Stenographer Libbie of Denver. | James H. Hawley in lower right hand corner. |

embarked troops and was...
at Cortico, to Corinto, to the
ar vessel Momotombo, under orders
General Manuel Rivas and des-
ned to raise a revolution in Salva-
r.

No Official Declaration.
MANAGUA, June 12.—The govern-
ment was questioned today by the As-
sociated Press concerning the report
that Nicaragua had declared war upon
Guatemala. The report was at once
denied.

SAN FRANCISCO MINING STOCK MARKET EXCITED

SAN FRANCISCO, June 12.—There
is considerable excitement in the
mining stock market today, due to
the rise in the stock of Goldfield
Consolidated Mines company. This
stock opened in the morning at \$5.90,
which was a considerable advance
over last week's figures. Much of
the stock changed hands on buying
orders from New York and other
western points. Under numerous
speculations the price soared higher
and on the curb tonight was \$7 bid.
The entire market for Nevada mining
stocks was affected and most stocks
showed gains. United States Sen-
ator Nixon, who is one of the heaviest
stockholders of Goldfield Consoli-
dated, today denied that the control
of the company had passed from
himself and associates. He said:
"We had control when the consolida-
tion of the six companies was af-
fected, but did not sell any of our
stock and have since bought more
stock."

The rise in the market is attributed
to a condition of the Consolidated
mines, which are now producing over
\$500,000 per month.

JAPANESE INTEND TO DEMAND INDEMNITY

SAN FRANCISCO, June 12.—The
Japanese residents of San Francisco,
it is said, intend to demand an indem-
nity of the United States government
for the alleged attack upon the Hor-
reth restaurant and other acts of vio-
lence which they say have been in-
flicted upon them. They hope also,
by bringing diplomatic pressure to
bear upon the government at Wash-
ington, to suppress anti-Japanese agi-
tation in California. This, it is said,
was the aim of Count Noda's recent
visit to Viscount Aoki, the Japanese
ambassador at Washington.

DEVLIN'S REPORT RECEIVED

Comparte Sends It to Secretary of
State Root.

WASHINGTON, June 12.—The re-
port of District Attorney Devlin of
San Francisco on the facts connect-
ed with the attack upon the Japanese
bath house and restaurant on May
10, reached Washington today and is
now in the hands of Secretary Root
to whom it was sent by Attorney
General Bonaparte.

The report has been forecasted by
telegraphic abstracts, so that its main
interest from an official point of
view will be found in an analysis of
the great mass of testimony collected
by Mr. Devlin.

It is reasonably certain that the
state department will make no pub-
lication of the report.

BAN ON KOSHER MEAT SHOPS IN CHICAGO

CLEVELAND, O., June 12.—A riot
occurred in the Jewish districts today
as the result of a ban placed upon
the kosher meat shops. The Jews,
unhappy over the recent raise of 4
cents a pound for meat, refuse to buy
and are urging others not to buy. All
of the kosher shops were picketed
today by the women and children of the
neighborhood. Delivery wagons were
stopped, meat was soaked in coal oil
and the shops closed.

When Jacob Rockeritch emerged
from a shop with meat he was sur-
rounded by women. In attempting to
escape he ran over a baby. A crowd

(Continued from Page One.)

witness. But Richardson's well laid
but poorly executed methods were
without success.

He failed in an attempt to prove
that Orchard, when he first came to
Idaho attempted, in communicating
with Billy Easterly at Silver City, to
persuade the latter to come to Cald-
well and assist him in killing Steu-
enberg. He insinuated that Orchard
wanted Easterly to help him because
he was a member of the federation
and that Orchard's whole play all
along was to get members of the fed-
eration mixed up in crimes so that
they might be gathered into the
meshes of the mine owners, whom
Richardson will endeavor to prove
hired Orchard to conduct his cam-
paign of crime.

Richardson dramatically pointed
out the numerous plots to kill people
in which Orchard engaged which
failed utterly and he drew an admis-
sion from Orchard that he had never
killed a man all by his lonely—al-
ways had some one to assist him
when a real deed was executed. Rich-
ardson played that up as a significant
fact and then endeavored to show
how absurd and improbable, in the
face of the admission by Orchard,
was Orchard's claim that he had come
to Idaho all alone, without assistance,
to kill the former governor of Idaho.

First Attempt to Kill Steunenberg.
On cross-examination Orchard told
of an attempt or half-formed plan
to murder former Governor Steunen-
berg in Boise—a feature that had not
been brought out on direct examina-
tion. Orchard had trailed Steunen-
berg to the Idanha hotel, had taken
the room next to him and entered the
governor's apartment with a skele-
ton key.

Then and there Orchard confessed
he formed a scheme to fix up the Pea-
body bomb, which he had in his trunk
at Nampa, under Steunenberg's bed
at the Idanha, set it to go off by his
alarm clock mechanism and blow up
the hotel, with the governor and all
the other guests in it.

Brazenly Orchard told Richardson
he thought nothing of the loss of
many other lives in an attempt to kill
Steunenberg. He didn't abandon the
plan for that reason, but because, af-
ter thinking it all over, he feared
that conditions were not favorable to
making a get-away himself without
being suspected of the crime.

Richardson emphasized the aban-
donment of Orchard's scheme at the
Idanha hotel and all through Orchard's
story from then on directed his
efforts entirely to an attempt to cloud
the purposes and movements of Or-
chard with uncertainty and indefini-
teness. If Orchard came to Idaho to
kill Steunenberg or to consummate
his murder, Richardson by leading
questions and innuendo, maintained
the movements of the witness indi-
cated he had not at any time intended
to do the murderous act unassisted,
and he emphasized his contention that
Orchard was all the time bent on in-
vigorating another federation man into
the crime for the purpose of bring-
ing discredit and dishonor to the or-
ganization.

Trip to the North.

After Orchard's recital of how he
gave up his plan to kill Steunenberg
at the Idanha hotel the Steunenberg
crime was temporarily thrust into the
background and the witness was
"toted" over his long, diverting
journey into north Idaho and his
crimes there, including the dark plot
to kidnap and hold for ransom the
Paulson children, were forcefully em-
phasized. Orchard swore that Dave
Coates, former lieutenant governor of
Colorado, and at that time a publisher
of Wallace, first suggested the kid-
naping to Pettibone and himself at
Denver. Paulson, once a poor miner,
had made a fortune in the Hercules
mine in which Orchard held an interest
when the property was valueless,
and it was believed that if his chil-
dren were stolen he would come
through with \$50,000 or \$60,000 in
ransom. Orchard said that when he
went to north Idaho he got Jack
Simpkins to come in on the plot, and
together they went to Coates to renew
the scheme.

Coates, who was in court, was asked
to stand up for identification, and, fac-
ing him, Orchard said he was the
man. Orchard was then asked if he
had not himself proposed the crime

to Coates, who had immediately re-
buffed him and if Jack Simpkins had
not warned Paulson the minute he
heard of the plot. Orchard denied both
suggestions and, reiterating his first
story, insisted that Coates consented to
stay in the plot and handle the money
that they hoped to get out of Paul-
son.

Crimes in North Idaho.

Then the defense showed the witness
in the commission of a series of mean
crimes and reduced to poverty in
which he had resorted to a pawnshop,
borrowing and theft to live for a long
period. First he pawned some jewelry
and guns. This brought \$25 or \$30.
Then with a man named Cunningham,
whom he said Vincent St. John had
recommended to him as safe and tried
to discuss a project to give Cunning-
ham the old Peabody bomb which he
still had in his trunk for use by Cun-
ningham on some non-union men at
the Tiger-Poorman mine. Then he
accepted the hospitality of Paul-
son's home at the very time he was
plotting to steal the Paulson children.
After that, with Jack Simpkins, he
broke into the O. R. & N. company's
lepot. They were after a trunk full
of jewelry samples, but instead got
a trunk full of shoe samples. Next he
opened a cash register at Burke for
\$40 or \$50.

It was a long era of crime, poverty
and hard luck, and summing it up the
defense wanted to know why if he
was in Idaho on a mission of murder
or Haywood, Moyer and Pettibone,
and with unlimited credit from them
he did not send to them for money
instead of borrowing and stealing. Or-
chard replied that he did send a letter
to Moyer at Butte and got \$100, but
that he did not send for more be-
cause he was temporarily off the Steu-
enberg murder and away from where
Steunenberg lived and he did not want
to send for money until he could show
that he was back at work.

Borrows From Paulson.

Lastly there came a showing that
Orchard had borrowed \$300 from
Paulson, whose children he had gone
north to steal, on the strength of a
fraudulent story that he was going to
Los Angeles to sell mining stock for
Coates, and that this was the money
that actually paid his expenses when
he went back to Caldwell on the final
mission of murder. Swiftly reviewing
his meetings with his old partners,
who had meantime become rich, the
defense asked the witness if, disap-
pointed and angered at his own hard
luck in selling out of the Hercules,
when Steunenberg sent troops into
north Idaho, he had not suddenly de-
cided to borrow enough money from
Paulson to take him to Caldwell where
he would murder the man whom he
blamed for his misfortune. Orchard
strenuously denied that this was his
motive.

There was a larger crowd of specta-
tors than on the previous day and yester-
day morning and afternoon many
were again turned away from the front
door of the court house. All of the
Haywood family except Mrs. Haywood
were in court as usual. Because of
her invalid condition and the damp-
ness of the weather it was deemed
best by her physician that she remain
indoors yesterday. The session yester-
day, taken altogether, seemed to be
of much more interest to the specta-
tors than on any day since the cross-
examination began. During the recital
of the various crimes told about yester-
day deep attention was paid but
there was much levity on several oc-
casions, especially when Richardson's
discomfiture was particularly notice-
able, and the court officers were sev-
eral times obliged to call for order.

It was a minute or two past 9:30
o'clock when Judge Wood took his
seat yesterday morning and Sheriff
Hodgin convened the session. Clerk
Peterson read the minutes of the pre-
vious session. There were no correc-
tions. The jurors all responded to roll
call.

"Bring in the witness," ordered
Judge Wood.

Talk With Moyer.

Harry Orchard, looking as pert, re-
freshed and determined as usual, was
brought in. Richardson took up the
visit of Orchard to Moyer at the Aber-
deen flats just before leaving for Can-
yon City to "ret" Peabody. This, Or-

(Continued on Page Seven)

Ladies' Lace open
work Hose, 15c val-
ues, Wonder
Thursday 9c

Today we quote the price
previous sale, and remember

\$1.50 LEONG SILK GLOVES 99c
Full 16-button length, extra
good, double finger-tip gloves,
black only, best \$1.50 qual-
ity; Wonder Thursday 99c

\$2.75 WAISTS \$1.49.
A new bright lot, white, black
and colors, not one worth less
than \$2, and some are \$2.75
values; Wonder
Thursday \$1.49

GINGHAM HOUSE DRESSES
\$3.98.
An ideal morning gown, made
of good quality gingham; a
dress you can't match for
\$6; Wonder Thursday \$3.98

10c Pearl Buttons, all sizes;
Wonder Thursday 4 1/2c
Magic Curlers, will make beau-
tiful wavy hair, 25c
value, today 18c
500 yard spool Basting Cotton,
black or white, 5c value;
Wonder Thursday 3c

BANK OF

CAP

F. E. Madden, President.

REA

Meridian's new bank is r
ness.

Our directorate is comp
business men. This being
in the best possible position

We invite you to give us
with an institution that will
any business question which

OUR ASSORTMENT OF SMART SUMMER

EFFECTS IS THE

DETAILS OF PLOT TO KILL STEUNENBERG

(Continued From Page Two.)

chard said, was the first time he had seen Moyer since he left him at Ouray. Orchard said he went of his own instance to make a friendly call. It was at this meeting that the plan of going to Canyon City to kill Peabody came up.

"Moyer said he had suffered many indignities through Peabody and he would be mighty glad to get him out of the way."

Richardson wanted to know if Moyer said there would be a thousand more men, just as bad as Peabody if he was taken out of the way. Orchard could remember no observation of that kind on Moyer's part.

Richardson asked if Orchard was to be paid any particular amount of money. No mention of money was made at that meeting, according to Orchard. There was no price stipulated for the Peabody murder. Orchard said he believed the method of how to kill Peabody was mentioned. He believed he, himself, had spoken about using a bomb.

"You also talked to Haywood about the same matter?"

"Yes."

"Where?"

"Either at his home or at Pettibone's store."

"Not at headquarters?"

"No, I hadn't been at headquarters for several months—not since the previous June—and this was in March or April, 1905."

Orchard did not remember of talking to both Moyer and Haywood at the same time about getting Peabody out of the way. Haywood told Orchard that if Peabody was gotten out of the way after his term of office was over, perhaps the man who took his place "would not feel like following in Peabody's footsteps."

After he had talked with Moyer and Haywood, Orchard said, he talked with Pettibone. This was at Pettibone's store.

Insurance Scheme.

"Pettibone talked about my going to Canyon City. He is the one who proposed that a good scheme for me would be to take out a life insurance agent's contract. I could use that as a good blind to further my schemes. I could pretend to sell life insurance while studying the habits of Governor Peabody at Canyon City."

"Did you have to commit perjury when you got the insurance on your burned cheese factory?"

"I don't remember."

Orchard went on to tell how he had gone to see Superintendent Stearns of the Mutual Life Insurance company—how he was told to get references and how Pettibone helped him get some.

Orchard had got recommendations from Mr. Hawkins, Richardson's law partner, and others.

"You went to Hawkins personally?"

"Yes."

"Why?"

"Because I knew him. I met him at Cripple Creek when he was down there on those spike-pulling cases."

"But he didn't know you; you had to introduce yourself, didn't you?"

"Well, I told him who I was."

"You told him you were under an assumed name—that your real name was Harry Orchard; that your family was starving; that you'd changed your name because you'd been driven out of Cripple Creek?"

"I told Hawkins that I had changed my name so I could get more insurance. I'd changed it because I'd been driven out of the Cripple Creek district."

"And he gave you a letter?"

"No, but he recommended me to Stearns. I also got a recommendation from J. C. Sullivan and one or two others."

Richardson here went into details concerning a matter in which Sullivan had been employed by Orchard as an attorney to collect a commission for him for selling a logging house.

Orchard said he went down to Canyon City some time in April. He had been stopping at the Belmont where he met the man by the name of Bond, who later also became an insurance agent.

Orchard said he took a short-barreled shotgun with him to Canyon City. It was the same gun he had taken to San Francisco. He also had a .38-caliber automatic gun.

On this trip Orchard stopped in Canyon City four or five days. He

ON CROSS-EXAMINATION.

"Pettibone talked about my going to Canyon City. He is the one who proposed that a good scheme for me would be to take out a life insurance agent's contract. I could use that as a good blind to further my schemes. I could pretend to sell life insurance while studying the habits of Governor Peabody at Canyon City."

unsuccessful he turned impatiently upon the witness and demanded for the third time in the long cross-examination:

"Who told you not to let me pin you down to any specific place or date?"

"Nobody," shouted Orchard in return.

Attorneys Hawley and Borah of the state laughed heartily at Richardson's seeming discomfiture.

"Who told you to always tell me you are telling the truth?" next demanded the irate attorney.

"Mr. McFarland, Mr. Hawley and Mr. Borah all told me to tell nothing but the truth."

"Ha! ha!" cried Richardson, "they told you to tell me you are telling the truth?"

"No, sir," replied Orchard, positively; "they told me to tell the truth, not to tell you that I was telling it."

"Then why do you keep on telling me?" shouted Richardson.

"Because you try to make it appear that I am not telling the truth."

"You are under oath, aren't you?"

"Yes, sir."

"And you respect the oath?"

"Yes, sir."

"Well, what are you kicking about?"

"I'm not kicking," said Orchard with exasperating calmness.

"By the way," questioned Richardson anew, "have you seen McFarland this morning?"

"No, sir."

"See him last night?"

"No, sir."

"Did you see him night before last. I forgot to ask you yesterday?"

"Tuesday night? No, sir."

Orchard said he had seen McFarland at Attorney Hawley's office yesterday morning for a few minutes.

Orchard said he wrote some insurance at Rocky Ford. He worked hard and faithfully for the company there and found things coming slow. Neither himself nor Bond did much business. Bond, he said, was low in funds, but he, himself, was fairly well fixed. He had something less than \$100; it was at Rocky Ford that Orchard first engaged in half insurance and during the next two weeks wrote a lot of fake half insurance and made good money. The insurance was to insure crops against hail and wind storms.

Back to Denver.

When Orchard got back to Denver he stopped at the Virginia rooming house, a block from the Belmont hotel. Here he met Jack Hallivan. He was working for the gas company. He may have gambled some. Orchard had never gambled with him. Bond was also there. Lottie Day was not there—Orchard hadn't seen her there.

Bond didn't stay long—possibly just over Sunday; but Orchard remained about a week or 10 days. It was longer than four days and not as long as three weeks. Orchard thought it was in May—just what time in May he wouldn't say.

Orchard said he didn't go to Mr. Stearns' office on this trip back. He had previously sent Stearns back \$25 he had advanced when he first began to work for the Mutual.

During this trip to Denver, Orchard planted both the Gabbert bomb and the Goddard bomb. He said the idea of the Gabbert bomb was Pettibone's. Moyer and Haywood did not talk to Orchard about that bomb. Pettibone brought the matter up in his store in the back end. The basement was used as a sort of repair shop and he had many tools there. Pettibone did most of the repair work himself, but sometimes employes of Pettibone worked there.

"It was an ordinary basement—nothing unusual about it."

Another Lad Lifted.

had been made some powder was left and that had been buried. It had been dug up again to make the two Gabbert bombs and what was left was buried again. It was this powder that Orchard dug up to make the Goddard bomb with.

"What did you do with the bomb?"

"I took it over to Max Mallich's to get him to get me a shovel and rig. I left the bomb there over night. Mallich got me the rig and shovel and a man to drive the rig. He was a man I had known for five or six months. He knew what the object of the trip was. Max Mallich had said he was all right. It was before daylight and he drove me to within a half block of Judge Goddard's gate. He held the bomb while I dug the hole. Then he waited until I fixed the bomb and then he drove me away."

Orchard said he had set the Goddard bomb about four days after Pettibone left for Salt Lake. After planting the Goddard bomb Orchard said he went out soliciting insurance for some days. He drove out into the country from Denver with rigs. Pettibone got back from Salt Lake first. He had made considerable money with insurance and had money when Pettibone got back.

"I told Pettibone about the Goddard bomb and that it didn't go off and I didn't know what had become of it. He said it was 'hard luck.'"

"Did he say anything else?"

"He said he guessed I was in hard luck."

"Did he want you to go and get it?"

"I don't remember. I wouldn't take chances on digging it up anyway."

"It was in August," said Orchard, "when I finally went past the Goddard place. I noticed the square I had cut in the sod when I planted the bomb. The grass was all dead on that spot and the rest was all green. I saw nothing of the string which I had left there to connect the bomb with the gate to explode it."

Orchard said when he talked over his recent failures to "get" Gabbert and Goddard with Pettibone, he had no particular fault to find, but said it was "hard luck."

Sherman Bell Plot.

Orchard said he loafed about Denver quite a long time that summer, and finally the matter of killing Sherman Bell came up. Pettibone was the first to originate the plan to kill the former adjutant general. Pettibone, Orchard said, first spoke about killing Sherman Bell.

"After Pettibone's wife went away visiting in the east you went to see him one Sunday and stayed quite late in the evening?"

"I stayed with Pettibone at his house for a month while she was away."

"Well, it was this Sunday night that you stayed so late that he first wanted you to stay. When you were about to leave he told you you might as well stay all night—that you might just as well stay there all the time she was away?"

"I don't think it came up that way," replied Orchard. "I think he asked me to come when I saw him at the store just after she left."

"Well, I know all about it—have it your own way," remarked Richardson.

It was during this time that the plan to kill Sherman Bell came up. Orchard said, and he went out to the house and did some reconnoitering but did not attempt to shoot.

These attempts failing, Orchard said, he went to work on Sherman Bell.

Orchard said Pettibone went with him several times to the vicinity of Bell's home. They drove in a rig. The team was one of several brought to Denver from Cripple Creek after the union stores had been looted by the militia. They had been used in the mining country to deliver relief goods to the families of the men on strike. One of the team was a gray mare. Orchard said, and the other was a "used up black."

"They weren't fit to drive as a team," said Orchard. "The gray mare might have been all right, but she was too conspicuous. Haywood told us to buy another horse and a buggy to use in the Sherman Bell affair."

"Hadden't Haywood received an offer of \$250 for the team you say was all used up?"

"It was something over \$200 for

ON CROSS-EXAMINATION.

"On the way up to Wallace I stopped at Warden and saw Jack L. Simpkins. I told him about the proposition to kidnap Peabody's children. He went to Wallace with me and he went and saw Coates alone. I met Coates, as I said, in the evening, and we talked over the scheme rather indefinitely. We didn't perfect any plans as to where or how or when we would steal the kids."

he wrote to Moyer and Pettibone that he had sent a man to kill Neville. Neville had died a natural death, but Orchard said he wanted the federation officers to think that he had been the means of having had Neville poisoned.

At this point a recess was taken until 1:30 o'clock.

Afternoon Session.

The weather having cleared and the news having spread that the cross-examination of the morning had got down to the beginning of the account of the plot against Steunenberg, the crowd which visited the court house was much larger than for a day or two. Many were turned away in the afternoon.

Richardson took up the examination at the point where the conference was held in the federation office when Moyer, Haywood, Pettibone and the witness were present. He asked Orchard to tell all about the conference.

Orchard said he regarded this conference as a very important one.

"Moyer said," related Orchard, "at first that he wanted some outside work done. He spoke about Neville. Haywood spoke up and said he would rather see Steunenberg got out of the way first and that then would be a good time to do the work. He said Ed Boyce also was anxious that Steunenberg be put out of the way. He said the death of Steunenberg would be the best thing that could happen then. After Steunenberg was killed, Haywood suggested, some one could be sent back east—he mentioned Patterson, N. J.—and from there address letters to all their big enemies referring to the fate that had befallen Steunenberg. Moyer then told of having sent several men to kill Steunenberg, all of whom had failed. He said he had sent Art Bastian, Steve Adams, a man by the name of Minier and a man by the name of McArty. Haywood told of Steunenberg's habit of driving about in the mountains in a buckboard; that he would be easy to "get." Pettibone spoke about Caldwell being a small country town. He believed the proposition of assassinating Steunenberg would be a hard one. It wouldn't be so easy, he said, as the others seemed to think."

"Did you discuss ways and means?"

Peabody Bomb.

"Yes, I spoke of taking the bomb I had taken to Canyon City to kill Steunenberg with. I had got that bomb in the meantime and had it there in Denver. I spoke of taking it on the trip to Idaho. The bomb had been down at Canyon City in the grip I left there until August, when I went and got it. As far as I know nobody ever learned the bomb was in my grip. When I brought it home I put it in Pettibone's cellar at his home. It was there a few days and then I took it and buried it near the barn about a block and a half from Pettibone's home—the barn where we kept our horses."

Here Orchard told how the clock was to be used to trip the trigger to explode the bomb. He said the clock was to be wound up and the alarm set. The string was to be wound around the alarm key on the clock so that when the alarm went off the string would wind around the alarm key and pull the cork out of a bottle of acid. He said he had experimented with the clock with Pettibone to see if the clock could be made to work and had

(Continued on Page Ten.)

Malthoid Roofing

Is the highest grade ready to

Orchard had had recommendations from Mr. Hawkins, Richardson's law partner, and others.

"You went to Hawkins personally?"

"Yes."

"Why?"

"Because I knew him. I met him at Cripple Creek when he was down there on those spike-pulling cases."

"But he didn't know you; you had to introduce yourself, didn't you?"

"Well, I told him who I was."

"You told him you were under an assumed name—that your real name was Harry Orchard; that your family was starving; that you'd changed your name because you'd been driven out of Cripple Creek?"

"I told Hawkins that I had changed my name so I could get more insurance. I'd changed it because I'd been driven out of the Cripple Creek district."

"And he gave you a letter?"

"No, but he recommended me to Stearns; I also got a recommendation from J. C. Sullivan and one or two others."

Richardson here went into details concerning a matter in which Sullivan had been employed by Orchard as an attorney to collect a commission for him for selling a rooming house.

Orchard said he went down to Canyon City some time in April. He had been stopping at the Belmont where he met the man by the name of Bond, who later also became an insurance agent.

Orchard said he took a short-barreled shotgun with him to Canyon City. It was the same gun he had taken to San Francisco. He also had a 38-calibre automatic gun.

On this trip Orchard stopped in Canyon City four or five days. He stopped one night at the Strathmore hotel. He changed the next day.

Lid Off Again.

"Was it too expensive?"

"That was one reason."

"You wanted to save all the money you could for the Western Federation of Miners?"

"I had reasons for moving?"

"What were they? Here I'm taking the lid off again."

"I wanted to get as near as I could to Peabody's house."

Orchard said he got a room, where he could watch Peabody. He saw one or two excellent chances to shoot Peabody, through the window, but as the place was very small he regarded his chances for getting away very slight. He decided to set a bomb instead to go off after he'd had plenty of time to get away. He then went back to Denver, reported to his employers his new plans, got their approval, made the bomb and went back.

Orchard, in answer to questions, said he attempted to write some insurance at Canyon City on the first trip, but got no applications. It was not until Orchard had reached Canyon City the second time and had been there three days that Bond arrived. He had a contract then with the Mutual Life. Up in Denver Bond had told Orchard he would follow him to Canyon City.

"And you told him to 'come on'?"

"I told him there would probably be room for us both."

"And he came?"

"Yes."

Richardson played up that Orchard had said he had gone to Canyon City to commit a crime; that he was anxious that his real purpose be not known, yet he had seconded Bond's own invitation to come to Canyon City with him.

The casting of the Peabody bomb prepared at Canyon City has been placed in evidence. Richardson wanted to know today why the would-be assassin of the ex-governor had made such a large bomb. Orchard said he had planned to place the bomb outside the house and beneath the window where Peabody often sat in the evening. The fact that the bomb might also kill Mrs. Peabody and the children made no impression upon him at the time, Orchard declared.

The witness said he made a pretense of insurance solicitation while in Canyon City and vicinity. He didn't succeed in writing any life policies so he went into the hall insurance business.

Peabody Murder Given Up.

The plan to blow up Peabody with a bomb had been abandoned in the meantime.

"Why?" he was asked.

"Because Peabody had stopped sitting by the window."

Richardson tried to get the exact dates of Orchard's travels while in the hall insurance business and being

ness, he said, was in Canyon City, but he himself, was fairly well fixed. He had something less than \$100. It was at Rocky Ford that Orchard first engaged in hall insurance and during the next two weeks wrote a lot of fake hall insurance and made good money. The insurance was to insure crops against hail and wind storms.

Back to Denver.

When Orchard got back to Denver he stopped at the Virginia rooming house, a block from the Belmont hotel. Here he met Jack Hallivän. He was working for the gas company. He may have gambled some. Orchard had never gambled with him. Bond was also there. Lottie Day was not there—Orchard hadn't seen her there.

Bond didn't stay long—possibly just over Sunday, but Orchard remained about a week or 10 days. It was longer than four days and not as long as three weeks. Orchard thought it was in May—just what time in May he wouldn't say.

Orchard said he didn't go to Mr. Stearns' office on this trip back. He had previously sent Stearns back \$25 he had advanced when he first began to work for the Mutual.

During this trip to Denver, Orchard planted both the Gabbert bomb and the Goddard bomb. He said the idea of the Gabbert bomb was Pettibone's. Moyer and Haywood did not talk to Orchard about that bomb. Pettibone brought the matter up in his store in the back end. The basement was used as a sort of repair shop and he had many tools there. Pettibone did most of the repair work himself, but sometimes employes of Pettibone worked there.

"It was an ordinary basement—nothing unusual about it?"

Another Lid Lifted.

"There was a tin box down there that looked rather suspicious," replied Orchard.

"Well," said Richardson, "we'll take the lid off of this tin can. What was in it?"

"You've got a sort of mania for taking lids off," remarked Borah. "Go ahead."

Richardson ignored the remark by the senator.

Orchard said he had seen the inside of the can several times. Often he had seen dynamite in it, also Pettibone Cope, giant caps and other explosives. The can, he said, was always in sight but usually locked. It was in Pettibone's basement that the Gabbert bomb was made. Orchard was told to tell why the bomb was made.

"Pettibone asked me what the chances were to 'get' Peabody down at Canyon City. I told him I didn't dare pull off anything there at that time because Bond was next to the fact that I had a bomb in my hip. He had heard the clock which I had attached to the bomb. Pettibone said the federation meeting was coming on soon and that something had to be pulled off before that so that there would be something to show for the money that had been spent."

"Do you know where Bond is now?"

"Yes; he is here."

"How do you know; have you seen him?"

"I have just had a glance at him."

"Who told you he was here?"

"Mr. McParland."

"The detective told you? He's about the only man you have any talks with, isn't he?"

"Oh, there are others I see quite often."

Orchard said he had left the Peabody bomb in the room he had left at Canyon City. He left it there in his grip until some time in August.

The matter of the making and placing of the Gabbert bomb and its failure to kill Gabbert was skipped over by Richardson and he took up the matter of the Goddard bomb.

The Goddard Bomb.

Orchard said he made the Goddard bomb himself in Pettibone's basement on Sunday. Pettibone—as out of town. Pettibone had left a key to his cellar with Orchard.

"I got the powder from where it had been buried in the vacant lot near to Pettibone's house. He had buried it there a few nights before and told me where to find it just before he left the city. He had gone to Salt Lake. The boards I used for the case of the Goddard bomb I found in the basement."

Orchard said the lot where the powder had been buried was a very weedy place. An old door had been laid over the spot where the powder was buried. It was some of the powder that originally came from Max Mallich. After the Peabody bomb

"I stayed with Pettibone at his house for a month while she was away."

"Well, it was this Sunday night that you stayed so late that he first wanted you to stay. When you were about to leave he told you you might as well stay all night—that you might just as well stay there all the time she was away."

"I don't think it came up that way," replied Orchard. "I think he asked me to come when I saw him at the store just after she left."

"Well, I know all about it—have it your own way," remarked Richardson.

It was during this time that the plan to kill Sherman Bell came up. Orchard said, and he went out to the house and did some reconnoitering but did not attempt to shoot.

These attempts failing, Orchard said, he went to work on Sherman Bell.

Orchard said Pettibone went with him several times to the vicinity of Bell's home. They drove in a rig. The team was one of several brought to Denver from Cripple Creek after the union stores had been looted by the militia. They had been used in the mining country to deliver relief goods to the families of the men on strike. One of the team was a gray mare, Orchard said, and the other was a "used up black."

"They weren't fit to drive as a team," said Orchard. "The gray mare might have been all right, but she was too conspicuous. Haywood told us to buy another horse and a buggy to use in the Sherman Bell affair."

"Hadden't Haywood received an offer of \$250 for the team you say was all used up?"

"It was something over \$200 for the horses, harness and wagon."

"You were going to kill Sherman Bell, you bought a horse to help you in the task, and you went away in two weeks' time?"

"Yes."

"And you didn't kill Bell?"

"No."

Orchard said he never got an opportunity. He saw Bell once or twice on the porch.

"Why didn't you shoot him?"

"Because it was dark where he sat and it was light where I had to go to shoot. Several times I tried to approach the house but there were some little dogs that would start barking."

"On these occasions Pettibone was waiting for you down the street in the buggy?"

"Yes, sir."

Bell Scheme Falls.

Orchard said he drove out to Sherman Bell's every night for about 12 nights looking for an opportunity to shoot the man, without getting an opportunity to do so.

Orchard said one night while Pettibone held the horse he got out and attempted to get up close enough to shoot Bell as he sat on his porch, but two little dogs ran out and barked and spoiled his plans.

"Well, your plans to kill Bell never succeeded?"

"I think he's still alive."

Orchard told of how Moyer vetoed the plan to kill Bell after he returned from California. Orchard was quite positive that Moyer returned some time in August.

The Steunenberg Plot.

Right away after Moyer got home he ordered that no jobs be pulled off in Denver and the next day, Orchard said, there was a meeting at headquarters, at which Pettibone, Haywood and Moyer were present. It was here, Orchard said, that the first plans were made for Orchard to go to Idaho to kill Governor Steunenberg. The meeting had been arranged for by Moyer.

The meeting was first addressed by Moyer. He began by saying he could not stand another arrest and no jobs could be pulled off in Denver while he was there, but that there was some outside work to be done.

"He first spoke about John Neville. He said Neville knew too much about the independence depot explosion and that Neville had tried to blackmail him—had demanded \$1200 hush-money."

Richardson called attention to the fact that at the time of the independence depot explosion Moyer was in the military prison. Orchard knew of where Moyer had been at the time, but nevertheless said what he had related was true.

Orchard said when he promised Moyer he would go "get" Neville he had no intention of trying to kill the man. Orchard said that he lied when

as the others seemed to think.

"Did you discuss ways and means?"

Peabody Bomb.

"Yes, I spoke of taking the bomb I had taken to Canyon City to kill Steunenberg with. I had got that bomb in the meantime and had it there in Denver. I spoke of taking it on the trip to Idaho. The bomb had been down at Canyon City in the grip I left there until August, when I went and got it. As far as I know nobody ever learned the bomb was in my grip. When I brought it home I put it in Pettibone's cellar at his home. It was there a few days and then I took it and buried it near the barn about a block and a half from Pettibone's home—the barn where we kept our horses."

Here Orchard told how the clock was to be used to trip the trigger to explode the bomb. He said the clock was to be wound up and the alarm set. The string was to be wound around the alarm key on the clock so that when the alarm went off the string would wind around the alarm key and pull the cork out of a bottle of acid. He said he had experimented with the clock with Pettibone to see if the clock could be made to work and had

(Continued on Page Ten.)

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DETAILS OF PLOT TO KILL STEUNENBERG

(Continued from Page Seven.)

found it was a satisfactory method. They experimented in Pettibone's store.

"They asked me what I wanted to go on the trip to Nevada and kill Neville, go on to Idaho and kill Steunenberg and get back to Denver—how much for expenses—and I told them I needed \$300 anyway. After that Haywood handed me \$240. He had given me \$20 on one occasion before that and Pettibone gave me \$20 twice. When Haywood gave me the \$240 he asked me to say to Moyer that I had got \$300 from him."

"Why did he say that?"

"I have no idea."

Richardson asked why it was the federation officials always gave Orchard short amounts when he started out on trips—why he wasn't given plenty of money so he wouldn't have to send back for any later.

Orchard replied that he suspected that they did it for the reason that they were always afraid he would gamble his money away if he was too flush.

Orchard said that before he left he was at Pettibone's house and Pettibone brought up the old subject of buying a federation ranch. He spoke about a friend up on Puget sound who had gone up there and bought a ranch.

Clams and Chickens.

"I told him," said Orchard, "that if I finished the job I was starting on I ought to be through with this business and have the ranch I had been promised."

"Then you were getting tired of this business at last?"

"Yes, sir. Pettibone spoke of getting the ranch up on Puget sound."

"Wasn't that because of a letter he had got from a man up there who said it was a great place, where you could have clams in the front yard and chickens in the back yard; that the high tide would leave the clams in the front yard and the chickens would eat the clams and all he had to do was to kill the chickens?"

"I don't remember about the chickens, but I remember some such letter."

Senator Borah suggested that if the defense had such a letter the letter itself would be the best evidence.

"We haven't got it," snapped Richardson.

"I thought not," said Borah.

"Seems to me," chimed in Attorney Darrow, "that the clams would be the best evidence."

There was a general laugh and Richardson resumed his questions.

"Was Parker the man the letter was from?"

"Yes, sir."

"Well, you had a talk about Parker's ranch and you went up there to see about getting a ranch like Parker's?"

"Not particularly like Parker's. I wanted to look for a ranch up close to the Canadian line," replied Orchard.

Starts for Idaho.

It was the next or the next to the next evening when he finally started on the trip, said Orchard. His trunk was in the basement of Pettibone's store. It had been there since taken there from Steve Adams' house the previous winter. It was at Pettibone's store that the trunk was packed for the Idaho trip. The Peabody bomb, weighing about 35 or 40 pounds, was put in the trunk. The trunk was checked to Nampa, Idaho.

Pettibone went to the depot with me.

"Didn't he go to the depot for the purpose of meeting Mrs. Pettibone, whom he expected home from the east?"

"I think he expected her that night, but he went to the train to accompany me. He did not expect I was going over the Burlington. He knew I was going over the Rio Grande. I bought the ticket and he helped me check the trunk. He waited while they checked the trunk. There was about \$2 excess baggage and he settled for it."

Orchard said he rode on the same train that carried his trunk as far as Salt Lake. Orchard got off at Salt Lake and there he met a miner he had known at Wardner by the name of Charles Shoddy, who was sometimes known as Wyatt. He had lived around Salt Lake since first coming there from the Coeur d'Alenes. Orchard

THE STEUNENBERG PLOT.

"Moyer said," related Orchard, "at first that he wanted some outside work done. He spoke about Neville. Haywood spoke up and said he would rather see Steunenberg got out of the way first and that then would be a good time to do the work. He said Ed Boyce was also anxious that Steunenberg be put out of the way. He said the death of Steunenberg would be the best thing that could happen there. After Steunenberg was killed, Haywood suggested, someone could be sent back east—he mentioned Patterson, N. J.—and from there address letters to all their big enemies referring to the fate that had befallen Steunenberg."

"Moyer then told of having sent several men to kill Steunenberg, all of whom had failed. He said he had sent Art Bastian, Steve Adams, a man by the name of Miner, and a man by the name of McCarty. Haywood told of Steunenberg's habit of driving about in the mountains in a buckboard; that he would be easy to get." Pettibone spoke about Caldwell being a small country town. He believed the proposition of assassinating Steunenberg would be a hard one. It wouldn't be so easy, he said, as the others seemed to think."

"You asked him to come over and help you write half insurance?"

"No, sir."

"You didn't tell him what your business was here?"

"He knew what I had come up here for."

Richardson drew from Orchard that he had never killed a man or attempted to kill a man all alone previous to that time—that he had always had some one with him.

"You didn't intend to kill Steunenberg without help, did you?"

"Yes, if I got a chance."

"Isn't the truth, Mr. Orchard, that you intended to get Billy Easterly or some other federation man into the scheme with you to commit that crime—the crime of killing Steunenberg? Wasn't it your play all along to try and get federation men into criminal deals, to get them into some trouble?"

"No, sir," replied Orchard, a trifle angrily.

Stops at Nampa.

Orchard said he stopped at Nampa for the purpose of finding out what he could about Steunenberg. He met a man by the name of Wilcox at the Commercial hotel who talked a great deal about Steunenberg. He played cards with him some. He left the trunk at Nampa and then went on to Caldwell and went to the Pacific hotel. He was there two days loafing around and picking up points about Steunenberg. He learned he was at Mountainhome much of the time and was in Boise a great deal. These things, he said, he learned mostly from Dempsey, proprietor of the hotel—the Pacific hotel. On the third day he concluded to go to Boise.

Richardson wanted to know why Orchard did not try to get Steunenberg at his sheep camp and he said he never learned that Steunenberg visited his sheep camp alone.

First Sees Steunenberg.

Orchard said he came to Boise and stopped at the Capital hotel. He saw Steunenberg after he got here just outside of the Idanha hotel. He said he was talking with a man in front of the Idanha who asked him his business, and Orchard replied he was looking for investments in land or in sheep.

"This man took me to see a commission man across the street by the name of Johnson. He had an office across from the Idanha upstairs. It was he who told me about Steunenberg having sheep to sell and while he was talking Steunenberg happened to come up by the hotel. Johnson saw him and pointed him out to me. I later went over to the hotel and found

a grip with an alarm clock to set it off.

"That particular bomb would have blown the hotel all to pieces, would it not?"

"Yes."

"And you were willing to do this?"

"Yes."

"Did you expect to stay in the hotel that night?"

"No, sir."

"You were willing to kill everybody but yourself?"

"Yes."

Orchard said he had not brought the trunk containing the bomb from Nampa at the time he investigated Governor Steunenberg's room.

"Why didn't you tell us of this proposed attempt on Steunenberg in your direct testimony?"

"Because I wasn't asked about it."

"You were told several times to tell your story in narrative form?"

"I don't know what you mean by narrative."

"Well, what did you do then?" asked Richardson.

Bomb in Room.

"I finally gave up the idea and concluded I'd go to Portland. I thought it would be too risky to put the bomb at Steunenberg's door at the hotel. I knew after having got a room next to him and then going away I'd be apt to be suspected."

Orchard told of seeing the fair at Portland for three days and then going to Seattle. He stayed there a week looking around for a ranch. He went out of Seattle several times to look at ranches, but found none he liked or wanted. He went from Seattle to Spokane.

Kidnaping Scheme.

"I went to Spokane because I wanted to go to the Coeur d'Alenes to see Jack Simpkins and Dave Coates. I had not been sent to the Coeur d'Alenes but I had told them before I left Denver that I was going there."

"Coates was once lieutenant governor of Colorado?"

"Yes, sir."

Orchard said that Coates had made a proposition to go up to Coeur d'Alene and kidnap one or both of August Paulson's children. He said it would be an easy proposition—that it would be easy to get \$50,000. "I told Coates I would sometime come up and see him about pulling off the scheme. That was one reason I wanted to go up there then."

At this moment Richardson called for Coates, who was in the audience and asked him to stand up. He was sitting a short distance from Orchard. He arose and Orchard identified him.

Orchard said he stayed in Spokane one night and the next day checked his trunk on and went to Wallace. He stopped there at the Bimetallic hotel, where he registered by the name of Harry Orchard. At the hotel Orchard said he met a few persons he knew and he got acquainted with a man by the name of Cunningham. It was Orchard thought, in the middle of September. He thought he remained in that part of the country until October.

Orchard denied that the proprietor of the hotel ordered him out of the hotel. The bomb, he said, was still in his trunk at the depot. He got his trunk after he got a room in a small rooming house near the O. R. & N. station and it was at this place that he finally took the bomb out of his trunk.

Orchard said that soon after he got to Wallace he saw Coates. They talked some about kidnaping the child. No arrangement had been made to take Simpkins into the deal.

Simpkins in the Deal.

"On the way up to Wallace I stopped at Wardner and saw Jack L. Simpkins. I told him about the proposition to kidnap Paulson's children. He went to Wallace with me and he went and saw Coates alone. I met Coates, as I said, in the evening, and we talked over the scheme rather indefinitely. We didn't perfect any plans as to where or how or when we would steal the kids."

Orchard, in answer to further questions, said that he met Paulson—that he had been invited to the Paulson home and had been there to a meal.

"He treated you very friendly?"

"He certainly did," replied Orchard, rather feebly.

Orchard confessed that for several days himself, Simpkins and Coates

ON CROSS-EXAMINATION.

"After Pettibone's wife went away visiting in the east you went to see him one evening and stayed quite late in the evening?"

"I stayed with Pettibone at his house for a month while she was away."

"Well, it was this Sunday night that you stayed so late that he first wanted you to stay. When you were about to leave he told you you might as well stay all night—that you might just as well stay there all the time she was away?"

"I don't think it came up that way," replied Orchard. "I think he asked me to come when I saw him at the store just after she left."

"Well, I know all about it—made it your own way," remarked Richardson.

was getting afraid to carry it around—that it had been made a long time, was getting loose and the powder was getting old. He replied to a question that the older bombs grew—such kind of bombs—the more dangerous they were.

Orchard confessed he went broke and had pawned some of his things. He confessed he borrowed \$300 from Paulson to get away from Wallace and it was paid to him in new \$20 bills. He said he had also borrowed \$5 from Dave Coates, \$5 from a man named Murphy and another man.

Crimes at Wallace.

"You also committed burglary there, didn't you?"

"What do you mean by burglary?" asked Orchard.

"Well, breaking into the O. R. & N. depot."

"Oh, yes; I did that—I helped to do it."

"What other crimes did you commit up there?"

"I took \$45 or \$50 out of a safe or cash register at Burke."

Orchard said when he broke open the O. R. & N. depot, Simpkins had helped him. They got a trunk which they thought was full of jewelry, but which proved to be a drummer's sample trunk full of shoes.

Orchard said while he was in Wallace he had received \$100 from Pettibone and had spent it all with what he had when he got there.

Orchard denied that he had cursed Steunenberg when talking with Paulson or that he had complained to Paulson about his own hard luck.

He said he didn't see Ed Boyce up there.

"Wasn't it then and there you resolved to go down and kill Steunenberg?"

"I had already made up my mind to kill Steunenberg if I could. That's what I went to Idaho for the first time."

Another Pettibone Scheme.

In answer to a question by Richardson he said the previous summer he had written to Paulson to see if he

ON CROSS-EXAMINATION.

Orchard said he made the Goddard bomb himself in Pettibone's basement on Sunday. Pettibone was out of town. Pettibone had left the key to his cellar with Orchard.

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could borrow \$5000 to put in with Pettibone to start an ice plant.

"Why did you do that?"

"Pettibone put me up to it. He said he believed Paulson would come through and it would be an easy way to get money."

"But he had no money to lend?"

"That was the reply I got to that letter."

After borrowing the \$300 from Paulson Orchard acknowledged he saw Coates and told him he had told Paulson he was going to Los Angeles

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Orchard said he rode on the same train that carried his trunk as far as Salt Lake. Orchard got off at Salt Lake and there he met a miner he had known at Wardner by the name of Charles Shoddy, who was sometimes known as Wyatt. He had lived around Salt Lake since first coming there from the Cocur d'Alencas. Orchard said both had left Wardner at about the same time and later they had gone to Salt Lake together. Orchard said he didn't try to get Shoddy to go with him. He told Shoddy he was going to the Portland fair.

"Shoddy said I looked prosperous and I told him I had found an easier way to make a living than by work. I didn't tell him about the crimes I had committed, however. I didn't tell him I was making money playing poker and other gambling games."

Orchard told about meeting men by the names of Suttile and Lewis, but said he told them nothing about his business. Orchard said he was several days in Salt Lake and then took the train and went on to Nampa, where he stayed several days. He said when he first got to Nampa he didn't know Billy Easterly was at Silver City.

Communicates With Easterly.
"You called him up at Silver City by telephone?"

"Not at that time. I did later from Boise, after Simpkins had gone back."
"You wrote to Easterly?"
"I did later."

to try and get federation men into criminal deals, to get them into some trouble."
"No, sir," replied Orchard, a trifle angrily.

Stops at Nampa.
Orchard said he stopped at Nampa for the purpose of finding out what he could about Steunenberg. He met a man by the name of Wilcox at the Commercial hotel who talked a great deal about Steunenberg. He played cards with him some. He left the trunk at Nampa, and then went on to Caldwell and went to the Pacific hotel. He was there two days loafing around and picking up points about Steunenberg. He learned he was at Mountainhome much of the time and was in Boise a great deal. These things, he said, he learned mostly from Dempsey, proprietor of the hotel—the Pacific hotel. On the third day he concluded to go to Boise.

Richardson wanted to know why Orchard did not try to get Steunenberg at his sheep camp and he said he never learned that Steunenberg visited his sheep camp alone.

First Sees Steunenberg.
Orchard said he came to Boise and stopped at the Capital hotel. He saw Steunenberg after he got here just outside of the Idaho hotel. He said he was talking with a man in front of the Idaho who asked him his business, and Orchard replied he was looking for investments in land or in sheep.

"This man took me to see a commission man across the street by the name of Johnson. He had an office across from the Idaho upstairs. It was he who told me about Steunenberg having sheep to sell and while he was talking Steunenberg happened to come up by the hotel. Johnson saw him and pointed him out to me. I later went over to the hotel and found out he was registered there. I got the number of his room. I took a room at the hotel and by accident it was the next room to him. I went up to my room and with a skeleton key I got into his room and looked around."

Orchard said he looked around Steunenberg's room with the idea of setting the bomb under the bed in

ON CROSS-EXAMINATION.

Richardson asked why it was the federation officials always gave Orchard short amounts when he started out on trips—why he wasn't given plenty of money so he wouldn't have to send back for any later.

Orchard replied that he suspected they did it for the reason they were afraid he would gamble his money away if he was too flush.

Orchard said he stayed in Spokane one night and the next day checked his trunk on and went to Wallace. He stopped there at the Bimetallic hotel, where he registered by the name of Harry Orchard. At the hotel Orchard said he met a few persons he knew and he got acquainted with a man by the name of Cunningham. It was, Orchard thought, in the middle of September. He thought he remained in that part of the country until October.

Orchard denied that the proprietor of the hotel ordered him out of the hotel. The bomb, he said, was still in his trunk at the depot. He got his trunk after he got a room in a small rooming house near the O. R. & N. station and it was at this place that he finally took the bomb out of his trunk.

Orchard said that soon after he got to Wallace he saw Coates. They talked some about kidnaping the child. No arrangement had been made to take Simpkins into the deal.

Simpkins in the Deal.
"On the way up to Wallace I stopped at Wardner and saw Jack L. Simpkins. I told him about the proposition to kidnap Paulson's children. He went to Wallace with me and he went and saw Coates alone. I met Coates, as I said, in the evening, and we talked over the scheme rather indefinitely. We didn't perfect any plans as to where or how or when we would steal the kids."

Orchard, in answer to further questions, said that he met Paulson—that he had been invited to the Paulson home and had been there to a meal.

"He treated you very friendly?"
"He certainly did," replied Orchard, rather feelingly.

Orchard confessed that for several days himself, Simpkins and Coates figured about stealing the Paulson children.

Orchard stoutly denied that he had first spoken to Coates about stealing the child and that Coates said if he had that intention he would warn Paulson and denounce him.

Orchard confessed that he went broke entirely in Wallace for a time. He got acquainted with Cunningham.

Disposes of Bomb.
"I was taking the bomb out of the trunk to throw it in the river and Cunningham wanted the bomb to take up and put under the Tiger and Poor Mar's boarding house to kill some 'scabs.' I finally let him have the bomb after St. John had told me Cunningham was all right."

Richardson endeavored to make Orchard admit that he had been the one to propose putting the bomb under the boarding house and that Cunningham had objected, saying that there were 100 union men at the boarding house.

Orchard, when asked why he wanted or was willing to destroy the bomb after carrying it around all over the country in his trunk, replied that he

"Wasn't it then and then there you resolved to go down and kill Steunenberg?"

"I had already made up my mind to kill Steunenberg if I could. That's what I went to Idaho for the first time."

Another Pettibone Scheme.
In answer to a question by Richardson he said the previous summer he had written to Paulson to see if he

ON CROSS-EXAMINATION.

Orchard said he made the Goddard bomb himself in Pettibone's basement on Sunday. Pettibone was out of town. Pettibone had left the key to his cellar with Orchard.

"I got the powder from where it had been buried in the vacant lot near to Pettibone's house. He had buried it there a few nights before and told me where to find it just before he left the city. He had gone to Salt Lake. The bombs I used for the case of the Goddard bomb I found in the basement."

could borrow \$5000 to put in with Pettibone to start an ice plant.
"Why did you do that?"
"Pettibone put me up to it. He said he believed Paulson would come through and it would be an easy way to get money."

"But he had no money to lend?"
"That was the reply I got to that letter."

After borrowing the \$300 from Paulson Orchard acknowledged he saw Coates and told him he had told Paulson he was going to Los Angeles to sell mining stock for him (Coates) and asked Coates to back up that story.

At this point Richardson stated his wanted to take up the journey of Orchard and Simpkins into the St. Joe river country and asked that an adjournment be taken then so he could start at the beginning of the new lead in the morning.

His request was granted and court adjourned at 3:18 o'clock until this morning at 9:30.

Richardson, in answer to a question by the court, said he thought his cross-examination of Orchard would be completed in one more day.

PRETTY WEDDING AT HOME OF L. H. COX

Mamie, Daughter of Mr. and Mrs. Cox, Given in Marriage to Carl Dirks Last Evening.

A large home wedding last evening was that of Miss Mamie Cox, daughter of Mr. and Mrs. L. H. Cox, and Carl Dirks.

The ceremony was performed by Dean Hinks in the large drawing room of the Cox home on Warm Springs avenue. The bride was attended by her sister, Miss Lydia Cox, and the bridegroom by his brother, Martin Dirks of St. Joseph, Mo. Master Frank Sinsel acted as ring bearer. The house was beautifully decorated with roses, pink being the prevailing color. An elaborate repast was served at the close of the ceremony, about 150 guests being present.

Mr. and Mrs. Dirks left on the evening train for a trip to Chicago and other eastern cities. On their return they will be at home at their new residence in Highland addition.

Mrs. H. F. Norris of Tacoma, sister of Mrs. Cox, Mr. Robert Shields of Salt Lake and Mr. Martin Dirks of St. Joseph are the guests of Mr. and Mrs. Cox, coming to attend the wedding.

Don't let the baby suffer from eczema, sores or any itching of the skin. Doan's Ointment gives instant relief, cures quickly. Perfectly safe for children. All druggists sell it.

The Orchard.
Some people go in the orchard when they belong in the kindergarten. Go to Brand's for good service.

For Sale—One first-class single buggy, one gentle driving horse for lady, at a bargain. Call Bell phone 1021 Black.

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Showing crowd unable to get into the court room to hear Orchard's testimony

**PROFOUND SENSATION
IN THE COURT ROOM**

**Most Dramatic Situation Since
Haywoods Trial Began—
Strong Men Greatly Affected
and Women Weep—Richardson
Closes Cross-Examination—
Complete Failure
to Confuse Witness or By
His Testimony Discredit
Any Part of First Stories.**

Yesterday the cross examination of Harry Orchard by Attorney E. F. Richardson was completed. Richardson announced about the middle of the afternoon he wished to spend about 15 minutes more with the witness after certain impeaching witnesses had arrived and this was agreed to by the presiding judge, the understanding that the re-direct examination would not commence until the defense had entirely finished. Orchard was removed to the courtroom of Nathan Whitney and taken from the court room until again called, which will probably be in four or five days.

For seven days, it is expected for 26 hours, Orchard withstood with marvelous strength of mind, nerve and muscle, the strenuous, exhaustive of the Denver attorney and up to the very end he steadfastly and without the slightest variation stuck to the original story he told to James H. McFarland on direct examination. Not once did he falter; not once did he make a statement that conflicted with his original story. He was asked skillfully and baited by the examining attorney all to no purpose. Put falls made by Richardson failed to find the expected cracks in the witness's story.

The first six days of the long and tiring cross examination were spent by Mr. Richardson in stripping the witness before the jury of every shred of morality and character. His crimes, his weaknesses, his petty faults, were all dragged out and set out and hung up for exhibition before the eyes of the jury. The object, well concealed upon to determine the guilt or innocence of William D. McFarland.

Criminally Shown Up.
Orchard was shown to be a murderer, a kidnaper, a thief, a liar, a sneak thief, a coward. All of those crimes and others Orchard frankly confessed. At no time during the cross examination did the witness attempt by the witness to shield himself from accusation of any charge however serious or however trivial. When the witness was asked a question that he confessed in killing Kate Gregory in cold blood, to blowing Governor Steiwer into his grave, to setting loose the kidnapers upon them of Chicago and to poisoning milk that he expected might cause the death of the whole family of Fred W. Bradley in California, Orchard told Richardson that he had also been guilty of cheating in weighing cheese and that he had been dishonest in business dealings.

For many of Orchard's greatest effort appeared to be to show the jury how great a scoundrel Orchard had been, at the same time in many ways criminally exposing the prosecution matters that were intended to discredit his statements—to show improbabilities of the things to which he testified and the absurdities of many of his claims.

Final Attack.
But yesterday Richardson took a new tact. He turned his attack upon the witness and closed the long, tedious cross examination with a final fiery attack and fought with every means known in legal craft to convince the jury that Orchard was committing a crowning crime in falsely swearing away the lives of innocent men in the hope of saving his own. This attack was made as the defense carried out attack to the very language with which the witness answered his discrediting questions. Richardson asked many questions and by forceful implications, that Orchard's answers were poured into his mouth by McFarland or some other person, thus controlling him upon the stand.



Harry Orchard Leaving Carriage to Enter Court House to Testify in Haywood Trial.

with no sign of deep emotion, with no change in tone or any indication of exhaustion, of anger, of malice, of depression. Harry Orchard, yesterday morning, for the first time during the witness trying ordeal, broke down completely.

Orchard Regains Demeanor.
Tears rushed to his eyes; his voice was broken with sobs and his whole form shook with emotion. At one time he hastily reached for his pocket handkerchief to check the flow of tears and, for a moment, he was unable to speak. He did not believe, after Richardson had been pursuing a line of questions leading up to the appalling force that caused Orchard to make his remarkable confession to McFarland. The detective had referred to him to the story of King David and Uriah; how David had been a murderer and at last found favor in the sight of the Lord. Richardson accused him of trying to save himself by swearing away the lives of other, innocent men.

Orchard's lips quivered. He hesitated; he seemed to be for a moment oblivious of his surroundings. He was revolving in his mind the events that led up to his confession. Tears welled to his eyes and he hastily secured his handkerchief. When he spoke it was in a low, faltering tone and he spoke as if to himself, rather than to an auditor.

"I thought," he said, "of putting myself out of the way when I thought over my whole life. I did not believe in a hereafter at all but I was afraid to die and I thought at times that I had been such an unparliamentary scoundrel and I had no great idea that I would never be forgiven."

During this statement complete silence, except for the speaker's voice, prevailed over the court room. The whirr of an electric fan was the only accompaniment. Eyes were strained. Spectators held their breath to catch Orchard's every word. Nervous sighs strained to highest tension and, as he finished, audible sobs of relief were heard from various parts of the court room. Many of the men in the audience freely used their handkerchiefs and several in the front row were weeping.

Every face was grave but one—Richardson's. He seemed to be the only person in the room not impressed with the statement of the witness.

"Who wrote that piece for you?" he asked roughly—almost inhumanly it seemed in that dramatic atmosphere.

"Nobody," replied Orchard quietly.

"So you thought you would make your piece with the future by having your own man write it with your name attached, is that right?" asked Richardson, sneeringly.

"To Save His Soul."

"No, sir," Orchard replied. "I had no thought of writing out of my own mouth on anybody else. I began to think about my past life and the same other things came into my mind. I didn't care much what happened to me. I was afraid to die, too, for I came to believe the grave did not end it all. It was after I received a Bible

ON CROSS-EXAMINATION.

Orchard said he made his confession before he expected a feeling that God had forgiven his sins.

"When you get all those sentiments that you said you had that you owed God and your country and society a confession," asked Richardson.

"I believe I got it from God," said Orchard in a low tone.

from a missionary society in Chicago that I came to the conclusion that I would be forgiven if I truly repented and I decided to make a clean breast of it all. And I have never been in doubt of being forgiven from that moment."

During this statement Orchard faltered several times and once had to wipe his forehead with his pocket handkerchief to keep back the tears. Once he hid his face momentarily in his hand. He seemed to be employing every resource within his power to control his emotion and finally succeeded. He stood himself and he went on strongly to the end. He defended his motives by saying he had finally found true conversion in penitence and had resolved to make every possible reparation by confessing all.

He said McFarland had told him he was doing a great service for the state and that states were usually kind to men who served them. There was no promise of pardon or of leniency.

To Discredit Orchard.
Richardson, by insinuating questions, inferred that the statement Orchard had made had been written out by him, or some other person, in memory. He raised his eyes and expressed great surprise when Orchard stoutly maintained that his statement had been extemporaneous. The witness admitted that he had expected to make some such statement; that he had possibly thought of how he would make it when the time came; but persistently answered Richardson's many repeated questions that when he spoke he had no idea what words he would use; that he didn't choose any particular words—that he spoke merely what was in his head.

No Leniency Promised.

Richardson, by rapid-fire questions, insinuated by the same, promises which has characterized Orchard's replies during all of the examination, tried hard to get Orchard to admit that he had been promised immunity from punishment if he would make his confession implicating Haywood and the co-defendants. He drew out the methods by which McFarland had drawn the confession from Orchard step by step and Orchard answered all his questions freely and unreservedly.

Orchard admitted that McFarland

(Continued on Page Seven.)

**Former Governor Assures the
Witness for the State He
Bears no Malice and Has
Faith That He is Trying to
Do Right.**

For the first time since Harry Orchard probed around the residence of James H. Peabody, former governor of Colorado, in Denver, where the governor saw him time after time, the self-confessed assassin met yesterday morning the man whose death he plotted many times. He met him face to face in the presence of James H. Hickey in the Old Profits building. Mr. Peabody and a number of other men were in the office when the guards took Orchard in.

When Orchard saw the former governor his cheeks paled and a visible tremor shook his frame. He seemed to rapidly lose control of his emotions when Mr. Peabody said in a pleasant voice:

"Good morning, Orchard."

While he spoke, Orchard's face streamed down his face Orchard confessed that he was ashamed to meet the man whose life he had tried often to take.

"Governor, I am ashamed to meet you. I am ashamed to look you in the face," were the words he managed to utter.

"Forget it, Orchard," Governor Peabody replied. "I haven't come here to do you any harm."

Orchard told to Orchard and the others in the office that he believed in the sincerity of the story Orchard has told upon the witness stand. He said he did not think he was telling the truth merely because he was a witness for the state and was sworn to tell nothing but the truth, but he believed he was telling the truth because of the sincerity within himself, a sincerity which was prompting him to now try to rectify what he regretted the many wrongs he had done.

**DESTROYER'S LAUNCH
TOWED INTO NORFOLK**

NORFOLK, Va., June 11.—The two members of the crew of the torpedo boat destroyer Worden, who left Newport News last Thursday on their return to Norfolk, were being continued were troubled with the engine of the launch and were reported as missing. They were towed to port late yesterday after rough weather had prevented from further trouble with their engine.

A report filed by Captain Carpenter of the Powhatan guards composing the Jamestown National Guard force, says that whistles as a signal of warning from the Minnesota's launch were heard off the expedition grounds early Tuesday morning. The report expressed the belief that the launch was struck by a coal barge. It is in the opinion of the official making the report being clear of all responsibility.

**PROFESSOR REED TO GO
TO POCATELLO ACADEMY**

(Special Dispatch.)
POCATELLO, June 11.—Miss F. Reed of Moscow has been appointed principal of the Academy of Idaho by the board of trustees. Her former professor J. W. Paris, who resigned to engage in the banking business at Buhl. For many years Professor Reed has been in charge of the preparatory department of the State university. He will conduct the summer normal school at Buhl this summer and will assume his duties at the academy immediately afterwards.

Harmsworth Buys Paper.

LONDON, June 11.—The Globe, the oldest evening paper in England, has been purchased by Hildebrand Harmsworth, brother of Lord Northcliffe.

AWFUL CRIME.

IRONGTON, Ohio, June 11.—Charles Shafer of Symmes Creek, shot his wife and her mother. Mrs. George Traker, today. He then took his 12-year-old son upon a hill, shot him dead and attempted to burn the body. Then he escaped. The motive trouble is given as the cause.

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(Continued on Page Two.)

**GREAT GROWTH OF
FEDERATION
Fifty-one New Locals and 15,000 New Members Admitted in Past Year.**

Acting Secretary Kirwan Submits Most Encouraging Report on the Condition of the Organization—Contributions to Defense Fund \$87,787.

Acting Secretary Kirwan Submits Most Encouraging Report on the Condition of the Organization—Contributions to Defense Fund \$87,787.

DENVER, Colo., June 11.—A total of 51 new locals organized and admitted over 15,000 new members by initiation for the fiscal year ending June 30. James H. Kirwan, acting secretary of the Western Federation of Miners, in his annual report submitted to the convention of the Western Federation of Miners to the Mine Owners' association and their faithful allies, the officials of Colorado and Idaho, in their attempt to disrupt our organization by kidnapping our officials and charging them with every known crime on the calendar.

"The federation has experienced a steady growth during the past year," he added, "and several thousand wage slaves employed in mines, mills and smelters have been added to the rapidly increasing list of 'unredeemable citizens.'"

"The total membership of the Western Federation on April 1 was approximately 400,000. The total receipts for the year were \$224,865 and the expenditures \$198,038. Contributions to the defense fund for the past year were \$87,787. The salaries of President Moyer and Secretary Haywood (\$150 per month each) have been continued while they have been in prison in Idaho awaiting trial for the Steinberg assassination."

An office has been established at Trinidad for facilitating the organization of the coal miners but "intolerable conditions under which men employed in southern Colorado are compelled to live," says Secretary Kirwan, "make it a hard matter to perfect the organization, as men will not stay there a length of time."

A severe arraignment was made by Acting President Mahoney of some of the officers of the Industrial Workers of the World. He said that his connection with that organization in an official way was last July when he went to Chicago to audit its books.

A brief review of the federation ranks in order to discredit the organization in the eyes of the world at large.

President Mahoney expressed appreciation of the financial support given the federation in its defense of its imprisoned officers, saying:

"The loyalty and generosity displayed by the hundreds of labor organizations that have responded in the fight of the federation for its life should convince us that the time is drawing nigh when the regiments of labor will come together in an invincible army to battle shoulder to shoulder for the industrial freedom of humanity."

The report showed that the federation has not lost a strike during the past year, but it has gained an 18-hour law in all camps where the demand has been made. It was also stated that in many cases the reduction has been from 10 to 12 to eight hours a day. It has gained a 25 to 75 cents a day.

(Continued on Page Two.)

**JURY CONVICTS MAYOR
E. E. SCHMITZ**

First Informal Ballot Stands 11 to 1—Dissenter Joins Majority on Second Vote—Statement of Juror

SAN FRANCISCO, June 11.—A jury of 12 of its jurors has declared Mayor Eugene E. Schmitz guilty of the crime of extortion as charged against him by the office grand jury.

The jury was out for one hour and 25 minutes. They selected Charles H. Cook, foreman and at once proceeded to an informal ballot. This was cast shortly after 11 for conviction and 11 for acquittal. Juror Burns, a shoemaker, was the dissenter.

Then the 12 men began a discussion of the evidence lasting for nearly all day. At the end of that time the first formal ballot was cast. It was a 10 to 2 vote and was unanimous for conviction. The juror

joined this statement in the Times printed immediately after their deliberation by the court.

"I justice to Juror Burns it should be explained that he did not vote for acquittal because he was dissatisfied with the evidence or believed there was any doubt of the defendant's guilt. Two forms of verdict were given to the jury and the consequent reading of these momentarily interrupted Mr. Burns. As soon as he understood the matter he cast his vote with the other 11 and the verdict was pronounced."

Mr. Burns approved this statement and said: "I'm sorry for him. This is a bad case."

(Continued on Page Two.)

**JAP AMBASSADOR PEACE CONFERENCE
SEES ROOT AT THE HAGUE**

Goes Over Situation in California With the Secretary of State. Delegates Gather at the Dutch Capital to Consider Important Questions.

WASHINGTON, June 11.—The Japanese ambassador had a long talk with Secretary Root today, but pursuing the policy which he has recently adopted. Viscount Adki refused to make any statements as to what has taken place. In fact he would not even discuss any phase of the Japanese trouble, nor admit that he had received and his before Secretary Root a report from San Francisco touching the trifling incident at Berkeley, where a few panes of glass windows in a greenhouse belonging to a Japanese were said to have been broken by small boys. During his call, Viscount Adki handed to Secretary Root for his private information a copy of the treaty recently negotiated between France and Japan.

"This afternoon a number of young men declared fanatically their adherence to the findings of the commission of 1913 to make contributions suitable and temporary for the participation of the original convention. It is inevitable that the first conference will proceed admitting the new members. This is a mere formality, as the original convention already has agreed to receive the new members invited in this year's conference and the ceremony will be very informal."

LONDON, June 11.—The Japanese ambassador, Baron Komura, today issued a statement to the press stating the facts in regard to the attack upon the Japanese restaurant in San Francisco.

(Continued on Page Two.)

**NO CAUSE FOR ALARM
SAYS BARON KOMURA**

LONDON, June 11.—The Japanese ambassador, Baron Komura, today issued a statement to the press stating the facts in regard to the attack upon the Japanese restaurant in San Francisco.

SAYS GOVERNMENT MUST LEAD ITS CREDIT TO AD RAILROADS

(Continued on Page Two.)

NEW YORK, June 11.—That the government will be forced to lend its credit to aid the railroads was the statement made by J. J. Hill today.

"The public, in its exasperation," said Mr. Hill, "will demand that the railroads lay more rails and provide for more cars. The railroads will answer that their credit has been ruined. The government will be obliged to step in and lend its credit to supply the deficiency. The situation might lead to government ownership of railroads. That would be the end of Republican government. The cause of the trouble is that the United States has outgrown the capacity of its railroads and the railroads are in no haste to clean up. If men cannot get their freight moved they must come by produce. It does not appear any easier for a competent organization to clean up in a few months ago. During the past seven or eight months the railroads have raised something like \$400,000,000. If it goes to the government. Not at all. Most of it went to pay old bills."

NOT TO SAVE HIS HUMAN BODY FROM DEATH

(Continued From Page One.) had told him of the many men who were prominent in the Mollie Maguire...

He cared at that time nothing for his life—his physical life. He said that when he decided to make a complete confession...

Most Dramatic Scene.

Yesterday was by far the most dramatic day in the court room during the time Orchard has been on the stand. The rasping tones of Richard...

Orchard Stands the Test.

For hours Richardson hammered away on the motive of Orchard after the first day of his trial...

Richardson tried to show Orchard a number of letters, heretofore withheld from the public...

After that it was suggested that Orchard had placed his future in the keeping of McParland...

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read and approved, the witness, Harry Orchard, was brought in in the usual way.

Cross-Examination Resumed. As soon as Orchard had taken the witness stand Richardson began his cross-examination from the point where he left off the previous day.

His first question was: "Had you the usual talk with McParland this morning at 8:30?"

"I saw him for about five minutes."

"By appointment?"

"No, sir."

"Not by your request?"

"No, sir."

"Talk about the case?"

"No, sir."

"Did you remember once in Denver Haywood asked you if you knew where Gordon resided?"

"Orchard remembered that Haywood had asked him that question and that he couldn't tell. He said Haywood had intended to send some money to Adams at that place but not being able to do so he turned the money over to Ed Boyce for Adams."

Orchard, when asked, said he remembered of having seen a man in the name of Moffat before he started up into the St. Joe river country with Simpkins. He said he told Moffat about a ranch—the one Pettibone had talked of getting on Puget sound."

"I told Moffat I had been over on the Puget sound for a ranch. I did not tell him I wanted a couple of good cotton shirts for my mother. I talked to Moffat a great many times. He told me he had been mixed up in many things with Pettibone. There may have been something said about option money, but I'm not certain."

Orchard said he got some money from Simpkins but got some money from Haywood had sent him through Slater or the letter he had written Moyer at Salt Lake. Moyer had instructed Haywood to write the book.

"Simpkins handed me the money and said: 'Here's the dough that fellow sent you for that stock.' This was all the explanation he made at that time. He never told me about where it came from."

In answer to questions Orchard said he had borrowed money several times from a saloon keeper and later cashed his cash register. He said he had no instructions from the federal officials to talk with Simpkins about the Steuenberg affair nor to have anything to do with him regarding the plan to kill Steuenberg. He said he had been detained to do that job alone."

Up the St. Joe River. Orchard said he accompanied Simpkins up to the head of navigation on the St. Joe river. They hunted some there and stayed part of the time at Simpkins' cabin. He had learned long before that Adams had been through that country. Jack didn't tell Orchard that he had to stay on his claim six months out of each year.

Orchard said he didn't advance any opinions regarding the death of Steuenberg. It was on Sunday afternoon when Orchard said he was placed under arrest and placed on parole. He was instructed not to leave the hotel. On Wednesday afternoon a deputy sheriff took me over to the prosecuting attorney's office and a man named Johnson questioned me. Then the warrant was read to me and I was placed in jail.

Several days after Orchard was arrested James J. Sullivan of Denver came to see him. He was the Denver attorney whom he, with Hullivan and Pettibone, had employed in a suit for the recovery of the sale of the Virginia rooming house in Denver. He was also one of the men who recommended him when he got a job with the Mutual Life.

"Yes," said Orchard, "I asked him to leave the saloon, but he said he had a long way from home and I'd better get a local attorney. He said he'd look one up. I told him I'd got a telegram from a man named Miller in Spokane that he'd come. That I'd been expecting him several days but he had not showed up. Sullivan offered to wire Miller to see if he was coming. Sullivan said he was going to Baker City on business, but he said he would stop over on Wednesday afternoon."

"But Sullivan wouldn't take your case."

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He was in Salt Lake three weeks. He made no effort to sell mining stock. He had some he had gotten from Dave Coates. Orchard said he wrote to Coates from Salt Lake and told him he was going to Los Angeles soon.

"Did you write him you were sick?"

"I won't say I didn't. If I did write him that I wasn't sick."

During the time his attorney was tracing Orchard's movements prior to the assassination of Governor Steuenberg, Haywood seemed entirely unconcerned. He read several letters which Mr. Darrow, one of the defense attorneys, handed him.

The Killing of Steuenberg. Returning to Caldwell alone, Orchard went to the Saratoga hotel, where he became acquainted with the employees of the place. He made no effort at concealment.

Richardson wanted to know why it was that with plenty of opportunity to kill Steuenberg at all the governor's trips to his sheep ranches, Orchard had decided to use a bomb in the city.

"Well, I got disgusted with myself at not being able to get him, and so I finally decided to use the bomb and get rid of the thing and get away."

"But you took the materials for the bomb when you first went to Caldwell?"

"Yes, sir; if the opportunity offered."

Attorney Richardson jumped over all of the details of placing the bomb at the Steuenberg residence, picking the witness up at the point where he began to run back to the hotel after seeing Steuenberg approach the place of his death.

"You were warm and excited when you placed the bomb, weren't you?"

"I was warm; I tried not to be excited."

"You were calm enough to help the bartender tie up a bundle?"

"I held my finger on the string while he tied up the parcel."

A Plot that Failed. The cross-examination here directed to a plan Orchard conceived to ride a short distance on a train with Steuenberg and set the bomb in a grip under the governor's seat.

Orchard got aboard the train one day, but Steuenberg missed it. The fact that others in the car would have been killed in the explosion, Orchard said, did not appeal to him.

Returning to Orchard's actions after the assassination of Steuenberg, Richardson wanted to know if the witness had not deliberately gone to his room and scattered powder and sand of Paris about the place.

"No, sir; I did not," replied Orchard in a positive manner. He said he came back to the hotel with the idea of cleaning up some things in his grip.

"What was in it?"

"Some cayenne pepper, potato and acid."

"What were you doing with the pepper?"

"I had it to put on my shoes when necessary so as to prevent dogs taking up my trail."

Orchard's Attorney. The cross-examination again directed to show that while he was in Spokane Orchard called on Attorney Fred Miller, now associated with the defense, and employed him to see the Caldwell case. He said he had a trunk which had been lost in transit. He gave Miller a power of attorney.

Orchard made no attempt to leave Caldwell the night of the explosion and he had a meal in his room at the Saratoga hotel.

"You stood around the hotel that night and talked about the killing of Steuenberg?"

"Yes, some."

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ON CROSS-EXAMINATION.

Orchard said he used to go to the Methodist Sunday school when a young man, after he was married. He said he was taken on probation in the Methodist church once. He did not think he had ever been taken into full membership.

He said his parents were Quakers and he attended that church when young.

Orchard denied that he ever belonged to the Salvation Army or participated in any exercises of that organization in Spokane or Butte.

Richardson asked him if he had ever been a member of the Mollie Maguire organization. Orchard said he had never seen a book of the history of the Mollie Maguire. McParland, he said, had told him the Mollie Maguire was not a labor organization.

"He told you that all who turned state's evidence got off Scott free?"

"No, sir; he didn't."

"He didn't tell you that anyone who did turn state's evidence was punished?"

"He didn't say anything like that."

"Did he tell you if you'd turn state's evidence you'd go free?"

"No, sir; he did not."

"But he left that impression on your mind?"

"I didn't at that time; believe what he said."

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Orchard Hands the Test.
For hours Richardson hummed away on the motive of Orchard for saying his own life. He sought to show it in the force of examples drawn from the immunities of the infant and the adult, but this the witness would not admit.

Next he sought for it in Orchard's effort to bring Steve Adams over to the state and then in the subsequent meeting with McParland and Governor Caldwell. To be emphasized the fact that the witness had twice written his testimony and Orchard repudiated the suggestion that it had been changed by McParland. Attorney Caldwell, however, emphasized the fact that the witness had twice written his testimony and Orchard repudiated the suggestion that it had been changed by McParland.

Then Richardson tried to show the character of Orchard's past record, which was led from the table of the witness, addressed to Harry by Governor Gooding and Warden Whitney, and given to them and others that he had no previous record.

After that it was suggested that Orchard had placed his faith in the keeping of McParland, that the Pinkertons had sent money to his family in Canada, that he had been supplied with money and had been told that McParland had told him as a large manager would for his appearance on the stand, but all this Orchard denied.

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Orchard said that Simpkins did not walk much on the front streets. Most of the time they went to their meals at a restaurant below the Saratoga hotel, and they would go to the front street only when they went out and looked over the Stuenenberg premises. He said that nothing connected with the Stuenenberg case had called Simpkins to the front street, but that he had a pair of field glasses and that he had several times went out and looked over the Stuenenberg premises.

Easterly's Letter.
Orchard said that he wrote a letter to Easterly and that he had written it in the jail. "Have you got that letter?" asked Richardson sternly. "No—not all of it."

"Have you any of it?" "I think they have part of it. When I got the letter I tore it up and threw it away."

"You think they have part of it? Explain, please. Who do you mean by 'they'?" "I told them about the letter, and they were rattling in and out of the jail from Easterly and tore them all up as the same time near the railway bridge about a mile from Caldwell. I told them where the place was and afterward it was told he had found a part or part of the letter."

Orchard said that Simpkins was down here about two weeks. He was in Caldwell on two different occasions—or one occasion only for one day.

Orchard said the first bomb was made by Simpkins and himself in the room at the Pacific hotel. The bomb was made in a wooden box. He took the powder out of the wooden box and put it into a tin box. He made the bomb with the dynamite killed the farmer governor—in the Saratoga hotel.

After Simpkins left, Orchard said, he went to Boise. From Boise Orchard called Billy Easterly. "Have you got that letter?" asked Richardson sternly. "No—not all of it."

"Have you any of it?" "I think they have part of it. When I got the letter I tore it up and threw it away."

"You think they have part of it? Explain, please. Who do you mean by 'they'?" "I told them about the letter, and they were rattling in and out of the jail from Easterly and tore them all up as the same time near the railway bridge about a mile from Caldwell. I told them where the place was and afterward it was told he had found a part or part of the letter."

Orchard said the first bomb was made by Simpkins and himself in the room at the Pacific hotel. The bomb was made in a wooden box. He took the powder out of the wooden box and put it into a tin box. He made the bomb with the dynamite killed the farmer governor—in the Saratoga hotel.

...place of his death. "You were warm and excited when you reached the hotel, weren't you?" "It was warm; I tried not to be excited."

A Plot that Failed.
The cross-examination here directed to show Orchard conceived to ride a short distance on a train with Stuenenberg and set the bomb in a grip under the governor's seat. With the paraffin balls all ready, Orchard got aboard the train one day, but Stuenenberg missed it. The fact that others in the car would have been killed in the explosion, Orchard said, did not appeal to him.

Returning to Orchard's actions after the assassination of Stuenenberg, Richardson wanted to know if the witness had not deliberately gone to his room and scattered powder and plaster of Paris about the place. "No, sir; I did not scatter powder or plaster of Paris about the place," Orchard said. "Here's the dough that fellow sent on for that stock." That was all the explanation he made at that time, but he later told me about where it came from.

Up the St. Joe River.
Orchard said he accompanied Simpkins up to the head of navigation on the St. Joe river. They hunted some there and stayed part of the time at Simpkins' cabin. He had learned long ago that Adams had been through that country. Jack didn't tell Orchard that he had to stay on his claim six months out of each year.

Orchard denied that Simpkins had said he had made arrangements with his lawyer to live in Caldwell at Silver City, but that Simpkins said he could make a visit to the Silver City, Idaho, and get his expenses from the defendant.

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NOT TO SAVE HIS HUMAN BODY FROM DEATH

(Continued from Page Seven.)

It was afterward, Orchard said that Warden Whitney very often stopped at the cell and asked if there was anything he wanted. He never asked about his condition of mind.

"Who took you out when McParland came again?"

"Warden Whitney."

"Did you ever see him taking out any other prisoners besides yourself?"

"I don't know. I may have and I may not."

"The guards usually attend to that work, don't they?"

"Yes, I believe so."

"McParland told me I was in a position to do the state of Idaho a great deal of good and that the state usually treated its witnesses fairly. He said he thought I was the fool of others."

"And he told you who he thought you were a fool of, too, didn't he?"

"Not then. He did later tell me that he thought I was the fool of the officers of the miners' federation."

"Ah, ha! You knew what he wanted before you confessed?"

"I knew he suspected that the officers of the federation were back of me."

Orchard Weakens

Orchard said that on the third time McParland called he stayed all the afternoon. He talked some about the Bible. It was on this occasion that Orchard told him something of his wrong-doing. He had come to believe he had not told Orchard that his attorney had deserted him.

The third time McParland visited him, Orchard said, must have been in the very last part of January or the first of February. He couldn't remember dates. Orchard said McParland never told him he had been after the officers of the Western Federation of Miners.

Orchard said that McParland mentioned the Vindicator mine explosion before the confession.

"He said I was suspected of that. He told me he believed the Western Federation of Miners was behind the Stoumenberg murder and many other crimes. He said he believed I was in a position to do the state and society a great deal of good, that I had an opportunity to amend in a small part for my great wickedness. I felt that I didn't want to live long. I contemplated putting myself out of the way."

"But you changed after talking with McParland and wanted to save yourself by putting the crime on somebody else?"

Why Orchard Confessed.

"No, sir. I had no thought of getting out of my laying it on anybody else. I began to think about my past life and the unnatural monster I had been and I didn't care much what happened to me. I was afraid to die, too, for I believe the grave did not and it all. It was after I received a Bible from a missionary society in Chicago that I came to the conclusion that I would be forgiven if I truly repented and made a clear breast of it all. And I have never been in doubt from that moment."

During this statement Orchard nearly broke down. He showed great emotion. His words were broken and his voice faint.

Tears welled to Orchard's eyes. He shook them off and wiped the stains away with his handkerchief.

Several times Attorney Richardson attempted to stop Orchard in his dramatic recital but he was prevented by Attorney Hawley.

When Orchard paused at last, Richardson sneered:

"Didn't McParland help you compose that speech you've just recited?"

"No, sir."

"That's a part of your narrative?"

"I have no narrative."

Historical Notes.

Orchard said he wrote a letter and put it inside of his vest and told Steve Adams if anything happened to him to send the letter to his brother.

Orchard said he had sent some Bibles to Mrs. Toney's little boys in Crispie Creek. He said Dean Hinky gave him those Bibles to send.

"You believed you could make your peace with God by having someone else hanged?"

"No, sir."

Orchard said that he was at one time at Mason. He said he had heard that Peabody and Sherman Bell were

McGuire matters after you had made your confession?"

"He may have spoken about the Mollie Maguires."

"And he told you about the men who had escaped punishment by confessing; and he told you, I presume, that now that you had made a confession the state would do its part?"

"No, sir; nothing of that kind was ever said."

Richardson learned that Adams, when arrested, was placed in the same cell with Orchard. Orchard said he had told the warden that if Steve was placed in the same cell with him he would talk with him and try to get him to make a clean breast of it all.

Orchard said he did not tell Adams that he had already made a confession. Pinned down close by Richardson, this statement was drawn from Orchard:

"I told Steve one time that if I ever did get out of it I would put the pond between this country and myself. I had never received any promise of any kind and I told Adams that I had made a confession with no promise of freedom or of leniency at all. In talks with Hayward and the others it had often been stated that if anyone ever 'peached' it would do him no good—that they would 'get' him some time, sooner or later."

Worked on Adams.

Orchard said he honestly tried to get Adams to confess. He believed it was right that he should confess. He believed it was right to persuade Adams to confess if possible and he told Warden Whitney about the progress of his work with Adams.

"Adams was put in there for you to work on, wasn't he?"

"Yes, I believe he was," answered Orchard promptly.

Orchard said that McParland, when he visited him at one time, said that if he made a confession he (McParland) could make no promises. He said McParland stated he would send the prosecuting attorney to see him.

Wanted No Promises.

"I told Mr. McParland not to send any prosecuting attorney. I told him I was ready to make a confession and would make a clean breast of everything and of my own free will, without any promises. I didn't want any promises."

Richardson used a lot of time to learn that Governor Gooding often called him "Harry"; that the governor called him "Harry"; that he sat down and talked to him in a friendly manner. Beyond the fact that the governor had once told Orchard he was doing right, Orchard said, he had not been particularly good to him.

Richardson brought out that Orchard was allowed a great deal of liberty at the penitentiary; had not occupied a cell in a long time; that his meals came from the warden's kitchen and that once he had eaten at the warden's table with the warden.

"Ever since your confession, Mr. Orchard, you have been petted and pampered—have been regarded as a hero. You have had everything your heart desired. Isn't that so?"

"I haven't been petted."

Richardson tried to make a great spread in trying to show that McParland had made special trips to Boise to see Orchard; that when not in Boise McParland wrote quite often to him.

"And you have given your entire future into McParland's keeping?"

"No, sir."

Orchard said he had seen Hawley a number of times but had not seen Borah in a long time.

Orchard said he had written a complete story of the history of his wrong-doings and given it to Mr. Hawley.

"And that story was fixed up and sent back to you?"

"No, sir. It was never sent back. I have never seen it since. I presume Mr. Hawley has it now. Later I wrote up a second statement more in detail—I did it of my own account. The first statement was entirely concerning this case. The second statement told all about all my evil doings."

No Drill as Witness.

"Did you write in this confession or book the speech you made here on the witness stand this morning about your duty to God and your country?"

"No, sir."

"Who wrote that statement for

nation. It had been in progress just one week. Attorneys for the defendants said they might ask permission to examine Orchard a few minutes more when certain of their impeaching witnesses reached the city. Counsel for the state consented to this with the provision that they should reserve their re-direct examination until the defense finally concludes its cross-examination.

Hawley then asked permission to finish up one point of the direct examination which he called attention to when he first turned the witness over to the defense. It was a matter he left open at that time because a certain exhibit had not then arrived. He was instructed to proceed.

Hawley asked Orchard in regard to Judge Goddard's bomb. Orchard said the bomb was made of a little wooden case filled with explosives.

Hawley produced a package wrapped in coarse paper. He unwrapped it and it proved to be a roughly constructed box which was entered as an exhibit by the state. Orchard identified it as the box bomb he had planted at Judge Goddard's gate.

Hawley announced all of his direct examination was now in; that he did not wish to continue the re-direct examination until the cross-examination was all in. The state called Mrs. Sadie Swan.

Corroborative Evidence.

Mrs. Swan said her maiden name was Sadie Bell. She said in the fall of 1904 she resided at the home of Fred W. Bradley, where she was the "upstairs" girl. Besides herself, Mrs. Crowe, a cook, and her sister, Miss Edith Bell, was a nurse.

She said Gubbini's store was directly across the street. She said she often purchased groceries there for the Bradley family. She said she met at the store a man by the name of Berry, or a man going by that name.

Mrs. Swan said she had seen the man Berry since coming here—he was the same man who had appeared on the witness stand as Harry Orchard.

She said Berry sometimes came to Bradley's residence with groceries. He got acquainted with Mrs. Crowe and with Edith.

The witness said she was at the Bradley home when there was a question regarding the condition of the milk. She testified that Bradley said the milk was bitter and to take it away. A complaint was made to the dairyman and he came and got it. There were two bottles of milk and one bottle of cream.

The three bottles were delivered at the back door and the witness said she was the one who usually took in the milk. She explained just where the milk was delivered. The milk episode was four or five days before the explosion.

She said the door where the explosion took place was some feet from the street. The explosion, she said, blew the whole front out of the building. Twenty minutes before the explosion, she said, she had gone down to get the morning paper and had not then noticed any object on the porch. She never saw the man Berry about there after the explosion.

Cross-Examination.

Richardson moved to strike out all the testimony of the witness, stating it was not corroborative evidence tending to connect Hayward with the murder of Governor Steunenberg.

The motion was overruled.

Darrow took up the cross-examination.

The witness said she worked for the Bradley family about eight or nine years. She said the explosion was in November in 1904. She said from the first time she saw Berry at the store until the last time she saw him was probably about four weeks. She said Berry delivered groceries at the kitchen of the Bradley home about six or seven times. It was at about 7:30 in the morning when Mr. Bradley discovered the milk was bitter. Two of the bottles were taken away by the dairyman and one bottle was taken over to Gubbini's store. It was never analyzed as far as she knew. She believed Mrs. Bradley later took it back and threw it out.

Witness could not remember what day of the week the milk was bitter nor on what day of the week the explosion occurred. She heard no comments as to what had made the milk bitter, only that Mrs. Bradley had said she thought she would have it analyzed. She couldn't remember the name of the milkman. She thought it might be "Crook." She couldn't say where he could be found. Mrs. Swan said she had tasted of the bottle of cream and it tasted very bitter.

Mrs. Swan said the last time she saw Berry was the day before the explosion.

She said she had been in Boise about a week. It was about two weeks before that time that a detective—a Pinkerton—visited her at her home

ON CROSS-EXAMINATION.

Orchard said he honestly tried to get Adams to confess. He said he believed that it was right that he should confess. He believed it was right to persuade Adams to confess if possible.

"I had never received any promise of any kind and I told Adams that I had made a confession with no promise of freedom or of leniency at all. In talks with Hayward and the others it had often been stated that if anyone ever 'peached' it would do him no good—that they would 'get' him some time sooner or later."

It then being 3:30 o'clock court was adjourned until this morning at 9:30 o'clock.

LIST OF GRADUATES OF THREE SCHOOLS

Nearly All Who Have Finished at Central, Lincoln and Longfellow to Enter High School.

The following is the list of the pupils who graduated from the eighth grades of Central, Longfellow and Lincoln school, nearly all of whom will enter the High school this fall:

- | Central School. | |
|-------------------|-------------------|
| Lee Allen | James Locke |
| Florence Barber | Hattie Lungren |
| Jordan Bennett | Emma Maberly |
| Ielen Bowers | Grace McFadden |
| Margareta Brennan | Ruth McFadden |
| Andrew Brennan | Ronald Montandon |
| Mary Briggs | Max Belle Holholm |
| Donald Bronxon | Phillip Norton |
| Leatrice Croxon | James Pack |
| Luth Crocker | Lauro Patterson |
| Alfred Dahlberg | Cyril Prouty |
| Donald Davidson | Verne Rowell |
| Will DeCunrut | H. R. Scott |
| Ielen Douglas | Irene Seller |
| Ada Dunlap | Maurice Sloper |
| Vera Fenley | Van Smith |
| Eula Fenner | Jessie Stephens |
| Lorris Fritchman | Clady Stiles |
| Robert Gerlough | Vida Trayer |
| Shirley Gilkerson | Bessie Vance |
| Sather Gregory | Donald Walker |
| Margaret Harvey | Grace Walther |
| Paye Hoefs | Albert Wells |
| Edna Hughes | Esther |
| Jessie Kanazy | Wickersham |
| Rex Lane | Carlos Wilcox |
| Julia Lawler | William White |
| Ruth Lewis | Ruth Wright |

- | Longfellow School. | |
|--------------------|---------------------|
| Hady Anderson | Otto Keller |
| William Bourne | Ellen Kimmell |
| Emma Bowen | Lenna Lake |
| Walton Cahalan | Norma Mason |
| Corra Coke | Carrie Miller |
| Ielen Deneck | Walter Monroe |
| Ielth Douglas | Eugene Moon |
| Loretta Downs | Walter Peterson |
| Lelena Driscoll | Genevieve Pierce |
| Annie French | Susie Pointer |
| Vivian Garrett | Agnes Pryor |
| Arthur Hansen | Ruth Rhodes |
| Lucie Hartwell | Jan Roberts |
| Charles Easton | Lexie Ross |
| Emma Heath | Eva Roup |
| Ray Higby | Winifred Stevens |
| Howard Higgin | Blanche Stewart |
| Ruth Jackson | Carl Swanholm |
| Anna Jefferson | Clara Van Orsdal |
| Lincoln School. | |
| Archie Baer | Jere Robinson |
| Eunice Breach | Zella Ross |
| Newton Bogart | Joe Sewell |
| June Clark | Rupert Shaw |
| Clayton Davidson | Lorraine Steulnicke |
| Talph Fitzpatrick | Henrietta |
| Harold Harmon | Stelmeler |
| James Hawley | Mabel St. John |
| May Harris | Flora Veelman |
| Fayette Kral | Verona Wood |
| William McLeod | Evalena |
| Ruth Murray | Williamson |
| Penninah Newlin | Edgar Wilson |
| Rebecca Robinson | |

WITH GENERAL KUROKI

Railroad Man Tells of the Japanese War Hero's Personality.

Thomas R. Witt, the Chicago passenger agent of the Pennsylvania railroad, who brought the Kuroki-MacArthur party through from the Windy City to Washington, is full of interesting experiences he has had the past decade or so personally escorting distinguished guests of the United States, he having traveled with Prince Henry of Prussia as well as many of lesser note.

"I found General Kuroki as interesting a person as I have ever met," said Mr.

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Stumpberg murder and many other crimes. He said he believed I was in a position to do the state and society a great deal of good; that I had an opportunity to amend in a small part for my great wickedness. I felt that I didn't want to live long. I contemplated putting myself out of the way."

"But you changed after talking with McParland and wanted to save yourself by putting the crime on somebody else?"

A Why Orchard Confessed.

"No, sir. I had no thought of getting out of it by laying it on anybody else. I began to think about my past life and the unnatural monster I had been and I didn't care much what happened to me. I was afraid to die, too, for I came to believe the grave did not end it all. It was after I received a letter from a missionary society in Chicago that I came to the conclusion that I would be forgiven if I truly repented and made a clear breast of it all. And I have never been in doubt from that moment."

"During this statement Orchard nearly broke down. He showed great emotion. His words were broken and his voice faint.

Tears welled to Orchard's eyes. He shook them off and wiped the stains away with his handkerchief.

Several times Attorney Richardson attempted to stop Orchard in his dramatic recital but he was prevented by Attorney Hawley.

When Orchard paused at last, Richardson sneered:

"Didn't McParland help you compose that speech you've just recited?"

"No, sir."

"That's a part of your narrative?"

"I have no narrative."

Historical Notes.

Orchard said he wrote a letter and put it inside of his vest and told Steve Adams if anything happened to him to send the letter to his brother.

Orchard said he had sent some Bibles to Mrs. Tomey's little boys in Cripple Creek. He said Dean Hinks gave him those Bibles to send.

"You believed you could make your peace with God by having someone else hang?"

"No, sir."

Orchard said that he was at one time a Mason. He said he had heard that Peabody and Sherman Bell were both Masons. He did not know that Judge Goldard and Gabriel were both Masons.

Orchard said he had belonged to the Masonic lodge in Colburn, Canada, and why in good standing up to the time he left. He said once visited a Masonic lodge since leaving there. That was in the Queen of Alenex in 1896, Y. P.

At this point court took a recess until 1:30, it being shortly after the noon hour.

Afternoon Session.

Immediately after noon Richardson took up an attempt he said Orchard had made to commit suicide.

Orchard said he made no attempt to commit suicide, but was thinking strongly of it. He said it was after he had made his confession. He wrote a letter to his brother and had told Steve Adams if anything happened to him to see that the letter was sent as he had addressed it.

Orchard said he made his confession before he experienced a feeling that God had forgiven his sins.

"Where did you get all those sentiments that you said you had that you owed God and your country and society a confession?" asked Richardson.

"I believe I got it from God," said Orchard in slow tone.

"You got it from McParland, didn't you?"

"No, sir."

Richardson asked Orchard if when he first joined a miners' union, before he took the oath, he had been told that whatever oath he would be obliged to take would not interfere or conflict with any obligations he might feel he owed to God, and Orchard said he believed he had been so instructed by the president of the union. He admitted that the oath did not interfere with any duties he owed to God or to society.

Orchard said he had heard much concerning the "inner circle" of the Western Federation of Miners, but had never heard of any iron-clad oaths of the inner circle.

"No, immediately, but three or four weeks after he made the confession, Orchard said, his quarters were changed in the penitentiary. He said he was sick and was removed to the hospital quarters.

Trip to Caldwell.

Orchard said he went to Caldwell about five times after making his confession, once to appear before the grand jury and about four times to appear in court.

The witness said McParland had visited him quite a number of times after he made a confession.

"Did McParland go over the Mollie

Stumpberg murder and many other crimes. He said he believed I was in a position to do the state and society a great deal of good; that I had an opportunity to amend in a small part for my great wickedness. I felt that I didn't want to live long. I contemplated putting myself out of the way."

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Richardson brought out that Orchard was allowed a great deal of liberty at the penitentiary; had not occupied a cell in a long time; that his meals came from the warden's kitchen and that once he had eaten at the warden's table with the warden.

"Ever since your confession, Mr. Orchard, you have been petted and pampered—have been regarded as a hero. You have had everything your heart desired. Isn't that so?"

"I haven't been petted."

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"And you have given your entire future into McParland's keeping?"

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"And that story was fixed up and sent back to you?"

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No Drill as Witness.

"Did you write in this confession or look the speech you made here on the witness stand this morning about your duty to God and your country?"

"No, sir."

"Who wrote that statement for you?"

"Nobody."

"You had no preparation for it?"

"I may have thought of what I would say, but when I started in I did not know what I would say."

Orchard denied that he had ever been put in a chair and examined and re-examined by the attorneys for the state in preparation for the trial.

Richardson wanted to know if Detective McParland hadn't instructed the witness as to his demeanor on the stand, the position to occupy, the tone of voice and the way to look at counsel when questioning him, etc. Orchard denied it all. He said McParland had been in Boise several weeks prior to the trial and had frequently visited him.

Richardson demanded to know if the witness thought McParland was visiting him for any other reason than the honor and glory of the detective agency to which he belonged. Orchard said he didn't know.

"Do you think the salvation of your soul was his object?"

"I couldn't say as to that."

Richardson questioned the witness for 15 minutes regarding his "personal adornment" for the trial. Orchard said his new suit of clothes was made by a convict in the penitentiary.

New shoes, hat and linen were brought to him by the warden. Orchard said he had always been well treated at the penitentiary.

"You like the place?"

"I can't say as to that."

"And you like your expectations?"

"No, sir. I am trying as best I can to be satisfied."

Regarding Wetter.

"Do you know another man at the penitentiary who dresses as well as you do?"

Borah objected to this question as immaterial and the objection was sustained.

"Did you get Bob Wetter's sentence commuted?"

"I did not."

"Did you talk to the governor about it?"

"I did speak to the governor about it. I told the governor I felt sorry for Wetter. I told the governor I had talked with Wetter and believed, he was not as guilty as he appeared. The governor said he thought Wetter had committed a very cold-blooded murder and he didn't think he could do anything for him."

"But he did later commute the sentence?"

"I believe he did."

End of Cross-Examination.

Here ended the long cross-exami-

tion. She exhibited just what the milk was delivered. The milk episode was four or five days before the explosion.

She said the door where the explosion took place was some feet from the street. The explosion, she said, blew the whole front out of the building. Twenty minutes before the explosion, she said, she had gone down to get the morning paper and had not then noticed any object on the porch. She never saw the man Berry about there after the explosion.

Cross-Examination.

Richardson moved to strike out all the testimony of the witness, stating it was not corroborative evidence tending to connect Haywood with the murder of Governor Steuneger.

The motion was overruled.

Darrow took up the cross-examination.

The witness said she worked for the Bradley family about eight or nine years. She said the explosion was in November in 1904. She said from the first time she saw Berry at the store until the last time she saw him was probably about four weeks.

Berry delivered groceries at the kitchen of the Bradley home about six or seven times. It was at about 7:30 in the morning when Mr. Bradley discovered the milk was bitter. Two of the bottles were taken away by the chairman and one bottle was taken over to Gubbins's store. It was never analyzed as far as she knew. She believed Mrs. Bradley later took it back and threw it out.

Witness could not remember what day of the week the milk was bitter nor on what day of the week the explosion occurred. She heard no comments as to what had made the milk bitter, only that Mrs. Bradley had said she thought she would have it analyzed. She couldn't remember the name of the milkman. She thought it might be "Crook." She couldn't say where he could be found. Mrs. Swan said she had tasted of the bottle of cream and it tasted very bitter.

Mrs. Swan said the last time she saw Berry was the day before the explosion.

She said she had been in Boise about a week. It was about two weeks before that time that a detective—a Pinkerton—visited her at her home in San Francisco and notified her that she would be asked to be a witness.

Borah, on redirect, asked regarding the getting of the morning paper and the witness was excused.

Milkman Testifies.

The next witness called was Oliver Crook of San Francisco, the dairyman from whose dairy the bitter milk at the Bradley residence came. On the morning of the 16th of November, 1904, he said, he had a conversation with Mrs. Bradley. He said he had gone to the Bradley residence because it had been reported something was the matter with the milk. He took a quart bottle of the milk away with him and took it to the city chemist and had it analyzed and the chemist, Dr. Boedje, later made a report thereon. Crook said he had no other complaints of bad or bitter milk about that route.

The usual motion by the defense to strike out the testimony was made.

Witness said that the Bradley family continued taking milk from him the day they found it bitter. After he got a report from the chemist he said he didn't go around spreading the news of what the chemist found out. He said he didn't think the report would tend to help his milk business.

Crook said he had come to Idaho by request of a man by the name of Reeves, who told him he was in the employ of the state.

Chemist on Stand.

Witness was excused without further questioning and P. L. McCleary of Berkeley, California, who in November, 1904, was assistant city chemist of San Francisco, was called.

In answer to Borah, witness told of the milk brought to the chemist's office for analysis by Crook. He said he analyzed the milk and he said he found strychnine in large quantities.

He said he had heard of the explosion at the Bradley residence later—three or four days later.

As usual a motion to strike out was denied and Darrow cross-examined.

Witness said it took about three days to complete the analysis of the milk.

"Then," said Darrow, "Mr. Crook erred when he said he got a report the same day?"

"No, sir."

"How's that?"

"Why there was so much strychnine in the milk I could see it on the raw cream, and I told him right away about that. I gave him a complete and careful analysis afterward."

Darrow asked a few more questions and excused the witness.

- | | |
|--------------------|---------------|
| Esther | Wickersham |
| Carl Swanhalm | William White |
| Ruth Wright | |
| Longfellow School. | |
| Otto Keller | |
| Ellen Kinneil | |
| Lenna Lake | |
| Norma Mason | |
| Carrie Miller | |
| Eugene Monroe | |
| Eugene Moon | |
| Walter Peterson | |
| Genevieve Pierce | |
| Susie Pointer | |
| Agnes Pryor | |
| Ruth Rhodes | |
| Jean Roberts | |
| Lexie Ross | |
| Eva Rour | |
| Winifred Stevens | |
| Blanche Stewart | |
| Carl Swanhalm | |
| Clara Van Orsdal | |
| Lincoln School. | |
| Jere Robinson | |
| Zelia Ross | |
| Joe Sewell | |
| Rupert Shaw | |
| Loraine Steinficke | |
| Henrietta | |
| Steinmeyer | |
| Mabel St. John | |
| Flora Veelman | |
| Verona Wood | |
| Evalona | |
| Williamson | |
| Edgar Wilson | |
| Rebecca Newlin | |

H. E. Neal, been conferred Line officials to be run to evening, carry it to the train, the Friday a letter for that the train and that a ra for the round led, without not apply to trains.

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WITH GENERAL KUROKI

Railroad Man Tells of the Japanese War Hero's Personality.

Thomas R. Witt, the Chicago passenger agent of the Pennsylvania railroad, who brought the Kuroki-MacArthur party through from the Windy City to Washington, is full of interesting experiences he has had the past decade or so personally escorting distinguished guests of the United States, he having traveled with Prince Henry of Prussia as well as many of lesser note.

"I found General Kuroki as interesting as the most interesting," said Mr. Witt. "He is a most attractive, unassuming, and thoroughly democratic personage—bold in battle, but modest in civil life. Captain Tanaka, his interpreter, also is very engaging, and, as he speaks English, was quite comfortable on the trip. It was Captain Tanaka who arrested 'Dick' Little, the daring newspaper correspondent, following the battle of Mukden. Little, with the Russian army, was in at the death, and the Japanese, realizing he might see too much if allowed to linger among them, blindfolded him when they marched him through the lines. 'I'm pinched,' said Little, in English, when Tanaka took charge of him. It was new slang to Tanaka, and it made an everlasting hit with him."

"Little was sent down to Tokio, and from there he came home. The two did not meet again till the Japanese came through Chicago. There were a thousand of more Japanese and Americans at the train, and as Tanaka gazed from the rear platform out over the crowd, he saw a slender man, head and shoulders above all others. As Kuroki was bowing, very gravely, and waving his hand in answer to the salutes, Tanaka suddenly yelled out: 'Dick! Big, tall, little Dick! I'm pinched! O, woe is me!'"

Tanaka clapped his hands in childish glee, and a regiment of Russian Cossacks could not have kept the two apart. They plowed through the crowd till they met, and Little threw his arms about the little Jap, kissing him on each cheek—the Russian form of greeting.

"This made a hit with Kuroki, and he and the other Japanese officers cheered. Little dragged the captain off toward a lemonade stand or something of the sort and wouldn't let go till the train was starting. 'I didn't know the real thing was so fine,' said the captain, as he climbed aboard. 'That's good enough to follow the flag anywhere with the constitution, as that sultan of Sulu says.'"

"The train pulled out, with everybody cheering, except Tanaka and Little. 'I'm willing to swear the eyes of both were moist.'—Washington (D. C.) Herald.

Thoughtful Husband.

Wife—Tom, I hear burglar. Husband—Then put your head under the pillow and you won't hear him.—Exchange.

Cityman—Yes, she's married to a real estate agent and a good, honest fellow, too.

Hubbub—Good gracious! Bigamy, eh?—Philadelphia Press.



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SAY'S WHAT THINK I A GOOD THIN GUESS.-E!

GET BUSY AND HAND ME SOMETHING

WITNESSES TAKE STAND TO CORROBORATE STORY TOLD BY HARRY ORCHARD

CONNECTING LINKS ARE SHOWN

Postoffice Officials of Denver and San Francisco Testify.

REGISTERED LETTER RECORDS PRODUCED

Feeble Efforts Made By Defense to Keep Out Testimony.

Connecting Pettibone's Store in Denver With John Dempsey in San Francisco—Vindicator Mine Explosion—The Murder of Lyte Gregory—The Sending of Money to Steve Adams.

Yesterday was rather an uninteresting day in the district court for spectators. At both morning and afternoon sessions many applied for admissions and many were turned away, but before either session was finished there were many who left the room. While a good number of witnesses testified along lines corroborating Orchard's confession, matters seemed to drag all through the proceedings. Perhaps the nerve-thrilling days that Orchard had spent upon the stand, during which the spectators and court attendants experienced shock after shock and sensation after sensation, had much to do with the less exciting proceedings of yesterday decidedly tame.

The prosecution yesterday entered upon the substantiation and corroboration of the story of Harry Orchard in earnest, taking up several parts of the testimony given by the state's leading witness in the trial of William D. Haywood and introducing witnesses to corroborate parts in each. It was understood that a number of witnesses for the state who are expected to supply connecting links have not yet arrived and cannot be put on until later.

Perhaps the most interesting feature of yesterday's proceedings was a continuous thread of evidence introduced connecting Pettibone's store in Denver with Harry Orchard in San

Francisco at the time the latter was in the Golden state city plotting and attempting to end the life of Fred W. Bradley. This string of evidence, evidence which tended to substantiate part of Orchard's confession regarding the part he took in blowing up the Vindicator mine and the killing of Charles McCormick, superintendent, and Shift Boss Beck, and evidence which partly developed a direct line by which the state hopes to show that Haywood engaged and paid Steve Adams money for the same desperate work as Orchard was engaged in, was introduced and added touches of confirmation to Orchard's general story.

Officials of the United States postoffice at San Francisco and Denver produced original records that showed that in August, 1904, a registered letter was sent under the name of "J. Wolfe" from the address of Pettibone's store in Denver to "J. Dempsey" at the Golden West hotel in San Francisco. Orchard swore that he stayed at the Golden West under an alias that was either "Dempsey" or "Hogan," that Pettibone used the aliases of "Wolff" and "Pat Bone," and that under the name of "Wolff" Pettibone, in the month mentioned, sent him a registered letter containing \$100 to pay his expenses while engaged on the Bradley murder.

Police officials of Ogden established the arrest there in June, 1903, of Steve Adams and A. T. Williams. They were seized up in an east-bound car loaded with fruit and when arrested for trespass each had a brace of revolvers. When released through the influence of a detective who was a brother Mason of Adams they went straight to the office of the Western Union and sent a telegram to Haywood at Denver.

The defense headed off an attempt to get the contents of the telegram before the jury but the state indicated that it would return to the charge later and further develop the incident when it has broadened its foundation. The state through an official of the Western Union produced the original of a telegram supposed to have been sent by Attorney Fred Miller of Spokane to Harry Orchard after the latter was arrested at Caldwell for Steunenberg's murder but did not introduce it because its identification is still insufficient.

The state also got an order from the court directing the Western Union to produce its records showing that Haywood sent money to Adams at Ogden.

When the Ogden testimony was introduced Steve Adams was brought into court under guard to be identified. This was his first appearance in person. Adams seemed in a defiant humor and walking to a point directly in front of the jury gazed steadily at the witness confronting him.

Besides its work on the Pettibone-Orchard and Haywood-Adams lines the state produced several witnesses who confirmed features of Orchard's story as to the Bradley affair, the first descent into the Vindicator mine with the object of doing violence, the final success of the Vindicator plot, and the circumstances under which Detective Lyte Gregory was killed.

Aside from its fight against the admission of all the evidence offered by the state on the general ground that it was in no way connected with the accused, the defense contented itself with showing that the witnesses had been located and interviewed by Pink-

(Continued on Page Seven.)

Haywood's Attorneys Made Practically No Attempts to Discredit Testimony of Corroborative Witnesses. Their Efforts Were Confined Almost Entirely to Motions to Strike Out Testimony as Irrelevant.

WITNESSES WHO YESTERDAY CORROBORATED PARTS OF ORCHARD'S TESTIMONY

L. D. GIUBBINY, former grocer of San Francisco across from Bradley residence, testified to Orchard's visit there under name of Barry. He told about the "bitter" milk and about the explosion at Bradley's residence and gave strong evidence corroborating the story Orchard had told.

H. M'CLAUGHRAY, assistant postmaster San Francisco postoffice, brought official records of that office into court which showed the receipts in that office of registered letter from J. Wolfe of Denver to John Dempsey, received August 10 and delivered August 18, 1904.

FRANK ISAACS, registry clerk in main office, San Francisco postoffice, identified registry carrier's book in which Dempsey received for the letter.

MISS PEARL MOORE, registry clerk of Denver postoffice, identified office records regarding the letter, her own signature in receipting for letter and testified the address given by the "J Wolfe" was the same as that of George A. Pettibone's store.

CLARENCE HARRAH, cage man in Vindicator mine in 1903, corroborated story Orchard told of shooting at cage man in that mine while in the mine for purpose of exploding powder stored there.

CHARLES JOHNSON, another cage man in Vindicator mine, testified regarding the explosion which killed Superintendent McCormick and Shift Boss Beck in that mine on sixth level, also corroborating Orchard's story.

J. H. M'INTYRE, special officer for Southern Pacific, from Ogden, testified to arresting Steve Adams and a companion who were stealing a ride in a fruit car over his road.

H. D. SNYDER, city jailor of Ogden, testified regarding Adams and his companion being locked up in city prison there on charge of trespass.

J. F. PNDAR, Ogden city detective, testified to seeing Adams in jail and using influence to get him released. Told of Adams going to telegraph office and sending message to Haywood asking for money.

CHARLES E. BALDWIN, a caterer's assistant of Denver, testified regarding events surrounding murder of Lyte Gregory.

G. H. HACKETT of Boise, manager Western Union for Idaho, produced telegram sent from Spokane to Caldwell from Miller to Orchard. The contents of the telegram have not yet been divulged.

JOSEPH C. HOUSTON, assistant cashier of First National bank of Denver was called but his testimony was not taken. He was called just before court adjourned for the day.

WITNESSES CORROBORATE STORY TOLD BY HARRY ORCHARD

(Continued From Page One.)

erton detectives, and that they had been given advances of expense money to come to Boise.

Haywood Appears Better.

The continued damp weather kept Mrs. Haywood away from the trial yesterday, but Haywood's mother, older daughter and half sister were present morning and afternoon. Haywood, himself, appeared in better spirits than usual. He took particular interest in the stories of the corroborating witnesses and kept what appeared to be personal notes on their testimony in a small note book. Haywood also had a bunch of newspaper clippings with him and he frequently referred to them during the testimony concerning the Bradley affair. The blowing up of the Vindicator mine and the murder of Lyle Gregory.

Richardson's voice was heard several times during the day but Clarence S. Darrow did most of the cross-examination for the defense. The cross-examination in no instance was very searching and no witnesses were induced to contradict themselves in any particular. The peculiarities of several of the witnesses and one or two little tiffs between Attorneys Borah and Darrow furnished occasional entertainment. The witnesses were inclined to be restless and on several occasions it was necessary for the sheriff to call for order. On one occasion the court took occasion to state that he had noticed a disposition on the part of some spectators to create disturbances and he gave notice that repetitions of the offense would mean exclusion from the court room during the balance of the trial.

Court resumed promptly on time and this was not in getting started with the examination of witnesses for the state. During the proceedings Attorney Richardson announced that the defense would call between 150 and 200 witnesses during the progress of their side of the case.

San Francisco Witness.

The first witness called yesterday morning for the prosecution was L. B. Gubbins, a dairyman of San Francisco, formerly a grocerman in that city in the fall of 1904. It was at his store that Orchard visited often while on his trip to see Fred W. Bradley. The witness stood near across the street from the Bradley home.

In answer to questions by Mr. Borah Gubbins said he was well acquainted with the Bradley family. He told of the members of the family. He told of Orchard's visits there under the name of "Harry".

"Harry came to my place and stood around in an open coat a little money at my bar. I had never seen him before he first came there. He hung around there. He said he liked the place because it was high up and the climate was good. He was around the bar to see Fred W. Bradley. He was taking life easy. He treated everybody who came in. He seemed to have all kinds of money and was very liberal. He didn't drink much himself."

Gubbins said Harry asked some questions about Bradley. He pointed out Bradley's residence to the stranger.

"After he had been there a few days he asked to be introduced to the girls when they came in. He was in the bar and the girls were out in the store. I introduced him to Mrs. Crowe first and then to the two Bell girls and he seemed to make a hit with them. He asked me if I could get him a room around there. He wanted a room where he could flirt with the girls. He said he was a quiet neighbor. He liked it because he wanted to sleep daytimes—so he could gamble nights."

Tells About Milk.

Gubbins told of getting a room for Orchard. He asked about the milk being bitter at the Bradley residence, the witness said he saw some of the milk and tasted it himself. It was bitter.

He remembered the explosion. He said he saw Harry the night before the explosion on a car going down his way down town at about 8 o'clock in the evening. The explosion was at about 8 o'clock in the morning. Gubbins said the building was all wrecked in front. He saw Bradley out on the sidewalk trying to get up and saw someone helping him up and taking him away. He seemed to be badly injured.

About an hour after the explosion I saw Harry there in the crowd looking at the damages. He was in the store and we talked about what was the cause of the explosion. Harry and I talked some of going into the grocery business together.

Darrow made the usual motion to strike out the evidence of Gubbins as irrelevant and immaterial. The motion was, as usual, denied. He cross-examined.

The witness told Darrow that he had come to Boise at the solicitation of a Pinkerton agent. He said he knew what he came to come up here.

that morning at the Bradley home and that it was bitter.

"I told Mrs. Bradley she should have it analyzed, but I don't know whether she did or not. All I know about that is what I heard here yesterday morning."

"You never heard whether it was analyzed or not before you came up here?"

"Sure not."

The witness said the door of the Bradley apartments where Orchard said he had placed the bomb was about eight feet from the sidewalk. At the time of the explosion, Bradley was landed on the ground just by the side of the door.

On Another Tack.

After Gubbins was excused Borah said that until several other witnesses arrived he would have to leave that part of the testimony. The next witness called was Hull McLaughray, assistant postmaster of San Francisco. McLaughray had in his possession a book-book record, a delivery receipt and a registered letter. He said they were the official documents of the office.

"The first record was a pouch bill. A list of registered matter received by a train from a postoffice. The record produced was the original. It had been made in duplicate. It showed a letter listed 'J. Wolfe to J. Dempsey.'"

It proved a very interesting document to the attorneys for the defense. They examined it for some time very carefully and finally Darrow asked to be permitted to speak with the witness about it to get certain explanations.

"No. 4932," said the witness, "is the number of a registered letter envelope sent to the San Francisco postoffice from Denver, Colorado, and the date of its receipt at our office was August 1, 1904."

McLaughray next showed the office record of contents of registered letter envelope No. 4932.

Next was introduced the station delivery book in which all the addresses of registered letters and the addresses were entered. This showed the delivery of the letter in question to have been on August 18.

After these exhibits had been properly marked as state's exhibits "L," "M" and "N" and properly identified they were given to the jurors, who examined them individually, the court instructing the jurors to do their examining separately and not in conference with each other in the matter. They were told to ask any questions they might wish of the attorneys in the case.

To Photograph Records.

On examination, McLaughray told Mr. Borah that no person could get a registered mail letter or package without being identified. Here a verbal stipulation was entered into whereby the records marked as exhibits "L," "M" and "N" should be photographed so that the records could be returned to the San Francisco office.

The defense made the usual motion to strike out the testimony, which was denied.

McLaughray was excused, after he had told Darrow on cross-examination that he had subpoenaed to appear as a witness here by a Pinkerton detective by the name of Wilson.

She testified to the receipt by her of the registered letter to Dempsey at San Francisco, sent by "J. Wolfe," and identified her own signature in the record of her office which had been properly identified and entered as state's exhibit "O."

The record showed the letter had been sent by "J. Wolfe of 725 Stout street, Denver," to "John Dempsey, San Francisco."

"Do you know whose place of business was at 725 Stout street?" asked Borah.

"I believe Mr. Pettibone had a store there."

On cross-examination Mr. Darrow

had heard about him since. Two men got on at the ninth level. At the eighth a whole lot of men got on; none on the seventh and none on the sixth. In all, 24 men got into the cage on the way up.

"I shouted to the fellow to come on to the cage; that it was the last car. I followed him into the tunnel and finally ran right into him—within a foot or two."

"Then he shot at you?"

"Yes."

"And didn't hit you?"

"I didn't think so."

"Aren't you sure?"

"Yes, I'm sure."

"Then what did you do?"

"I went back to the shaft."

"Hurriedly?"

"I went quite fast."

"Well, how fast?"

"As fast as I could go."

"On the walk?"

"No, sir; on the dead run." (Laughter.)

The witness said he told some of the miners what had happened, but did not report the matter to the officers of the militia or to the police.

"You didn't think it amounted to much?"

"Well, I wasn't just looking for it."

"It was the first time you'd ever been shot at, wasn't it?"

"No, sir."

"Almost the first time, then, I suppose?"

"No, sir."

"You were not in the army, were you?"

"No, sir."

"Well, where have you been shot at so often?"

"Down in the territory."

"What territory?"

"Oklahoma."

Search Was Made.

He said about an hour after the shooting a cage load of miners had gone down to the eighth level and searched for the fellow and later some soldiers went down and looked around but found nobody. He never heard anything about the fellow who was prowling around through the tunnel.

The witness said it was on May 10 that he had first been talked to about the incident to which he testified. He was approached by a man who told him he was a United States deputy who said it was his business to "subpoena folks and do outside work." He couldn't remember the man's name. He came to the mill and stayed a few minutes.

"The next talk I had was with Mr. Hawley. I saw 'Petibone' or 'Prettyman' in Denver."

"Prettyman, the detective?"

"Yes, sir."

Witness said he saw Prettyman at the Pinkerton detective office. He said he was there about five minutes.

Counsel for the state and defense got into a wrangle over Harrah, Mr. Darrow claiming the witness was trying to shield the Pinkerton's connection with the testimony. Senator Borah said there was nothing of the sort—that the witness could not understand the questions. Harrah denied any intention to dodge anything.

During Harrah's testimony, some words were heard by Judge Wood said if there was any demonstration of any kind in the future he would clear the room.

Did you get any money at the Pinkerton office?" asked Darrow.

"Yes, sir."

"Where?"

"In Denver."

"How much?"

"I got my car fare out here."

"You got your young man, how much money you got?"

"I got \$27.75."

After getting to Boise, the witness

was seen by Hawley, who told him where to get room and board. He drew his mileage, which amounted to \$30.

At this point Darrow was interrupted by Judge Wood, who ordered a recess until 10 o'clock.

Afternoon Session.

As soon as court convened Darrow asked Harrah if he had seen Mr. McParland since he had been in Boise. He said he had seen him several times.

"Where?" was asked.

"In Denver," was the reply.

It developed that Harrah had not seen McParland to talk to him. The detective had been pointed out to him once and he had seen him a number of times since.

"On suggestion of Nugent, Darrow asked: 'How many men did that mine cage hold?'"

"Twelve men," was the answer.

"Then these witnesses and 24 men up you made several trips up and down?"

"Yes, sir."

On re-direct examination, Borah

learned that the witness, after being shot at in the mine, had informed Superintendent Campbell of the Vindicator mine. The witness said that very shortly after that shooting incident he quit work in the mine.

ORCHARD'S DEALS WITH SPOKANE MAN

Pawns Jewelry With John Kammerer September, 1905, and Tells Him He Does Not Have to Work for Money—Later Comes Into the Shop With Big Roll of Bills and Redeems All of His Property.

"Harry Orchard remarked to me a number of times in September, 1905, that he did not have to work to get money, and that he soon would have all the money he needed," said John Kammerer yesterday, one of the proprietors of the Globe Realty company of Spokane, who was engaged in the pawnbroking business at Wallace until recently, and with whom Orchard did business, says the Spokane Review.

It was with Mr. Kammerer that Orchard pawned a number of articles of which he testified on the witness stand at Boise, in the trial of William Haywood, charged with complicity in the murder of former Governor Stuenkel of Idaho. He told the articles in pawn for over a month, and finally came to the shop one day with a big roll of bills and redeemed all the articles. This was in September, 1905, three months before the murder of the former Idaho governor.

Pawns Field Glasses.

"Sunday, September 17, I happened to be at my shop when the Spokane train arrived and a man came to me and said that he wanted to pawn some field glasses and asked what the interest would be," said Mr. Kammerer. "I told him it was \$1 a month on \$5. When he heard this he became abusive and said he would not pawn anything with me. I told him of the heavy license that a pawnbroker was forced to pay at Wallace, but he persisted in his abuse. As he was leaving he turned back and said that since he needed the money he would pawn the field glasses, although he considered the rate exorbitant. I think it was \$5 I loaned on them."

"He said to me at the time that he had just come from Denver by way of Salt Lake, Ogden, Pocatello, Idaho, and Spokane and that he was out of money."

"I don't have to work," said he. "It will not be long till I have plenty of money."

Leaves Automatic Revolver.

"He told me that his name was Harry Orchard and that was the name I entered upon my books and the card I gave him. September 22 he came to pawn, but I told him that it was difficult to sell one if not redeemed and that I did not care to advance money upon it. He then asked me to know where he could sell the rifle, but I could not aid him."

"He struck me as being a crook, and I sized him up as a thorn pricker."

"When I told him that I could not do business with him on the rifle he said that he had a gold watch chain which he would bring to me. He brought this and I advanced him money upon it September 22. It was only a few days later that he brought a watch to me which was worth at least \$25. He said that a watch had to be lifted to get off from the cage."

The witness said he never knew of any powder being stored on any of the levels. He had heard of eight men in powder stored on the eighth level, but never knew actually about it. The eighth station, he said, was cut out about 15 or 20 feet wide on one side of the shaft. There were two drifts on the level. One was called the north drift and the other the south drift. This was in November, 1903.

"I went to work there on October 3, 1903, and I have worked there right on through until I came up here. I was on the eighth level at the time of the explosion. I was the first one to arrive at the scene of the explosion."

Called as Witness.

The witness said that he knew last fall that he would be called as a witness in this case. Floyd Thompson had talked about it. Some weeks ago, he said, Mr. Cary of the Denver office of the Pinkerton agency went to see if he would have any objection to come to Boise. He had no objections to come to Boise."

"No, sir."

"Of course you paid your own expenses here?"

"I went to Denver at my own expense. I went to the Pinkerton office there and they gave me my fare to Boise. I got here a week ago today."

old friend of his at Burke, Idaho, gave it to him.

"Frequently I saw him about the gambling resort of Wallace after he had left these articles in pawn and I questioned him why he did not redeem his stuff. He always told me, as he had said in the first place, that he did not have to work and that he would have plenty of money in a short time."

"He also left a railroad ticket with me. When he left Denver he bought a round trip ticket, so he said, and he wanted to sell the return part. I told him that I did not go to buy it, but that he could sell it with me. He left a memorandum with me of the lines over which one could travel on the ticket, and also the ticket. The latter I put in my safe, but never had any call for it."

"My books do not show when the articles were redeemed, but they do show the dates they were placed in pawn. I know when he came to redeem them some had been in over time. I imagine that the field glasses were with me about 27 or 29 days."

Big Roll of Bills.

"One day he entered my shop and said he wanted to redeem all the articles. I said to him, 'Well, just ship back come in, has it?' He replied: 'I told you that I didn't have to work and that I would get money.'

"He then drew from his pocket a big roll of bills and took off what I believed to be two \$20 gold certificates. I remember the incident particularly because they were the first new \$20 gold certificates I had ever seen. The entire roll appeared to be of the same denomination and he handed me two bills. After figuring up the amount due, which I believe amounted to \$28, I handed him back a \$10 gold piece and \$2 in silver. I then noticed that one of the bills he handed me was a \$10 bill and called his attention to the fact that I had returned him \$10 too much."

"He was loud in his protest that he had no \$10 bill and ran over the bills to show me that they were all new \$20 gold certificates and that there was about \$300 in the roll. He then returned the \$10, saying that a mistake must have occurred in some way. He told me that he intended to go to Spokane that day."

"That was the last I ever saw of Harry Orchard. From his statements made at the trial he must have gone to Caldwell with Jack Simpkins the day he redeemed the articles."

"Orchard, in his early testimony swore that on this trip he and Simpkins purchased a pair of field glasses to take with them. This is something I don't understand. If Orchard owned field glasses he would not need to purchase a pair."

"It might have been that Orchard's glasses were in the trunk that he asserts was lost between Wallace, Idaho, and Spokane. But as I understand the testimony from what I have read the glasses were purchased by Simpkins before the two left Wallace."

nied and then Darrow took up the cross-examination. He drew from the witness that Adams and Williams were not the only men arrested and brought in by Mr. Intrye. He said they were brought in at 4:30 o'clock in the morning. When searched, two revolvers, a pair of field glasses and a few other little things were found. He said he looked them up that night.

Here the book in which the jailer had kept the record of arrests, etc., was brought out for reference.

Snyder said he didn't know what became of the men when they left the city jail or in whose company they were in when they were brought here. On cross-examination by Darrow, Snyder said Detective Thiele was the man who had requested him to come to Boise to testify. He said Thiele had given him \$20 out of which he paid for his trip. He said he had been paid his mileage after he got here.

Snyder was excused and City Detec-

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CHAIN OF EVIDENCE AGAINST FEDERATION OFFICIALS FORGED LINK BY LINK

FULL HISTORY OF PEABODY BOMB IS DISCLOSED

Witness After Witness Takes Stand to Support Testimony of Orchard

GOVERNOR AND MISS PEABODY TESTIFY

Bank Drafts Purchased by William D. Haywood Are in Evidence.

PAYMENTS MADE TO JACK SIMPKINS

Contents of Telegram in Which Adams Wired to Haywood for Money Divulged — Twelve Witnesses for State Verify Different Parts of Harry Orchard's Story — The Day's Proceedings in the Haywood Trial.

Twelve witnesses for the state yesterday took the stand to testify in the William D. Haywood trial and each in succession testified to matters that in every instance tended to corroborate some point in the story told by Harry Orchard. Not in one instance was there a matter testified to which in any way tended to dispute in any material feature the testimony of Orchard and in some instances new light was thrown on matters which Orchard could not fully explain because of his lack of knowledge of full particulars.

In only one instance was there any testimony introduced which differed in any regard to the testimony of Orchard and that was when W. J. Vaughn, the man who was in the insurance business with Orchard at Canon City and other places in Colorado, stated positively that there was no fraud connected with the selling of hall insurance policies. He said the policies were all straight and that every farmer who invested in them as far as he knew got value received. When Orchard was on the stand he designated his employment in selling those policies as a "bunco game." Orchard testified, it will be remembered, that after he had sold the policies he became of the opinion that the company he worked for was

CONTENTS OF TELEGRAM SENT BY ADAMS TO HAYWOOD FROM OGDEN 'DIVULGED

After a short but sharp argument between W. E. Borah for the state and E. F. Richardson for the defense yesterday, Judge Wood overruled the objection of the latter to allowing J. F. Pender, an Ogden detective, to divulge the contents of the telegram which Adams sent to Haywood from that city asking for money. Pender said he saw the telegram and remembered exactly how it read. He gave the contents of the telegram as follows:

W. D. HAYWOOD,
DENVER, COLORADO.
I AM IN TROUBLE. SEND ME SEVENTY-FIVE DOLLARS AT ONCE.

STEVE ADAMS.

oration was yesterday carried through to completion from start to finish and that was regarding the whole history of the bomb which Orchard said was made for the purpose of killing former Governor Peabody of Colorado at his home at Canon City.

Orchard's Story.
It will be remembered that while on the stand Orchard testified that the case of the bomb was made of sheet lead; that he had ordered the case made of a plumber in Denver and had told the plumber he wanted the case to plant cactus in; he told of deserting that plan for the reason that Peabody ceased sitting by a particular window while his house was being remodeled and for the further reason that Vaughn had learned he had the bomb in his suit case.

He told of leaving the bomb in his room in Canon City for a long time and of finally returning and getting it—of taking it with him when he started to Idaho. He told of finally taking the bomb out of his trunk at Wallace with the intention of destroying it and, how instead he gave it to a man by the name of Cunningham who wanted to blow up a "scab" miners' boarding house. Cunningham promised to throw the bomb in the river if he did not finally use it.

Bomb Found.
Yesterday W. H. Scholenberg, formerly a fireman in Wallace, went on the stand and identified the bomb case, which is now a state's exhibit, as the case of a bomb he found in a branch of the Coueur d'Alene river near the fire hall while cutting up

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TESTIMONY OF MISS PEABODY.
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"When the carriage stopped at our door, I got out first. As I stepped out there was a man so close I could have touched him and another man was close behind him. When I looked at him he moved slowly away. The other followed him. We watched them from the porch. As the carriage turned on Grant avenue I saw the men look into the carriage. Then they turned and ran rapidly down Grant avenue."

who was pointed out to him as Thomas Hogan and he was the same man now known as Harry Orchard. He testified that just before the time that Orchard said he gave up the plan of dynamiting the Peabody home he had commenced to remodel his house. This exactly corroborated Orchard's explanation of why he had given up the plan to kill Peabody at that time by the use of a bomb.

Brave Little Woman.
Miss Cora Peabody, a very attractive young woman, second daughter of the governor, went on the stand and corroborated that part of Orchard's story where he said he and a companion with guns ready for action came up behind a carriage which stopped at the Peabody home ready to shoot the governor, expecting him to get out of the carriage. He told of three women get-

NOTHING WRONG IN DRAFTS

Acting Secretary Kirwan So Says of the Money Sent to Simpkins.

Simpkins an Organizer and Member of Executive Committee and Money Sent Was to Cover Legitimate Expenses.

DENVER, June 15.—The convention of the Western Federation of Miners spent the entire morning listening to communications. Among the communications was one from the Globe, Arizona, miners' union suggesting that a new ritual be adopted, doing away with all signs and passwords.

Another communication was received from a member of the federation in Las Animas county, Colorado, asking that the federation investigate the killing of Alexander Obenski, an organizer of the federation by Juan Eskuanas at Rugby, Las Animas, about a month ago. It was alleged at the time that the murder occurred in a barroom row, but the communication indicated that it was a result of a conspiracy.

The afternoon session was taken up with routine work. Acting Secretary James Kirwan, who left for Boise today where he will be a witness in the Haywood trial, made the statement this afternoon that the attempt of the prosecution at Boise to show there was anything wrong in the drafts sent to J. L. Simpkins would be abortive.

He said Simpkins was an organizer of the federation and a member of the executive board; that all the drafts sent him were legitimate expenses in these capacities and that there never has been any secrecy about it. Every one of these payments had either been published in the reports of Haywood or himself as secretary-treasurer. All the expenses are itemized, he said, and are public property. The same may be said, he concluded, of many other expenses about which the prosecution is seeking to throw a cloud of suspicion.

SECOND HOMESTEAD ENTRIES

General Land Office Issues a New Circular Upon the

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Money Divulged—Twelve Witnesses for State Verify Different Parts of Harry Orchard's Story—The Day's Proceedings in the Haywood Trial.

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He told of leaving the bomb in his room in Canon City for a long time and of finally returning and getting it—of taking it with him when he started to Idaho. He told of finally taking the bomb out of his trunk at Wallace with the intention of destroying it and how instead he gave it to a man by the name of Cunningham who wanted to blow up a "scab" miners' boarding house. Cunningham promised to throw the bomb in the river if he did not finally use it.

Bomb Found.
Yesterday W. H. Scholtenberg, formerly a fireman in Wallace, went on the stand and identified the bomb case, which is now a state's exhibit, as the case of a bomb he found in a branch of the Clear d'Alene river near the fire hall while cutting ice with a fire axe. He told of turning the bomb over to a deputy sheriff.

Angus Sutherland of Wallace, formerly sheriff up there, testified to having received the bomb from Scholtenberg and of how a deputy sheriff and himself unloaded the bomb. He told of taking the bomb to the Pinkerton office in Denver on an order from James H. Hawley and he told of finding the plumber who made the bomb and of the plumber being able to identify it as his own work.

Al Dunn of Wallace, postmaster and publisher, went on the stand and verified the sheriff's story. Mrs. Dunn and himself had seen the bomb very soon after it had been taken from the river and they were present when it was unloaded.

Vaughn's Testimony.
Vaughn told of discovering that Orchard had an infernal machine in his suit case at Canon City. He had heard the ticking of a clock when none was in sight. Later Orchard had shown him the clock and explained how it could be used to explode a dynamite bomb. Orchard told him later, Vaughn said, that there was an infernal machine in the suit case which he suggested he was going to "plant under somebody across the way."

Lastly along this line Charles T. Hoach, the Denver plumber, who made the case for the Peabody bomb, was called. He said he could not identify the man who ordered the bomb made, but he remembered the incident of it having been ordered perfectly. He told about the order—how large the case was to be, etc. He said that the man who ordered it said he wanted it to plant cactus in. He said he made the case himself but did not deliver it. The charges were \$1.50. He was shown the state's exhibit and after a very thorough, careful examination he identified it positively as the one made by him.

Peabody on the Stand.
During the taking of testimony regarding the bomb Governor Peabody, the man for whom the infernal machine was intended, with his wife and daughter, who would doubtless have been victims also had Orchard carried out his plans, were very close and attentive spectators. As the bomb casing was shown several times they gazed at the destructive looking object with widened eyes and the expression on their faces plainly indicated the thoughts that were in their minds.

In corroboration of Orchard's story of his trip to Canon City to get Governor Peabody of Colorado, Governor Peabody took the stand yesterday. Of course, at the time of the attempt being made on his life the governor was ignorant of the plot against him and he was not asked any questions concerning the plot. He said in answer to questions by Mr. Borah that he had seen a man in Canon City

TESTIMONY OF MISS PEABODY.
"When the carriage stopped at our door, I got out first. As I stepped out there was a man so close I could have touched him and another man was close behind him. When I looked at him he moved slowly away. The other followed him. We watched them from the porch. As the carriage turned on Grant avenue I saw the men look into the carriage. Then they turned and ran rapidly down Grant avenue."

who was pointed out to him as Thomas Logan and he was the same man now known as Harry Orchard. He testified that just before the time that Orchard said he gave up the plan of dynamiting the Peabody home he had commenced to remodel his house. This exactly corroborated Orchard's explanation of why he had given up the plan to kill Peabody at that time by the use of a bomb.

Brave Little Woman.
Miss Cora Peabody, a very attractive young woman, second daughter of the governor, went on the stand and corroborated that part of Orchard's story where he said he and a companion with guns ready for action came up behind a carriage which stopped at the Peabody home ready to shoot the governor, expecting him to get out of the carriage. He told of three women getting out and of the three women watching his companion and himself from the porch as they went away.

Miss Peabody's story of the incident exactly tallied with Orchard's. She said her mother, sister and herself on that occasion had returned from the theatre. The men were right close to them as they got out of the closed carriage. She said they acted very suspiciously and that her mother, sister and herself watched the men from the porch as they hurried off toward the city.
Miss Peabody stood up bravely under the severe cross-examination of Mr. Richardson, who insisted that she ought to have some method of being able to establish the date of the incident approximately. Under his tiresome and repeated questions, Miss Peabody was plainly very nervous. Her sensitive nature recoiled from the prominence into which she was forced and which was greatly accentuated by the prying questions of the attorney for the defense. She had dreaded the ordeal and that she consented to travel a long way to Idaho and take the witness stand because she thought it was her duty to do so was regarded as really heroic in her case.

Victory for Borah.
Against a sustained fire of objections and motions to strike out along a record paragraphed with exceptions by the defense to rulings of Judge Wood, the prosecution yesterday tallied in several attempts to introduce evidence bearing on Orchard's story. One of these victories was when Mr. Borah was allowed to recall Detective Pendar of Ogden to testify regarding the contents of the telegram Steve Adams sent from there to William D. Haywood asking for money. Pendar testified that he knew the exact wording of the telegram. Richardson fought hard to keep this testimony out, but it was admitted on the showing by Mr. Borah that the original copy had been destroyed by the telegraph company and the state had no way of getting the copy, also that he wished the wording of the telegram introduced as a declaration by Steve Adams who, he claimed, was a co-conspirator.

Money Paid Simpkins.
In introducing Joseph C. Houston, assistant cashier of the First National bank of Denver, the state showed by the originals of six drafts on New York banks, five of which were purchased at the First National bank of Denver by Haywood himself, that during 1904, 1905 and 1906 money was frequently remitted by Haywood to L. J. Simpkins, former member of the executive board of the Western Federation of Miners who as "Simons" came to Caldwell with Harry Orchard and assisted in the first attempt

(Continued on Page Seven.)

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SECOND HOMESTEAD ENTRIES

General Land Office Issues a New Circular Upon the Subject.

WASHINGTON, June 15.—The general land office, with the approval of the secretary of the interior has issued a circular to the local land offices and the public generally, relating to the matter of allowance of second homestead entries. The only general law under which second homestead entries may be allowed is that of April 28, 1904, which is applicable to those parties who made and lost, forfeited or abandoned their entries prior to the date of the act, because of an honest mistake as to the character of the land, or an unavoidable complication of personal or business affairs. Full instructions are given in the circular as to the proofs which must be submitted by those who believe themselves entitled to second homestead entries. The department holds that it is without authority to allow second entries to those who forfeited their entries subsequent to April 28, 1904, or to allow second homestead entries in any case where a valid original entry was made, in the absence of legislation expressly authorizing second homestead entries.

SOUTHERN PACIFIC PUBLICITY P

SAN FRANCISCO, June 15.—The Southern Pacific company today announced that it will hereafter be the policy of the company to give the fullest publicity as to the causes of accidents and that copies of official reports of inquiries would be made public regardless of contents. In line with the new policy the reports of boards of inquiry appointed to investigate the wreck at Bradley, May 29, and the wreck of the Mystic Shriners' special at Honda, May 11, were given out. Concerning the Bradley wreck the board reported as follows: The track at this point is laid with 75-pound rail and tie-plated. The track had gravel ballast and following the heavy rains of this spring the tendency was for the ballast at the end of the

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CHAIN OF EVIDENCE AGAINST FEDERATION OFFICIALS

(Continued From Page One.)

to kill Steunenberg. The last draft sent in January after the murder was cashed by Mrs. Simpkins, presumably after Simpkins had fled.

Interesting Testimony.

Interesting indeed and highly corroborative of parts of Orchard's confession was the testimony of Major Naylor, in charge of Colorado's state militia during the Cripple Creek disturbances. With his testimony came the production of the shattered and twisted fragments of the device by which the Vindicator bomb was set off and this led to an extended inquiry into events centering about Cripple Creek during the strike and martial law days. The defense tried to show that there had been unwarranted deportations of union miners, that the calling of the militia was unwarranted, that union stores had been looted, that agents of the mine owners had committed acts of violence and incited others to violence, that union miners had been flogged and driven from their homes, and that peace officers controlled by the mine owners had employed deputies who were gun-fighters, thugs and criminals.

Pendar Recalled.

At the opening of court yesterday morning that part of the court room reserved for spectators was about half filled. But four women were present. Mr. Borah asked to recall Detective Pendar, the Ogden police force official. Mr. Borah stated that under the contention that Steve Adams was one of the co-conspirator in the case, it would be admissible to show the contents of the telegram sent by Adams from Ogden to Haywood. He said at this time he was not endeavoring to show that the telegram ever reached Mr. Haywood, but he declared he had a right to introduce evidence to show the contents of the telegram as a declaration of one of the conspirators. "Later," said Borah, "we shall show that Haywood did get the telegram and acted upon it."

The judge said he had no doubt about it being proper to introduce the evidence of the contents of the telegram, provided the proper grounds or showings were made for a foundation for the presentation of secondary evidence.

Borah replied that it had already been shown that the telegram had never been in the hands of the prosecution.

"It was a declaration of a co-conspirator, although written out on a telegraph blank. We should be allowed to introduce the testimony of a person who saw the telegram upon the foundation we have made that we have not had the telegram in our possession nor any means of producing the telegram."

Richardson replied that the testimony could not be regularly introduced unless it could be shown that the telegram was a declaration that proved something regarding the conspiracy.

"If Adams went to California or somewhere else to take part in a conspiracy and on returning to Denver went broke and wired Haywood for money to get home, the telegram would not be proof of that conspiracy. It would only be an incident of something that happened after the conspiracy was a thing of the past—of an event which had nothing to do with the conspiracy."

Pendar was asked if he saw the telegram filed. He said he saw the telegram written, but did not see it filed.

The court overruled the objection and ruled that the contents could be divulged merely as a declaration of an alleged co-conspirator.

Pendar was asked to state the contents of the telegram and without hesitation he repeated the following:

Adams' Telegram.

DRIVER PLUMBER TESTIFIES.

"In May, 1905, a man came into my office and asked me to make a sort of a sheet lead bucket. I asked him what he wanted it for and he said to plant a cactus in. I went ahead and made the vessel."

The witness identified the leaden case on the table as the one he had made at that time. He said he had seen the vessel afterwards at Pinkerton headquarters.

Wm. D. Haywood and indorsed to L. J. Simpkins, cashed by "Matilda Simpkins (wife)," at Traders' National Bank of Spokane.

After some argument Judge Wood ruled that on the state showing the connection between Simpkins and the defendant he would admit the drafts as evidence.

The bundle of drafts were examined very closely by Haywood, who conferred with Clarence Darrow on each one.

Borah Wins His Point.

"We claim Simpkins and Haywood were both conspirators. That being true, I understand we can show any dealing between the two parties. The evidence has already connected Simpkins with the affair and these drafts show that the dates corresponding with the time when it has been charged Simpkins was with Orchard," said Borah.

"For the purpose of showing existing relations between the defendant and Simpkins the drafts may be introduced as evidence," ruled the court.

Here a bunch of 21 other drafts and checks were identified and marked as state's exhibit "R." They were not offered as evidence at that time, Mr. Borah stating he had some connecting evidence to introduce first.

In cross-examination Houston said that thousands of drafts were sent out in the course of a year by Haywood, or, in his absence, by Kirwan, his assistant.

Major Naylor Called.

Major H. A. Naylor of Victor, Colorado, assistant secretary of the Mine Owners' association there, was next called. He said that he knew Steve Adams, Sherman Parker and W. F. Davis. At the time of the Vindicator mine explosion he was a major, he said, in the Colorado national guard.

"I arrived at the mine at about 12 o'clock with a small force of men. We went down in the cage and made an investigation. We saw the dead bodies of McCormick and Beck. Their bodies were badly mutilated. I found parts of a revolver that had been blown apart."

Here, on instructions by Borah, the witness produced the parts of the broken firearm. Major Naylor identified the parts, told where they were found on the sixth level of the mine, and Mr. Borah then offered them in evidence. The defense objected, but the exhibits were admitted.

Naylor then produced a short piece of wire which, he said, he had taken off of the safety bar at the sixth station, where the explosion occurred. This was marked as a state's exhibit and after identification was admitted as evidence, notwithstanding the objections of the defense.

Major Naylor said the mine at the time of the explosion was operated by non-union labor.

Cross-Examination.

Mr. Richardson took up the cross-examination.

Major Naylor said he was commissioned in 1902 and when the state militia was called out in 1903 he entered into active service. He told of how a sergeant and 16 or 20 men were detailed to guard the Hull City property.

Major Naylor laughed when Rich-

in office at the time of the Cripple Creek disturbances, entered the court room while Major Naylor was under cross-examination. He was accompanied by his wife and daughter. They were given seats inside the bar a few feet behind Haywood.

Naylor said the troops were ordered into Cripple Creek September 4, 1903, but there was no disorder until November 15, when the spike pulling matter or alleged attempt to wreck a Florence and Cripple Creek train came up.

Naylor said he heard about the looting of union stores by soldiers but he had nothing to do with it; in fact the body of the militia was not on duty at the time—the local company were the only soldiers in the territory then. Some of these soldiers, Naylor added, were blown up on the platform of the Independence depot.

"After the union men were deported from Cripple Creek," asked Richardson, "did you sing the song entitled, 'They Can't Come Back?'"

"No, sir."

Senator Borah questioned the witness briefly on redirect.

"Did you ever wear a button on which was printed, 'I am an undesirable citizen?'" asked Borah.

"He didn't need that kind of a button," interposed Richardson.

"No," inquired Borah, "There are a lot of you fellows who could wear them very gracefully."

"Well, why don't you get one?" asked Darrow with the accent on the "you."

Independence Explosion.

Major Naylor said when he arrived at the Independence depot on the night of the explosion he saw the effects of the explosion. There were 14 dead bodies lying around and a large number of others were more or less severely injured. He saw the wire stretched along down the sidetrack which had probably been used to operate the mechanism which had exploded the powder. The depot end of the wire was wound around a chair leg.

"The explosion was on June 6, 1904, at about 2:30 in the morning. It was in connection with the explosion here that I first heard of Harry Orchard. He was suspected of having caused the explosion."

Richardson asked a few questions on re-cross-examination.

Naylor said that at 2:30 in the afternoon of the day of the explosion the militia was called out. He heard Clarence Hamlin talk from a wagon that afternoon at about 2 o'clock. He had talked about three minutes when someone fired a shot at one side of the wagon.

"Then the troops were called out?"

"Not immediately."

"And when they came out the first thing they did was to go down and shoot up the miners' union hall?"

"No, not the first thing."

"What did they do first?"

"Cleared the people off the streets—attempted to preserve order."

"Then they began bombarding the union hall?"

"Both sides were bombarding. Both sides had firearms."

"Both sides were?"

"Yes, they were in the union hall bombarding us and we on the outside bombarding them."

"Oh, we were?"

"Yes, sir."

"How many soldiers were there?"

"Only a few—80 or 100."

"You helped with the bombarding—you did some shooting?"

"Well, I had no gun."

Major Naylor said there were a number of disorderly characters besides strikers who were at that time deported from the district under martial law. Major Naylor was excused.

Peabody Bomb Found.

The next tact of the prosecution was to trace the Peabody bomb which Harry Orchard said he had taken from Denver to Wallace, Idaho, with him. He had had it made, he said, by a plumber in Denver in Denver and finally at Wallace gave it to a man named Cunningham, who wanted it to blow up a "scab" boarding house; Cunningham was instructed by Orchard to throw the bomb into the river if it was not used.

The next witness called was W. H. Scholenberg of Spokane, formerly of Wallace. He was the man who found the bomb in a branch of the Coeur d'Alene river in March of 1906 near the fire station and close to the city jail.

He said the place where he found the bomb was not over 15 or 20 feet

ADAMS AT POCATELLO.

J. J. Rich of Salt Lake, formerly professor of the Tanner house in Pocatello, remembered that a man by the name of J. Ward stopped at his hotel on September 24, 1905. In Steve Adams, whom he had seen in the court room the previous day, he recognized the man he had known as J. Ward.

made at that time. He said he had seen the vessel afterward at Pinkerton's headquarters. Roach did not believe he could identify the man who ordered the casing made. He was not cross-examined.

Miss Peabody Testifies.

Miss Cora May Peabody, daughter of ex-Governor Peabody, was next called. She told of living on Grant avenue in the winter of 1904.

The strikingly handsome young woman was called upon to testify as to the time Orchard said he and an accomplice stole up behind Governor Peabody's carriage one night early in 1904 prepared to shoot the chief executive of Colorado. Only a party of women alighted and Orchard ran away.

Miss Peabody said that she and her mother and sister had been to the theater one evening. Upon their return home they alighted to find two men almost at the carriage door. She said:

"When the carriage stopped at our door, I got out first. As I stepped out there was a man so close I could have touched him and another man was close behind him. When I looked at him he moved slowly away. The other followed him. We watched them from the porch. As the carriage turned on Grant avenue I saw the men look into the carriage. Then they turned and ran rapidly down Grant avenue."

On cross-examination Miss Peabody was asked if she had not been appointed a colonel in the Colorado National Guard. She said it was her sister.

"So we are not addressing Colonel Peabody," commented Haywood's attorney, as he plunged into a long line of questioning designed to fix the date of the incident testified to. Miss Peabody could not say what the date was, even approximately. She did not recall what theater the party attended.

Governor Peabody Called.

Governor Peabody was next called. He stated he went to Canyon City to reside after his time of office expired. He said he knew a man who had been pointed out to him as Harry Orchard. He said he had seen that man on the streets in Canyon City in 1905. He said that in that year he was engaged in remodeling his house in Canyon City.

Borah had turned the witness over to the defense for cross-examination when a recess was taken to 1:30 o'clock.

Afternoon Session.

There was the usual large crowd at the afternoon session. At the time the jurors filed in, five minutes before the convening of court, fully four-fifths of the seats reserved for spectators were occupied, and before the afternoon proceedings started quite a number of spectators were turned away.

It was five minutes after the time set for convening that Judge Wood entered the court room and took his seat. Governor Peabody at once resumed the witness chair for the purpose of being cross-examined, but immediately was excused as Attorney Richardson announced there would be no cross-examination.

Showing Intimacy.

E. S. Raymond, special policeman for 19 years in Denver, was called. He told Borah he knew George A. Pettibone and William D. Haywood. He had known a man in Denver who went by the name of Thomas Hogan. He formerly worked on beat 22 near the Haywood residence in 1904. He said he had seen the man Hogan, Pettibone and Haywood on numerous occasions together in that vicinity—mostly in the evening.

"You may examine the witness," announced Borah.

Raymond said he had been on one beat in Denver for four years. He said he had seen Haywood, Pettibone and Thomas Hogan together a number of times between spring and fall

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Borah replied that it had already been shown that the telegram had never been in the hands of the prosecution.

"It was a declaration of a co-conspirator, although written out on a telegraph blank. We should be allowed to introduce the testimony of a person who saw the telegram upon the foundation we have made that we have not had the telegram in our possession nor any means of producing the telegram."

Richardson replied that the testimony could not be regularly introduced unless it could be shown that the telegram was a declaration that proved something regarding the conspiracy.

"If Adams went to California or somewhere else to take part in a conspiracy and on returning to Denver went broke and wired Haywood for money to get home, the telegram would not be proof of that conspiracy. It would only be an incident of something that happened after the conspiracy was a thing of the past—of an event which had nothing to do with the conspiracy."

Pendar was asked if he saw the telegram filed. He said he saw the telegram written, but did not see it filed.

The court overruled the objection and ruled that the contents could be divulged merely as a declaration of an alleged co-conspirator.

Pendar was asked to state the contents of the telegram and without hesitation he repeated the following:

Adams' Telegram.

W. D. Haywood,
Denver, Colorado.
I am in trouble. Send me
\$75 at once.
Steve Adams.

There was no cross-examination.

Bank Drafts in Court.

J. C. Houston, assistant cashier of the First National bank of Denver, was next called. He stated that the Western Federation of Miners did business with his bank. He knew the signature of W. D. Haywood.

Borah showed the man six New York drafts on the First National bank of Denver. These were identified by the witness.

"The drafts," he said, "were purchased at our bank. The signatures on the back of each that I know are those of W. D. Haywood and James Kirwan. The latter's name appears only on one. Mr. Haywood's name is signed as secretary and treasurer of the Western Federation of Miners and Mr. Kirwan's signed as acting secretary and treasurer."

"We introduce these in evidence," announced Borah.

"Well, we want to see them before they are admitted," said Richardson.

The drafts were turned over to the defense attorneys and they spent about five minutes in looking them over and conferring. Richardson, Nugent and Green held an earnest consultation. Darrow was not present just then.

Richardson finally objected to the introduction of the drafts as evidence. His objection was based on the ground of irrelevancy and immateriality.

Dates and Amounts.

Richardson said the drafts could have no connection with the murder of Steunenberg. He read from the face of the drafts the date and amount of each as follows:

January 27, 1904; \$93.20; Mechanics' National Bank of New York; by Wm. D. Haywood and indorsed to L. J. Simpkins; cashed by the Webber Bank at Wardner.

January 18, 1905; \$62.50; National Bank of Commerce of New York; by Wm. D. Haywood and indorsed to L. J. Simpkins; cashed by the Exchange National Bank at Coeur d'Alene.

January 26, 1905; \$319.30; First National Bank of New York; by James Kirwan and indorsed to L. J. Simpkins; cashed by the Exchange National Bank at Coeur d'Alene.

October 29, 1905; \$115.60; National Bank of Commerce of New York; by Wm. D. Haywood and indorsed to L. J. Simpkins; cashed by the Exchange National Bank with the additional indorsement of Frank Tibbals.

December 3—(second figure cut out) 1905; \$100; Mechanics' National Bank of New York; by Wm. D. Haywood and indorsed to L. J. Simpkins; cashed by the Spokane and Eastern Trust company with an additional indorsement.

January 17, 1906; \$166.35; National Bank of Commerce of New York; by

Major H. A. Naylor of Victor, Colorado, assistant secretary of the Mine Owners' association there, was next called. He said that he knew Steve Adams, Sherman Parker and W. F. Davis. At the time of the Victor mine explosion he was a major, he said, in the Colorado national guard.

"I arrived at the mine at about 12 o'clock with a small force of men. We went down in the cage and made an investigation. We saw the dead bodies of McCormick and Beck. Their bodies were badly mutilated. I found parts of a revolver that had been blown apart."

Here, on instructions by Borah, the witness produced the parts of the broken firearm. Major Naylor identified the parts, told where they were found on the sixth level of the mine, and Mr. Borah then offered them in evidence. The defense objected, but the exhibits were admitted.

Naylor then produced a short piece of wire which, he said, he had taken off of the safety bar at the sixth station, where the explosion occurred. This was marked as a state's exhibit and after identification was admitted as evidence, notwithstanding the objections of the defense.

Major Naylor said the mine at the time of the explosion was operated by non-union labor.

Cross-Examination.

Mr. Richardson took up the cross-examination.

Major Naylor said he was commissioned in 1902 and when the state militia was called out in 1903 he entered into active service. He told of how a sergeant and 16 or 20 men were detailed to guard the Hull City property.

Major Naylor laughed when Richardson asked if four soldiers had not been detailed to go out and shoot up the Victor mine tool houses. He had never heard of that affair.

Major Naylor did not know that the Victor company had been behind with their dues to the Mine Owners' association.

"You have an intense animosity against the members of the miners' union."

"I can't say that I have."
"Were you with Sherman Bell when he said: 'To hell with habes corpus; we'll give 'em post mortems?'"

"I was not present on that occasion," was the reply.

"You helped deport many union miners?"

"Not personally."
"Did you ever wear one of those buttons, 'They can't come back?'"

Naylor smilingly replied he had not worn such a button. He had never heard of a song by that title.

Major Naylor said he succeeded Michael Connors as marshal of Victor, Colorado, when the latter was suspended.

"And you were appointed because of your well known hatred and animosity toward the Western Federation of Miners?" declared Richardson.

"I don't know that I was."

Naylor was asked as to the character of various men who served under him as marshal, among them "Kid" Waters, Jim Warford, Jack Bowman, and others. A question by Richardson as to whether or not these men were known as professional "gun men" was ruled out by Judge Wood. Attorney Richardson developed the fact, however, that Warford is now in the penitentiary. Naylor denied ever having known Tom Hogan or Harry Orchard. Naylor said as marshal he had no power to name his deputies and never even recommended the appointments of the men mentioned by Richardson.

To Connect Mine Owners.

Mr. Richardson here indicated the purpose of the defense to attempt further to connect the Mine Owners' association with the outrages in Cripple Creek, this time with the Independence depot explosion to which Orchard has confessed on the stand, implicating Steve Adams. The attorney wanted to know if Naylor had not attended a meeting with Orchard and others at Victor the evening of June 5, 1904, and if he had not informed the militia to be ready—that something was going to happen. Naylor denied that he had ever attended any such meeting and said the militia was not on duty at the time.

"But you were anxious to get the militia back, weren't you?"
"No sir; there was no reason to have them there."

Richardson next attempted to show that as major of the militia, Naylor took all of his orders from the Mine Owners' association, but the witness declared he knew of no orders coming from the association at any time.

Former Governor Peabody, who was

"What did they do first?"

"Cleared the people off the streets—attempted to preserve order."

"Then they began bombarding the union hall?"

"Both sides were bombarding. Both sides had firearms."

"Both sides were?"

"Yes, they were in the union hall bombarding us and we on the outside bombarding them."

"Oh, 'we' were?"

"Yes, sir."

"How many soldiers were there?"

"Only a few—80 or 100."

"You helped with the bombarding—you did some shooting?"

"Well, I had no gun."

Major Naylor said there were a number of disorderly characters besides strikers who were at that time deported from the district under martial law. Major Naylor was excused.

Peabody Bomb Found.

The next fact of the prosecution was to trace the Peabody bomb which Harry Orchard said he had taken from Denver to Wallace, Idaho, with him. He had had it made, he said, by a plumber in Denver in Denver and finally at Wallace gave it to a man named Cunningham, who wanted it to blow up a "scab" boarding house. Cunningham was instructed by Orchard to throw the bomb into the river if it was not used.

The next witness called was W. H. Scholenberg of Spokane, formerly of Wallace. He was the man who found the bomb in a branch of the Coeur d'Alene river in March of 1906 near the fire station and close to the city jail.

He said the place where he found the bomb was not over 15 or 20 feet from either building.

"I notified Deputy Sheriff Hicks and he took it away in a gunnysack. The bomb was loaded at that time."

The witness was shown state's exhibit "J"—the lead casing of what Orchard said on the stand was the casing of the bomb intended for Peabody. He identified the exhibit as the casing he found in the river.

Scholenberg said he found the bomb while he was cutting ice in the river. His fire axe struck into the bomb.

The defense, before cross-examination, made its usual motion to strike out the testimony. The motion was overruled.

Witness told Richardson it was about 8 o'clock in the morning of the 15th of March that he found the bomb.

Sheriff Sutherland Called.

Deputy Sheriff August Sutherland, former sheriff of Shoshone county, was next called. He told of Deputy Hicks having brought in the bomb. He said:

"I took the board top out of the casing and removed some of the contents—some giant powder. J. N. Dunn and his wife and Mr. Hicks were also present. Hicks then took the rest of it out. I was ordered to take it to Denver, which I did. I took it to the Pinkerton office. I showed it to Mr. Roach. I then took it back to Wallace and delivered it at Boise the 19th of last month."

A motion to strike out the testimony was denied.

On cross-examination Sutherland said he took the bomb to Denver by order of Mr. Hawley. He showed the bomb to Roach at Pinkerton headquarters.

"I unloaded part of the bomb and Hicks took the rest of the contents out."

Another Wallace Witness.

The next witness called was Al Dunn of Wallace, publisher of the Idaho Press and also postmaster. He said himself and wife were in the back yard of the county jail and saw Hicks and another man unload the bomb. He told about the board in the top of the bomb and had estimated that there were about 40 pounds of powder in it. Dunn said he had not come to Boise at the solicitation of any Pinkertons.

Plumber on Stand.

The next witness called was Charles T. Roach, a plumber of Glenwood Springs, Colorado. In 1904 he was in business in Denver. His place of business was No. 1551 Court place. In May or April, he said, he had been solicited by someone to make a lead sheet bucket for plants.

"In May, 1905, a man came into my office and asked me to make a sort of a sheet lead bucket. I asked him what he wanted it for and he said to plant a cactus in. I went ahead and made the vessel."

The witness identified the leaden case on the table as the one he had

said that in that year he was engaged in remodeling his house in Canyon City.

Borah had turned the witness over to the defense for cross-examination when a recess was taken to 1:30 o'clock.

Afternoon Session.

There was the usual large crowd at the afternoon session. At the time the jurors filed in, five minutes before the convening of court, fully four-fifths of the seats reserved for spectators were occupied, and before the afternoon proceedings started quite a number of spectators were turned away.

It was five minutes after the time set for convening that Judge Wood entered the court room and took his seat. Governor Peabody at once resumed the witness chair for the purpose of being cross-examined, but immediately was excused as Attorney Richardson announced there would be no cross-examination.

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"You may examine the witness," announced Borah.

Raymond said he had been on one beat in Denver for four years. He said he had seen Haywood, Pettibone and Thomas Hogan together a number of times between spring and fall of 1905—not less than half a dozen times.

"It may have been a dozen times," he said.

He had seen all three together at least three or four times. At one time in particular he saw Haywood and Hogan go into Pettibone's house together. He remembered another occasion of passing Pettibone's house when Haywood and Hogan were on the front porch together.

"Nothing strange about that, was there?"

"Not particularly."

"Why do you remember it?"

"Because there was some comment in the neighborhood about it. I was asked by somebody who the man Hogan was."

"It wasn't unusual for people along this street to be sitting on their porches, was it?"

"No, sir."

"Who asked you to come up here to testify?" asked Richardson.

Raymond replied that he had been asked by a Pinkerton. He said the man came to his home and asked him a lot of questions.

"And you told him all you knew?"

"Not until I had found out who he was," was the reply.

"And then he wanted you as a witness?"

"I wasn't subpoenaed until a very long time after that."

"You came willingly, I suppose?"

"No, I didn't want to come. I didn't care to testify."

"You didn't think you knew anything of great importance to testify to, did you?"

"No, I didn't think my testimony would be very valuable."

"You don't think so yet—do you?"

"It doesn't appear to me to be of very great account."

Witness was excused.

Orchard's Former Partner.

W. J. Vaughn, yard master of the Soo Line railway in Minneapolis, was next called. He had followed railroad-ing all his life. In the year 1903, he told Borah, he was in Colorado and met a man by the name of Dempsey at the Belmont hotel.

"I first met Dempsey in the fall of 1903," said the witness. Dempsey was the same man who testified here as Harry Orchard. It was in April 1904 that I met him again. I don't know how long he stopped there. I can't say just when it was he went out to write insurance, but it was in the fore part of April, 1905. I saw him later in Canyon City. We were there together—both attempting to write life insurance. We roomed together with an old lady about 60 years of age. I didn't know her name then—I've heard it since. He then went by the name of Thomas Hogan."

"While in the room with Orchard," Vaughn said, "I heard a clock ticking in the room and spoke to Orchard about it. I couldn't see any clock."

(Continued on Page Eight.)

CHAIN OF EVIDENCE AGAINST FEDERATION OFFICIALS

(Continued from Page Seven.)

Later, in moving stuff around the room, I moved his suitcase. I was surprised to find it so heavy."

The witness said he left the room after the clock conversation and when he returned, he said, Orchard had the clock out and was tinkering with it.

"He told me how he could use the clock to explode a dynamite bomb in a mine. I wasn't much interested and told him so. Later Orchard told me in a joking way he had something in his suitcase that he was going to put under 'somebody across the way.' Later, in Denver, in answer to a question, Dempsey told me his grip was still in the room at Canyon City."

The witness said Orchard had pointed out the Peabody home to him and mentioned the fact that the governor had a habit of sitting at one particular window to read each evening.

Cross-Examination.

On cross-examination by Richardson, Vaughn said that after he met Dempsey at the Belmont he went away in December 1904 and stayed quite a long time. Vaughn said he went to Minnesota visiting. He didn't know what Dempsey was doing during his absence. It was in the early spring that he again met him.

"He was then going by the name of Hogan. I heard he was making good money writing insurance and I went to him to find out about it. He told me he was doing well. I was looking for something."

"I followed Hogan to Canyon City and we worked very hard to write insurance—both of us—for the six days we were there. He worked harder than I did, I believe."

"Did you write any?"

"No, sir, but we worked up some prospects."

"And he pointed out Peabody's house the same as others?"

"Yes, but it was right there I became very suspicious of him."

"For what reason?"

"For several reasons—his general actions. He seemed insincere."

"Did you think he was probably 'nutty'?"

"I thought he was bug-house."

The witness said they decided to go to Rocky Ford. He said Orchard did not appear anxious to go, but he finally persuaded him to go. At Rocky Ford they changed from life to hail insurance and moved from Rocky Ford to Los Animas. He told of the trip back to Denver and of leaving Orchard there. He told of himself and Hogan later joining and canvassing together.

"And you made good money together?"

"Not very."

"You two cleaned up about \$800, didn't you?"

"No, sir."

"How much did you make?"

"I probably made \$100 myself."

Not a Bunco Game.

The witness stated that while he was selling hail insurance he was selling insurance that was entirely legitimate. "Every person who took a policy in that company from me got value received for his money. It was not a bunco game."

This was the first testimony offered

that in any way was contrary to the story told by Orchard. Orchard had said on the stand that he considered the hail insurance business a "sort of a skin game." He said the policies were practically worthless.

On re-direct examination the witness said he was a union man and had been for years.

The witness said he knew nothing of what Orchard had done or how successful he was while out canvassing for insurance by himself.

The usual motion to strike out the testimony as not being germane to the case was overruled.

Hotel Man Called.

J. W. Rich of Salt Lake, formerly proprietor of the Tupper house in Pocatello, was next called. He remembered that a man by the name of J. Ward stopped at his hotel on September 24, 1903. In Steve Adams, whom he had seen in the court room the previous day, he recognized the man he had known as J. Ward.

Here the Tupper hotel register was produced and the page for the date of September 24, 1903, was marked as state's exhibit "U" and entered as evidence.

Orchard said that in 1903 Haywood told him he had sent Steve Adams to Pocatello to throw some "Pettibone dope" or Grecian fire into a car of non-union miners expected through there.

The witness said Ward had been at the hotel three nights.

The motion to strike out the evidence of Mr. Rich was overruled.

On cross-examination, Rich said he could remember Ward's face very well. He couldn't do that regarding all his guests, but he remembered this man very well. He said he quit the hotel business in December following the visit of Adams to Pocatello.

Documentary Evidence.

At this time Mr. Borah said his side desired to introduce in evidence two decisions of the supreme court of Colorado.

Mr. Richardson said that the defense would strongly object to the introduction of any supreme court decisions of Colorado as evidence in the case.

"We expected you would do that," replied Mr. Borah, "and will be amply prepared to meet your objections when the time comes. What I want to know is whether or not you will insist upon our producing the original records or will you consent to the introducing of the court reporter on the decisions, providing this court allows us to introduce those decisions as evidence?"

"Oh, we will not make you any trouble regarding that matter," replied Richardson magnanimously.

It is understood that two decisions of the Colorado supreme court which Mr. Borah will endeavor to have introduced in evidence are the opinion written by Justice Gabbert denying a writ of habeas corpus for Charles H. Moyer and the opinion written by Justice Goddard declaring the eight-hour day law for miners unconstitutional. The decisions are to be introduced if possible to show the reason why Haywood may have wanted the two judges put out of the way.

Here Mr. Richardson said he would

like to have the prosecution give him some idea of when he had better call upon the witnesses for the defense to be present.

"You had better get your witnesses here about Wednesday," said Borah!

"Remember there will be no session of the court in this case on Monday," suggested the judge.

Borah replied that it all depended upon how much time was taken up by the defense in cross-examination whether the state's witnesses would be through by Wednesday or not. It might possibly be longer than that but to be safe he thought Wednesday would not be too soon for the defense to have its witnesses on hand.

Richardson replied that he would act in accordance with Borah's suggestion and notify defense witnesses to be ready on Wednesday. He said he thought there would be no difficulty in getting them all here by that time.

Court took a recess until 4 o'clock to attend to some other court matters and then an adjournment was taken until 9:30 o'clock Tuesday morning, when the trial proceedings will be resumed.

TENNIS CLUB TO START A SERIES

First of Schedule to Be Played
Tomorrow by Members of
Three Classes.

The Y. M. C. A. tennis club tomorrow afternoon will start a series of games that have been arranged for during the season. The complete schedule of the series has not as yet been finished but Physical Director Lee has the matter in charge and will have the schedule completed within a few days.

Mr. Lee has divided the members of the club into three grades, class a, class b, and class c, and the series will be played between those in each class and by the time for the finals it is expected that there will be great rivalry for the championship of the club.

Those who will play Monday afternoon are Dr. J. M. Taylor, and S. E. Blaine of class a; G. W. Barker and Oscar Colvin of class b, and Harry Stottler and Arthur Field of class c.

The Magic No. 3.

Number three is a wonderful mascot for Geo. H. Parris, of Cedar Grove, Me., according to a letter which reads: "After suffering much with liver and kidney trouble, and becoming greatly discouraged by the failure to find relief, I tried Electric Bitters, and as a result I am a well man today. The first bottle relieved and three bottles completed the cure." Guaranteed best remedy for stomach, liver and kidney troubles, by all druggists. 50c.

Capital Grain & Com. Co., Ltd.
Wholesale dealers in grain and hay
Cash prices
Oats \$1.30; wheat \$1.40; barley \$1.50
Corn \$1.25; mill feed \$1.15.
R. B. Horrie, manager.
320 South Thirteenth street.

See the new tailor and get satisfaction; biggest stock. Cope, 109 South Ninth street. Idaho Trust building.

The Orchard.

Some people go in the orchard when they belong in the kindergarten. Go to Brand's for good service.

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VERDICT OF GUILTY AT MOSCOW

er, Keitenbach and Dwyer
 convicted on Two Counts.
 Acquitted on Three.

Reaches Agreement at
 15 Sunday Evening—Pro-
 sition Regards Verdict as
 Final Victory and Will Push
 Remaining Cases.

PORTLAND, June 16.—A special to
 regional from Moscow says:
 jury in the north Idaho land
 case returned a verdict of
 on two of the five counts of the
 ment against V. H. Kester, Wil-
 Dwyer and W. E. Keitenbach
 acquitted them on the other three
 s. The jury reached its verdict
 15 o'clock, after the court offi-
 given up hope for the night.
 V. Robinson, the sick juror, was
 d into court on a cot and was at-
 tled by a trained nurse, his head
 wrapped in bandages and his
 covered with blankets. After
 the jury Judge Dietrich exam-
 be verdict and ordered the clerk
 d it. The defendants were ac-
 d on counts one, two and five
 found guilty on counts three and

at three is known as the "Corey
 ment" and count four as the
 L. Wilson indictment." Corey
 Wilson, acting with the defend-
 each filing in quarter sections
 her land in 1904, for which they
 ed approximately \$5 an acre.
 prosecution regards the verdict as
 of victory which paves the
 for the prosecution of similar
 which will be tried at the fall
 of the federal court.

Jury was discharged but was
 d to report at 8:20 tomorrow
 ng. It is said notice of appeal
 United States court of appeals
 can be filed by the attorneys for
 fence. Keitenbach is president
 Kester is cashier of the Lewiston
 and Bank of Lewiston, Idaho,
 is a timber cruiser. He also
 of Lewiston.

LONG SLEEP ENDS IN DEATH

Thomas Webster of Horseshoe
 Bend Dies in Kansas
 City Hospital.

OKLAHOMA CITY, June 16.—Thomas
 Webster, aged 60 years, of Horse-
 shoe Bend, Ida., who began to sleep
 in train between Kansas City and
 on April 1, and who did not
 his eyes thereafter for 77 days,
 at the general hospital here to-
 day. A committee of doctors who ex-
 amined Webster said his sleep was
 d. He was suffering from acute
 cholera.
 Webster was a well-to-do mountain
 er, and was en route to visit his
 er at Gainesville, Ga. He suffered
 ent nervous attack and a doctor
 e train gave him an opiate.
 ter promptly fell asleep and he
 till sleeping when the train ar-
 here, 12 hours later, and he was
 to a hospital. An offer to feed
 could bring a whispered consent,
 e made no other effort to con-
 with attendants. He kept his
 closed and would fall to the floor
 supported. A daughter, Miss
 Webster, is a teacher in a school
 here.

HIS STORY MORE HORRIBLE THAN ORCHARD'S

THERE IS MUCH SPECULA-
 TION CONCERNING WHAT
 COURSE STEVE ADAMS WILL
 TAKE WHEN CALLED AS A
 WITNESS FOR THE STATE.
 HE REPUDIATED THE CON-
 FESSION HE MADE WHILE IN
 THE PENITENTIARY AND IT
 HAS BEEN REPORTED HE
 HAS DECLARED HE WILL
 STAN PAT ON THAT REPUD-
 IATION. HE IS BEING HELD
 FOR SECOND TRIAL ON
 CHARGE OF MURDER OF
 FRED TYLER IN THE NORTH
 AND IS ALSO WANTED ON
 CHARGE OF MURDER IN
 COLORADO. ADAMS IS NOW
 IN THE ADA COUNTY JAIL
 WAITING UNTIL CALLED UP-
 ON TO GO ON THE STAND IN
 THE HAYWOOD TRIAL.



STEVE ADAMS AS HE NOW LOOKS

TRIAL OF WILLIAM D. HAYWOOD TO BE RESUMED TOMORROW WHEN MORE WITNESSES WILL BE ON HAND

MUCH MONEY BEING SPENT TO CLEAR HAYWOOD OF MURDER CHARGE

Some interesting figures are being shown up in the reports at the Denver meeting of the Western Federation of Miners. The Denver Post says:

The Western Federation of Miners has expended \$73,138.25 to date in the defense of the imprisoned officers charged with the murder of former Governor Steunenberg in Idaho. In addition \$6377.85 was spent in the defense of Vincent St. John on his trial for the murder of Arthur Collins in Colorado.

These figures are sent out in the annual report of James Kirwan, acting secretary of the federation, and presented to the convention of miners in session at Odd Fellows' hall.

The total receipts in the defense fund have amounted to \$87,787.35. The balance on hand April 1 was \$8271.10. Considerable money has been received since the latter date.

Of the money paid out for the defense the attorneys had received \$54,695.87 to April 1, 1907.

Richardson and Hawkins have divided \$17,495.87.

Clarence Darrow's share was \$14,500.

John F. Nugent received \$22,700.

No mention is made of the numerous other attorneys, and it is taken that they are being paid by the leading counsel out of fees received by them.

The report shows that Haywood and Moyer have been paid their respective salaries, amounting to \$150 per month each, during their confinement in the Boise jail.

The general receipts of the organization for the fiscal year ending April 1 amounted to \$224,865.82. The total expenditures were \$190,096.63.

HARRY ORCHARD AT CALDWELL TODAY

Trial in Court There to Be Continued Over This Term.

MAY RESUME STAND WITHIN FEW DAYS

Considerable Speculation as to How Long the Haywood Trial Will Last—Some Interesting Features Yet in Store—Defense Witnesses to Be Here Wednesday—Quiet Day Yesterday.

ANKS FOR KENNA

Voted Down By the
Federation of
s at Denver.

ELOQUENCE ONVENTION HALL

urt Justice Denoun-
legates in Vigorous
and Resolution of
Defeated, Receiv-
One Vote.

June 17.—An effort was
the convention of the
ation of Miners to
between the Western
the Industrial Work-
A resolution was in-
filling that the feder-
factional fights and
to the next national
the Industrial Workers
instructed to use all
ms to insure the elec-
new set of officers.
was referred to the
resolutions.
debate the convention
proposition to amend
constitution so as to
stenographic report of
1914.

was introduced today
nition tender a vote of
stice McKenna of the
supreme court, for his
lition favoring Mayer.

Pettibone in their ap-
s corpus.

on produced a flow of
ng which McKenna was
a fool of the Southern
d and a servant of the
One speaker said they
just a "bruce game."
ays one member of the
supreme court who
from a majority opin-
laboring interests sim-
to the workingman. An-
I that while McKenna
own "right" on this de-
saw down the union man
our decision." The pro-
thanks was defeated
affirmative vote.

TALLY INJURED COLORADO WRECK

Colo., June 17.—Eigh-
ers were injured, three
wreck today of east-
er train No. 8, on the
r Earl, 29 miles east of

A CHAT THROUGH THE BARS



Mrs. George A. Pettibone at the right and Mrs. Steve Adams at the left, talking with Mr. Pettibone through the bars at the Ada County jail—a frequent occurrence.

HAYWOOD CASE TO BE RESUMED THIS MORNING

Additional Witnesses Arrive to Testify for the State—Speculation as to When Adams Will Be Placed on the Stand—Orchard Likely to Be Recalled Before the Case Proceeds Much Farther.

At 9:30 o'clock this morning the district court for Ada county will convene for the continuation of the trial

witness may be recalled later in the case. It was stated yesterday that in get-

...reck today of east-
...train No. 8, on the
...Earl, 20 miles east of
...ly injured:
...ols, Fort Smith, Ark.,
...nd hip broken.
...Pueblo, injured about
...neck.
...inidad, injured about
...s were more or less
...ed but not seriously.
...s caused either by a
...beam or spreading
...car, smoker, chair car,
...d one standard Pull-
...ails. The smoker and
...were demolished and
...y damaged.

NEW YORK LIFE

**Elected to Succeed
Under E. Orr.**
June 17.—Darwin P.
vice president of the
e Insurance company,
ed president of the
succeed Alexander E.

ame the head of the
after the legislative
stigation with the un-
it a practicable insur-
amed as his successor
opportunity.
g his thanks and ac-
Kinsley said:
e problems that face
ze nothing more men-
than the tendency to
ble life insurance leg-
various states and as
in different states the
evenly distributed.

y confronted with laws
objectionable that au-
n given to the officers
ny in their discretion
renewal of our Texas
9 and to cease doing
whenever in their judg-
tion demands it. This
itely sound and entire-

ORDER ISSUED

ommerce Commission
osting of Tariffs.
ON, June 17.—An im-
has been issued by the
merce commission re-
osting of the tariffs.
w rate law, it is re-
plies of the tariffs shall
two conspicuous places
oad station in order
be inspected conven-
public. The law au-
ommission to modify
ents and the commis-
the impracticability of
th precise terms of the
ified the provision to

Asks for Report.

ON, June 17.—Secre-
easury Cortelyou today
e collector of customs
or a full written report
case of Captain Wins-
tiser Charleston, involv-
ng into this country of
etc., which he claimed
ect to duty.

Hogeland Dead.

June 17.—Colonel Alex-
nd, known all over the
"The Newsboys' Friend,"
ad in bed this morning
y hotel here.

At 9:50 o'clock this morning the
district court for Ada county will
convene for the continuation of the trial
of William D. Haywood. Further
than witnesses will be put on by the
state for the further substantiation of
the story told by Harry Orchard, the
attorneys for the prosecution are not
giving out any interviews regarding
their future plans. They state that
they have very important evidence yet
to introduce—evidence which they
confidently expect will prove sufficient
to prove the defendant guilty of the
conspiracy which resulted in a long
series of plots and crimes and ulti-
mately in the death of former Gov-
ernor Steunenberg of Idaho.

It is known that since the adjourn-
ment Saturday a number of new and
important witnesses have arrived for
the state and it is known that the
state intends to introduce before clos-
ing its case what it deems very strong
documentary evidence. It is also
known that new evidence has devel-
oped which will do away with the tes-
timony of a number of witnesses first
summoned by the state and that sev-
eral witnesses from Colorado have
been paid off and sent home, the state
having decided to do without their
testimonies.

In answer to questions yesterday it
was stated by attorneys on both sides
that the Haywood trial would prob-
ably be finished in about four weeks.
It may take the state the balance of
this week to complete its case and pos-
sibly a day or so longer. Orchard
must spend the greater part of one
more day on the stand for re-direct
and re-cross examination and the de-
fense will probably use up about two
weeks in presenting its case. From
now on the more important witnesses
for the state will come on and the
cross-examinations will therefore be
more searching and lengthy.

Interest Regarding Adams.

Considerable interest hovers about
the question of how the state will han-
dle the examination of Steve Adams
when he is placed on the stand. Just
when Adams will be called is not
known and the state will not intimate
what their plans are further than that
he will not be called until after the
re-cross examination of Harry Or-
chard has been completed. It is the be-
lief that Adams will not be called un-
til the last of this week and perhaps
not until next week.

Every attorney in the case on each
side is now working hard. There are
no idle moments for any of them. In
the office of Mr. Hawley, in the office
of Mr. Borah and in the defense head-
quarters office in the Overland block
no time is being spent by the leading
attorneys or by their associates in the
trial in gossip or trivial consultation.
It is work, work, work all the time
now. The lull in court proceedings
from Saturday noon until this morn-
ing was gladly accepted by both sides
and the opportunity offered to review
the past proceedings and make plans
for future moves was not neglected.
The attorneys for both state and de-
fense will go into court this morning
refreshed and reinforced, ready to go
into the fight in dead earnest. It is
understood that today Clarence Dar-
row will conduct the cross examina-
tions of the more important witnesses
introduced by the state and that Haw-
ley and Borah will take turn about in
the direct examinations.

As tomorrow is the date set when
the defense is to bring on the greater
number of witnesses it is thought Or-
chard may be recalled then for the
re-direct and re-cross examinations.
It is not thought he will be kept on
the stand to exceed five or six hours
at this time but it is hinted that this

may be recalled later in the
case.

It was stated yesterday that in get-
ting witnesses from other states the
defense is experiencing some of the
same trouble that the state experi-
enced. A number of witnesses whom
the attorneys had hoped to bring to
Boise to testify for the defense are
holding back. However, the attorneys
state that close to 150 will be intro-
duced for their side before the case
is closed.

Quiet Day at Jail.

It was an exceedingly quiet day at
the county jail yesterday. Haywood
and his co-defendants held another
long consultation with their attorneys
and it was stated that Haywood has
been much revived in spirits, that he
will go into court this morning feel-
ing much more hopeful than for a
number of days. He has from the
first maintained the belief that he
would be finally acquitted and that he
was not worrying about the result, but
for days his appearance in the court
room belied that statement. It is
stated that he has received during the
past few days many letters from sym-
patizers in various parts of the coun-
try.

Pettibone and Moyer are watching
the progress of the Haywood trial
very closely and anxiously. They
not only read the local papers but are
greatly interested in the accounts in
outside papers having special corre-
spondents here. No printed matter is
kept from them. None of their news-
paper mail is censored.

Not the least faithful and close
reader of the news of the trial is Steve
Adams. He gets and reads all of the
papers giving accounts of the trial he
can get hold of. He is taking things
decidedly cool, is so far non-commit-
tal as to what course he will pursue
if called on the stand either for the
state or for the defense. He is tak-
ing great interest in the game of
quoffs, the favorite exercising game of
the prisoners at the jail, and is being
given plenty of chance for outdoor ex-
ercise in that line. Adams' eye is
still greatly inflamed and very pain-
ful but the eye specialist who is treat-
ing it declares it is getting better very
rapidly. There is now no question, he
says, but that it will be cured speedily.

ORCHARD TRIAL IS CARRIED OVER TERM

Judge Wood Makes Trip to Caldwell By Auto Over Muddy Roads to Make the Order.

In the district court of Canyon
county at Caldwell yesterday an order
was made by Judge Wood continuing
the trial of Harry Orchard until the
next term of court. The case was
set for June 17. The order was
merely a formality, the case having
been continued from term to term
for over a year.

It was necessary for Orchard to
be in court when the order was made
and it was obviously necessary for
the judge to be there. Orchard was
there all right and so was the judge
but the latter came near being mired
in the muddy roads between Star and
Caldwell with an angry chauffeur for
company.

The judge missed the pony train
yesterday by several minutes and
immediately decided to make the trip

(Continued on Page Three)

World of Sports

WITH GETS OFFER FROM THE EAST

Phenomenal Johnson of Weiser Is Wise and Passes It Up.

Manager of Washington American League Team Would Pay His Fare and Give Him Good Salary—Throws Down Other Offers—Will Stay With Kids.

(Special Dispatch.)

WEISER, June 17.—Walter Johnson, Weiser's phenomenal pitcher, today received a telegram from Joe Cantillon, manager of the Washington, D. C. club in the American league, asking him if he would accept a pitcher's position with the Washington team. The telegram stated Cantillon would pay Johnson's transportation to the national capital and gave Johnson assurance of a good salary. Johnson was asked for an immediate reply. He gave it and it was that he would stay with Weiser in the Idaho State league.

Johnson's wonderful record is spreading over the entire country and is causing much comment everywhere. His record of pitching 66 innings, with 198 batters facing him and not one making a score, has never been equaled in baseball annals.

This afternoon Johnson received an offer from J. R. Sears, manager of the Wallace team, of a position at Wallace. This offer Johnson also refused.

Unlike many other young pitchers with the promise of a bright future before them, which has been spoiled by their entering the big leagues, Johnson is content to get more experience before going in with the big ones. This wise course, failure to observe which has spoiled many a young pitcher, will put Johnson up with the best of them before many years, if he keeps on showing the improvement he has shown last season and this.

National League.

At Chicago—Chicago 2; Boston 1.

At Cincinnati—New York 4; Cincinnati 1.

At St. Louis—Brooklyn 2; St. Louis 1.

HAYWOOD CASE TO BE RESUMED

(Continued From Page One.)

by automobile. He was driven over by the way of Star by Jack Derfield. Starting from Boise at 8 o'clock the judge arrived in Caldwell and entered the new court house building at exactly 10:50 o'clock. Stretches of the road he said were very good but there were other stretches from a mile to a mile and a half in length that had to be crawled over very gingerly. The judge returned to Boise by train.

Harry Orchard was taken down to Caldwell on the Pony train and the trip was absolutely without incident. He was accompanied by Warden Whitney and Guard Rich of the penitentiary and Deputies Meldrum, Bartell and Johnson were with the party. Orchard wore a new suit of neat, brown clothes, and was looking the picture of health.

Judge Wood took the bench immediately upon his arrival in Caldwell and Orchard was brought into the court room by Warden Whitney. W. A. Stone, associate attorney for the prosecution, represented the state. He stated that the attorneys for both sides wished to have an order made continuing the case over the term.

Judge Wood stated that he had received a request from Attorney Coxe, who had been representing Orchard by appointment by the court that he be relieved, as he was now practically out of the law practice and might wish to leave Caldwell. He said he has promised to relieve Mr. Coxe. He then asked Orchard if he would like another attorney appointed to represent him and Orchard replied:

"If your honor please, I would."

Judge Wood then appointed Frank T. Wyman of Boise who was present. The Boise attorney was introduced to his new client and then Stone and himself drew up and signed the stipulation on which the order for continuance was then made and entered. Court was adjourned until July 1 at 2 o'clock. During the short session of the court there was a crowd of about 50 spectators present.

After returning to Boise Orchard was driven immediately to the office of James H. Hawley. Here he stayed for over an hour, the attorneys for the state going over some important matters with him concerning the testimony to be introduced in the court room.

GOING TO MAKE IDAHO APPLES FAMOUS

New York Fruit Man Here

PROMOTERS FIND IT HARD WORK

Cannot Get Easterners Interested in Schemes Because of Money Conditions.

State Senator Ravenal Macbeth arrived in the city yesterday. He has been in the east for two months. There, he says, money conditions are very unsatisfactory and promoters are having a sorry time of it, especially those having mining property to offer. This is particularly so with those coming from Nevada; they are just kicked out. Men with meritorious property to be floated on a legitimate basis can get a hearing, but Nevada has received such a bad name because of the enormous amount of stock floated at all points that people will not take time to look at anything from there, unless it be in some exceptional case.

Mr. Macbeth states the havoc wrought among the high fliers by the smash in stocks is shown in the extent to which they are curtailing operations. He ran across one instance in which a man was offering an automobile that cost \$16,000 for \$5500 and any number of \$5000 cars are for sale as low as \$1500—they just must have the money. Many who have spread out to \$100,000 a year basis for living have had to take in sail on every hand to keep afloat at all.

WITNESSES FOR STATE ARRIVE IN BOISE

Former President Carlson of Mine Owners' Association and Wife and Chas. Neville.

Mr. and Mrs. A. E. Carlton of Cripple Creek arrived yesterday. Mr. Carlton, who was president of the Mine-owners' association during the troubles down there, is a witness for the state in the case now on trial here. Mr. and Mrs. H. M. Carlton of Colorado Springs are also here.

Another witness to arrive yesterday was Charles Neville. He is the son of Jack Neville with whom Orchard left

THE IDAHO DAILY STATESMAN.

FORTY-THIRD YEAR.

BOISE, IDAHO, WEDNESDAY MORNING, JUNE 19, 1907.

PRICE FIVE CENTS.

Haywood and Orchard Plotted to Deceive Latter's Wife

DAMAGING LETTERS ADMITTED AS EVIDENCE FOR THE STATE

HAYWOOD WROTE MRS. ORCHARD HER HUSBAND WAS IN ALASKA

DEFENSE ATTORNEYS PUT UP HARD FIGHT TO RESIST THE ADMISSION OF INCRIMINATING DOCUMENTARY EVIDENCE

ORCHARD ON STAND ONCE MORE

Identified Misleading Letters He Had Written to Cripple Creek Wife.

COPY OF LETTER PETTIBONE WROTE

Contents of Note Received by Orchard in Caldwell Jail Disclosed—Miller's Telegram to Orchard Produced—Witness Stands Up Under Questions Tending to Lay Foundation for Impeachment—An Exciting Day in Haywood Trial.

Most important evidence against William D. Haywood was offered by the state yesterday, when, on receipt of examination of Harry Orchard, it introduced and secured the admission of four letters tending to show that the defendant during the late summer and

TWO LETTERS MOST DAMAGING TO THE DEFENSE

FROM HAYWOOD TO MRS. ORCHARD.

Mr. H. Orchard,
Dear Madame & Sister
I have not heard a word since I saw you, the last information I got was from Alaska. I think Fairfield was the name of the place, I see that awful conditions prevail among the Law and Order element.

Yours very truly,
WM. D. HAYWOOD

FROM PETTIBONE TO ORCHARD.

Friend Tom:
Your letter received. That was sent to Jack December 21 for you. He should send it so that you ought to have it by this time. Will not write any more this time. Write me soon as you get to your new field.

another hard fight between attorneys, was also finally admitted in evidence. The letter from Haywood. After these letters had been admitted Orchard swore that he had conferred with Haywood and the latter had promised to write to his wife stating that the last he had heard of her husband Orchard was in Alaska. This to double check the plan to deceive Mrs. Orchard. Then came the production of the Haywood letter to Mrs. Orchard, its identification by Orchard and its admission in evidence, every step being fought by the defense with every argument and objection to the credit of both Richardson and Petrov, emphasized by Attorney Brown, could furnish, supplemented by Attorney Hosen, Nugent, Wilson and Haywood himself, the defendant taking an active part in the consultations between the attorneys, some of which lasted many minutes and tended

PREPARING EXPERT TESTIMONY TO CORROBORATE ORCHARD

Pinkerton Detectives Experimenting With Dynamite Bombs and Watching Results to Learn if Orchard Told the Truth About Effects Under Certain Conditions.

Through the detection of Detective Egan a road joke and bought the

LANGDON SURE OF POSITION OF POSITION

Has No Fear That Courts Will Oust Gallagher from Acting as Mayor.

Declines to Announce Further Plans but Declares He Will Move When Schmitz Perfects Appeal—Schmitz Asserts He Is Still Mayor.

SAN FRANCISCO, June 18.—Supervisor James L. Gallagher, who was yesterday by the board of supervisors appointed acting mayor in place of Mayor Schmitz, who is confined in the county jail awaiting sentence for the crime of extortion, will be by the bribery-graft prosecution retained in that office until Schmitz has perfected his appeal from last week's conviction. This statement was made this evening to the Associated Press by District Attorney Langdon. He further said: "The members of the prosecution have not even discussed with each other the name of any man to succeed Gallagher as emergency mayor for the remainder of this year. We have not got that far yet. We are proceeding carefully and with due regard to the seriousness of the situation. I am not ready yet to answer with a detailed plan the question 'will we sweep out of office the entire Schmitz administration?' But I will say this: We have shaped up and are now filling in the body of a policy whose one and only object is prompt and effectual relief for the public, and we shall permit nothing to interfere with the carrying forward of that policy. We do not fear any counter moves by the mayor's counsel. We are fully advised of the law and have entire confidence in the legality of the step we have already caused to be taken—the appointment of an acting mayor—and the legality of the further steps we propose taking when Mr. Schmitz has perfected his appeal." Mayor Schmitz this afternoon at the close of a long conference with his attorneys, addressed to the head of the supervisors a letter renouncing that body for its act of yesterday. In this letter he declared himself able and willing to perform the duties of the mayoralty, commanded the board to forward to him all matters requiring review by the council and warned the board that

GARFIELD ADDRESSES CONVENTION

Secretary of Interior Urges Discussion Be on Effect of Land Laws on Entire Country Ballinger and Teller Speak.

CONVENT, June 18.—The public lands convention, which met in this city today for a three days session, closed its business this afternoon, followed by addresses by James H. Garfield, secretary of the interior, Richard A. Ballinger, commissioner of the general land office, and Henry M. Teller, United States senator from Colorado. Permanent organization was effected by the selection of Dr. J. M. Wilson of Wyoming as chairman and Fred P. Johnson of Colorado as secretary. The reports of the committees on credentials and organization, rules and order of business were made and the committee on resolutions approved. The first speaker of the afternoon was Secretary Garfield. He urged the convention in the discussion of the present land laws, a majority of which he said had been the cause of the falling together of the population to confine the discussion to the West of those laws on the entire country and not on any particular section of the country. The public lands, he said, were but an asset of any locality. They belong to the people of the entire nation. He said he wanted to get the point of view of the people of the west and he wanted them to get his point of view. He welcomed criticism, which was constructive, but he thought that criticism which was merely an attack without a suggestion for improvement was worthless. Mr. Ballinger confined his address to a history of the land office and its policies. He explained at length the present land laws and expressed the belief that their opponents were among those who were trying to fracture the title and get the small settlers. Senator Teller was the first speaker to voice the complaints of a majority of the members of the convention. He said there did not seem to be any one who had any opinion of the law's but he knew the officials were discussing the laws. In speaking of the coal lands he said that Congress states that the power to pass on the disposition of lands for them should be having with Government lands should be to get them into the hands of those who would live on them. He objected to land donation either by the state or by the government. Dr. J. M. Wilson in taking the chair for the adjournment, compared the convention to a stockholders' meeting and the representatives of the government to the directors of the corporation. It was the duty of directors to take their orders from the stockholders, he said, and if they did not, at the next stock meeting the directors would be removed.

SALISBURY DEAD

NEW YORK, June 18.—George J. Salisbury, chairman of the state Republican committee of Utah, died at St. Luke's hospital here of heart disease. Mr. Salisbury's home was in Salt Lake. He came west 10 days ago, intending to visit his wife for his health.

TO AMEND W. F. M. RITUAL

Socialists Expected to Make Bitter Fight Against Proposed Change.

Drum and Eugene De Kalla, indicted for failure to send to Kays their own copies of their articles of the Soc.

COPY OF LETTER. PETTIBONE WROTE

Contents of Note Received by Orchard in Caldwell Jail Disclosed—Miller's Telegram to Orchard Produced—Witness Stands Up Under Questions Tending to Lay Foundation for Impeachment—An Exciting Day in Hayward Trial.

Most important evidence against William D. Hayward was offered by the state yesterday, when, on re-direct examination of Harry Orchard, it introduced and secured the admission of four letters tending to show that the defendant during the late summer and fall of 1905, at the time Orchard claims he was engaged in perpetrating various phases for the federation leaders, participated in a plan to deprive Mrs. Orchard of Cripple Creek as to the whereabouts of the man she thought was her husband.

In one of the most heated contests that has yet occurred in the trial, contests in which the two leading attorneys for each side took part, this testimony was introduced. Nearly every question and answer to and from the stand was objected to. The record will show that after a paragraph of objection rulings by the court and exceptions taken by the defense.

When the matter of the letters first came up they were objected to as irrelevant and immaterial. The objection was overruled. Then they were objected to as irregular, as not proper for re-direct examination. The prosecution was then obliged to argue the point for a ruling. The defense claimed the state was trying to drag in new evidence, which was not permissible under the rules governing re-direct examination.

Mr. Hawley yesterday argued that the testimony regarding the letters was admissible on re-direct for the reason that the defense on cross-examination had dragged in a link of questions and answers into the record regarding Orchard's correspondence with his wife. The argument finally resulted in referring back to the record of the defense's cross-examination, which was finally ruled favorably to the admission of the evidence.

Inculcating Testimony. Harry Orchard, who had been called rather than to the stand, testified that early in 1905 Hayward told him that Mrs. Orchard had been writing to him and that he should write a series of letters to his wife that were to be falsely dated and delivered to Mrs. Orchard by agents of the Pinkerton B. He testified that he wrote two letters which he dated from San Francisco and had them delivered to Mrs. Orchard through Paddy Maloney, who represented the federation at that time. Orchard swore that he had received and answered by Mrs. Orchard and which had been turned over by her to the Pinkertons, were produced by the state and, overruling the objection in evidence, the judge admitted them in evidence.

Orchard's Third Letter. A third letter dated from Alaska was also presented in the same manner. Orchard admitted the letter as one he had written in Denver. The writing, he said, was all his own except the date "9" after "August." He had been filled by Max Moor, a member of the executive board of the Western Federation of Miners, who had left Denver for Alaska, and to whom Orchard had intrusted the letter, all ready to write and mail, when he should reach Nome. Orchard said Moor had carried the letter to Alaska, whether he went as a district organizer, and that he had never mailed the letter. This letter, after

another hard scrap between attorneys, was also finally admitted in evidence.

The letter from Hayward to Orchard, whose letter had been admitted Orchard swore that he had conferred with Hayward and the latter had promised to write to his wife stating that the last he had heard of her husband was in Alaska. This double check the plan to deprive Mrs. Orchard. Then came the production of the Hayward letter to Mrs. Orchard, and its admission in evidence, every step being fought by the defense with every argument and objection the fertile minds of both Richardson and Darrow, supplemented by Attorney Green, supplied. The state's case, supplemented by Attorney Green, Nugent, Wilson and Hayward himself, the defendant taking an active part in the consultation between the attorneys, some of time between the minutes and tended to make the court proceedings drag all through the latter part of the forenoon session.

Hayward's letter to Mrs. Orchard was read. He addressed her as "dear madame and sister," and merely stated that he had "not heard a word since I last saw you," that the last information he had got was that she was in Alaska. Fairfield was the name of the place. The three letters Orchard had written to his wife were commonplace. He addressed his wife in endearing terms, the state by the name of "Paddy," and the letters bearing on the case or on Orchard's testimony except as required "arrangements" which Orchard says he had made with the federation officials and that he was in Alaska. The name of the place.

Orchard Sticks to Story. On re-cross-examination, the defense made a strong attack upon the letters. Orchard held steadfastly to his story. He successfully denied he had made arrangements for the delivery of the letters to Pinkerton agents, that the letters had made the appearance only since he had left the stand on the preceding Thursday and that he had invented the story because he knew his wife had Hayward's letter in her possession. He swore positively and stuck to it that Hayward had promised to write the Alaska letter to Mrs. Orchard and that both Mayer and Pettibone knew all about the arrangement.

A Day of Correspondence. After a long and arduous argument the state landed another severe blow to the defense in finally introducing and getting admitted in evidence a copy made by Sheriff Nicholas of Canyon county of the letter to Orchard, on direct examination, swore he had received shortly after his arrest in Caldwell, and while in the county jail there, from Pettibone. There was a signed letter to Orchard and Orchard swore he knew it was in Pettibone's handwriting. He remembered what was written and without hesitancy identified the copy Nichols had produced. He testified that it was not exactly the same as the original letter, which he had destroyed. The letter from Pettibone was dated on the very day that Governor Spooner was elected on December 19, and it read as follows:

"Friend Tom—Your letter received. That was sent to Jack December 21 for you. He should send it so that you ought to have it by this time. Will not write any more this time. Write me soon as you get to your new field."

The letter was postmarked at Denver, and it was in the state that the "Jack" mentioned referred to was Jack Simpkins and that the "Tom" meant \$100 which Orchard swore he had asked Simpkins to secure for him when he was leaving Caldwell to go back north.

The Miller Matter. The state yesterday developed its contention that, as tending to show a conspiracy and knowledge of the same, Orchard had written a letter without any request from him, furnished with counsel within a few days after his arrest in the person of Fred (Continued on Page Three)

FROM PETTIBONE TO ORCHARD.

PREPARING EXPERT TESTIMONY TO CORROBORATE ORCHARD

Pinkerton Detectives Experimenting With Dynamite Bombs and Watching Results to Learn if Orchard Told the Truth About Effects Under Certain Conditions.

Through the detection of Detective K. Thiele, of the Police, a dynamite, it is thought, on that the prosecution in the Hayward case has made and is making experiments in dynamite explosions to corroborate the testimony of Orchard regarding the bomb he made to kill Governor Peabody and which was found in the room of Alene river. It was several days ago that a young man an employee of a gas company, was in the Eastman-Teller hardware store when a young man entered the store and asked for some dynamite. He said that he had brought the hardware company's warehouse outside the city limits. He also wanted a nail, but could not find the kind he wanted. He was directed to another store to which he went at once. The young man who had heard the testimony of the stranger immediately became suspicious and called on the Police Francis with the story, which immediately went to work on the case, suspecting that something was wrong and having a description of the man soon learned that he was Detective Thiele, who had brought the dynamite several sticks, at the Carlson & Lusk store. Thiele thought it

was a good joke and bought the sticks for the whole police force. It develops, however, that the dynamite was purchased for the purpose of making experiments, the result of which it was expected will be shown by court to substantiate the story of Orchard. In the first experiment, of which several were made in the hills near the city, the dynamite was exploded unconfined and in another place of which was exploded in a metal case. The latter experiment was to show whether the force went down or up, and whether, if confined, the dynamite exploded with greater force. It was expected that the witness of the Peabody bomb Attorney Richardson for the defense intimated that the bomb was made and thrown into the river, where it could later be found simply and safely for the purpose of hatching up evidence against the federation officials. The experiments of the dynamite were made in the hills near the city, the dynamite was exploded unconfined and in another place of which was exploded in a metal case. The latter experiment was to show whether the force went down or up, and whether, if confined, the dynamite exploded with greater force. It was expected that the witness of the Peabody bomb Attorney Richardson for the defense intimated that the bomb was made and thrown into the river, where it could later be found simply and safely for the purpose of hatching up evidence against the federation officials.

WRECKED BY OPEN SWITCH

Big Four Train in Bad Accident in Outskirts of Columbus, Ohio.

COLUMBUS, O., June 18.—Big Four passenger train No. 13, one of the fastest trains upon the New York Central lines, went through an open switch today in the northern part of the city and as a result 21 feet of the engine came through the side of the track for 200 yards and then turned over on its side. Engineer William Smith stuck to his post and was uninjured. The fireman, Joe Mahaffey of Cleveland, jumped and is probably fatally injured. The rest of the train is lying on its side along the track. The train which is the mate of the Twentieth Century Limited, came through sleepers from New York, and these sleepers were wrecked, but a report that the wreck caught fire is an error. The seriously injured: Elizabeth Clowry, aged 60, Cleveland; head injured.

ALFKMAN IN MEXICO.

EL PASO, Texas, June 18.—It is reported here that Bill Alfkman, who was mentioned by Harry Orchard in his testimony in the Hayward trial at Boise, has been in Ciudad Juarez, Mex., opposite this city, for two weeks. James Kirwan, acting secretary of the Western Federation of Miners, has been advised to this effect and he has an agent here trying to locate Alfkman and induce him to go to Boise as a witness for the defense.

J. C. Crogan, Cleveland, back sprained. H. L. Reed, Mansfield, Ohio; face cut. Mrs. A. Ryndman, New York; back hurt. Fireman Mahaffey, fatally injured.

Many of the passengers in the sleeping cars in the Hayward train were wondering why they were not instantly killed.

The train was running 50 miles an hour when it struck a switch and the engine was thrown in every direction. The tender of the engine ran along the side of the track for some distance and then plunged its nose into the ground about 25 feet.

The engine came through the side of the track for 200 yards and then turned over on its side. Engineer William Smith stuck to his post and was uninjured. The fireman, Joe Mahaffey of Cleveland, jumped and is probably fatally injured.

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"The members of the prosecution have not even discussed with each other the name of any man to succeed Gallagher as emergency mayor for the remainder of the year. We have not got that far yet. We are proceeding carefully and with due regard to the seriousness of the situation. I am not ready yet to answer a detailed plan the question will we sweep out of office the entire Schmitz administration? But I will say this: We have shaped up and are now filling in the body of a mayor, whose one and only object is prompt and effectual relief for the public, and we shall permit nothing to interfere with the carrying forward of that policy. We do not fear any counter-attack by the mayor's opponent. We are fully advised of the law and have entire confidence in the legality of the steps we have already caused to be taken—the appointment of an acting mayor and the legality of the further steps we propose taking when Mr. Schmitz has perfected his appeal."

Mayor Schmitz this afternoon at the close of a long conference with a group of his advisers, addressed to the head of the supervisors a letter rebuking that body for its act of yesterday. In this letter he declared himself able and willing to perform the duties of the mayorality, commanded the board to forward to him all matters requiring review by the mayor and warned the board that any recognition of Gallagher as acting mayor will result in trouble for the city.

Supervisor Gallagher made no attempt today to take possession of the mayor's office at Post and Franklin streets. He did not visit the place, but a police sergeant on the door "all day" and his instructions were to see that no one encroached on the premises. The sergeant admitted that should Gallagher attempt to establish a police station on the premises, he would use force if necessary in "throwing him out." Gallagher says he has had no use yet for the office at Post and Franklin streets. He says that when the mayor's office is wherever he happens to be.

SCHMITZ SENDS LETTER TO THE SUPERVISORS

SAN FRANCISCO, June 18.—The following communication was today filed with the mayor's office by the board of supervisors by Mayor Schmitz:

"Honorable Board of Supervisors: 'Gentlemen:—Seeing in this morning's papers a statement to the effect that your honorable body at your meeting yesterday decided that I was temporarily unable to perform my duties as mayor, by reason of my detention in the custody of the sheriff of San Francisco, I therefore appointed Pamel Gallagher as acting mayor, I hereby notify you that I am not unable or unwilling to perform the duties required of me as mayor of the city and county of San Francisco, but will continue to do so. 'This action of your honorable body clearly demonstrates the truth of the statement that after my return from Europe that politics alone was behind the prosecution, and that your action is the first step toward securing control of the municipal government. I trust that valuable franchises may be given to the wielder of the 'big stick,' Mr. Rudolph Spreckels, and other valuable privileges accorded to those who have cooperated with him in his endeavor to purify the city.

"I also wish to notify you that any action taken by Mr. Gallagher, in the capacity of acting mayor, will be null and void. I trust that the complications it will cause, do great injury to the city. I demand that you send to my office all matters passed by your honorable board, that I may have the opportunity of inspecting them and of approving or disapproving them."

"I further notify you that also far as possible I intend to supervise the work being done by the different departments, and, in fact, all such other matters as may be necessary for me as mayor so to do."

"Yours respectfully, 'EUGENE E. SCHMITZ, 'Mayor of the city and county of San Francisco. 'June 18, 1907.'

press alone had the power to pass on the question of policy for the policy in dealing with agricultural lands should be to get them into the hands of those who would live on them. He objected to landlording either by the rich or by the government.

SALISBURY DEAD.

NEW YORK, June 18.—Orlando J. Salisbury, chairman of the state Republican committee of Utah, died at St. Luke's hospital here yesterday. Mr. Salisbury's home was in Salt Lake. He came east 10 days ago, intending to sail for Europe for his health.

Orin and Eugene De Sable, indicted on bribery (alleged to have been committed by an official of the San Francisco Gas & Electric company, says he will appear in court today and Friday, to which day the cases involving Patrick Callahan, Thomas J. Mulhally, T. L. Ford and William Abbott, officials of the United Fruit co., have been adjourned.

On that date the grand jurors will be examined and Judge Lawlor intends to conduct the inquiry on all the cases at the same time, thus leaving the afternoon session for the examination of witnesses on the indictment of Louis Glass of the telephone company will be commenced before Judge Lawlor tomorrow.

CATCHER BRESNAHAN SERIOUSLY INJURED

BIRMINGHAM, June 18.—Homer Bresnahan, catcher of the New York Nationals, was hit by a pitched ball in the third inning of today's game with Cincinnati, and is believed to be seriously injured. He was hit by a "coakley" struck Bresnahan behind the left ear and he fell to the ground unconscious. After about 10 minutes he was revived, but again lapsed into unconsciousness. He was removed to the Southern hospital.

Medical Men in Session.

LOS ANGELES, June 18.—More than 300 members of the National Medical association met today in this city in their seventh annual convention in the banquet hall of the Hotel Alexandria. The delegates are from all parts of the country. The meeting was called in the regular order at 10 o'clock. After a prayer by Rev. Robert McIntyre, D. D., Mayor Harper delivered an address of welcome. This was responded to by Dr. E. G. Sharp of Guthrie, Okla. E. H. Stevenson, M. D., of Fort Smith, Ark., president of the association, delivered an address this afternoon. Sessions will continue throughout the week.

Appointments by President.

OYSTER BAY, June 18.—The president today announced the following appointments: An extraordinary and ministers plenipotentiary—Richard Pearson of North Carolina, to Greece and Montenegro; S. Percy Dodge of Massachusetts to Honduras and Salvador; John B. Jacoby of New Jersey to Cuba. He is expected to consult at Nagasaki, Japan.—Carleton Miller of Iowa. The president also appointed a special committee of five representing various departments to fully investigate in terms of contracts used by the various departments, bureaus and officials of the government.

Ferry Bots, Collide.

SAN FRANCISCO, June 18.—The ferry steamers Thurston and James W. Donohue collided shortly after 11 o'clock tonight off Alcatraz. There were many passengers aboard. News has just been received that no passengers were hurt and that the Donohue is sinking.

TO AMEND W.F.M. RITUAL

Socialists Expected to Make Bitter Fight Against Proposed Change.

DENVER, June 18.—Bitterness among delegates to the Western Federation of Miners' convention now in session in this city, may be provoked over the introduction of an amendment to the ritual which reads as follows:

"This union exacts no pledge or obligation from you who conflicts with the duty you owe to your kind, your country or your fellowman. The amendment adds the line, 'For in any way interferes with your religious or political belief.' It is predicted that the Socialist agitators will fight the amendments vigorously.

J. E. Colgan of Murray, Ind., offered the resolution.

The afternoon session was taken up entirely in discussing the contract system. The delegates who are also members of the Industrial Workers of the World, decried the system which binds a man to work for a certain wage for a fixed time without the right to demand an increase. Other delegates, such as strongly favored the system as tending to keep conditions settled and prevent repeated strikes.

RYAN COMMENTS ON GOVERNOR HUGHES VETO

NEW YORK, Va., June 18.—William Hughes, representing the National Travelers' Protective association in convention today received from William J. Bryan a letter dated Lincoln, Neb., in which Mr. Bryan says: "I am sorry Governor Hughes vetoed the 2-cent rate law. He simply gives the benefit of the doubt to the railroads instead of to the people and that, too, where the roads were protected by a state right to regulate the people have no appeal. This veto shows how difficult regulation is when the roads have such an enormous influence in politics."

"But the traveling men ought not to be discouraged and take time to secure reforms, but reform comes the next governor of New York will not veto a 2-cent bill."

TO TESTIFY FOR THE DEFENSE

E. L. McParland Coming on Request of Darrow. DENVER, June 18.—According to a Denver News special E. L. McParland, a brother of Detective James McParland who developed the case of conspiracy to murder former Governor Steunenberg of Idaho, involving officials of the Western Federation of Miners in crime, will go to Boise to testify in the trial of the Haywood case. During the strike riot at Cripple Creek McParland, who is a shoemaker, was deported from the district along with a trainload of union miners in a symphony of violence known to McParland. On a telegram from Lawrence Darrow of the defense in the Haywood case, McParland has arranged to go to Boise at once.

DAMAGING LETTERS ADMITTED AS EVIDENCE

(Continued From Page One.)

Miller of the firm of Robertson, Miller & Rosenhaupf of Spokane. It was first shown that Orchard, after his arrest, sent no communication from the Caldwell jail. This was developed in the direct examination of Sheriff Nichols and in the re-direct examination of Orchard. The state then produced and after a hard fight, secured the admission in evidence of the original telegram sent to Orchard, which was as follows:

Receiver's number, phone, time filed 7:30 p. m., nine, paid, charge to Robertson, Miller & Rosenhaupf, Spokane, Washington, January 3, 1906.

To T. Hogan, care sheriff, Caldwell, Idaho; Attorney Fred Miller will start for Caldwell in the morning.

M. 59 Hyde Block.

On the subject of the above telegram the defense used considerable time on re-cross-examination. Mr. Richardson largely devoted himself to asking leading questions tending to show that the Western Federation of Miners always provided counsel for its members wherever and whenever they got into trouble.

Very Important Statement.

But Orchard swore that in his case, sometime after he had commenced doing criminal work for the federation officials, he had been instructed by Meyer, Haywood and Pettibone, not once, but on a number of occasions, never to write or wire them for help if he got arrested. He said they had all promised to see that he was supplied with an attorney within a short time without any bottling from him to them that he was in trouble.

Immediately after the introduction of this testimony Hawley asked Richardson very innocently if he knew when Fred Miller would be back from San Francisco. In somewhat impudently tones, as if resenting an insinuation that Attorney Miller for the defense did not intend to return to Idaho, Richardson replied that Miller would be back as soon as he had finished the work that had taken him to San Francisco—the taking of a number of depositions.

Theory Exploded.

To rebut the theory that Orchard killed Steunenberg in revenge for his loss of a valuable interest in the Hercules mine the state on redirect obtained from Orchard a declaration that he sold his interest in the Hercules in 1897, two years before the strike and trouble came. The defense attempted to modify this by getting the witness to admit that he had not sold his interest in the Hercules but had pledged it and could have taken it back any time up to his flight from both Idaho before the oncoming trouble but Orchard adhered to the statement that he had sold outright.

There was a long contest over an unsuccessful effort by the state to show that the confession of Steve Adams had been voluntary. It managed to show that Adams had once discussed the matter freely with Attorneys Hawley and Borah but that was about as far as it got, the court sustaining a series of objections from the defense.

Impending Questions.

At the opening of the morning session the defense asked Orchard a series of impending questions. They all dealt with conversations in which it was alleged Orchard recited his private grudge against Frank Steunenberg and avowed that he would kill him if he hanged for it. Orchard denied every query both specifically and generally.

Ed Boyce on Stand

Just before nine for the morning session in convene, Ed Boyce of Warburton, a large mine owner formerly president of the Western Federation of Miners, who had been summoned as a witness to the state, entered the

to be taken and once or twice while listening to some argument Richardson appeared to be pouring into his ear, Haywood scowled disapprovingly.

Forenoon Session.

When court opened yesterday morning at 9:30 o'clock, Messrs. James H. Hawley and W. E. Borah were the only attorneys present for the state. For the first time in over a week, Attorney Edgar Wilson, who had been confined to his room with rheumatism was present at the table of the defense. Representing the defendant there were present E. P. Richardson, John F. Nugent, Peter Breen and Leon Whitel. Mr. Darrow was not present.

John Murphy sat in the Haywood family row back of the defense table. Clarence S. Darrow came in and took his seat shortly after the proceedings began.

Sheriff Nichols Called.

The first witness called was Jasper P. Nichols, the sheriff of Canyon county at the time of the murder of former Governor Steunenberg and in whose custody Harry Orchard was placed after his arrest. He testified to a letter being received by Harry Orchard while in the county jail just after his arrest. Nichols produced a copy of the letter—a copy made by himself before the letter was handed to Orchard. He also produced a copy he had made of the envelope.



JASPER NICHOLS.
Formerly sheriff of Canyon county, who verified the letter which Orchard received from Pettibone at the Caldwell jail.

In answer to Mr. Hawley, Nichols said he could not remember the date that Fred Miller arrived in Caldwell. He said Orchard had received a telegram previous to Miller's arrival. He had opened the telegram as sheriff and copied it. To his knowledge no telegram or message had ever been sent by Orchard previous to receiving the telegram. The copy of the telegram made by Nichols was produced and identified and marked as a state exhibit.

There was no cross-examination.

Regarding Fred Miller.

"Have you any idea, Mr. Richardson, when Mr. Miller will be present?"

"He will be here when he gets those depositions he went after. They are supposed to be taken today and tomorrow, I believe," replied Richardson.

"Then you say he will be here soon?"

"Yes, sir, he will be here as soon after that as the trains can bring him. He was here three or four weeks ago that you would have had him any

the Thiele agency but for the "other outfit."

Orchard denied the conversation. Orchard denied that in September, 1905, he had told D. C. Coates in his office at Wallace that the more he saw of the prosperity of his former pals the more he hated Governor Steunenberg; that he would "get even with the former governor yet."

Richardson here gave notice that there were two more witnesses he desired to use on laying foundations for impeachment who were not yet in town. He reserved the right to recall the witnesses later.

Re-Direct Examination.

Mr. Hawley here began the re-direct examination. His first question was as to when Orchard had sold his interest in the Hercules mine. Orchard replied:

"It was in February or March, 1897."

After selling out his business in Burke, Orchard said, he had no property interests in the Coeur d'Alenes. He said he had no property there at the time of the blowing up of the Punker Hill and Sullivan mill.

"The last time I saw Max Malich," said Orchard, "was late in 1905. I never personally knew General Engley, and I never had any business dealings with him. In 1902, I think, I was once in his office. A man named Jimmie Latimer was with me. I went as a witness for Latimer in some case he was interested in."

Orchard said the Day woman, referred to by Richardson, worked at the Belmont hotel in 1904. He did not know whether she was there in the spring and summer of 1905.

Orchard said he had "heard by hearsay" of "Kid" Waters. He had read of him in the papers. He had never known anyone personally by that name.

Letter from Pettibone.

Hawley took up the matter of the letter received by Orchard in the jail at Caldwell.

Orchard did not remember how many letters he received. He thought only one letter.

"Who wrote that letter?"

"Mr. Pettibone."

Here Richardson made an objection, which was sustained by the court. The matter had been gone over in direct examination.

Here the copy of the letter made by Sheriff Nichols was handed to Orchard to read. He said the copy gave the contents as he remembered it.

Hawley then asked to be allowed to place the letter as evidence and Richardson strongly objected. The court asked to see the letter and it was handed to him to read. He read it over and promptly overruled the objection by Richardson.

Pettibone's Letter.

The letter as copied by Nichols was read to the jury in about as follows:

"Dear Tom:
"I have received yours and sent that to Jack. I hope to hear from you as to your movements, and that you will be successful."

There was no signature. Orchard had said in his direct examination that the letter came from Pettibone.

Orchard testified that previous to this date—some little time before—he had written to Pettibone.

In answer to questions Orchard said he had kept no copy of the letter he wrote to Pettibone, but said he asked Pettibone to send him \$100.

"That was the substance of the letter. It must have been a week before the death of Mr. Steunenberg that I wrote the letter. In one letter I had told Pettibone I was going back to Seattle to look over some ranches after I got through at Caldwell."

Here Hawley handed to Orchard the copy Sheriff Nichols had made of the telegram received by Orchard in the county jail at Caldwell—the telegram dated from Spokane and signed "M." It was received four or five days before Fred Miller reached Caldwell.

"After he got there did he say he sent the telegram?"

An objection by Richardson was sustained by the court.

Hawley asked to admit the telegram in evidence and was allowed to do so after a strenuous objection by Richardson had been overruled.

Miller's Telegram.

The telegram read:

ments marked as state's exhibits for identification. After this had been done he handed the first—a letter on blue paper—to Orchard and asked him to state whose handwriting it was in.

"It is my handwriting," said Orchard.

"Is it one of the letters you spoke of writing to your wife?"

"Yes, sir."

Orchard said the letter was written in Denver in Pettibone's store. After writing it, he said, he had given it to Paddy Malliney, a member of the Western Federation of Miners, who was going to Cripple Creek. The letter was given to Malliney to deliver to Orchard's wife as coming from San Francisco.

Orchard said that afterward he had talked with the defendant about the letters.

"I told him that I had written a letter to my wife telling her that I was going to Alaska. I asked him to write to my wife and tell her the last he had heard of me I was in Alaska. He said he would do so."

"Did you talk to Pettibone?"

"Yes."

After an objection by the defense had been overruled Orchard said he had told Pettibone about the letters he had turned over to Pat Malliney.

The letter was then introduced in evidence, after being marked as a state's exhibit.

At this point three letters were marked for identification under a running fire of protest from the defense. Judge Wood, however, overruled all objections. The two letters written by Orchard and sent to his wife through Paddy Malliney to Cripple Creek were offered in evidence. Counsel for the defense and Haywood were in consultation over the letter for 10 minutes. An objection was made to both letters because they were private correspondence between Orchard and his wife and had no bearing on the case against Haywood.

Judge Wood during the pause said that he would allow the photographers a last opportunity to disturb the proceedings and a situation that was becoming somewhat tense owing to the very apparent earnestness of both sides—the state to get it in and the defense to keep it out—was relieved. Mr. Hawley complained that the photographs thus far taken had shown only the back of his head.

Judge Wood carefully read the letters offered in evidence and after some minutes' consideration he admitted them.

Letter From Alaska.

Next was introduced a letter and envelope which Orchard said he had written and addressed to his wife while in Pettibone's store. He said he wrote it but the date. He gave it, he said, to Marion Moor, a member of the executive committee of the Western Federation of Miners who was going to Alaska. He asked Moor to insert the date and mail it from Nome.

Another letter and envelope were here presented and Orchard said they were written and addressed in Haywood's handwriting. The envelope was addressed to Orchard's wife at Cripple Creek. This was offered in evidence and turned over to the attorneys for the defense to read. Defendant Haywood read the letter very carefully and consulted long and earnestly with Attorneys Darrow and Richardson. The letter finally arose and offered objections to the first two as irrelevant.

To the Haywood letter, written on the federation letterhead, he objected on the same grounds—as immaterial and irrelevant. Both objections were overruled.

Orchard then testified that through Mr. Haywood he had received letters from his wife during that time.

Here Mr. Borah read the letters Orchard had written to his wife, as follows:

The First Letter.
San Francisco, Cal.
Apr. 1st, 1903.

My Dear Wife
I am ashamed to write to you I have not written in so long but I got no answer to the last letter I wrote & supposed you did not get it now dear the reason I have not written lately you no doubt now I do not care for any charges they may have against me for they are without foundation but I don't propose to let them bring me up before a Kankarean court & treat me as they have hundreds of

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E UNCL

Use of a valuable interest in the state on redirect obtained from Orchard a declaration that he sold his interest in the Hercules in 1897, two years before the strike and troops came. The defense attempted to modify this by getting the witness to admit that he had not sold his interest in the Hercules but had pledged it and could have taken it back any time up to his flight from north Idaho, before the oncoming troops but Orchard adhered to the statement that he had sold outright.

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Impeaching Questions.

At the opening of the morning session the defense asked Orchard a series of impeaching questions. They all dealt with conversations in which it was alleged Orchard recited his private grudge against Frank Steunenberg and avowed that he would kill him if he hanged for it. Orchard denied every query both specifically and generally.

Ed Boyce on Stand.

Just before time for the morning session to convene, Ed Boyce of Wardner, a large mine owner, formerly president of the Western Federation of Miners, who had been summoned as a witness for the state, entered the court room. Mrs. Haywood and most of the attorneys were already present. Boyce was welcomed heartily by Peter Bryn and was by him introduced to the other defense attorneys. Then Boyce sat down in a chair by the side of Mrs. Haywood.

They chatted pleasantly for several minutes and then John Murphy came in. Boyce talked with Murphy some time and then sat down by Mr. Haywood's younger daughter. The little girl appeared to know Boyce very well. She put her hand in his and chatted with him until her father came in.

Haywood greeted Boyce with a warm smile which was returned with interest and, just before Haywood took his seat, the two men joined in a hearty hand clasp. Boyce spoke a few words to Haywood but a protracted conversation was prevented by the judge taking his seat and the opening of court.

Mr. Boyce was called to the stand just after Orchard was excused and a few minutes before the adjournment was taken. He was called upon to identify the Miners' Magazine as the official organ of the federation and to pave the way for the use as evidence of a number of articles from the magazine. The defense was given the articles for examination last night and the row over their admission will probably come the first thing this morning.

Crowd Deeply Interested.

There was the usual large attendance at the afternoon session yesterday and many were turned away from the doors. While the testimony of Orchard yesterday was often interrupted with objections by the defense, the witness told his story in such a manner and the state's corroborative evidence seemed so strong that the spectators were yesterday more deeply impressed with the completeness of the state's line of evidence than at any previous session—at least it seemed that way.

When Haywood entered the court room in the morning there was a look of confidence upon his face which had not been seen for many days. He appeared to have been greatly encouraged during the several days the court had taken a recess and it was evident that he was looking for a day profitable to his side of the case.

When Orchard was called and Richardson began laying the foundation for impeaching his testimony, Haywood gazed on the witness with a gleam in his eye that denoted satisfaction and once or twice smiled. But later, when the re-direct examination began and the state began piling in its evidence in regard to the letters to the Spokane telegram, the letter received by Orchard at the jail from Pettibone, the old troubled, anxious expression returned to Haywood's face. On several occasions he seemed to be expostulating with his attorneys over some course

JASPER NICHOLS.
Formerly sheriff of Canyon county, who verified the letter which Orchard received from Pettibone at the Caldwell jail.

In answer to Mr. Hawley, Nichols said he could not remember the date that Fred Miller arrived in Caldwell. He said Orchard had received a telegram previous to Miller's arrival. He had opened the telegram as sheriff and copied it. To his knowledge no telegram or message had ever been sent by Orchard previous to receiving the telegram. The copy of the telegram made by Nichols was produced and identified and marked as a state exhibit.

There was no cross-examination.

Regarding Fred Miller.

"Have you any idea, Mr. Richardson, when Mr. Miller will be present?" "He will be here when he gets those depositions he went after. They are supposed to be taken today and tomorrow, I believe," replied Richardson.

"Then you say he will be here soon?"

"Yes, sir, he will be here as soon after that as the trains can bring him. He was here three or four weeks so that you could have had him any time. He was the only man we could very well send there."

"We are offering no criticism," replied Hawley, "we are asking for information only."

"Well, we are giving it to you to the best of our ability," returned Richardson.

Orchard Is Called.

Harry Orchard was called. He entered the court room through the door leading to the judge's room. His appearance created none of the interest that marked his first entry into court. He came in with his customary brisk step, preceded and followed by deputies.

E. F. Richardson at once began the cross-examination. It became evident that the defense proposed to bring a number of witnesses to prove that Orchard had for years nursed a vengeful spite against Steunenberg and had repeatedly made threats against him.

"Do you know Max Mallich of Denver?" asked Mr. Richardson.

"Yes, sir."

"Did you in June or July of 1905 say to Max Mallich, you and he being alone, that you were going to kill Steunenberg even if you had to swing for it?"

"No, sir, I never had any such conversation."

Senator Borah asked Richardson if he could not place the time closer than June or July 1905.

"No man can fix the exact day of such an occurrence," said Mr. Richardson, hotly. "We will have Max Mallich here and he may fix that for you, but it is not likely that he can give you the day of the conversation."

"Did you say that Steunenberg was a mean——— and that had it not been for Steunenberg you would have been a millionaire, because you owned one-sixteenth share of the Hercules mine and that Steunenberg had driven you out of the state?"

"No, sir, I never said any such thing."

Orchard denied he had told Mallich that if it had not been for Steunenberg he would have been a wealthy man, or had stated that Steunenberg ran him out of the country and made him a pauper.

Orchard said he had known of Lieutenant Eugene Enckley, a Cripple Creek lawyer.

"Did you go to his office in June, 1904, and at that office state to him that by means of the Coeur d'Alene strike you had lost some valuable property and that Steunenberg was to blame for it and you were going to get him sooner or later?"

"No, sir, I never did."

Orchard denied that he had told Lottie Day in a room at the Belmont rooming house in the spring or summer of 1905 that he would kill Steunenberg if he had to swing for it.

Orchard said he had never known of "Kid" Waters. He said he had never visited his house.

"Do you know Dr. J. T. McGee?" "Yes, I know him."

Orchard was asked if he had told the doctor in a hospital at Wallace that he was a spotter working not for

"Dear Tom:
I have received yours and sent that to Jack. I hope to hear from you as to your movements, and that you will be successful."

There was no signature. Orchard had said in his direct examination that the letter came from Pettibone.

Orchard testified that previous to this date—some little time before—he had written to Pettibone.

In answer to questions Orchard said he had kept no copy of the letter he wrote to Pettibone, but said he asked Pettibone to send him \$100.

"That was the substance of the letter. It must have been a week before the death of Mr. Steunenberg that I wrote the letter. In one letter I had told Pettibone I was going back to Seattle to look over some ranches after I got through at Caldwell."

Here Hawley handed to Orchard the copy Sheriff Nichols had made of the telegram received by Orchard in the county jail at Caldwell—the telegram dated from Spokane and signed "M." It was received four or five days before Fred Miller reached Caldwell.

"After he got there did he say he sent the telegram?"

An objection by Richardson was sustained by the court.

Hawley asked to admit the telegram in evidence and was allowed to do so after a strenuous objection by Richardson had been overruled.

Miller's Telegram.

The telegram read:

"Attorney Fred Miller will start for Caldwell in the morning."
"M."

Orchard said he had not made any arrangements with Miller, but that in October, 1905, Simpkins had told him that if he ever got into any trouble the firm in Spokane, of which Miller was a member, would be good to employ.

"What did he mean by your getting into any trouble?" asked Mr. Hawley.

"I suppose he meant trouble over the killing of Steunenberg."

"You did not speak to Fred Miller about trouble of this kind when in Spokane?"

"No, sir; I only spoke to him about suing the railroad for the loss of my trunk."

From this the state jumped to April 1905 and asked what Haywood had said to him about writing to his wife. Orchard was proceeding to tell of a letter Haywood had written to Mrs. Orchard when the defense objected hotly on the ground that it was new evidence. Senator Borah argued that the defense had brought out in the cross-examination that Haywood had spoken of correspondence with Mrs. Orchard.

"If there is any question about this being re-direct the court will allow the state to reopen," said Judge Wood very positively.

"Where were you in April, 1905?" asked Hawley.

Letters to Mrs. Orchard.

Orchard said he was in Colorado. He thought he was in Denver. At that time, Orchard said, he had told Haywood about sending some letters to his wife at Cripple Creek.

"And Haywood told me she had written to me and wanted to know where I was; I said I would write some letters and date them from San Francisco and I asked him to write to her and tell her I was in San Francisco."

Here both attorneys for the defense sprang to their feet to object to the examination.

"That's not re-direct examination," shouted Darrow.

"It is re-direct," said Borah. "It is something you people went into very thoroughly—this matter of Orchard's correspondence with his wife."

"If it is not re-direct," said the court, "the state will be allowed to reopen the direct examination on this point."

Darrow sprang to his feet to support his objection with argument, but was interrupted by the court.

"Gentlemen, the objection is overruled."

The defense took an exception. Orchard, in answer to further questions, told how he sent word to his wife that he was going to Alaska. He said at that time he had not seen her since he left Cripple Creek in 1904.

Letters Identified.

Here Hawley had several docu-

mentary letters to the date and mail it from Nome.

Another letter and envelope were here presented and Orchard said they were written and addressed in Haywood's handwriting. The envelope was addressed to Orchard's wife at Cripple Creek. This was offered in evidence and turned over to the attorneys for the defense to read. Defendant Haywood read the letter very carefully and consulted long and earnestly with Attorneys Darrow and Richardson. The latter finally arose and offered objections to the first two as irrelevant.

To the Haywood letter, written on the federation letterhead, he objected on the same grounds—as immaterial and irrelevant. Both objections were overruled.

Orchard then testified that through Mr. Haywood he had received letters from his wife during that time.

Here Mr. Borah read the letters Orchard had written to his wife, as follows:

The First Letter.

San Frisco, Cal.
Apr. 1st, 1905.

My Dear Wife
I am ashamed to write to you I have not written in so long but I got no answer to the last letter I wrote & supposed you did not get it now dear the reason I have not written lately you no doubt now I do not care for any charges they may have against me for they are without foundation but I don't propose to let them bring me up before a Kangaroo court & treat me as they have hundreds of others, now dear I have made arrangements so you will get this I think I have sent you money twice & it has been returned I thought I made arrangements when I was in Denver last summer for you to come to Denver & stay but the party left here, now Dear if you want to come away from there I will make arrangements for you to go to Denver & live & I will come up there before long or send for you to come here & think I will be able before long to get a place here.

I have written to our secretary & told me that you was getting relief but I think you must be getting tired of staying up there I am well but not very contented I have been working part of the time now Dear don't tell the Boys or any one else that you heard from me for I don't want the layout to know where I am at just yet I have found out that they did not treat you wright when you was here last summer they told me they would look after you when I left & I expected they would & thought you was in Denver until some little time ago I will not write any more now hoping this will find you well & to hear from you soon I remain as ever your loving husband.

H. O.
P. S. Paddy Mallinay will hand you this & when you write me address Harry Orchard San Francisco Calif General delivery but put it in a big envelope & give it to Paddy & he will send it to head quarters & they will send it to me Be sure & do this

Second Letter.

San Francisco, Cal.
Apr. 17th, 1905.

My Dear wife
I received your letter or rather your roast well if you feel as you write I don't know as I will be up there very soon. It is true I have not done as I might of but I have no excuses to make you have had enough to live on I think I am sorry you have been sick I have been well all the time but have been running around from one place to another until lately I am working now I will be for some time I am either going to Alaska or will come to Colorado I do not know what to say Dear. I love you just as well as ever but I do not think you do me, no I did not read any letters you got from Mrs. A. I told her to write to you & thought you got a \$100.00 as I made arrangements for. I don't wish to explain anything here I will not write any more this time hoping this will find you well & to hear from you soon

I remain as ever
Your Husband

Third Letter.

Cape Nome Alaska
Aug 5 1905

Mrs. Harry Orchard
Independence Colo
Well Doly

I will not call you my wife as you are not ashamed of it & think I am sorry

(Continued on Page Eight.)

DAMAGING LETTERS ADMITTED AS EVIDENCE

(Continued From Page Three.)

you are but I cannot help it—I am going out to make a fortune I think Just came in from the Interior for an outfit for the winter and hope to get all the money I want & if I do although you do not care for me I will not forget you if I am lucky which I hope to be hoping this will find you well as I am myself I will clos with best wishes

Yours Respectfully
HARRY ORCHARD

Haywood's Letter.

As read by Mr. Borah the letter claimed to have been written by Haywood to Mrs. Orchard was on the federation letterhead on which was printed the following list of officers and members of the executive board.

Officers—Chas. H. Moyer, president, No. 3 Pioneer building, Denver, Colorado; John C. Williams, vice president, Grass Valley, California; Wm. D. Haywood, secretary treasurer, No. 3 Pioneer building, Denver Colorado; John M. Murphy, attorney, Kittredge building, Denver Colorado; John M. O'Neill, editor, No. 3 Pioneer building, Denver, Colorado.

Executive Board—Marion W. Moor, McCabe, Arizona; L. J. Simpkins, Wadner, Idaho, box 162; C. E. Mahoney, Butte, Montana, box 294; Frank Schmelzer, Silverton, Colorado; Jas. Kirwan, Terry, South Dakota; Ernest Mills, Greenwood, B. C., box 124; B. J. Brown, Flat River, Missouri. The letter read as follows:

Mrs. H. Orchard,

Dear Madame & Sister

I have not heard a word since I saw you, the last information I got was from Alaska. I think Fairfield was the name of the place, I see that awful conditions prevail among the Law and Order element.

Yours very truly,
WM. D. HAYWOOD

Immediately after the reading of these letters, Mr. Hawley stated, in answer to a question by Judge Wood, that the re-direct examination of Orchard would probably take an hour longer. Judge Wood then ordered a recess until 1:30 o'clock, announcing there would be but a two hours' session in the afternoon.

Afternoon Session.

When court convened for the afternoon session, there were a few minutes' delay before the famous prisoner-witness was recalled to the stand. Mr. Borah was not present. Hawley claimed the court clock was a little too fast. The court replied that the court was going by the court clock.

Judge Wood suggested that Mr. Hawley take up the time by allowing the jurors to go over the letters presented just before noon. Ten minutes after the opening time, Mr. Borah entered and took his seat at the state's table. As he sat down he handed Mr. Hawley a letter. Mr. Hawley opened the letter, read the contents and then said he was ready to begin. The jurors were busily engaged in

versation between the witness and Adams concerning Adams, making a confession after Adams had seen Attorney Moor from Oregon. Orchard replied that Adams and himself had little talk of a confession until after McParland's visit.

Objection after objection was made by the defense, most of which were overruled, while Orchard told of several conferences between Hawley, Borah, Adams and himself.

"There were several of those conferences," said Orchard. "The matters in which Adams and myself were engaged were gone into."

The court sustained an objection to Hawley's question:

"At any of these conferences, did Adams say anything about his confession having been made under threats?"

Re-Cross Examination.

Hawley did not beg an answer. He turned the witness over to the attorneys for the defense for re-cross-examination.

Orchard was first asked if he did not owe someone some money when he sold his interest in the Hercules mine to Cordonia.

Orchard replied that he owed some money to a railway engineer who had an escrow against his deed to an interest in the mine. He said he settled that debt when Cordonia paid him. He denied that Cordonia had made him a loan so that the railway man could not get the property. He denied that Cordonia ever held the property as a trust or that he had given Cordonia a note. Cordonia had bought the property directly. Orchard said he never asked Cordonia for money in 1905.

"I saw Cordonia," said Orchard, "in 1905, and I asked him if he had been looking for me to give me four or five thousand dollars, seeing he had done so well with the property he had bought of me. I asked the question in a joking way."

Orchard, for the second or third time during the day, stoutly denied ever having known a man in the Cripple Creek district by the name of "Kid" Waters.

Borah interrupted to ask if the man's real name was "Kid" Waters. He suggested Orchard might know the man by some other name if he had any. Richardson angrily replied he did not know the man's real name.

Richardson took up the matter of Haywood's letter to Mrs. Orchard stating that Orchard was in Alaska. The witness didn't remember whether the talk he had with Haywood was at Pettibone's store, Pettibone's house or Haywood's residence. He thought no one was present at the time. The time he thought was in July.

Setting a Time.

Orchard was asked when and where he saw Haywood after the 25th of August, 1905.

He said he saw him at headquarters. It must have been before the 30th of August that he asked Haywood to write to his wife.

Orchard said it was not until four or five days before he went off the stand last week that he had seen the letters written to his wife since he had sent them. He had never seen the letters but once until they were placed

Haywood leaned forward and listened intently to every question and answer. On his face was a look of very intense interest.

In the preliminary examination Boyce was asked to relate the details of the organization and the duties of the officers, particularly as they had to do with the executive board.

Boyce said that in 1900 the federation began the publication of an official organ—the Miners' Magazine. It had been the official organ since May, 1901. The magazine was published under the auspices of the Western Federation of Miners during all the time Boyce was president of the organization.

"You left the organization in May, 1902, and up to that time the Miners' Magazine was the official paper of the Western Federation of Miners?"

"Yes, sir."

At this time Mr. Borah said he wished to introduce several articles in the Miners' Magazine. He said he presumed the attorneys for the defense would wish to examine the articles and suggested that the articles be submitted to them to be read over by them over night.

The attorneys for the defense assented to Borah's suggestion, Richardson stating they must have been the articles to read as they had no back numbers of the Miners' Magazine in Boise.

"Can you go on with some other line for a few minutes?" asked the court of Mr. Borah.

"Not very well, your honor, until I can get these articles admitted."

It was then 3:15, but Judge Wood assented to an adjournment at once until 9:30 this morning.

HOTEL ARRIVALS

CAPITOL—C. H. Ireton, G. S. Boynton, Bruneau; A. Philpot, Nampa; M. B. Smith, L. M. B. Carpenter, Carl Peaterson, Notus; R. E. Peck, J. C. Baldredge, E. E. Hand, Frank J. Johns, Frank Brown, Parma; I. S. Rogers, Pocatello; Walter Griffiths, Caldwell; James E. Hart, Miss Altra Hart, Miss Emma B. Hart, Nampa; Sam Charters, Frank Mosso, Garden Valley; A. E. Small, Idaho City; John W. McBride, Ray McKenzie, Thomas M. Wetzel, Garden Valley; A. O. Huntley, Cuprum; Angus Hill, Mountainhome; Edward Boyce, Wallace; Frank Davis, Ontario; S. D. Hartkoff, Caldwell; J. S. Welch, Portland; C. M. Hayes, Silver City; A. Underwood, Nampa; H. Wagner, Weiser; Boise G. Riggs, Emmett; Ernest Orr, F. Fraley, Nampa; Henry Snyder, Parma; M. S. Smith, Payette; W. B. Kurtz, Portland; A. C. Ames, Caldwell; E. F. Stewart, Baker City; Dan O'Meara, Pocatello; J. F. Rowland and wife, Caldwell; H. G. Baker and wife, Miss Baker, Emmett; S. F. Petefish, Weiser; O. N. Franklin, Nampa; Frank C. Lavigne, Spokane; Miss Emma F. Wilkins, Clinton, Ia.; Joseph Rosevear, Glenns Ferry; Charles P. Harley, Emmett; A. J. Christensen, Butte; William Siebenberg, Denver; J. B. Kimzey, Meridian; I. C. Blair, Nampa; Agnes M. Feen, Emmett; W. F. Summercamp, Peter Steele, Silver City; W. P. Carter, Nampa; W. J. Mills, Garden Valley.

IDANHA—Frank T. Disney, Shoshone; V. E. Canlin, Spokane; A. S. Jamison, Philadelphia; E. H. Scott, San Francisco; R6y Caruthers, Weiser; M. Goddard, Denver; John Bunt and daughter, Nebraska; G. H. Scott, Elma Biget, Burke; J. J. Jenkins, Manchester, N. H.; J. K. Hume, U. S. A., Fort Walla Walla; Mrs. F. E. Sow-

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minutes more until they were through.

As soon as Orchard took the stand Hawley resumed the re-direct examination.

Orchard said he went by the name of Orchard while in Spokane at the time he first met Fred Miller.

Orchard's Instructions.

Hawley asked if he had ever received any instructions as to how to proceed in case he should be arrested.

"I can't remember just when it was, but after I had been engaged in doing some of the work for Moyer, Pettibone and Haywood, they told me if I got into trouble of any kind and was arrested not to wire or write to them, but that they would attend to sending an attorney to my assistance as quickly as possible."

"In answer to a question by Hawley, Orchard said he didn't use a fish line on the Gabbert bomb but did on the Goddard bomb.

Orchard said that he had left Steve Adams' place in Denver in March or April, 1905, because Adams got drunk too often. He told Hawley that Adams got drunk a great many times and that was the reason he finally got disgusted and quit.

Orchard said he thought it was in February that Adams was placed in the same cell with him at the penitentiary. It was several days before McParland came.

"I told Adams I had made a confession. Adams said he had seen an attorney by the name of Moore. It was just a day or two before McParland came."

Here the attorneys for the defense made strong objections to bringing out anything regarding conversations between Orchard and Adams.

Hawley argued that he had a right to get this testimony as the matter had been covered by the attorneys for the defense on cross-examination.

There was considerable argument, and finally the court ordered that the court record of the cross-examination be reviewed before his ruling on the point.

Mr. Hawley turned to the abstract of that part of the record and read the questions and answers.

After some argument by both sides the objection by the defense was overruled. Continuing, Orchard said:

"Adams saw an attorney some days before he saw McParland and after he saw McParland he talked to me about making a confession."

Here the defense fought hard to prevent this testimony from coming out.

The admissibility of the conversations was resisted by Richardson, who claimed that this was an effort to introduce Adams' confession under the guise of a conversation.

Senator Borah said the state was not seeking to introduce this as the evidence of a conspirator. He said they desired to get a voluntary statement made by Adams to Orchard. If it should turn out that this was a confession the state was entitled to know what Adams had said when not under any compulsion of any kind. Adams as a co-conspirator with Haywood had made a confession and had repudiated it, stating that it was made under duress.

Judge Wood ruled that the state might show what Adams had said about a confession but couldn't go into the confession itself.

"After the conversation did you and Adams continue to occupy the same cell and did he occupy it with you after the conversation with McParland?" asked Hawley.

"Yes, sir; he did."

Regarding Adams' Confession.

Hawley asked if there was any con-

Here Attorney Richardson picked up the exhibit—Haywood's letter.

"Do you see the date of that letter?"

Orchard looked it over and announced: "It is November 18."

Why and Wherefore.

"Can you tell us why the letter which you said you told Haywood to write in July was not written until November 17?"

"I think I can. I don't think Haywood intended to write at that time, but that my wife wrote to him late and he did not reply until November."

"Why did you tell Haywood, Moyer and Pettibone that you had given the letter to your wife to Paddy Malliney and had dated it from San Francisco?"

"Because they were interested in it."

"You directed your wife to deliver those letters to the Pinkertons more than a year ago?"

"No, sir, I did not. I didn't see the letters until some days ago."

Richardson went closely into the conferences between Hawley, Borah and McParland with Orchard within the last few days. But Orchard said the letters were not shown to him then or discussed.

Regarding the letters he had written himself and had sent to his wife by Paddy Malliney, Orchard said he had talked to Pettibone and also with Haywood about the letters.

"Why?"

"Because I had heard that she had said that if she found out where I was she would tell the authorities; that she would rather have me in jail than not to know where I was. I wrote the letters so she would think I was in San Francisco."

Orchard said that he had had several talks with the federation officials regarding what course he was to pursue should he ever be arrested.

"Did you ever see Moyer at Haywood's house?"

"I don't think I ever did."

"Did you ever see Haywood at Mr. Moyer's house?"

"I think not."

"Did you ever talk with Moyer at Pettibone's store?"

"Yes."

"How many times?"

"At least half a dozen times."

Richardson asked many questions along this line but failed to get Orchard to commit himself to an exact time or place when he had received instructions along this line from Moyer, Haywood and Pettibone.

The Talk With Scott.

Regarding Orchard's talk with Detective Scott after the Vindicator explosion Orchard said:

"I went to D. C. Scott because he had sent for me. I had seen him a few days before about the train-wrecking plot. I did not dare stay away then because I was afraid I was under suspicion by him and I went to sort of protect myself. I didn't want him to suspect me."

"What is the name of your daughter back in Canada?" Richardson suddenly asked.

Orchard replied instantly, "Her name is Olive."

The witness was then excused.

The next witness called by the state was Ed Boyce of Wallace.

The witness said he had lived there since 1887. He had been at one time a member of the executive board of the Western Federation of Miners. In 1896, 1897, 1898, 1899, 1900, 1901 and to May, 1902 he was president of the Western Federation of Miners. He said he had been succeeded by Chas. H. Moyer. The federation was organized May 15, 1893.

Haywood Interested.

As Boyce began giving his testimony

J. C. Menebress, Berkeley, Cal.; Max Stiafel, Chicago; P. H. Bender, Omaha; E. O. Armstrong, Cleveland; F. F. Beale, Caldwell.

ANNOUNCEMENTS

Brigadier W. F. Jenkins, provincial commander of the Salvation army for the Northern Pacific province with headquarters in Seattle, will lead a Salvation army rally in the army's auditorium, 615 1/2 Main street tonight; Major Joseph Faulkner, who works under the direction of the brigadier, will assist. The brigadier is reckoned one of the army's best speakers, while the major has recognized ability as a songster. Don't miss this opportunity of hearing two of the army's strongest men. All are invited. No charge for admission.

Willard White, Fire Insurance, Surety Bonds. We safeguard your interests. 230 S. Sonna block. Bell phone 950.

Bell Rings at Pullman Bar
Five minutes before train leaves. Budweiser. Four doors from depot. Nampa

\$40 Blickensderfer, \$50.
Idaho Typewriter Exchange. 10th St.

Idaho Board of Pharmacy.
There will be a meeting of the Idaho board of pharmacy held in Coeur d'Alene City, on July 15th, 1907, for examining all pharmacists who have not been registered.
By order of R. E. PAYNE, President.
L. W. SMITH, Secretary.

Wool Growers.
Sell your clip direct to the mills through a reliable Boston firm.
G. H. HARVEY, Merino Bldg.

For Sale—One first-class single buggy, one gentle driving horse for lady, at a bargain. Call Bell phone 1081 Black.

A Fortunate Texan.
Mr. E. W. Goodloe, of 107 St. Louis St., Dallas, Tex., says: "In the past year I have become acquainted with Dr. King's New Life Pills, and no laxative I ever before tried so effectually disposes of malaria and biliousness." They don't grind nor gripe. 25c at all druggists.

Photographs, illustrating the Haywood trial, on sale at Myers, Y. M. C. A. building.

Strawberries, strawberries. Tillotson & Frazer, 207 N. Eighth.

Low round trip rates O. S. L. stations to Norfolk, Va., account Jamestown exposition, will be on sale May 20 to November 20, 1907. For rates via various routes and full information regarding, see O. S. L. ticket agents.

Visible Fox.
Idaho Typewriter Exchange. 10th St.

Giant flowered pansy plants. A full stock of other bedding plants and cut flowers at Bayhouse Floral Co.

The Oregonian every day at Collins, 1022 Main.

See the new tailor and get satisfaction; biggest stock. Cope, 109 South Ninth street. Idaho Trust building.

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THE IDAHO DAILY STATESMAN.

FORTY-THIRD YEAR.

BOISE, IDAHO, THURSDAY MORNING, JUNE 20, 1907.

PRICE FIVE CENTS.

State Gets in More Damaging Evidence Against Haywood

PARTS OF BOMB MADE TO KILL JUDGE GODDARD ADMITTED AS EVIDENCE YESTERDAY

The Intended Victim, Himself, Unseals and Identifies Exhibits Before the Jury

MORE LETTERS ARE ALSO ADMITTED

Written Recommendations of Orchard as Insurance Agent to Mr. Stearns of Denver.

BIG CONTEST OVER MAGAZINE ARTICLES

Judge Says Some of Clippings From Official Organ of Western Federation of Miners May Be Admitted—He Will Render Specific Decision Today—Several Witnesses Testify in Corroboration of Parts of Orchard's Story.

Notwithstanding strong and continuous resistance by the attorneys for the defense of William D. Haywood—at times almost desperate resistance, in which attorney E. P. Richardson was most active and in which Clarence Darrow at times grew eloquent—the prosecution led by Mr. Borah and strongly backed up by Mr. Hawley, succeeded in getting admitted considerable more evidence of a damaging nature against the defendant and the co-defendants.

The scrap anticipated the previous day, when Mr. Borah announced he would introduce as evidence a great number of articles appearing in the Miners Magazine, the official organ of the Western Federation of Miners, were read almost as soon as court convened yesterday morning, and it was a contest that waged fiercely all the forenoon.

IMPORTANT POINTS GAINED BY THE STATE YESTERDAY

SOME VERY IMPORTANT POINTS were yesterday gained by the state's attorneys, who, at every step, had to fight against persistent and strong objections by the attorneys for the defense. Following are the most important matters accomplished.

The introduction of parts of the bomb made to "get" Justice Luther M. Goddard of the Colorado supreme court. Mr. Goddard himself on the stand told of the finding of the bomb, how the parts were preserved and he broke the sealed packages in which the parts had been kept and identified the exhibits before the jury.

The securing of a ruling by the court that some of the articles in the Miners Magazine, tending to show a motive on the part of the federation officials for the murder of Governor Steenberg, might be admitted in evidence. This after a hard contest lasting all the forenoon.

The introduction of the testimony of Mrs. F. E. Soward, Orchard's landlady in San Francisco, corroborating parts of Orchard's story regarding the attempt to kill Fred W. Bradley.

Securing the admission in evidence of letters written to Manager John L. Stearns of the Mutual Life Insurance company in Denver by George A. Pettibone, Horace N. Hawkins, (Richardson's law partner), J. C. Sullivan and Attorney Henry Cohen, recommending Orchard, as Thomas Hogan, for a position as life insurance agent.

marked for identification and it is expected that as soon as Judge Wood designates which may be admitted in evidence, they will be read in full to the jury. That will probably be the first thing this morning and the work will, in all probability take up most, if not all, of the forenoon session today.

The big feature of the afternoon session was the introducing in evidence of a number of exhibits which proved to be parts of the infernal machine which had been buried, according to Harry Orchard's story, under

gave testimony strongly corroborative of Orchard's account of his acts and experiences in San Francisco. Besides confirming Orchard's recital as to time, movements and locations she testified that she found lead and wood shavings in Orchard's room and a sawey, string and bottle attached to the closet door where Orchard had been experimenting. She said her lodger had a very heavy suit case and that she made up her mind that he was an inventor.

More Letters Introduced. John L. Stearns, manager at Den-

OPPOSED TO LABOR CONTRACTS

Resolution Before Western Federation of Miners Adopted 345 to 25.

Amendment to Constitution Prohibits Local Unions from Making Contracts With Operators—Discussion Long and Spirited—Representatives of Butte Union Oppose the Resolution But are Defeated.

DENVER, June 19.—The convention of the Western Federation of Miners continued today the discussion of the amendment to the constitution prohibiting the local unions from making labor contracts with the operators. There was a bitter controversy between the conservatives, who oppose the amendment, and the radical element. Many locals have contracts with the operators, the Butte union having one for five years.

The discussion developed over a resolution introduced by Delegate Robert Randall of Goldfield, Nev., union No. 29. The resolution reads as follows:

"Contracts entered into with the employing classes are of benefit only to the former. Such contracts divide the workers in their struggle with the exploiters, chain one body of workers in subjection while war is being waged upon another body often composed of men who are members of the same union, destroy the class instinct of the workers by a false sense of temporary security to cease taking an active interest in the affairs of their organization and thus render them an idle force and have absolutely no place in a progressive labor organization. Therefore, be it

Resolved, By the fifteenth annual convention of the Western Federation of Miners that any and all signed contracts or verbal agreements for any specified length of time that may have been entered into between any local union or unions of the Western Federation of Miners are by this convention declared null and void."

Delegate McMullin of Butte, Mont., was on the floor in defense of the contract system for some time. He explained that the Butte union had entered into contracts because it was decided to do so by a great majority of the members, who voted in favor of contracts. Delegate McMullin was volleyed with questions and caustic comment and was finally driven to his seat in despair.

The resolution was adopted by a vote of 345 to 25.

A resolution was introduced favoring the appointment of an organizer for Alaska. A delegate from Douglas Island union No. 105 described the conditions in the territory as veritable slavery for the miners. The matter went over until tomorrow.

FUEL FAMINE CERTAIN THIS WINTER

Government Heeds Suggestion of Railroad Men to Store Coal for Winter Use—People Urged to Prepare Themselves.

WASHINGTON, June 19.—Serious measures have been adopted by the government and by the railroad to avert a fuel famine in the west and northwest, which is thought to be impending next winter. Howard Elliott, president of the Northern Pacific railroad, recently wrote to Commissioner Lane of the interstate commerce commission suggesting the probability of a fuel famine in the west and northwest next winter that might exceed in serious possibilities the famine of last winter. He advised that every effort be made by the commission to induce consumers, including the government, to lay in supplies of coal during the summer months, pending the movement of crops in the early autumn. Commissioner Lane took up the matter with Messrs. Garfield and Taft, urging that coal supplies at all depots of the government be put in at as early a date as possible. The subject was considered at the last cabinet meeting held before President Roosevelt left Washington and it was decided that the suggestion be adopted.

Secretary Garfield wrote to Commissioner Lane, in response to a letter which the commissioner had written him on the subject, his letter containing the following:

"I beg to acknowledge your letter of June 7, with the inclosure from the president of the Northern Pacific. His suggestion regarding fuel is an admirable one, and will be acted upon by the departments."

Commissioner Lane has received from H. T. Staunton, chairman of the railroad commissions, a circular which the commission has issued respecting an investigation into the coal supply now in sight and to be available for the use of citizens of Montana during the winter months of 1907 and 1908. The inquiry shows that a coal shortage exceeding that of the past winter is not only possible but probable unless steps are taken to avert it, and the commission advises the people to put in their supplies of coal at the earliest possible date.

Commissioner Lane has been advised that the city of Los Angeles had made arrangements to put in a full supply of coal during the early summer months and he has forwarded that the railroads of the west and north-west are placing at their various supply depots in all the coal they can store conveniently.

TELEGRAPHERS TO GO OUT TO PEACE CONFERENCE SESSION

Strike Expected in Western Union Offices in a Week or Ten Days.

NEW YORK, June 19.—Unless its demands upon the Western Union and Postal Telegraph companies receive consideration a strike will be ordered within a week or 10 days, it was announced tonight by the Commercial Telegraphers' union. No specific date for the expiration of their ultimatum was set by the telegraphers, and the question of involving one or both of the companies was left open. The announcement of the intended strike was made in the form of a statement

to the effect that the union would not be bound to accept any terms of settlement unless the companies agreed to meet the union's demands for a full supply of coal during the early summer months and he has forwarded that the railroads of the west and north-west are placing at their various supply depots in all the coal they can store conveniently.

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CHARGES IN LAND CONVENTION

Allegations That Both Sides Were Packing Convention Causes Sensation.

New Admission Cards to Be Issued and Only Actual Delegates Will Be Allowed Upon the Floor—Discussion of Forest Reserves.

DENVER, June 18.—A sensation was sprung in the public lands convention today by charges made by both the administration and the anti-administration forces that if a convention was being packed. The anti-administration forces charged that a number of men who were not properly accredited delegates, had been given seats. An order was made to issue new cards of admission and to see that only genuine delegates received them. When the committee on credentials reported it was found that 496 delegates were accredited to Colorado. As to Wyoming, and the balance of states, nothing was said. Mr. Borah's representation was later cut to 296, it being stated the first figures were an error. It developed that all Colorado's accredited delegates, whether present or not, had been counted, while in the case of the other states only those present were to be allowed to vote. The report was sent back to the committee with instructions to bring its report according to the call of the convention. This committee report will be heard the first thing tomorrow morning, and if it obeys its instructions it will give a vote for every person whose credentials have been sent to the convention whether they are present or not.

The one question of greatest importance to the policy of the government, is whether the public lands should be controlled by the government for an indefinite period. The powers of the national government, he said, must be found in the constitution. Mr. Borah again claimed that if the plan of the administration for withdrawing 150,000 acres of land for forest reserves, 540,000 acres of coal land and 100,000 acres of grazing land is carried out it would have the effect of withdrawing five-sixths of the public lands from entry.

Mr. Borah said it was not in accordance with the constitution or with the history of the administration of the public lands to give the government control of a large area of land for an indefinite period. The powers of the national government, he said, must be found in the constitution. Mr. Borah again claimed that if the plan of the administration for withdrawing 150,000 acres of land for forest reserves, 540,000 acres of coal land and 100,000 acres of grazing land is carried out it would have the effect of withdrawing five-sixths of the public lands from entry.

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PARTS OF BOMB ADMITTED AS EVIDENCE

(Continued from Page One.)

numbers of the Miners' Magazine which he offered in evidence. To the introduction of each exhibit, the defense made a general objection and stated that they would present a specific objection to each. The general objection was that the evidence failed to connect the defendant with the murder of Steunenberg.

The naming and describing of the articles in the magazine took nearly half an hour. The articles themselves will be read to the jury later, if the court admits them as evidence.

E. F. Richardson presented the argument for the defense against the admission of the magazine articles as evidence. He maintained that the articles offered by the state failed to show that the defendant had through these articles contributed anything that might lead to the murder of Governor Steunenberg. He admitted that some of the articles were intemperate in tone, but said they were nothing more than ordinary newspaper abuse.

Mr. Richardson quoted from the record of the case "The People vs. Spies," and the ruling as to the admission of newspaper articles.

In the case of the Miners' Magazine, he said, the articles did not compare in tone with the violence of the articles admitted as evidence in the Spies case. Richardson read at length from the evidence in the Spies case, the letters from Herr Most to Spies and other violent matter published at the time. Throughout these letters and other matter the introduction of force, dynamite, murder and wholesale revolution were recommended. Mr. Richardson pointed out that these letters were printed in anarchist newspapers published by the defendants in the famous anarchist trials in Chicago, resulting in convictions and executions.

Chapter in Criminal History.

Mr. Richardson's reading of the anarchist's revolutionary writings in the 80's created a sensation. He gave declamatory emphasis to the fearful advice looking to the wholesale destruction of all who stood on the side of law and order.

It was a page from the criminal history of this country unred by a majority of those present in the court room and the extremity of the language used by Johann Most in writing to Spies and by the defendants themselves in their editorials horrified a court accustomed to what had seemed the extremity of horror by the evidence in the Haywood case.

The avowed purpose of Richardson's exhaustive quotation from the newspaper publications in the anarchist cases was to show the familar abusive character of the evidence offered by the state in the Miners' Magazine.

Haywood's Prelude.

Continuing his argument, Mr. Richardson said that in none of the articles in the Miners' Magazine was there direct or implied connection with the murder of Governor Steunenberg. He admitted Haywood's prelude against Steunenberg because of his name in Idaho, but he showed that tens of thousands and hundreds of thousands of people in the country condemned or approved the course adopted by Steunenberg, and that those who condemned should not for that reason be held responsible for the governor's murder.

Borah's Argument.

Senator Borah argued for the state that the magazine articles should be admitted because they showed the defendant, Haywood and the other

The first witness called was John L. Stearns, general agent of the Mutual Life Insurance company of Denver. He was the man who made a contract appointing Orchard, under the name of Thomas Hogan, as a life insurance agent.

Stearns said that the contract with Hogan had been made in April, 1905. He met Hogan in the company's office in Denver.

"He applied for a position as agent and I told him he must furnish references. He furnished references from Henry Cohen, Geo. A. Pettibone, J. C. Sullivan and Horace N. Hawkins.

Stearns read the names from a memorandum he had made at the time the names were given him by Hogan. Mr. Stearns said he had copies of the letters he had written to the men named as references. He said he also had letters received in reply to his letters of inquiry regarding Hogan.

Letters Produced.

At request of Senator Borah, the court overruling several objections by the defense based on the grounds of immateriality, the letters in question produced by the witness were marked by the court reporter for identification. There were found to be two letters from Henry Cohen. The letters of inquiry were all alike except the names and addresses. They were offered in evidence by Mr. Borah and turned over to the attorneys for the defense for examination. Haywood was very much interested in the letters and while examining them with his head between Darrow's and Richardson's, talked excitedly to his attorneys.

Richardson objected to the letters being introduced, saying they were irrelevant and immaterial and in no manner binding upon the defendant. One letter in particular, one addressed to "Dear Mr. Booth," was objected to particularly. The witness said he did not know who "dear Mr. Booth" was and Mr. Borah explained he had made a mistake in introducing that letter in this connection. He withdrew that letter and renewed his offer of the others in evidence. The defense, through Richardson, renewed their objection. The court examined the letters and overruled the objection. The letter to Pettibone was read. It was dated April 7, 1905, and was worded as follows:

Letter to Pettibone.

Mr. G. A. Pettibone,
1634 Court Place,
Denver, Colorado.

Dear Sir,—
A gentleman by the name of Thomas Hogan has applied to me for position as agent, and has given me your name as reference. I would esteem it a favor, if you would kindly advise me, and in the strictest confidence, what you know of this gentleman, both as regards his integrity, ability and the general character of his habits, and very much oblige.

Yours respectfully,
JOHN L. STEARNS,
April 7, 1905. Manager.

Mr. Stearns said his letters of inquiry to the other men whom Orchard had named as references were couched in the same language as the Pettibone letter.

Pettibone's Reply.

The answer of Pettibone caused considerable amusement when read. It was as follows:

John L. Stearns,
City.

Dear Sir,—
In reply to your letter of 7th in relation to Thomas Hogan: Yes, I am acquainted with Hogan, and I am also getting acquainted with you. If any more

in recommending Thomas Hogan wrote as follows:

Mr. John L. Stearns,
Mutual Life Insurance
Company,
432 Cooper Building, City.

Dear Sir:—
Your letter of the 7th regarding Mr. Hogan was received during my absence.

I have known Mr. Hogan something over a year, and as far as I know, his integrity is of the best. His habits are good, and I think he can ably perform the duties as an agent of your company if you should see fit to appoint him.

Yours very truly,
HENRY COHEN.

April 12.

At the close of the reading of the letters, Richardson moved to strike out the testimony. His motion was overruled. Richardson began the cross-examination.

The witness said he had first seen Hogan at his office and a Mr. Vaughn was with him. He said he had employed several agents who had formerly worked for Pettibone. There were no further questions and the witness was excused.

Mrs. Soward Called.

Mrs. F. E. Soward of Berkeley, Cal., was next called. In the fall of 1904 she lived in San Francisco four doors above the Linford flats where Fred W. Bradley resided.

In answer to Borah Mrs. Soward said she remembered a man by the name of Barry who applied for and hired a room at her house in October.

"He remained at my house for five or six weeks. I have seen him here in the court room and he is the same man known here as Harry Orchard. I had a little flat and he had a small outside room in about the middle of the flat, from which he could see into the Bradley residence.

"I found shavings of lead and wood in his room—in the center of the room. There were also shavings of wood wrapped in a newspaper in the closet."

She said she found some suspicious bottles in the bureau drawer. She also told of finding a cord fastened to a screw-eye in the closet door. It was a sort of fish line and attached to it was a cork.

"How about his suit case?"
"I noticed that it was very, very heavy."

"Did you know of an explosion at the Bradleys?"
"Yes."

The witness said she found the things in the room a day or two before the explosion.

"When did he leave your house?"
"The morning of the explosion."
"When did he settle with you for his room?"
"The night before."

The witness said he had left the house that morning at about 7:30 before she got up.

Richardson started the cross-examination but was interrupted by Judge Wood.

Court's Suggestion.

"Do you want to make your usual objections here, Mr. Richardson?"
Judge Wood was smiling and a general laugh followed.

Richardson hastily made the motion to strike out the testimony.

"The motion is overruled," said the judge.

The witness told Richardson that her daughter had told her that Barry had left early in the morning.

"You don't know yourself?"
"Yes; I knew he left early, but I didn't know just what time it was."

She said Barry had taken his grip away the previous night. Pinned down she admitted that she did not know positively that he had taken the grip away the night before. She now remembered that she had not seen him take it away but that Mr. Glubbiny, the grocer, had told her of that matter.

Richardson took up considerable time to place the exact location of Barry's room, but with no particular object, it seemed, unless to emphasize the fact that he was so located that he could look from his room into the Bradley flat.

Pinkerton Inducements.

The witness said she was induced to come to Boise by a Pinkerton detective by the name of Wilson.

been overruled, the witness answered "yes."

Judge Goddard told the story of the uncovering of the bomb.
"On February 18, 1906, I noticed for the first time a screw-eye in the bottom of the gate. I spoke of the matter to General Wells who was at my house. He examined it and found a depression in the ground near the gate. He dug down and recovered a rough box about 18 inches long. The top of the box was about three inches below the level of the ground. There was burlap above the box. We found a rusted wire attached to a cork partly drawn from a tilted vial in the bottom of which was a brownish sediment."

Judge Goddard told of how the box was removed, placed in a grip and taken by himself and Bulkley Wells to the office of Detective McParland. Here, he said, the box was wrapped up and the package sealed. He told about how the vial and other small parts were wrapped up, sealed and marked for identification.

First Sealed Exhibit.

Mr. Borah handed the judge a sealed envelope. The witness identified his signature to this envelope. He was asked to tear open the envelope. He did so and took therefrom a small vial which he identified as the one found buried near his gate with the bomb.

The vial was offered in evidence, together with a yellow strip of paper attached to the vial which contained the identification mark made by the judge.

The defense objected to the admission of the exhibit in evidence. The vial was admitted by the court, but the yellow slip was ordered taken from it.

Mr. Borah tendered the vial to Judge Goddard, requesting him to detach the yellow slip of paper. As the judge was with some difficulty untying the string, Attorney Darrow ejaculated:

"Anybody can detach that slip, Mr. Borah. It isn't necessary to bring a justice of the supreme court all the way from Colorado to perform that kind of work. It is manual labor."

Judge Goddard smiled and said he was not afraid to do a little manual labor now and then.

Mr. Borah replied: "Sometimes I have peculiar methods of my own and I am always persistent about following them. In this case I am taking no chances for there may be one or two other cases to try in which these same exhibits may be needed."

"That matter is not worrying me," replied Darrow.

"I'm not so certain about that, either," replied Borah, quickly.

After the vial had been admitted in evidence, the yellow slip at Borah's request was marked by the court reporter for identification, and then offered in evidence. The defense objected to the slip going into the record as evidence but it was admitted.

Other Exhibits.

Here another envelope, sealed and with Judge Goddard's signature upon it, was identified and opened by the witness. This envelope contained the screw-eye that had been taken from his gate.

This was marked as a state's exhibit and after an objection by the defense was admitted in evidence also.

Judge Goddard said the screw-eye had been found in the frame of his gate. It bore evidences of having been there a long time—was much rusted.

Then another sealed envelope—this time a long manila one—was handed to the witness. This envelope he said had been sealed in Detective McParland's office. Within the envelope was a small wrapping of yellow paper which the judge took out and laid on the table before him. The paper contained a dozen giant powder caps, which the judge stated had been taken from the bomb at his gate.

"They were right under the mouth of the vial," he said.

The package of giant powder caps was admitted in evidence after protests by the attorneys for the defense.

Next the wrapper of the two stacks of giant powder were identified and finally admitted in evidence.

Sticks of Giant Powder.

Judge Goddard said there were 40 sticks altogether in the bomb—37 full sticks and 3 sticks with the ends cut off to make room for the giant caps and the vial.

"In the summer of 1906 the box containing the powder was taken a mile and a half or so out of Denver. The giant powder sticks were taken

Mr. Richardson's reading of the anarchist's revolutionary writings in the 80's created a sensation. He gave declamatory emphasis to the fearful advice looking to the wholesale destruction of all who stood on the side of law and order.

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Haywood's Prejudice.

Continuing his argument, Mr. Richardson said that in none of the articles in the Miners' Magazine was there direct or implied connection with the murder of Governor Steunenberg. He admitted Haywood's prejudice against Steunenberg because of his course in Idaho, but he shouted out that "tens of thousands and hundreds of thousands of people in the country condemned or approved the course adopted by Steunenberg," and that those who condemned should not for that reason be held responsible for the governor's murder.

Borah's Argument.

Senator Borah argued for the state that the magazine articles should be admitted because they showed the enmity of an organization of which the defendant, Haywood, and the other defendants, were officers.

He pointed out that the state did not offer the articles as evidence relying on them to prove their charge of murder, but in order to help the jury in determining, among all the circumstances, what was the animus of the Western Federation of Miners, of which Haywood is the secretary, and the Miners' Magazine the official organ.

Senator Borah, without quoting from the articles, said that these articles did advocate force and that they advised the members of the organization to arm themselves with rifles. He maintained that if the evidence of newspaper articles was admitted in the Spies case, the evidence of articles in the Miners' Magazine should be admitted, because in both cases in the present case not less than in the case tried 24 years ago, animus was shown and violence was advocated.

Richardson closed the argument. He asserted that in no word contained in the Miners' Magazine was there an advocacy of the use of arms except in self-defense, a right allowed to every citizen, and he forcefully argued that criticism of a political opponent could not be construed as an evidence of murderous intent.

"Before ruling on the matter, gentlemen," said the court, "I wish to examine into the articles carefully. I would like, Mr. Borah, to have you prepare for me a schedule of the articles, titles, number and page, so that there can be no mistake."

Mr. Borah said that he could not very well go on with the introduction of other witnesses without considerably changing the course mapped out.

Judge Wood announced that he would take the matter of the introduction of the articles in evidence under advisement until 2 o'clock, to which time he ordered a recess taken.

The court adjourned at 11 o'clock. Judge Wood said that unless the state had other witnesses he would not continue the case until he had reached a decision on the very important matter presented in the morning.

Decision Postponed.

Just after the clock in the court room struck two Judge Wood took Judge Wood announced that he was not ready to finally pass upon the admissibility of the various articles from the Miners' Magazine.

"I have had time to make but a hasty examination of the articles," said the presiding judge, "and while I have decided that some of them may be admitted and others must be rejected, there are some as to which I am in doubt because of the insufficiency of the memoranda handed me by counsel. I will not render a decision until I have the copy of the stenographers' minutes before me. I expect to have the decision ready by tomorrow."

Mr. Borah announced, there were some witnesses the state could call.

April 7, 1905, and was worded as follows:

Letter to Pettibone.

Mr. G. A. Pettibone,
1624 Court Place,
Denver, Colorado.

Dear Sir,—

A gentleman by the name of Thomas Hogan has applied to me for position as agent, and has given me your name as reference. I would esteem it a favor, if you would kindly advise me, and in the strictest confidence, what you know of this gentleman, both as regards his integrity, ability and the general character of his habits, and very much oblige.

Yours respectfully,
JOHN L. STEARNS,
April 7, 1905. Manager.

Mr. Stearns said his letters of inquiry to the other men whom Orchard had named as referees were couched in the same language as the Pettibone letter.

Pettibone's Reply.

The answer of Pettibone caused considerable amusement when read. It was as follows:

John L. Stearns,
City.

Dear Sir,—

In reply to your letter of 7th in relation to Thomas Hogan:

Yes I am acquainted with Hogan, and I am also getting acquainted with you. If any more of my agents apply to you for positions you would do me a favor by showing them the nearest way to the sidewalk, as I can use all these fellows very handy myself.

Yours truly,
G. A. PETTIBONE,
Denver, April 8.

Mr. Hawkins' Reply.

The reply of H. N. Hawkins, E. F. Richardson's law partner, was read by Mr. Borah as follows:

Richardson & Hawkins,
Denver, Colorado.

April 8, 1905.

John L. Stearns,
Manager Mutual Life Insurance Company of New York,
Denver, Colorado.

Dear Sir,—

With reference to Thomas Hogan, will say that I have known him for a considerable period of time and esteem him in every way as a man of integrity. His habits, so far as I have had occasion to observe them, are of the best, and in general I know of nothing whatever detrimental to his character. I am glad to recommend him for the position.

Yours truly,
HORACE N. HAWKINS.

Reply of Mr. Sullivan.

Denver, Colorado,
April 8, 1905.

Mr. John L. Stearns,
Cooper Building,
Denver, Colorado.

Dear Sir,—

Yours of the 7th inst. regarding one "Thomas Hogan" was received this morning and contents carefully noted, and in reply will say, that I know a man by the name of Thomas Hogan (which I presume is the man you refer to) for three or four years, and so far as I know his integrity is unquestioned, and regarding his general character, I consider it good, but regarding his ability as an agent, I feel that I am unable to pass on that point from the fact that I have not had any experience in that line of business.

Yours respectfully,
J. C. SULLIVAN.

Cohen's Answer.

Attorney Henry Cohen of Denver

fore the explosion.

"When did he leave your house?"

"The morning of the explosion."

"When did he settle with you for his room?"

"The night before."

The witness said he had left the house that morning at about 7:30 before she got up.

Richardson started the cross-examination but was interrupted by Judge Wood:

Court's Suggestion.

"Do you want to make your usual objections here, Mr. Richardson?"

Judge Wood was smiling and a general laugh followed.

Richardson hastily made the motion to strike out the testimony.

"The motion is overruled," said the judge.

The witness told Richardson that her daughter had told her that Barry had left early in the morning.

"You don't know yourself?"

"Yes; I knew he left early, but I didn't know just what time it was."

She said Barry had taken his grip away the previous night. Pinned down she admitted that she did not know positively that he had taken the grip away the night before. She now remembered that she had not seen him take it away but that Mr. Glubbly, the grocer, had told her of that matter.

Richardson took up considerable time to place the exact location of Barry's room, but with no particular object, it seemed, unless to emphasize the fact that he was so located that he could look from his room into the Bradley flat.

Pinkerton Inducements.

The witness said she was induced to come to Boise by a Pinkerton detective by the name of Wilson.

Another detective by the name of Reeves also called on her. She said Wilson had probably called a dozen times and Reeves called about three times.

"Then you had about 15 calls from Pinkertons before you finally consented to come?"

"About that many."

She testified that she had only received \$30 before starting for Boise and her railway fare.

The witness here answered a long list of petty questions plainly asked by Richardson for the purpose of aggravating the witness and some of his questions were of a rather insinuating nature.

Mrs. Soward said she had not reported the finding of the lead shavings, etc., in Orchard's room to anyone other than her daughters.

"I thought he was inventing something," she declared, "but I had no idea what it was."

Mrs. Soward testified she had not appeared as a witness in the gas company case and did not testify.

The state here received permission of the court to file the names of several additional witnesses, among them Justice William H. Gabbert of the supreme court of Colorado, and several officials of the Postal Telegraph company, among the latter being Alfred Eoff of Boise. Mr. Borah stated Mr. Eoff had been found to be president of the Postal Telegraph Cable company of Idaho and the man whom the state would have to make the demand upon to produce certain telegrams filed with the company—particularly the telegram sent by Adams from Salt Lake to Haywood in Denver.

The defense strongly objected to adding more names to the indictment but the objection was overruled.

The Peabody Bomb.

Riley Harris of Greeley, Colo., a plumber, was next called. In 1905 he was located across from Pettibone's store in Denver. He worked for Mr. Roach.

Harris testified that he was in the plumbing shop when the lead casing which Orchard ordered was made. He was in the shop when the casing was made. He said he delivered the casing to Orchard at Roach's store in May, 1905, and collected \$1.50 for it.

The usual motion to strike out the testimony was made and Richardson began the cross-examination. He learned that Harris recognized the man here going by the name of Orchard as the one to whom he delivered the casing.

Justice Goddard Called.

Judge Luther M. Goddard of the Colorado supreme court was next called. He was examined by Borah.

Judge Goddard said that both he and Judge Gabbert were on the supreme bench in 1904.

"I will ask you if you were present at the uncovering of a bomb at your gate a year ago last spring?"

After objections by the defense had

been put in evidence. The defense objected to the slip going into the record as evidence but it was admitted.

Other Exhibits.

Here another envelope, sealed and with Judge Goddard's signature upon it, was identified and opened by the witness. This envelope contained the screw-eye that had been taken from his gate.

This was marked as a state's exhibit and after an objection by the defense was admitted in evidence also.

Judge Goddard said the screw-eye had been found in the frame of his gate. It bore evidences of having been there a long time—was much rusted.

Then another sealed envelope—this time a long manila one—was handed to the witness. This envelope he said had been sealed in Detective McParland's office. Within the envelope was a small wrapping of yellow paper which the judge took out and laid on the table before him. The paper contained a dozen giant powder caps, which the judge stated had been taken from the bomb at his gate.

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Next the wrapper of the two stacks of giant powder were identified and finally admitted in evidence.

Sticks of Giant Powder.

Judge Goddard said there were 40 sticks altogether in the bomb—37 full sticks and 3 sticks with the ends cut off to make room for the giant caps and the vial.

"In the summer of 1906 the box containing the powder was taken a mile and a half or so out of Denver. The giant powder sticks were taken out and were exploded all but the three sticks."

Judge Goddard said he had never known about any digging about his gate previous to the finding of the bomb.

Darrow took up the cross-examination and first learned that Judge Goddard had first been elected to the supreme bench as a Democrat. He served eight years and then resumed the general practice of law until April 1905, when he was appointed by Governor Peabody to serve again. He is still serving under that appointment.

"You were appointed after the election and before the new governor took his seat?"

"Yes."

Judge Goddard said he had not taken the oath of office before Adams took the governor's seat for a short time.

He said the appointment was made on the same night that the arrangement was made that Adams should take his seat the following day.

Political History.

Judge Goddard said that during the first year of his term by appointment the decision was rendered on the discussion arising over the county election of the spring of 1904.

There were at that time seven judges on the bench and there was a dissenting opinion by two of the judges.

"Gabbert and yourself were both in favor of the majority opinion?"

"Yes."

Here the court asked for the date of the decision. It was the city and county decision, said Judge Goddard, and he believed the decision was rendered in June.

"The decision created a great deal of comment?"

"I didn't hear many individual comments but I read some warm newspaper reports."

"And Patterson of the Rocky Mountain News was fined \$1000 for contempt of court?"

"Yes."

Here an objection to the line of questioning was made by Borah as not correct examination and Darrow hastened to say it wouldn't pay to object as he had gone as far as he intended to on that line.

Heard of Orchard's Story.

Judge Goddard said he had first heard of Orchard's probable connection with the bomb through Harry Orchard's confession. What McParland had told him of Orchard's story of planting the bomb was what led him to examine the gate at the time the screw-eye was discovered.

"After I received the information as to where the bomb had been planted I examined the spot. I noticed that there was a slight depression but that the earth appeared hard and solid. The grass was not dead. The

(Continued on Page Four.)

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At the residence of the
bride's parents, Mr. and Mrs. Thomas
Cahalan, Miss Lillian Cahalan was
married to Charles Stewart, son of
Judge Stewart. The ceremony was
performed by Rev. Mr. Lemon in the
presence of the immediate family.
After a wedding breakfast Mr. and
Mrs. Stewart left on the afternoon
train for a visit to coast cities and
Victoria, B. C.

Casey-Singer.

At the home of the bride's parents,
1352 Grand avenue, at 8:30 last even-
ing, Rev. P. Monroe Smock pro-
nounced the ceremony uniting in mar-
riage Charles O. Casey and Miss Mad-
elon E. Singer, both of Boise. Leo P.
Marsters was best man and Ada G.
Singer, sister of the bride, bridesmaid.
Mr. Casey is a clerk at the Plowhead
grocery. The couple will take up
housekeeping in two weeks at 1405
River street.

Spiegel-Plout.

Mrs. L. P. Grunbaum received a
telegram yesterday announcing the
marriage of her brother, George Spiegel,
to Mrs. Blanch Plout of Louisville,
Ky. The wedding took place at Cin-
cinnati on Saturday. Mr. and Mrs.
Spiegel expect to visit points in the
south and east for about a month and
then return to Boise where they will
make their home. The wedding came
as a surprise to Mr. Spiegel's many
friends in this city.

Laidlaw-Treadgold.

James Laidlaw of Halley and Miss
Genevieve Treadgold were married at
noon yesterday at the home of the
bride's parents, Mr. and Mrs. M. W.
Treadgold, 637 East Jefferson, Dean
Hinks officiating. Mr. and Mrs. Laid-
law left on the afternoon train for
an extended trip in the east, during
which they will visit the Jamestown
exposition.

Huston-Booker.

Last evening at 8:15 at the home of
Mrs. Wallace, 1122 Miller street, Dean
Hinks performed the ceremony that
united in marriage Miss Joella Booker
to Robert Huston, both of this city.

Rockwell-Sedore.

Robert Rockwell and Bertha M. Se-
dore, both of Ontario, Ore., were
united in marriage yesterday after-
noon at 4 o'clock at the parsonage of
the First Methodist church, Rev. C. B.
Dalton officiating. Mr. Rockwell is
manager of the electric light plant at
Ontario.

Garland-Mitchell.

At the home of Mrs. Alice Mitchell
in South Boise at 10 o'clock last even-
ing, Charles H. Garland of Aften,
Colo., and Mrs. Alice Mitchell
were married, Rev. E. N. Mur-
phy officiating. The couple left last
night for Aften, where they will reside
for a time, probably returning to
South Boise to reside, where the bride
owns one of the most beautiful homes
in the village.

Was Trusted, Will Be Tried.

"I used to know Mr. Sneeker, who
was with your firm. I understand he
is a tried and trusted employe?"
"He was trusted, yes, and he'll be
tried, too, if we're so fortunate as to
catch him."—Exchange.

Mr. Richardson stated he
thought there would not be an-
other jury called for the pres-
ent term here and that mat-
ters would very likely be con-
tinued until the next term.
United States Marshal
Rounds returned last night
from Moscow.

PARTS OF BOMB ADMITTED

(Continued From Page Three.)

lawn had been irrigated all the pre-
vious summer.

"There was no snow on the ground
when we unearthed the bomb, but I
remember there was frost in the
ground. The box was three inches be-
low the surface and three inches from
the edge of the stone walk. I'm not
positive, but I don't think there was
any snow on the ground."

Judge Goddard could not quite re-
member when the giant powder had
been taken out and exploded. He
thought it was something like over a
year ago. He said the sticks were re-
moved from the box and laid out on
the ground and counted. Three were
saved—the others exploded.

"There were several with me. Gen-
eral Wells was there, also a photo-
grapher by the name of Lavigne, and
two Pinkerton men, Mr. Prettyman
and Mr. Londoner."

The giant caps, he said, had been
sealed up after the powder sticks had
been exploded—it was the same day.
In looking over the indorsements of
the exhibits a date was discovered on
the wrapper, May 22, 1906, which the
judge declared was the date of the
fireworks.

At a few minutes past 4 o'clock the
cross-examination was completed and
the witness excused. Court was ad-
journed until 9:30 o'clock this morn-
ing.

Idaho Board of Pharmacy.

There will be a meeting of the Ida-
ho board of pharmacy held in Coeur
d'Alene City, on July 15th, 1907, for
examining all pharmacists who have
not been registered.

By order of R. E. PAYNE,
President.
L. W. SMITH, Secretary.

Strawberries, strawberries. Tillot-
son & Frazer, 207 N. Eighth.

Low round trip rates O. S. L. sta-
tions to Norfolk, Va., account James-
town exposition, will be on sale May
20 to November 20, 1907. For rates
via various routes and full informa-
tion regarding, see O. S. L. ticket
agents.

Giant flowered pansy plants. A full
stock of other bedding plants and cut
flowers at Bayhouse Floral Co.

D. D. Williams, President.
Gustav Kroeger, Secy

Security Abstract &

BONDED ABSTRA
WE FURNISH CORRECT
MONEY

We constantly have money to
resent more than 30 people who lose
in charge of

Office No. 105 1/2 North Tenth

For Your Office

nothing is too good. Two-thirds of y
is spent there—its appearance should
your callers, and you should be cor
while planning your business campaign

Our line of Up-to-date Office Furnishings is
**Desks, Chairs, Tables, Typewriter Desks,
Ladders, Sectional and other Filing Devices**

Everything to the minutest detail for the mo
Superior quality Printing of all kinds, f
card to a 1,000 page book. Fine Stationery f
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and information.

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Grand

Senescu's Rooms

B. E. Hyatt, Manager

THE IDAHO DAILY STATESMAN.

TEN PAGES.

BOISE, IDAHO, FRIDAY MORNING, JUNE 21, 1907.

PRICE FIVE CENTS.

MR. BORAH ANNOUNCES STATE MAY CLOSE ITS CASE TODAY

Then Haywood's Attorneys Will Move for Verdict of Acquittal

Articles From Miners' Magazine Read to Jury—Important Telegraph Records Admitted in Evidence

REMITTANCES MADE TO H. GREEN

Evidence to Show They Were Telegraphed From Pettibone's Store in Denver.

MONEY SENT BY WIRE TO ORCHARD

Magazine Articles Introduced to Show Hatred of Federation Officials for Steunenberg and Others—to Show That Motives Existed to Murder Him—Strong Objections of Defense Overruled—Supreme Court Decisions Admitted in Evidence.

Thomas James H. Hawley and William H. Wray, attorneys for the state, today introduced several more articles in their attack of records of points selected against the defense in the trial of William H. Haywood. Steunenberg admitted the most recent and persistent objections from the defense—such as the admission of the articles and the admission of the articles in evidence—admitted in evidence. The articles introduced were introduced for the purpose of showing the state's case against the defense. The articles introduced were introduced for the purpose of showing the state's case against the defense. The articles introduced were introduced for the purpose of showing the state's case against the defense.

ONE OF THE MINER'S MAGAZINE ARTICLES WHICH SENATOR BORAH READ TO THE JURY

(Following is one of the articles from the Miners' Magazine yesterday read to the jury, tending to show the animus against him by the officials of the Western Federation of Miners. It appeared in the issue for January 1901. The article was headed "The Passing of Steunenberg.")

On the 10th of January, 1901, Frank Steunenberg, governor of Idaho, will sink into obscurity from public view, where he shall forever lie buried, damned for the outrages he committed upon the workmen of the Coeur d'Alenes during the past twenty months. For twenty months this Hessian descendant that would disgrace Ananias, resorted to deeds from which Nero would shrink, even in the zenith of his glory, and all was done for the greasy dollars of the Standard Oil company. Four years ago, when the president of the Western Federation of Miners helped make this monstrosity governor of Idaho, believing that he was a member of the International Typographical union, which he declared himself to be in the presence of witnesses on the streets of Boise, which was a deliberate lie, he said he did not have \$20 in cash; and two years later, when he was re-nominated for governor, he was unable to pay his campaign expenses. But four years later, in 1900, he was able to spend \$4000 to manipulate the Democratic state convention to secure a third nomination. In 1898 he was unable to pay his campaign assessment to the Democratic state central committee, but two years later, on a salary of \$3000 a year, he was able to spend \$4000 to control the Democratic state convention and, in addition to this, in less than two years he has bought several thousand sheep and holds bank stock and other valuable property, all of which he is trying to conceal, and well he may; for a scoundrel always conceals his deeds. How this villain has risen in four years from editor of a weekly paper on the Snake river desert to a wealthy sheep owner, mine owner and stockholder! Where did he get the money to make those investments, except from the mine owners whose lackey he was from the day he was elected governor? When men and women will bless the name of Paul Corcoran, the model husband, the honest man, imprisoned by this filthy reptile, Steunenberg's name will be uttered with loathing. Farewell, Steunenberg, once governor of Idaho; your political career is ended. You have done everything within your power to send the men who made you governor to the penitentiary, and, worse than all, you stand before the world a convicted perjurer before the congressional investigating committee. But your cheek has long since lost the blush of shame and your damnable deeds will never appeal to your manhood, for such you never possessed. Your sole ambition was money, which in your estimation was superior to honor, but you are gone and upon your political tombstone shall be inscribed in indelible words, "Here lies a hireling and a traitor!"

NORTH SIDE TWIN FALLS LANDS TO BE OPENED OCTOBER 1

MRS. DAY'S ALIQUOT.
(Special Dispatch.)
WALLACE, June 20.—Judge E. C. Steele of Moscow handed down a decision today in connection with the applications of Mrs. Agnes Loretta Day for \$25,000 temporary alimony. She was named defendant in

TELEGRAPHERS NOT TO STRIKE

Western Union Company and Employes Reach an Understanding.

E. C. Clowry Writes a Letter to Commissioner Neill Outlining the Attitude of the Company—Willing to Meet Men and Consider Grievances.

NEW YORK, June 20.—The threatened strike of telegraphers has been averted. An adjustment between the Western Union and the Commercial Telegraphers' union of America was reached today. The abandonment of plans for a strike of telegraphers followed the visit of United States Commissioner of Labor Neill to this city to look into the situation. He made several suggestions looking toward peace and the adjustment between the company and its operators was then reached. Today President Clowry of the Western Union Telegraph company, addressed a letter to Mr. Neill outlining the position of the Western Union. This was admittedly satisfactory to all parties concerned. Mr. Clowry's letter to Mr. Neill is as follows: "Referring to the conference held between yourself and me and other officials of the Western Union Telegraph company, and having in view the possible grave inconvenience to the public following any general interruption of our business, I am glad to make clear to you the method resorted to by the Western Union Telegraph company in regard to this whole matter. "All statements made by persons in no way connected with this company that the 10 per cent increase granted by the telegraph company on March 1 last, has not been applied in all salaried telegraphers, I desire to say that the telegraph company announces this incorrect in good faith and is carrying it out in good faith, and if any case can be found in which the increase was not granted it will be corrected at once. "The statement also being made that the telegraph company is endeavoring to neutralize the 10 per cent advance by the application of a so-called sliding scale is without foundation. There is no such practice in effect nor is there any intention of putting it into effect by the management of this company. "The standard salaries for regular positions as established by the increase of March 1 will be maintained and the company will pay to any man appointed or promoted to any position the

RESOLUTIONS OF LAND CONVENTION

Oppose Any Change in Laws and Customs as to Grazing Outside Reserves—Lands Should Be Held for Actual Settlers.

DENVER, Feb. 20, June 20.—The first public land convention ever held came to an end late this afternoon with the adoption of a series of resolutions which were not so radical as expected. A letter was received from President Roosevelt and was a feature of the day's session. The resolution over which there was the most heated fight: "We oppose any change in the existing law and customs as to grazing livestock upon the public domain, outside of forest reserves, and we favor the maintenance of the present law in all cases and wherever possible to actual settlers. The people of the West are unalterably opposed to any change in this wholesome and beneficial policy. Forest reserves should only be created where they do not interfere with the policy of grazing the lands of the state and the people of the state in the free and unobstructed use of all waters within forest reservations should not only be permitted but encouraged, and wherever possible be imposed thereon. The necessity of the most reasonable and equitable regulations by the government is commended. The resolution, however, favors the prompt elimination from forest reservations of all lands not timbered or suitable for reforestation or reasonably necessary to conserve the flow of streams used for irrigation. It is especially urged that the reports of special and secret service agents in the land department and of the department of agriculture shall be made under oath. A modification of any existing order which prevent beneficial filings on any of the public land lands is disapproved. The national organization law is hereby endorsed. It is urged that congress legislate appropriately with respect to school lands in so far as to that each state may be deprived of these lands may receive an full quota of lands in its jurisdiction, for the purpose for which they were originally granted. It is further demanded in state, territory, and not settled and are necessary. The power should be reduced to reasonable limits within the land reservation containing timber or not. On the opening of the convention today, Mr. McKelvie, president of the American Landstock association, demanded to know what those in the list of the present plan of administration of public lands could be heard. "The public statement that they could be heard immediately after Secretary James A. H. Smith and Chief Forester Gifford H. Pinchot had made their statements to the press is already dead. Resolutions introduced. The resolutions were introduced and read. The commercial bodies of outside holdings, and the directors of (Continued on Page Two.)

WILL KEEP DOOR OPEN TO SERIOUS FIRE IN SAN FRANCISCO

American Attitude on Limitation of Armaments at The Hague Outlined. Seven Firms Suffer and Loss May Reach a Quarter of a Million.

THE HAGUE, June 20.—It is officially stated that General Hervey Pope

SAN FRANCISCO, June 20.—Fire tonight destroyed a number of busi-

MONEY SENT BY WIRE TO ORCHARD

Magazine Articles Introduced to Show Hatred of Federation Officials for Steuenberg and Others—to Show That Motive Existed to Murder Him—Strong Objections of Defense Overruled—Supreme Court Decisions Admitted in Evidence.

Attorneys JAMES H. HAWLEY and WILLIAM F. BARRON for the state yesterday put several more notches on their stick of records of points secured against the defense in the trial of WILLIAM D. HAYWARD. Successfully against the most urgent and persistent objections from the defense which charged HAYWARD and his associates with plotting and attempting to assassinate Governor STEUENBERG, the state succeeded in getting evidence on the court record of the trial admissions in evidence of the state's case during the years 1904 to 1906.

These articles were introduced for the specific purpose of showing the effect of the unwarranted influence of the Western Federation of Miners and its officials, STEUENBERG, in the selection and appointment of HAYWARD as Judge of the Supreme Court, and other matters which the defense had attempted to bring to the attention of the jury. The state's motive was the best of the defendants in killing Governor STEUENBERG.

Valuable Telegram Evidence.—The state's victory for the defense in the getting of the magazine articles before the jury was almost complete in the case of Governor STEUENBERG. A. F. BARRON, in Denver and HAYWARD, and at each point in the prosecution of the case, and plotting and attempting to send the life of FRED W. HAYWARD, and it was given out that the state will show the handwriting of the defendants on the stand to-day.

During the proceedings of yesterday several matters were divided regarding the plans of both sides. The less there should be an opening in the second phase of the trial evidence, particularly the Denver office records of the telegram sent by STEUENBERG in Salt Lake City, which covered four times as much land as the company was then prepared to put on the market. Since then there has been a constant flood of inquiries about the tract and the next opening, and there is little doubt that the next opening will be even more successful than the first. Arrangements are to be made to run excursions from many points, while the railways will be asked to make special rates for the occasion from widely separated localities. The Short Line has already taken a lively interest in the success of the enterprise and it will do everything it can to make a success of the opening, while the company will see that people from Illinois to Puget sound are made acquainted with the opportunities that will be afforded for securing land under especially favorable conditions which is the best to be found in the country.

For two months this Western ascendant in town long ago, business, respect to success from which you would shrink, even in the zenith of his glory, and all was done for the greedy dollar of the Standard Oil company. Four years ago, when the president of the Western Federation of Miners helped make this monstrous governor of Idaho, believing that he was a member of the International Typographical union, which he declared himself to be in the presence of witnesses on the streets of Boise, which was a deliberate lie, he said he did not have \$20 in cash; and two years later, when he was re-nominated for governor, he was unable to pay his campaign expenses. But four years later, in 1900, he was able to spend \$4000 to manipulate the Democratic state convention to secure a third nomination.

In 1898 he was unable to pay his campaign assessment to the Democratic state central committee, but two years later, on a salary of \$3000 a year, he was able to spend \$4000 to control the Democratic state convention and, in addition to this, in less than two years he has bought several thousand sheep and holds bank stock and other valuable property, all of which he is trying to conceal, and will he may, for a scoundrel always conceals his deeds.

How this villain has risen in four years from editor of a weekly paper on the Snake river desert to a wealthy sheep owner, mine owner and stockholder!

Where did he get the money to make those investments, except from the mine owners whose lackey he was from the day he was elected governor?

When men and women will bless the name of Paul Corcoran, the model husband, the honest man, imprisoned by this filthy reptile, STEUENBERG's name will be uttered with loathing.

Farewell, STEUENBERG, once governor of Idaho; your political career is ended.

You have done everything within your power to send the men who made you governor to the penitentiary, and, worse than all, you stand before the world a convicted perjurer before the congressional investigating committee. But your cheek has long since lost the blush of shame and your damnable deeds will never appeal to your manhood, for such you never possessed. Your sole ambition was money, which in your estimation was superior to honor, but you are gone and your political tombstone shall be inscribed in indelible words, "Here lies a hireling and a traitor!"

NORTH SIDE TWIN FALLS WOODS TO BE OPENED OCTOBER 1

One Hundred and Fifty Thousand Acres to be Opened—Contracts for Canal System and Reservoirs to be Let at Once.

(Special Dispatch.)
MILWAUKEE, June 26.—At a meeting held last evening it was definitely decided to open the remaining 150,000 acres of the North Side Twin Falls tract on October 1. The opening will be conducted on the same general plan as the opening of the first day on the first 30,000 acres, which was such a great success.

When the first opening occurred there were about 200 applicants to cover four times as much land as the company was then prepared to put on the market. Since then there has been a constant flood of inquiries about the tract and the next opening, and there is little doubt that the next opening will be even more successful than the first. Arrangements are to be made to run excursions from many points, while the railways will be asked to make special rates for the occasion from widely separated localities. The Short Line has already taken a lively interest in the success of the enterprise and it will do everything it can to make a success of the opening, while the company will see that people from Illinois to Puget sound are made acquainted with the opportunities that will be afforded for securing land under especially favorable conditions which is the best to be found in the country.

It has also been determined to let the contract for construction of all the remainder of the canal system in from 30 to 60 days. The preliminary work is being pushed through and the company will be prepared to let the contract long before the next opening. Indeed, it expects to have work in progress on many portions of the canal system when the throng assembles to take part in the drawing on October 1. The work to be done is of gigantic proportions, involving construction of the three reservoirs, and it is expected that many of the greatest contracting concerns of the country will be on hand to bid on the job.

The new town to be founded at a point some 16 miles south of Shoshone has been named Jerome.

MRS. DAY'S ALMONY.

(Special Dispatch.)
WALALA, June 26.—Judge E. C. Steele of Moscow handed down a decision today in connection with the applications of Mrs. Agnes Steele Day for \$25,000 temporary alimony, \$25,000 counsel fees and \$10,000 suit money, which was argued before the court on the 24th of this month, and which is a part of the Millionaire Day divorce suit. In the order issued by Judge Steele the defendant is enjoined to pay \$200 attorney's fees, \$600 suit money and \$100 alimony before July 20 next, and thereafter to pay \$100 a month alimony to the defendant during such time as the trial of the case shall not have been completed.

GOVERNMENT AFTER WYOMING COAL LANDS

CHEYENNE, Wyo., June 26.—United States District Attorney Burke today filed two suits in the federal court here against the Diamond Coal & Coke company, a Utah corporation doing business in Wyoming. The suits are for the unlawful cutting of timber for mine props from government forest reserves. The other is for the reclamation of 27 acres of coal lands which the company is now operating and which it is charged was obtained fraudulently. The company has opened sales on the property which are said now to be worth a million dollars. There will be no criminal prosecution of the company.

Former Defends Negroes.

XENIA, Ohio, June 26.—On the campus of Wilberforce university this afternoon, Senator Joseph B. Foraker discussed the matters developed by the senatorial investigation of the Braxton shooting. The occasion was the annual commencement of the college. It followed enthusiastic demonstrations to the senator.

Senator Foraker paid tribute to the colored soldiers in the Spanish-American war, declaring that "no braver men ever bore the flag to victory than that contingent, the Ninth and Tenth cavalry and the Twenty-Fourth and Twenty-Fifth infantry."

RECOGNITION REFUSED.

WASHINGTON, June 26.—Secretary Root has declined to grant the request of Dr. Angel Barba, a Cuban, for recognition of the diplomatic representative of the Honduran provisional government. He has refused to increase the wages of operators, chief operators and managers 10 per cent on March 1.

The abandonment of plans for a strike of telegraphers followed the visit of United States Commissioner of Labor Neill to this city to look into the situation. He made several suggestions looking toward peace and the adjustment between the company and its operators was the result. Tuesday President Henry of the Western Union Telegraph company, addressed a letter to Mr. Neill concerning the matter of the 10 per cent increase. This was admittedly satisfactory to all parties concerned. Mr. Neill's letter to Mr. Neill referring to the conferences held between yourself and me and other officials of the Western Union Telegraph company, and having in view the possible grave inconvenience to the public following any general interruption of our business, I am glad to hear that the situation occupied by the Western Union Telegraph company in regard to this whole matter.

As to statements made by persons in no way connected with this company that the 10 per cent increase granted by the telegraph company on March 1 was but a sham, and that to all admitted telegraphers, I desire to say that the telegraph company has no interest in the matter, and is maintaining a full faith and confidence in the increase which the company has granted. It is not to be denied that the telegraph company is not averring to maintain the 10 per cent advance by the application of the same principle to the telegraph company. There is no such practice in effect as to have any limitation of setting it in effect by the management of the company.

The standard salaries for regular positions as established by the increase of March 1 will be paid to all telegraphers who will pay to any man appointed or promoted to any position the salary attached to that position after the increase of the 10 per cent. It is not the salary in effect for their work as of March 1 inclusive of the 10 per cent increase. The company has not discriminated against any employee it discriminates against any employee of the company because of affiliation or non-affiliation with any organization, and it is to be shown to me that any subordinate has discriminated against any telegrapher because of affiliation with any organization, such telegrapher shall be restored to his position without prejudice.

As evidence of the absolute good faith of the Western Union Telegraph company in its relations to its employees, I beg to say that if any telegrapher feels that his salary is not under any of the foregoing conditions and if he cannot secure a satisfactory adjustment of his complaint with the officers of the company, we will submit the matter to the arbitration of three parties, one to be selected by the telegraphers, one by the telegraph company and the third to be selected by the two so chosen, and in the event that the two cannot agree upon a third arbitrator within one week, we will be very glad to have such third arbitrator chosen by the chairman of the interstate commerce commission and the commissioner of labor acting jointly.

As a further evidence of our entire willingness to deal fairly and preserve amicable relations directly with our employees any telegrapher who at any time has a grievance can take it up with his superintendent either in person or if he wishes by letter to any committee he may select from the other employees of the company in the same district.

I have outlined above in brief the position the Western Union Telegraph company holds in regard to matters which have been discussed and you are to have discussed and you are to have discussed any use of this letter that you see fit.

Your very truly,
R. C. CLOWRY,
"President."

The Postal Telegraph and Cable company takes the position that it will not be directly involved in the controversy. Edward Kelly, vice president and general manager, gave out the following statement today as to his company's attitude:

"I wish to state that the Postal Telegraph & Cable company that the statement that the company refused to consider complaints from its employees, either individually or as a committee, is entirely untrue. We have always been very glad to meet any of our employees and to consider any matter they might care to present."

For instance our Chicago employees recently made an application for a still further increase of wages. It was not until we had the wages of operators, chief operators and managers 10 per cent on March 1.

The conditions say that experience has demonstrated the wisdom of the policy of treating the lands of the nation as a public trust and that in all cases and wherever possible to actual settlers. The people of the west are materially benefited by any change in this schedule and beneficial policy. Forest reserves should only be created where they do not interfere with the free and unhampered use of all waters within forest reservations should not interfere with the free and unhampered use of all waters, and no charge should be imposed thereon. The necessity of forest reservations is recognized by this graph company, and having in view the possible grave inconvenience to the public following any general interruption of our business, I am glad to hear that the situation occupied by the Western Union Telegraph company in regard to this whole matter.

The United States regards the limitation of arms as a European question, and in face of the present divergence of views among the European powers and the unwillingness of any of them to assume the responsibility, the United States does not feel justified at the outset of the conference in introducing the subject of the limitation of arms as a European question. Nevertheless, the United States does not want to see the limit closed, and the resolution is made to protect her right to introduce the subject if for any reason later she should desire to do so.

Car Strike Ended.
SAN FRANCISCO, June 26.—The striking car men of the South San Francisco street car company have returned to work pending a settlement of the strike of employees of the United Railroads. They are to receive the same wages they got before they went out.

Auto Accident.
SAN FRANCISCO, June 26.—A most appalling automobile accident occurred at Calistoga about 100 miles distant from Napa. The automobile, which was going at high speed, ran into a rock and was demolished.

San Francisco Fire.
SAN FRANCISCO, June 26.—Fire tonight destroyed a number of business places on Van Ness avenue near Sacramento street. The flames spread through a number of the recently constructed buildings in the new business district and caused a loss that is variously estimated from \$100,000 to \$250,000. The loss is chiefly in the merchandise consumed. Seven firms suffered from the flames. They were paying six and one half per cent insurance and under the terms of their leases the fire terminated their tenancy. The chief sufferers were Stroyanski & Co., hair dressers, \$10,000; Bohm, Bristol & Co., jewelers, \$40,000; Hunsbaker & Co., jewelers, \$10,000; Hirschman & Co., jewelers, \$20,000.

The origin of the fire is unknown.

Resolutions Introduced.
Five resolutions were introduced and read. The commercial bodies of Colorado Springs, and the directors of

(Continued on Page Two.)

THOMAS EAGEN FATALLY SHOTS GIRL AND BOY NEAR COTTONWOOD

Attempts Suicide But Fails and Then Expresses Hope That He Had Killed the Girl—Refusal of Young Woman to Marry Him Cause of the Brutal Deed.

(Special Dispatch.)
LEWISTON, June 26.—Thomas Eagen, a retired railroad contractor, this afternoon shot and fatally wounded Hilda Carlson, the pretty daughter of S. Carlson, a prominent rancher living four miles south of Cottonwood, and her little brother and then turned the revolver on himself, but was not successful in suicide. The deed was caused by the refusal of the girl to marry Eagen.

A few weeks ago she told him she would not be his wife, and it affected him so that he became morose and brooded over the matter.

Eagen rode over to the girl's home this afternoon and inquired for her. The mother advised that she was not at home, and he was told that she had been arrested by City Marshal Baker and taken to Grangeville.

Both the girl and her little brother will die, according to the doctor's opinion. He then turned to the girl and refused to marry Eagen on advice of her mother, on account of the difference in their ages.

(Continued on Page Two.)

FAMOUS LONE BANDIT, THE "BLACK KID," HOLDS UP STAGE

Two Passenger Coaches Held Up and Sixteen People Relieved of Their Valuables—Robber Cool and Daring—Replenishes Food Supply and Makes His Escape.

WAWONA, Cal., June 26.—Two of the regular stages from Raymond, bound for Wawona, were held up and the passengers relieved of their valuables by the "Black Kid," the famous lone bandit of this section, yesterday afternoon in the locality of his former headquarters. The bandit stood at the side of the road with an old 44-calibre rifle leveled at Archie Turner, the driver. He called upon Turner to hold up his hands and then gave the same command to the passengers. He waited until the second stage appeared, when he commanded all the passengers to alight and hold up their hands. The bandit singled out Francis B. Eaton, of Boston, to pass the hat, demanding of the frightened passengers their purses and watches. "After halting the collection, Eaton was compelled to tie the wealth, consisting of several articles of jewelry and \$250, in a handkerchief and pass it over to the robber. While the collecting process was going on the robber compelled Mrs. Eaton to stand behind him, thus using her as a shield from any attack from the rear. While waiting for the second stage and when the collection was going on the bandit talked pleasantly with the driver. The robber helped himself to some peaches, potatoes and crackers from the stage, remarking that he had a hard night before him. When he had finished the general hold up and replenished his stock of foodstuffs, he ordered the passengers back into the stages and commanded the drivers to go on.

(Continued on Page Seven.)

MR. BORAH'S COURT CASE TODAY

(Continued From Page One.)

very plain that, directly the state closed, the attorneys for the defense would move the court for an instruction directing a verdict of acquittal on the grounds that the state had failed to connect Hayward with the murder of the dead governor. In the state should close at noon today and the court this afternoon should rule against the motion by the defense it is probable from what was said that an adjournment will be taken prior to Monday. With the new developments last night, the receiving of the message from Denver by the prosecution, it now seems probable, however, that the usual half day session will be held tomorrow and that the defense's motion cannot come up before Monday or even later.

Original Records in Evidence.
In order to show the connection and the chain of events between George A. Pettibone's store in San Francisco, the prosecution yesterday succeeded in getting admitted as evidence, against the active objections of Messrs. Richardson and Darrow, original records of the Pacific Postal Telegraph company's Denver office. These were produced and they showed that in September and October, 1904, remittances of \$57.50 and \$15 were made, the first by J. H. Wolff and the second by "H. Bone" from 1225 Stout street in Denver (the address of Pettibone's store) to "H. Green" in care of Peter L. Huff at 211 Taylor street, San Francisco. This evidence exactly corroborated Harry Orchard's story in regard to having remittances from Pettibone.

W. V. McCartney who was cashier of the Denver office of the Postal Telegraph company in the fall of 1904 came here from Cheyenne to identify and explain the records that showed the remittances. The exhibits included both the application forms and the instructions concerning the payment of the money at San Francisco. J. H. Wolff and "H. Bone" both waived the identification of "H. Green" at San Francisco and it is claimed that the handwriting in both instances is the same and that it is the same as in the letter Pettibone wrote to the Mutual Life Insurance company when Harry Orchard joined that corporation as a partner.

The state also showed that, while at Silver City in 1899, Hayward declared that Stuenenberg was a "frightful" and a "monster" who should be exterminated. James Kirwan, acting secretary-treasurer of the Western Federation of Miners, testified that Jack Simpkins and Marion Moore were made members of the executive board of the Federation in 1904, and that control of the Federation was by the organization, was vested in the secretary and secretary-treasurer of the Western Federation of Miners.

Borah First Reader.
For the first time a day of reading with Senator Borah as first reader. Judge Wood admitted many of the strongly worded articles of the Miners' Magazine in which Frank Stuenenberg was bitterly denounced and as they were read they were let in Borah read them to the jury.
A showing, anxious, against Judge Goddard and Gabbert of the supreme court of Colorado whom Hayward charged with the murder of Adams to fill the state introduced in evidence the decisions of those judges in the Colorado eight-hour law and the Illinois opinion Application of "H. Bone".

The defense insisted that Borah read every word in both decisions and the first which took over an hour to go over was read before the jury recess and after the court adjourned those who sat together then went to sleep. The other was read with

ing down notes—dates and titles of the various articles—and several times talked earnestly with his attorneys. He appeared rather excited, perhaps a trifle bewildered, rather than chagrined or troubled. After greeting the members of his family, when he first took his seat in the court room, he held no conversation with any of them until they were about to leave.

When Kirwan was on the stand Hayward appeared nervous and his eye traveled back and forth continually from Borah's lips to the face of the witness. Kirwan's examination was very short, however, and when he was finally excused there was an expression of great relief on the face of the defendant.

"Natty, Gray Suit."
Attorney Richardson, entered the court room yesterday dressed in a "natty gray suit" which fitted him neatly. The suit was very much the same color as the one worn by Orchard, the suit concerning which the tall, inelegant lawyer from Denver asked so many questions. Richardson's new suit, however, caused little comment and he was not asked to testify regarding where it was made, where he had it pressed, if the lining came from France, how many seams were taken between the elbow and the wrist, if the pockets were square or round, covered, or if he had sent the money to his wife and charged the suit up to the Western Federation of Miners.

But it is a nice suit just the same—natty as mine as the gray one Orchard wore.

Judge Wood's Ruling.
The jury was not brought into the court room this morning until after Judge Wood had handed down his opinion as to the admissibility of certain articles from a Miners' Magazine as showing the animus of the controlling officers of the Western Federation of Miners toward former Governor Stuenenberg and others. Judge Wood said that he had decided that many of the articles should be accepted. These were the ones printed prior to the death of Governor Stuenenberg. As to articles subsequent to the death of the court decided it had some doubt and would require that doubt in favor of the defendant.

"The evidence in the case on trial," said the judge, "shows considerable difference in the case cited yesterday by counsel for the defense and known generally as the anarchists' case. In that instance the state relied upon a chain of evidence and many of the publications there admitted were published by the defendants themselves and were admitted for the purpose of showing the intention of the crime as committed at the charge and their animus toward the police."

"In the case on trial the evidence in the state's case came in part from articles in the Miners' Magazine. That witness has stated that not only has he committed the crime here charged, but several others as well and he is relied upon to show that the crime was committed at the instance of this defendant and other defendants, said to be the managing officers of the Western Federation of Miners."

"The evidence offered in evidence appears to have been under the control of those officers. The court is convinced that as showing the attitude of the organization and the attitude of the managing officers, their animus and feeling toward those managing officers were committed or attempted, certain publications cited by the state are admissible. The court will admit the articles bearing on former Governor Stuenenberg, Governor Peabody, Judges Gabbert and Goddard and several others. As to the articles following the commission of any crime the court has some doubt and will benefit that doubt in favor of the defendant."

All hail to the Western Federation of Miners, an army of veterans, hale of heart and brave of soul. In every fight they have proved their fiber. Unyielding as Adamant, they stand monumental in defense of the working classes and in defiance of their enemies."

Senator Borah also read from the issue of the magazine of February, 1900, an editorial entitled "Another Outrage," and dealing with the alleged execution of a petition by Governor Steunenberg for a continuance of the federal troops in the mining districts of Idaho. The editorial declared that Steunenberg was being well paid for persecuting the miners' union, denounced him as a Hessian and as an "unscrupulous person, never known to speak the truth."

Strong Words Here.
There are several strong paragraphs from the editorial:
"Knowing Governor Steunenberg as well as we do, we have no hesitation in saying that he is well paid for persecuting the miners and destroying their union."

"Upon closer observation and careful study you can see the Hessian in every line of his countenance and in all his actions."

"Nothing too vile for this man to descend to; he is utterly unscrupulous in all his acts, and from personal knowledge we can truthfully say that we have never known him to utter the truth. His sole aim and ambition is money, no matter how he obtains it."

In number 1 of volume 2, the January number of the Miners' Magazine in 1901, appears a letter from William D. Hayward, dated from Silver City, December 16, 1900, which was admitted in evidence.

It was a letter to the editor of the Miners' Magazine concerning a visit J. C. Williams and Mr. Hayward had made to the Cour d'Alene district. Their business in the Cour d'Alene was connected with the different unions. In the letter he said:

"Phenix-like these disrupted unions have arisen stronger and better for the test they have undergone. Unions never die. The members of these organizations will be espousing the cause of labor, teaching benevolence and fraternity long after their persecutors have departed to a better land."

Hayward goes on to tell of organizing a union at Rocky Bar, saying that the union there was progressing nicely and wages would soon be restored. "But he was not done."

"I visited Brother Paul Corcoran while in Boise. He is looking splendid and in buoyant spirits immediately exclaiming the finding in his case before the jury."

"Had the working men throughout the land voted in the last election as they did at Silver City, the 'full nose bag' administration would have been out of the office."

The next exhibit was a long extract from a speech by Ed Boyce, president of the Federation at that time, delivered on an "anti-trust" day at Butte, Mont., in 1900. Boyce devoted himself mainly to a denunciation of the Standard Oil company in connection with its invasion in the copper field. Boyce said that the Standard Oil company was a "bireling of the oil trust."

Other Exhibits.
Under the heading, "Eight Hour Law," Senator Borah read an editorial calling upon the miners of Colorado to elect Judge Goddard of the polls, holding that he was instrumental in upsetting the shorter day for workmen.

Another article read from the magazine introduced a resolution adopted by the Western Federation of Miners and signed by Hayward and others, denouncing Governor Steunenberg for requiring the miners to do work in the Cour d'Alene to renounce affiliation with any union.

"We condemn such action," the

Following this article was a printed list of the questions on the blanks miners who wished to return to work after the big strike were obliged to answer and sign.

The reading of the magazines continued, Judge Wood naming each exhibit and announcing at some times that an objection by the defense to its admission would be overruled and an exception noted.

Senator Borah read each article as the exhibit was called. He made no attempt at declamation and in fact called out a protest from Clarence Darrow who, at the close of one piece of graphic writing, said, jokingly:

"If you have any more like that, I wish you would let us read them."

When the reading was concluded Borah announced that he had no further questions to ask Edward Boyce, who was on the stand when the "Miners' Magazine" articles were introduced. The defense did not wish to cross-examine Mr. Boyce. Mr. Boyce was notified that he was excused.

Eight-Hour Law Decision.
Here Senator Borah stated he wished to offer in evidence the decision of the Colorado supreme court on the unconstitutionality of the eight-hour day law for miners. He said the decision was rendered when Judge Goddard, Judge Gabbert and Judge Campbell were on the bench. Mr. Borah said:

"We wish to offer this decision in order to show that a decision was actually rendered—a decision on the eight-hour law to which we have claimed these defendants have taken umbrage."

The defense made strong objections but the decision was admitted.

"Do you wish this read?" asked Borah.

"Yes, sir; we do," replied Richardson. "You are a very entertaining reader and we enjoy hearing you voice."

Borah read the decision, although it was stated by the court that the decision, as far as its general contents were concerned, could not be considered in evidence.

It was admitted merely as proof that the Colorado supreme court had actually rendered an opinion finding the eight-hour day law for miners unconstitutional.

The reading of the supreme court decision by Mr. Borah took up some thing over an hour of time and he read very fast. Several times he paused for breath and wiped the perspiration from his brow, and in those instances he was asked by the defendant's attorneys who were hugely enjoying Borah's discomfiture. Each time the senator said Richardson's lawyer had asked him to do so.

"No, sir," he said, "I fully appreciated the joke sprung by the defense in compelling him to read a lot of matter which both sides deemed entirely irrelevant to the case as subject matter."

State Nearly Through.
At last, at 11:45 o'clock, Mr. Borah with a flourish finished the last paragraph of the tedious opinion, dropped into his seat with an exhausted air and mopped his brow with his pocket handkerchief, creating much merriment. The court started to ask a question and Mr. Borah anticipated what it would be:

"Yes, your honor, I have another supreme court decision from Colorado which I intend to introduce in evidence but I must defer it until afternoon." This caused a roar of laughter, the judge, the jurist and the attorneys for both sides joining heartily in the merriment.

At 12:00 o'clock the state's attorneys when the state's side of the case would probably be finished and Mr. Borah replied it would not require more than one more day preceding the telegram exhibits sent from Denver arrived in time. He said the exhibits, so he had been informed, were on the way, having been

the decision admitted as evidence merely to show that such a decision had been rendered.

The defense wanted the opinion read, but upon request of Mr. Borah the reading was deferred until later in the afternoon.

The state called to the witness chair James H. Kirwan, who is now acting secretary of the Western Federation of Miners in the absence of W. D. Hayward.

In answer to Borah's question as to the duties of the secretary-treasurer Kirwan said it was the duty to look after all records of business transactions and minutes of meetings and financial transactions.

"Can anyone but the secretary-treasurer pay out any moneys for the Federation?" asked Borah.

"No one but the secretary-treasurer and the president."
Kirwan was asked about the membership of the executive board in different years, the object being to show that "Jack" Simpkins, implicated by Orchard in the first attempt upon Governor Steunenberg, was a member of the board in 1904, 1905 and 1906. Kirwan said this was true.

Kirwan said each member of the executive board had jurisdiction over a certain district. Jack Simpkins' district covered Washington, Oregon and Idaho. The officers of the Western Federation of Miners are all ex-officio members of the executive board.

There was no cross-examination and Kirwan was instructed he might go back to Denver. He would not be recalled by the state.

Old Mining Man.

The next witness was E. M. Stuart of Baker City, Ore. He said he was a machinist and formerly lived in Silver City. He knew Hayward in 1899 and had had talked with him about Steunenberg.

"Tell us if you ever heard Mr. Hayward make a remark showing his hatred of Steunenberg," directed Borah.

Here Richardson made an earnest objection, which was overruled by the court on a statement by Borah that the object was to show Hayward's long feeling against Steunenberg before he became an official of the Western Federation of Miners.

Richardson said that thousands of people in those days criticized Steunenberg—what Hayward might have said was immaterial.

The witness said: "In 1899 Hayward said he considered Steunenberg a 'typical' and a 'monster' and that he should be exterminated."

Richardson jumped into the cross-examination.

"You didn't complain to the authorities when Hayward made that statement, did you?"

"No, sir."
"You didn't think his statement meant that Steunenberg was in any kind of an immediate danger, did you?"

"No—not then."
"You heard hundreds of other miners speak about the same lines?"

"No, not that many—some did, perhaps."
"Hayward was then a common miner—working and earning his living by the sweat of his brow. Isn't that so?"



MISS CORA MAY PEABODY.

Soup shot taken of former Governor Peabody's second daughter as she was being testimony corroborative of Orchard's story of an attempt Adams and himself made to take the life of her father.

was working in the Blaine mine in 1899."
"I know he was working there when he made the remark and the remark was made at some time during the Cour d'Alene trouble in 1899."
"Wasn't Hayward, in fact, working that year in what was known as the Dewey tunnel?"

"He may have."
Postal Telegrams Produced.
W. R. McCartney of Cheyenne, Wyo., a bookkeeper, was next called. In answer to Mr. Borah the witness said he was cashier of the Postal Telegraph company in Denver in the fall of 1904.

Here Borah handed the witness two state's exhibits—one an application to the Postal company to transfer a sum of money, the other an order transferring the sum of money.

McCartney said the company had a rule whereby the identity of the payee could be waived and in this particular case the identity of the payee was waived. He said from the exhibits the lack of the word "cancelled" in red ink showed it had been voided.

The words of the telegram were in code and Borah asked the witness to translate them.

The defense objected until the exhibits had been admitted in evidence and the objection was sustained by the court.

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"Yes, your honor, I have another supreme court decision from Colorado which I intend to introduce in evidence but I must defer it until afternoon." This caused a roar of laughter, the judge, the jurist and the attorneys for both sides joining heartily in the merriment.

and that it is the same as in the letter which Pettibone wrote to the Mutual Life Insurance company when Harry Orchard joined that corporation as a solicitor.

The state also showed that, while at Silver City in 1899, Haywood declared that Steunenberg was a "tyrant and a monster" who should be exterminated. James Kincaid, acting secretary-treasurer of the Western Federation of Miners, testified that Jack Simpkins and Marion Moore were made members of the executive board of the Colorado union, but that control of all expenditures made by the organization was vested in the president and secretary-treasurer of the Western Federation of Miners.

Bornh Read.
For the rest of the reading with Senator Borah as first reader, Judge Wood admitted many of the strongly worded articles of the Miners' Magazine in which Frank Steunenberg was attacked, and which were let in Borah read them to the jury.

As showing animus against Justices Goddard and Gabriert of the supreme court of Colorado whom Harry Orchard had tried to bribe, and sometimes to kill the state introduced in evidence the decisions of those judges on the Colorado eight-hour law and the habeas corpus application of Charles Steunenberg.

The defense insisted that Borah read every word in both decisions and the first which took over an hour to go over was read before the noon recess and released the court as all save those in the jury box were to stay. The word was read with the effect soon before adjournment for the day.

Then Attorneys Richardson and Eberhart called for a dissenting opinion in the Moyer case, as a matter of fullness and demanded that Borah read that also. Judge Wood took up on the weary reader, however, and said that if the defense wanted the dissenting opinion, they should designate one of its counsel to read it. Mr. Darrow was selected as reader, but he will not be heard until today.

In practically every place of testimony offered during the day the defense first offered objection, then made a motion to strike out, and lastly took an exception on the record. To all evidence connected with the general case, however, by the state the objections of the defense included the propositions that the acts shown were not binding on the defendant and that they were not connected with the assassination of Steunenberg, and there was frequent objection on the ground that the evidence offered did not corroborate the testimony of Harry Orchard, an alleged accomplice, in the manner provided for by the statute.

Spectators Disappointed.
When court convened yesterday morning the spectators' section was well filled and great interest was manifested in the reading of the articles in the Miners' Magazine. When Mr. Borah began reading in a fast, monotonous tone of voice the supreme court decided as was indicated by the defense, many began rising and leaving the room and when the recess hour came there were no persons in the room who were not obliged to be there.

It was noticeable that the members of the jury were intensely interested in all of yesterday's proceedings. Every man in the jury box has so far, although the evidence has been very attentive. It is a stolid jury and the faces unreadable, but each juror has attentively carefully absorbed each and every bit of evidence introduced. In the jury box there were apparently no dull or uninteresting moments for them and the jurors understood that the reading of the Colorado supreme court decisions yesterday was far from casual. It had been announced that the contents of the decisions were entirely immaterial to the trial of Mr. Haywood and were not to be read merely as proof positive that such decisions had been handed down.

Haywood Busily Engaged.
When court opened all the members of the Haywood family who are in the city were present. Judge Wood, however, was carried out of the court room in her invalid chair when the reading of the supreme court decision began and from then on to the noon hour only Haywood's mother of his family remained.

Haywood, himself, was a very busy man yesterday. All during the introduction and reading of the indictments he was busily engaged in ta-

lking up in favor of the defendant, and the reading of the indictment departed to a better land than this.

Haywood goes on to tell of organizing a union at Rocky Bar, saying that the union there was progressing rapidly and would soon be restored. Then he wrote:

"I visited Brother Paul Corcoran while in Boise. He is looking splendid and in buoyant spirits immediately after his release from his case before the supreme court."
"Had the working men throughout the land voted in the last election as they did at Silver City, the 'full nose bag' administration might have been expelled as 'inocuous desuetude.'"
The next exhibit was a long extract from a speech by Ed Boyce, president of the federation at that time, delivered on the 10th day of July, Mont., in 1900. Boyce devoted himself mainly to a denunciation of the Standard Oil company in connection with its interest in seeking work in the Cœur d'Alenes to renounce affiliation with any union.

Other Exhibits.
Under the heading, "Eight Hour Law," Senator Borah read an editorial published in the Miners' Magazine to defeat Judge Goddard at the polls, holding that he was instrumental in upsetting the shorter day for workmen.

The next article read from the magazine included a resolution adopted by the Western Federation of Miners and signed by Haywood and others, denouncing Governor Steunenberg for outraging the feelings of the people of the Cœur d'Alenes to renounce affiliation with any union.

"We condemn such action," the resolution recited, "as usurpation of power and a gross abuse of authority." The resolution also condemned "the just and inhuman administration of Steunenberg."

From the issue of June, 1900, Senator Borah read a comment upon a speech by Mr. Sovereign at the convention of the Western Federation of Miners. The article declared that Mr. Sovereign "spoke of the perfurer, Steunenberg, as a human persecutor of workmen."

From time to time Senator Borah offered in evidence the list of officers of the federation as published in the Miners' Magazine. The officers included Ed. Boyce, president; James Moyer, secretary and treasurer; and William D. Haywood, and Chas. H. Moyer as members of the executive committee.

Political Advice.
In the July issue of 1900 was an article signed by Ed Boyce urging all workmen to support Eugene V. Debs and Job Harriman for president and vice president, respectively, and denouncing McKinley and Roosevelt and Bryan and Stevenson as representatives of the capitalist classes. The Democratic party was assailed as the more important of the two old parties in that it claimed to be emancipated from the wealthy classes but was not. The articles cited "the case of Governor Steunenberg who sold himself to the Standard Oil company to plunder, rob and murder the men who elected him to office."

In an editorial in the Miners' Magazine for January, 1901, the "official creation" of Steunenberg's edicts are applied, without stint to Steunenberg who is charged with extorting rich on "the seven dollars of the Standard Oil company and the mine owners whose servant he has always been." Condemning Steunenberg as a vile thing deserving only contempt, hatred and political death, the article bids farewell to Steunenberg as a traitor.

Whose political tomforesy should be inscribed the words: "Here lies a hireling and a traitor."
The article also referred to Steunenberg as "a hireling, a villain and mine owners' lackey, whose name should be uttered with loathing by every honest man."

Another Article Read.
An article in volume 2, number 1, the January issue of 1901, was read as follows and introduced in evidence:
"With the passing of Steunenberg from the gubernatorial office in Idaho to a security, weighed down with ill-gotten wealth he now boasts of the unlawful permit system he maintained for 20 months in Shoshone county has passed away and the following blacklisting method is being used by the pirates known as mine owners that have been guilty of deeds that should send them to the gallows and to the pillory, were justice meted out to them, but Steunenberg and Sinclair and Merriam, and the rest of us, that we have an account to settle with you, nor will we forgive until you stand at the head of the parade, the indictment of outraged humanity."

Richardson said that thousands of people in those days criticized Steunenberg—what Haywood might have said was immaterial.

The witness said: "In 1899 Haywood said he considered Steunenberg a tyrant and a monster and that he should be exterminated."
Richardson jumped into the cross-examination.

"You didn't think his statement meant that Steunenberg was in any particular or immediate danger, did you?"
"No, sir."
"You didn't think his statement meant that Steunenberg was in any particular or immediate danger, did you?"

"No—not then."
"You heard hundreds of other miners speak along the same lines?"
"No, but many—some did, perhaps."
"Haywood was then a common miner—working and earning his living by the sweat of his brow, isn't that so?"
"Yes, sir."
"You don't know what Haywood's exact words were?"

"Not exactly."
"The only reason that you heard so many express similar sentiments that what Haywood said did not appear unnatural to you, isn't that so?"
"No, sir. I had before regarded Haywood as above the common rabble. I was surprised when he made a statement of that kind. That is what impressed his statement upon my mind."

Pinkerton Persuasion.
Stuart, in answer to further questions, said he had been summoned to appear at a witness by Detective Thiele of the Pinkerton service. He said Charles Elmore, private secretary to Governor Gooding, later visited him in Baker City to persuade him to come to Boise to testify. It was from Elmer he had received \$20 expense money.

Stuart said that it was in the tool shed of the Elaine mine that he heard Haywood's remark about Steunenberg. It was during the noon hour and it was when the men were eating their noon meal.

Haywood just then whispered in Richardson's ear and the attorney asked:
"You are sure that Mr. Haywood

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Stuart, in answer to further questions, said he had been summoned to appear at a witness by Detective Thiele of the Pinkerton service. He said Charles Elmore, private secretary to Governor Gooding, later visited him in Baker City to persuade him to come to Boise to testify. It was from Elmer he had received \$20 expense money.

Stuart said that it was in the tool shed of the Elaine mine that he heard Haywood's remark about Steunenberg. It was during the noon hour and it was when the men were eating their noon meal.

Haywood just then whispered in Richardson's ear and the attorney asked:
"You are sure that Mr. Haywood

Richardson said that thousands of people in those days criticized Steunenberg—what Haywood might have said was immaterial.

The witness said: "In 1899 Haywood said he considered Steunenberg a tyrant and a monster and that he should be exterminated."
Richardson jumped into the cross-examination.

"You didn't think his statement meant that Steunenberg was in any particular or immediate danger, did you?"
"No, sir."
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"No—not then."
"You heard hundreds of other miners speak along the same lines?"
"No, but many—some did, perhaps."
"Haywood was then a common miner—working and earning his living by the sweat of his brow, isn't that so?"
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REAL ESTATE DEALS PLEASSED WITH WORK BY BOISE DEALERS OF ST. JOSEPH'S PUPILS

Small Number of Sales of City and County Property of Recent Consumption.

Bishop Glorieux Awards Prizes for Year's Work and Gives Boys Nice Talk.

Edward Rhodenbaugh has purchased lot 5 in block 5 of the Manville subdivision for which he paid \$300. The sale was made by E. C. Cook, who yesterday reported two other sales of the Manville division as follows: Lot 18, block 1, to Jesse J. Hughes; consideration \$325. Lot 17, block 1, to Clara M. Williams of Clayton, Ida.; for \$325.

John P. Eberding has bought of W. E. Childs 120 acres near Fairview, partly improved. The consideration was \$1500. The deal was made by W. P. Richards. With J. C. Blood, Mr. Richards has purchased of Edward Ashley 60 acres near Payette on Dead Ox flat, the consideration being \$3100.

For \$8000 Mr. Van Dusen has purchased the Jack Campbell property at the corner of Tenth and Hays street. This sale was made by Dean Perkins and W. D. McReynolds, through whom Ott Downard has bought for \$1700 a house and lot on Eighth street between Reesigle and Altauras streets.

Low round trip rates O. S. L. stations to Norfolk, Va., account Jamestown exposition, will be on sale May 20 to November 30, 1901. For rates via various routes, call full information regarding, see O. S. L. ticket agents.

Giant flowered pansy plants. A full stock of other bedding plants and cut flowers at BayHouse Floral Co.

Twenty salesladies and five salesmen wanted at Golden Rule store.

\$40 Bickensdorfer, \$50, Idaho Typewriter Exchange, 10th St.

Rt. Rev. A. J. Glorieux Wednesday-awarded prizes as follows for the year's work at St. Joseph's school.

First class—To Masters Joseph Curran, John McMahon, Louis Stron, Edmund Waters, Randolph McCalla, Martin Curran, Joseph Brewer and Felix Jones.

Second class—To Masters Louis Lecker, Fred Stoll, George Swartzman, Amye La Frank, Frank Payton and Eddie Moritz.

A special prize for arithmetic was awarded equally to Joseph Curran and John McMahon. The prizes were presented to Randolph McCalla and Joseph Brewer; for penmanship to Martin Curran and Edmund Walters; for general excellence to Louis Stron.

The closing of the school, the bishop who donated all the prizes, expressed the hope that the boys would return ready for good work in September. He is pleased with the work accomplished during the year and hopeful that the boys of St. Joseph's school may one day become ideal American citizens.

The Magic No. 3.
Number three is a wonderful magic for Geo. H. Parris, of Cedar Grove, Me., according to a letter which reads: "After suffering much with liver and kidney troubles, I was discouraged by the failure to find relief, I tried Electric Bitters, and as a result I am a well man today. The first bottle relieved and three bottles completed the cure." Guaranteed best remedy for stomach, liver and kidney troubles, by all druggists, 50c.

Willard White, Fire Insurance, Surety Bonds, We safeguard your interests, 230 Bonanza block, Hall phone 850.

Visible Fox. Idaho Typewriter Exchange, 10th St.

Bell Rings at Fallman Bar. Five minutes before train leaves. Red water. Four doors from depot. Madison



"Ras" Becmer, who has charge of deputies guarding Defendants Moyer, Haywood and Pettibone, caught in one of his favorite poses. The guard in the rear is Officer Brizandine, who has special charge of Steve Adams.

GUARDS AT ADA COUNTY JAIL.

DEFENSE'S MOTION FOR VERDICT OF ACQUITTAL DENIED

Very Able Arguments Are Made by Attorneys Richardson, Borah and Darrow

STATE CLOSES ITS CASE AND DARROW IS TO MAKE OPENING STATEMENT FOR DEFENSE ON MONDAY MORNING

AN EXPERT WITNESS ON HAND WRITING

Charles Kingsley Says Writing on Telegrams Was in Pettibone's Hand.

SAME AS IN LETTER TO JOHN L. STEARNS

Colored Liveryman From Denver Testifies Regarding the Horse Deal, Corroborating Orchard's Story and Also That He Saw Haywood and Orchard Together. — Afternoon Taken Up With Motion for Court to Instruct Jury to Return Verdict of Acquittal.

After the state yesterday closed its case in the trial of William P. Haywood, charged with the murder of former Governor Steunenberg, E. P. Richardson for the defense, valiantly supported by Clarence S. Darrow, made a strong and very able attempt to secure from the court an order directing the jury to return a verdict acquitting the defendant of the charge against him.

STATE'S ATTORNEYS REGARD THIS AS VERY IMPORTANT PIECE OF EVIDENCE

PETTIBONE CONNECTED WITH TELEGRAMS TO ORCHARD.

James H. Hawley, leading attorney for the prosecution in the trial of William P. Haywood, charged with the murder of ex-Governor Frank Steunenberg, is of the opinion that the evidence presented yesterday directly connecting George A. Pettibone with telegraph orders filed in the Denver office of the Pacific Postal Telegraph company, conveying to Harry Orchard in San Francisco money in two installments, while the latter was engaged in the attempt upon the life of Fred W. Bradley, is a very important and perhaps the most damaging individual piece of evidence introduced in the trial.

Connection was made through the testimony of Charles S. Kingsley, the Idaho attorney, who is a handwriting expert. An examination of the writing of Mr. Pettibone in the letter in which he recommended Thomas Hogan to Manager John L. Everts of the Mutual Life Insurance company, comparing it with the handwriting on the applications and orders filled out in the telegraph office, would convince any layman that the writing in all those cases was from the same hand.

Mr. Pettibone, through a letter bearing his own signature, shows a very peculiar and pronounced style of locating several letters. His capital "L" are of a peculiar shape and made in all instances exactly alike. His small "e" has a peculiar slant, also his small "f" and small "t". But in making the small "f" he has a stroke, or a peculiarity, which the handwriting expert said in all his experience he had never seen duplicated.

In forming the upper loop of the "f" Mr. Pettibone evidently has a habit of stopping momentarily before completing the loop, which leaves in every instance a small dot just at the right of the top of that letter. This is noticed in several instances in the letter he wrote to Stearns, and in both of the exhibits of the handwriting from the telegraph office the same peculiarity in the letter "f" is shown. Also in all of the exhibits the capital "L" and the other letters mentioned are made exactly alike.

"There can be no question," said Mr. Hawley, "but that all of those exhibits were written by the same hand, and we regard this, with this fact proved, as one of our most damaging pieces of evidence we have introduced. It shows that Pettibone, not only sent money to Orchard, who was supposed to be broke in San Francisco, but also shows that he had a purpose in keeping his identity a secret, for the reason that in sending the money he used not only one, but two assumed names."

The money was sent to Orchard supposedly by "J. White" and "P. Bone." They were sent payable to "M. Green," the name under which several witnesses have testified Orchard went by in San Francisco.

Richardson yesterday conducted himself as a lawyer, as an earnest worker in the cause of the man for whose life he was fighting.

SENATOR BORAH'S ARGUMENT

OPERATORS OUT ON STRIKE CLEMENCEAU BATTLES IN CHAMBER

Telegraphers in San Francisco and Oakland Quit Work on Signal.

DEMAND 25 PER CENT INCREASE IN WAGES

Both Western Union and Postal Telegraph Companies Affected—Offer of 10 Per Cent Raise by Western Union Not Satisfactory.

SAN FRANCISCO, June 21.—Strike-ridden San Francisco had another strike added to the list this afternoon when the telegraph operators employed by the Western Union and Postal Telegraph companies left their keys at 2:30 o'clock and walked out of the office. Three short blasts from a whistle gave the signal and as he sound the operators arose from the tables, put on their coats and quit their jobs.

Both the Postal and Western Union main offices are located close together in the Ferry building. Since the fire the main relay office of the Western Union has been at West Oakland, where about 150 men and women are employed. In the San Francisco office about 20 operators are employed, and at outside branch offices about 20 more. The Postal company has 40 operators in its main San Francisco office. Employees of both companies, with the exception of one in each office, stopped work at the signal.

The operators in San Francisco and Oakland were dissatisfied with the letter from President Clowry of the Western Union published yesterday and insisted that their demands for a 25 per cent increase in wages should be granted.

President Small of the Commercial Telegraphers' union arrived here yesterday and after considering the situation ordered the strike unless the increase was granted. Both the Western and Postal officials decline to consider the increase or to consult with the union. They expressed their willingness to consider and act upon any grievances presented by their employees.

Declares Government Will Not Consider Any Compromise With Warring Winegrowers in South of France—Sustained.

PARIS, June 21.—Fortified by a vote of confidence in the chamber of deputies and by the receipt of assurances that the government forces gradually are gaining the ascendency throughout the rebel lines departments in the south, the minister tonight incline to the belief that affairs in the winegrowing region are entering a less threatening phase. The meeting and description from the office of a talk of the revolutionists again followed by circumstances that stories of similar defections at other positions, but which later turned out to be untrue, caused widespread alarm, but only in official circles, but throughout the entire country.

PARIS, June 21.—By a majority of 104 the chamber of deputies this afternoon voted confidence in the government and gave the minister a free hand to employ the measures they think best to establish order in the southern districts.

TRAINMEN KILLED

ST. PAUL, June 21.—According to official information received at Northern Pacific headquarters in this city the derailment of a work train tonight near Detroit, Minnesota, caused the death of Brockman Leithen and Engineer Charles Anderson. Engineer W. J. Greenbough was seriously hurt.

FOR PROTECTION OF

Following the widespread absence of the winegrowers. The great vine the French capital and the high estimate was attributed by the scene in the chamber of deputies when the government was taken into consideration. It proposed to take France standing point was not obtainable. Many women had died of the disease which at times was superintended.

Minister Clemenceau had no time in referring to the situation. The latest news from Northern France, according to the information already published the fact that some 100 soldiers were arrested in the fighting yesterday. The theory he said, had disappeared from the streets. The prospects surrounding the village, resulted of the shooting, took the first train for home. They were expressed in the morning gave the official version of the murder of the lieutenant of the 85th French regiment. It adds and the march to the city, but confining the details of the Associated Press.

This report came after a day of... (Continued on Page Two.)

BRADLEY SAYS IT WAS GAS

Man Orchard Declares He Set a Bomb for Testifies in San Francisco.

Thomas Hogan to Mr. John L. Stearns of the Mutual Life Insurance Company, comparing it with the handwriting on the applications and orders filled out in the Telegraph office, would convince any layman that the writing in all those cases was from the same hand.

Mr. Pettibone, through a letter bearing his own signature, shows a very peculiar and pronounced style of writing several letters. His capital "L" is one of a peculiar shape and made in all instances exactly alike. His small "n" has a peculiar shape, also his small "t" and small "c". But in making the small "t" he has a stroke of a peculiarity, which the handwriting expert said in all his experience he had never seen duplicated.

In reproducing the upper part of the "T" Mr. Pettibone evidently had a habit of stopping momentarily before completing the loop which leaves in every instance a small dot just at the right of the top of that letter. This is noticed in several instances in the letter he wrote to Stearns, and in both of the exhibits of the handwriting from the Telegraph office the same peculiarity in the letter "T" is shown. Also in all of the exhibits the capital "L" and the other letters mentioned are made exactly alike.

"There can be no question," said Mr. Hawkes, "that all of those exhibits were written by the same hand, and we regard this with any fact proved, as one of our most damaging pieces of evidence we have introduced. It shows that Pettibone not only took money to Orchard, who was supposed to be broke in San Francisco, but also shows that he had a purpose in keeping his identity a secret, for the reason that in sending the money he used not only one, but two assumed names."

The money was sent to Orchard reportedly by "J. White" and "P. Kane." They were sent payable to "H. Green," the name under which several witnesses have testified Orchard went by in San Francisco.

Colored Liverman From Denver Testifies Regarding the Horse Deal, Corroborating Orchard's Story and Also That He Saw Hayward and Orchard Together — Afternoon Taken Up With Motion for Court to Instruct Jury to Return Verdict of Acquittal.

After the state yesterday closed its case in the trial of William D. Hayward, charged with the murder of Governor Stearns, E. F. Richardson, for the defense, yesterday supported by Clarence S. Darrow, made a strong and very able attempt to secure from the court an order directing the jury to return a verdict acquitting the defendant of the charge against him.

The arguments of Mr. Richardson and Mr. Darrow for the motion and of Senator Borah in opposing the motion, took up half of last afternoon's session, court convening at 1:30 o'clock and not adjourning until nearly half past 7 o'clock. As soon as Clarence S. Darrow closed his argument, the court took up the motion. Judge Wood immediately ruled, 10 to 4, that he was unequivocally of the opinion that the case should not be taken from the jury. He said that for the reason that the defendant offered no evidence in justification of the same charge he would not review the testimony and would therefore not attempt to give a written opinion or set into a judicial statement of the reasons he had for overruling the motion.

Mr. Richardson quickly took an exception to the ruling of the court and the exception was sustained. The record of the trial requires the case to be taken from the jury. Just before adjournment it was arranged that Mr. Darrow would present his opening statement for the state's side of the case and to give him plenty of time to prepare, an adjournment was taken until Monday morning at 10 o'clock. Mr. Darrow will, it is believed, be the first witness who would probably be introduced for the defense.

The Motion of Defense.
The motion of the defense was filed in writing with the clerk of the court and the jury was excused. The motion was argued. The argument was opened immediately after the jurors had departed by Mr. Richardson, who talked for about two hours and a half.

Mr. Richardson yesterday made a fine effort. He talked as if he had his heart set upon accomplishing his purpose. He first read the motion, which was based upon the fact that the defendant Hayward was in any way connected with the murder of Governor Stearns.

Then Mr. Richardson, figuratively speaking, took a hitch in his suspenders, and went to work. There was no mingling of words with him.

It was not a case of grand stand play—not this time.

There was a twinkling of the eyes, but not for effect—it was just natural, a habit. There was no posing for the purpose of calling forth the plaudits of admirers in the audience. It was not a bit. It was used in earnest work.

Richardson yesterday conducted himself as a lawyer, as an earnest worker in the cause of the man for whose life he was fighting.

Mr. Darrow's Speech.
Mr. Darrow spoke, too, and he also made a bold invasion regarding his liability as a speaker—as an orator. His gestures were not admired, but his plain, commonplace language was appreciated.

He made one think of the "pie that grandmother used to make". After the fiery, fierce eloquence of Richardson, Darrow's plain, old fashioned, easy, quiet manner on the start was refreshing.

But after awhile, the Chicago attorney also became heated. He began climbing the hillside of oratory and, in his closing sentences, he was at the top and was shouting down to those below his sentiments in a megaphone voice.

"Yes, it was thrilling. There were sermons that made little quivers run up and down the spine. The spectators lay on their sides, and the newspaper men, and the court must have appreciated the efforts."

Borah Speaks for State.
Few in the court room yesterday had not previously heard Mr. Borah speak on any occasion, so did the newspaper men, and the court must have appreciated the efforts.

It was there to state the contentions of the state and by argument and by citations of his own to back them up.

It was there to show what the state had to prove in order to show that Hayward was guilty and he did that and showed what he contended the state had proved, but he did not try to be eloquent—but he was eloquent.

Mr. Borah tried to convince the court that there were no reasonable grounds why the case should at that time be taken from the jury. The ruling shows that his endeavor was not in vain.

More Evidence.
When the trial opened yesterday morning it was stipulated that the record should show that the date of the draft sent by Hayward to Jack Simpkins late in 1908 had come on the exhibition by the attorneys for the state of a telegram that effect from the assistant cashier of the First National bank in Chicago, where the draft had been purchased. It will be remembered that when the draft was presented in evidence it could not be determined the exact date for the reason that the handwriting was wrong. The second figure of the date had been perforated.

SENATOR BORAH'S ARGUMENT AGAINST MOTION OF DEFENSE

Goes Thoroughly Into the Circumstances Attorneys for Prosecution Contend Must Be Proved in Order to Expect Verdict of Conviction in Case Against W. D. Hayward.

Following is the complete text of Senator W. E. Borah's argument in the district court yesterday resisting the motion of the defense attorneys in the trial of William D. Hayward for the jury to return a verdict for the defendant. It is given in full for the reason that it states fully the understanding of the attorneys for the prosecution as to what it is necessary to prove in order to expect a verdict of conviction:

Mr. Borah's Argument.
"It is not my intention to go into detail to the extent that learned counsel for the defendants have in this matter or to discuss at length either the authorities or the facts further perhaps than to state generally the position of the state and what we believe the evidence in this case shows so far as this motion is concerned. And I may say in answer to the very eloquent and moving sentences of the counsel for the defendant, that in reference to the fact that this case is being tried under peculiar conditions, I think it would be safe to say that if all parties who have known anything about it or heard anything about it or heard anything about it were called upon to testify in regard to the matter of these parties having a fair and impartial trial and selecting a place where they could have that, that Boise city would be selected for that particular place, because there has been one consensus of opinion from all sources, and that is that this place is less prejudiced, less excited, less concerned about this trial of any place where it has ever been discussed or considered so far as we can hear. I apprehend that as they have been treated in a fair and impartial way they will continue to be. I know they will be so far as the court is concerned, and will be so far as the prosecution is concerned if we understand ourselves."

"Now, if your honor please, the contention in this case of the counsel is in effect that there must be sufficient evidence here to disclose the connection of the defendant with this crime outside of any testimony upon the part of Harry Orchard."

Logic Only Satisfies.
"We are not going to be faulted with the law which has been cited by the counsel, but rather with the logic which has been used in the construction of the law. The statute speaks for itself and is in plain and simple language and would really need no

construction either by the supreme court of this state or any other state, because the language used is such that it is very easy to determine precisely what the legislature meant when it used the language with reference to this class of testimony."

"We concede, if your honor please, that there must be some evidence here tending to connect the defendant with this crime standing separate and alone from the testimony of Mr. Orchard. But that does not mean, if your honor please, in the consideration of that testimony and in arriving at the question of whether or not it tends to connect Mr. Hayward with the offense that the statements of Mr. Orchard cannot be considered in any sense whatever. The authorities do not go to that extent and that is not the law, and as I said a moment ago, if the authorities are examined, they will fall down by the decision will not be found objectionable under this rule. But I desire to call your honor's attention to some few of the authorities which we have collated, but which are in connection, not in contravention nor not as against the principle of law enunciated by counsel, but in connection with the principle which has been discussed by the supreme court of California has said:

California Authority.
"The defendant should not be discharged at the close of the testimony for the prosecution if the accomplice's testimony has been corroborated in some particulars." (Citing the 20 California, 222; and 16 California, 113.)

Here Mr. Borah cited a number of other authorities and quoted from them briefly, and then stated: "There are some of the authorities discussing this proposition, if your honor please, some of which have been cited by counsel, quite a number of them, but as I will hand the brief to your honor and as it is getting late I will not read extensively from these authorities."

State's Contentions.
"Now, if your honor please, the contention of the state in this case is that Harry Orchard was formed or grew up what we may call an individual mind. It was a conspiracy which grew out of and arose by rea-

son which later turned out to be untrue, caused widespread alarm, not only in official circles, but throughout the entire country."

Both the Postal and Western Union offices are located close together in the Ferry building. Since the fire the main relay office of the Western Union has been at West Oakland, where about 150 men and women are employed. The San Francisco office about 20 operators are employed, and at outside branch offices about 20 more. The Postal company has 60 operators in its main San Francisco office, employees of both companies, with the exception of one in each office, stopped work at the signal.

The operators in San Francisco and Oakland were dissatisfied with the letter from President Clowry of the Western Union published yesterday and insisted that their demands for a 25 per cent increase in wages should be granted.

President Small of the Commercial Telegraphers' union arrived here yesterday and after considering the situation ordered the strike unless the increase was granted. Both the Western and Postal offices decline to grant the increase or to consult with the union. They expressed their willingness to consider and act upon any bill or system presented to them as individuals, but this has not satisfied the men and the walk-out resulted.

The superintendents of both companies have nothing to say about the strike. They state that the matter will have to be adjusted in New York, and have simply issued notice to the public that messages will be delayed until the matter is settled. President Small of the union will remain here and advise the strikers. So long as an attempt is not made to bring in operators from outside points, the strike will be mainly local from San Francisco and Oakland. If, however, the company attempts to bring in outside men, operators in other cities will be called upon to strike.

The trouble that culminated today has been brewing for a long time. The increase of 10 per cent granted by the company last month is not satisfactory to the employees in San Francisco and Oakland. They claim that the increased cost of living since the fire make it imperative that they should receive an increase. They claim that they cannot live upon the present scale of wages. So far only the lines handling commercial business are affected by the strike. Press operators will remain at work.

The following letter was sent to Superintendent Jaynes of the Western Union today by a committee of the telegraph union:

"San Francisco, June 21, 1907.—Mr. Frank Jaynes, general superintendent Western Union Telegraph company: 'Dear Sir:—In the statement of President Clowry to Mr. North, commissioner of labor, defining the Western Union company's position toward its telegraphers, he states that if any question arises that cannot be adjusted by the district superintendent, the company is willing to submit such questions to arbitrate the embodied propositions in the schedule offered to, but declined by Assistant General Superintendent Miller. Other than the 25 per cent increase in wages asked for your telegraphers employed in San Francisco and Oakland having been adjusted in New York, we respectfully request that you meet a committee of us telegraphers employed in San Francisco and Oakland and hear their arguments in favor of the granting of a 25 per cent increase in wages.'"

"We are requested by those whom we represent to get your reply at once. Respectfully yours,"

"ARTHUR WISHER, Committee." Superintendent Jaynes was out of town but Assistant Superintendent Miller received the committee's letter. Mr. Miller says he told the men that the company would receive and consider any complaints from its employees. The men left and reported to the general superintendent of the Western Union, while willing to treat with the employees as individuals, would not

be later turned out to be untrue, caused widespread alarm, not only in official circles, but throughout the entire country."

PARIS June 21.—By a majority of 104 the chamber of deputies this afternoon voted confidence in the government and gave the ministers a free hand to employ the measures they think best to re-establish order in the southern districts. This result came after a day of ex-

(Continued on Page Two.)

TRAINMEN KILLED

ST. PAUL, June 21.—According to official information received at Northern Pacific headquarters in this city the death of a trainman was reported last night near Detroit, Minnesota, caused the death of Brakeman L. J. Anderson, Engineer W. C. Anderson and Conductor J. H. Johnson. The accident was seriously hurt.

FOR PROTECTION OF ARCHEOLOGICAL RUINS

WASHINGTON, June 21.—About 20 institutions, universities and museums, specifically named, and many other reputable institutions or associations in the United States, beginning with the Smithsonian Institution at Washington, have been granted general permission to conduct such archaeological researches in the United States as are contemplated by the act of congress of June 8, 1906, for the preservation of American antiquities subject to such special regulations as may be prescribed by the secretary of the interior and secretary of agriculture.

These other superlatives rules previously issued under this act because of serious objections offered to those rules by the educational and scientific institutions of the country. In consideration of the privileges granted the institutions given the privilege of conducting the investigations are ordered to use every opportunity to cooperate with the government in the protection of the archaeological ruins from vandals and in preserving them for the benefit of educational use.

AMBASSADOR AOKI HAS STRONG BACKING

TOKYO, June 21.—While there is unanimity of opinion here that Ambassador Aoki is unfitted for his present post at Washington and while it is certain that attempts have been made to remove him, he has powerful political support. Unless strong proof is shown to the contrary, Ambassador Aoki is persona non grata at Washington. It is not likely that Viscount Hayashi will take the initiative in removing him from the position. There are rumors to the effect that the ambassador is very unpopular not only among Americans generally but also among Japanese and should this prove true, his recall might be deemed necessary despite strong influence now supporting him here.

NATIONAL BANK FOR AMERICAN FALLS

(Special Dispatch)
WASHINGTON, June 21.—The application of D. W. Davis, W. H. Phillips, R. B. Greenwood, T. W. St. John and George P. McBurnley to organize the First National Bank of American Falls, with \$25,000 capital, has been approved by the comptroller of the currency.

Man Orchard Declares He Set a Bomb for Testifies in San Francisco.

In Testimony Bradley Gives It as Belief That Cigar Ignited a Gas—Deposition Will Be Used in Hayward Case.

SAN FRANCISCO, June 21.—Attorney Samuel M. Shortridge of this city was accused today in taking the deposition of F. W. Bradley, the former superintendent of the Bunker Hill & Co. mine, of making a false statement of the fact No. 1404 Washington street in this city, when Harry Orchard made the alleged attempt to blow him up with a bomb. Mr. Bradley's deposition will be used by the defense in the Hayward trial at Boise.

Mr. Bradley's version of the explosion is that it was caused by gas. This direct examination by Mr. Shortridge has taken place immediately after the deposition of Mr. Bradley, who testified that a quantity of escaped illuminating gas as he described it in the recent trial from his apartment at No. 1404 Washington street, had entered the room of the mine, Mr. Bradley was found in the room and badly injured.

In his deposition at Boise Harry Orchard has declared the explosion was the result of the setting off of a bomb placed by him on the floor of the room, the object of killing Bradley.

The deposition of Mr. Bradley was conducted by Attorney Van Doren for the state of Idaho.

Van Doren asked the witness if it was his recollection immediately after the explosion or at the time that the explosion was due to gas. He answered that it was Bradley was asked if he had told in the newspaper that Orchard had placed a bomb at his front room and he had not. He had, and that in view of this testimony he believed it was possible for a small lead bomb to be there without his noticing it. He was very guarded in his testimony, but he admitted that it was his opinion that Orchard really did place the bomb there.

LEISHMANN TO BE RECEIVED BY SULTAN

CONSTANTINOPLE, June 21.—The porte has addressed a communication to the American embassy here giving satisfaction in the case of the outstanding question between the embassy and the porte and thus removing the final obstacle in the way of America's adherence to the three per cent customs in cases which will follow in the course of a day or two. Ambassador Leishmann yesterday visited the porte after two months detention and today will attend the Zeinambek, after which he will be received in audience by the sultan.

DEFENSE'S MOTION FOR VERDICT OF ACQUITTAL DENIED

(Continued From Page One.)

state showed that it was George Pettibone's hand that signed the names of "J. Wolf" and "P. Hone" and wrote the orders for telegraphing from Denver two remittances of money to Harry Orchard at San Francisco through the Pacific Postal Telegraph company in the fall of 1904.

The state next called Jim Seathorn, a horse trader, who swore that he sold a horse and buggy to Orchard in Denver in 1905 and identified Haywood as one of the men who rode with Orchard.

After that the defense admitted that in June, 1903, Haywood sent \$5 to Steve Adams at Ogden and when the necessary showing had been made on the record the prosecution formally rested.

Haywood Interested.
Defendant Haywood was very interested during the arguments of the afternoon. During the eloquent talk of Mr. Richardson he appeared in very good humor. Several times he smiled, showing his eyes, his acquaintances and once he twice engaged in what appeared to be congratulatory whistling conversations with his mother, who sat next to him.

When however, the gate started the motion, the hopeful expressions left the prisoner's face. He turned toward his wife and his mother as if for comfort. Both met him with smiles but smiles which were evidently intended to cheer his husband and son.

Haywood returned the smiles but there was no suspicion of gladness as his countenance. He bade his relatives farewell in his usual manner as he turned to accompany the deputy awaiting him back to the jail.

When the trial was resumed at 9:30 yesterday morning not more than 100 people occupied seats outside the bar of these at least, being the eyes of Haywood's mother who had been immediate right and she, with the prisoner's sister, were the only members of his family present.

Judge Wood first delivered an oral opinion overruling a demurrer in one of the cases of the state vs. Dolan, the Sunday rest law, a proceeding before the regular term of court.

On being directed to proceed, Senator Borah announced that the state had received telegraphic information from the First National bank in Denver, filling in the dates on one of the drafts which had been drawn by the state, and on which the date had been punched out by the file in the bank. This draft was for \$100 and the bank wired that it bears the date of December 21, 1906, and is drawn by J. J. Simpkins by Haywood. The letter produced in court from Pettibone to Hogan or Orchard received by Orchard while in jail at Caldwell, stated that the insurance money in Denver had been paid to Orchard when on the Bradley mission and San Francisco.

Expert Testimony.
Expert testimony was given by J. S. Ketchum, a court reporter, who testified that he had written the signature of George A. H. Williams on the insurance policy in Denver which was asked as to the character of Orchard, with the signatures of Wolf and "Pat Bone" on the

that they would agree that the state could file the telegrams as soon as they were received. Senator Borah said that the telegrams were expected in Boise by this morning.

"With this exception, then, your honor," said Senator Borah, "the state is ready to close its case."
Mr. Richardson stated that before the state closed its case he would insist upon the reading before the jury of the dissenting opinion of the Colorado supreme court in the Moyer habeas corpus case. The decision of the court had been introduced in evidence by the state and had been read at a previous date by Mr. Borah.

Judge Wood announced that he had already stated that if the dissenting opinion was read it should be done by one of the attorneys for the defense. Mr. Borah objected to the reading on the ground that it was a dissenting opinion and not the real decision handed down by the court.

"I would like to see how the dissenting opinion can have any bearing on this case," said Judge Wood.
"Well, your honor," said Richardson, "as a matter of fairness to the defendant, it should be read. As a matter of fact, it is one of the best pieces of literature that has been introduced in this trial. We have a good reader here in the person of Mr. Nugent. I think the jury would very much enjoy hearing it read."
Mr. Nugent glanced up, somewhat surprised and a general laugh followed at his expense.

"I have heard a rumor," remarked Borah, addressing Richardson, "that you were the real author of that dissenting opinion."
"I have been accused of it, but it is not true," responded Richardson.

Opinion Not Read.
"How many pages are there in that dissenting opinion?" asked Judge Wood.
"It is in columns," Mr. Nugent replied, Richardson and Mr. Wittich were nearly convulsed with laughter. Several others smiled.

It was learned that it would probably take up the rest of the morning session to read it. Richardson intimated that the defense in the afternoon would take up the motion for an order for a verdict of acquittal.

Mr. Borah here made a formal objection to the reading of the dissenting opinion of the Colorado supreme court as not being the adopted decision of that court. Judge Wood examined the opinion. It filled 15 pages in the court reporter. He said there was no reason for burlesquing the jurors with the reading of it and sustained Mr. Borah's objection.

Richardson took an exception and then moved to strike out all references in the record to all the dissenting opinions. The motion was denied.

One of the jurors complained that he was disgusted for a month had been furnished with them and Mr. Borah would see that they got one before the day was over.

Motion by Defense.
Immediately after the court was called to order by the record, E. P. Richardson, for the defense, announced that he had filed a motion with the clerk of the court.

Judge Wood dismissed the jury, in order to read the motion and the argument. The text of the motion was as follows:
"On this 21st day of June, A. D. 1907, the defendant, William H. Haywood, by his attorneys and counsel

attorney changed his location, taking the end of the table near the witness stand. He began in his usual camp-meeting key and kept it up throughout. His argument was wholly based upon the contention that the state had failed to connect Orchard's story or to introduce any evidence aside from that of a confessed accomplice, that tended in any way to connect Defendant Haywood with the murder of former Governor Steunenberg.

Richardson Argues.
Mr. Richardson opened by reading from the statute of the state of Idaho which says that a conviction cannot be had on the testimony of an accomplice unless it is corroborated by other evidence which by itself and without the aid of the testimony of the accomplice, tends to connect the defendant with the commission of the crime.

He read at length from authorities and opinions bearing upon the point and then the uncorroborated testimony of an accomplice was read, laying stress upon the view that the corroboration must connect the defendant with the actual commission of the offense. Richardson took the position that the state had failed to show that Haywood was mixed up in any crime there. Adams was in trouble and sent for money. It was not enough to convict without his testimony being introduced.

In conclusion Mr. Richardson said: "Now, your honor, I have presented this case with all candor. This case has been discussed from one end of the state to the other—through the newspapers and by all people until we found it extremely difficult to get a jury. It seems to me that to leave this case to a jury from this county is to invite to a passion and prejudice when the rules of law ought to dispose of it here and now. If this were an ordinary case I believe no court would be slow to act along the line of the motion we have filed here. You are not only human as all of us are human. I ask your honor to separate the judge from the humanity that controls us all. Here is the flattest case ever presented to a court of law if we leave out the testimony of Orchard, the criminal whose testimony shows him to be the greatest criminal in all the age before."

The Simpkins Drafts.
"Mr. Houston brought some drafts here from his bank in Denver. He identified them—21 of them in all—but only a few were introduced and those of no value as regards the connection of Haywood with the murder of Idaho's former governor. The drafts were payments to J. L. Simpkins. The drafts show they were sent to Simpkins and Simpkins evidently did not cash them. On the face of the drafts those were all perfectly legitimate and innocent transactions.

"One of those drafts dated Dec. 21, 1905, is for an even \$100. It was found over the counter deposited in a bank in Spokane on January 4, 1906. That draft or the fact that it was received or cashed by Simpkins does not tend to prove that Haywood was connected with the evidence of Harry Orchard tends to show that the money was paid for any other than a legitimate purpose and you live there, and yet, out of all these people, they bring one lone policeman from the beat to say that he saw Haywood and Orchard together not to exceed three times during all the period over which testimony is given, and proposed to have extended. This is the only man—no, there is one other, a colored man who this morning on the stand said that he saw Haywood and Orchard together, three minutes.

The reading of authorities continued for over half an hour. Once the court interrupted counsel.
"If you have any Idaho authorities, Mr. Richardson, I'd like to have them."
"Yes, sir; I am coming to them," said Mr. Richardson.

Later he quoted from two Idaho cases where there was reversal because of the failure of the state to convict on the testimony of an accomplice.

Grows Oratorical.
"I would say to your honor," he shouted, "that if Haywood was guilty of blowing up the Victor mine, which he is not; if Haywood were guilty of the killing of the man in the mine, which he is not; if Haywood were guilty of the conspiracy on the life of Peabody, which he is not; if he killed Wally, which he did not; if he planned to blow up the Victor mine, which he did not; if he planned to blow up the Victor mine, which he did not—all these things were true, which they are not—all this would be

tempt on Goddard had been a free lance maneuver—that nobody, Haywood or anybody else—had directed him to do the job.
"Who is true of the two officials of the San Francisco postoffice is true regarding the testimony of Mrs. Moore of the Denver postoffice."

Cripple Testimony.
Regarding the testimony of Mr. Harrah, the cage operator in the Victor mine shaft, who testified to seeing a man in the mine whom he followed and who shot at him, Richardson said:
"Harrah did corroborate Orchard's story in so far as Orchard said he was in the mine at that time and that he shot at the cage man at that time. Orchard had never seen Haywood. There was nothing to show that even if the full corroboration of the Victor mine incident was established, it would connect anything to do with the killing of Steunenberg."

Richardson spoke of the testimony of the Ogden witnesses who testified to Adams' arrest in that city and sending him to the state prison. "None of those men pretended to show that Haywood was mixed up in any crime there. Adams was in trouble and sent for money. It was not enough to convict without his testimony being introduced."

In conclusion Mr. Richardson said: "Now, your honor, I have presented this case with all candor. This case has been discussed from one end of the state to the other—through the newspapers and by all people until we found it extremely difficult to get a jury. It seems to me that to leave this case to a jury from this county is to invite to a passion and prejudice when the rules of law ought to dispose of it here and now. If this were an ordinary case I believe no court would be slow to act along the line of the motion we have filed here. You are not only human as all of us are human. I ask your honor to separate the judge from the humanity that controls us all. Here is the flattest case ever presented to a court of law if we leave out the testimony of Orchard, the criminal whose testimony shows him to be the greatest criminal in all the age before."

Mr. Borah's Argument.
Richardson had spoken two hours and a half. When he took his seat, Mr. Borah arose and looked at the clock. He said he did not expect to go into the case to such length as Mr. Richardson.

Senator Borah began by congratulating Mr. Richardson on what he called his eloquent and moving address. He then expressed the belief that the prisoner would receive a fair trial in Boise. Taking up the principles of law governing the testimony of accomplices he argued that the authorities did not go as far as the defense contended in discrediting accomplices. He contended that it was not necessary that the corroborative evidence should completely sustain the charge. He said that the state alleged that there existed a general conspiracy which the leaders of the Western Federation of Miners were the principals. The testimony of Orchard could be entirely left out of the consideration and it would be found that the state had shown the existence of the conspiracy. He contended that having established the existence of the conspiracy and that one participant in the conspiracy had come to the state to show the existence of the conspiracy was not necessary to show that Haywood was at Caldwell.

"It was customary in proving a conspiracy," said Borah, "to show a number of acts having a common purpose and to show that the acts done by the principals of the conspiracy were the acts of the conspiracy. The testimony of Orchard could be entirely left out of the consideration and it would be found that the state had shown the existence of the conspiracy. He contended that having established the existence of the conspiracy and that one participant in the conspiracy had come to the state to show the existence of the conspiracy was not necessary to show that Haywood was at Caldwell."

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The Usual Way.
"Now, in order to prove a conspiracy, as I say, there are two ways in which to prove it. The first is by the testimony of some one who was a member of the conspiracy who will come in and testify to the agreement, to the combination, to the understanding, to the conspiracy, to the acts done in pursuance of the understanding."
"That is the unusual way, because it is seldom that we can secure a party who will come in and testify to the agreement, to the combination, to the understanding, to the conspiracy, to the acts done in pursuance of the understanding."

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"There is another way by which to prove a conspiracy, and that is by the testimony of a certain condition of affairs, and we contend that the nucleus of that conspiracy were in looking members of the Western Federation of Miners, the official members of that organization—the kernel of the criminal conspiracy was the leading officers of the organization."
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"It is not necessary to show that he was in connection with the men who actually committed the crime at the time that he committed the crime, but it is only necessary to show after we have shown the existence of a conspiracy that some member of that conspiracy went to Caldwell and committed the crime, although some of the members of the conspiracy might have been in Europe at that time. And if the evidence in this case tends to show the existence of that conspiracy, then the corroboration of what we have shown the existence of a conspiracy tends to corroborate the testimony of Harry Orchard."
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SENATOR BORAH'S ARGUMENT AGAINST MOTION OF DEFENSE

(Continued From Page One.)

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Haywood's Connection.
"Now it is said that Mr. Haywood was not a member of that organization at that time, but we have shown outside of the testimony of Mr. Orchard that he was at that time and that immediately after he became a member of that organization he took unto himself the feeling which possessed the organization at that time that this disturbance occurred, and over his own signature and by his own declaration expressed as a representative of that organization the fact that Mr. Steunenberg was an uncompromising enemy of the organization and that his accession meant the failure of the Western Federation of Miners. Haywood here continued after Mr. Haywood became a member of the organization that deadly feud between the official representatives of the state and the Western Federation of Miners."

Another Incident.
"Now leave for a moment this fact, which is proven alone by the articles in this magazine, and go to another incident. A few days before the death of Governor Steunenberg, under such circumstances as Mr. Richardson says we find outside of the testimony of Mr. Orchard. We find that one of those parties who is charged as a co-conspirator, the supreme representative of the Western Federation of Miners in this state, is at Caldwell, that he is in company with an obscure member of that organization, the accomplice in this case, that he is there not if that is not possible, under such circumstances as Mr. Richardson says should be considered wholly innocent upon their face, but this man who was present at the trouble in Warden, who was the principal in the above case at that time and who was the chief representative of the organization in the state of Idaho, was in the fore part of November, 1905, in the city of Caldwell at the home of the ex-Governor Steunenberg in company with this accomplice, and that is all proven outside of the testimony of Mr. Orchard by Mr. Hoffman, Mr. Russell and Mr. Dempsey and the other witnesses who were there."

What Was Simpkins' Purpose?
"Now what was his purpose there? Here is a man who represents a great labor organization, the above said man who ought to travel in the open light of day and under his own name. But he goes to the home of Governor Steunenberg, not under his name as a Simpkins, but under the assumed name of the Western Federation of Miners, but he goes as a criminal under an assumed name and hibernates with another criminal, the accomplice in this case."

Is It Proven by Orchard?
"Is it proven by Orchard? It is proven entirely outside of the testimony of Mr. Orchard at all, but by the language of their own official organ. And it further appears that at the time of these disturbances Mr. Moyer was a member of that organization. Mr. Haywood was not at that time a prominent member although he soon afterwards became a prominent member."

"In addition to this it is shown that what conflict continued for some time. That as a result of it the Western Federation of Miners, the leading members thereof, came to look upon the governor as their conspicuous and uncompromising enemy, and when he retired from public life they put upon him not only the brand of a hireling but that of a traitor; and, as we claim that the circumstances in this case show when they are followed down to the incident of the 30th of December, 1905, that the brand of traitor is only wiped out, when it is placed by that organization in this case."

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SENATOR BORAH'S ARGUMENT AGAINST MOTION OF DEFENSE

(Continued From Page Seven.)

Jack, whether it reached the party or not.

"We have a right to assume as a piece of independent testimony that that was a part of the conspiracy and combination when they were sending the money in round about way, to write out Harry Orchard but Thomas Hogan, the assumed name which he was carrying in connection with Mr. Simpkins at that time.

The Crime Completed.

"So the accomplice stays there and the crime is committed, and we will go a step further in this conspiracy because we are undertaking now to show what the evidence is here with reference to a conspiracy which we will claim in a few moments encompasses the individuality of this defendant in this case, and therefore the act of Mr. Orchard was his act, and the act of Pettibone was his act, and the act of Jack Simpkins was his act just the same as if he had been personally present.

Go to a Step Further.

"Go a step further, go back to the San Francisco case, see whether or not that is also proven as a part of this conspiracy outside of the testimony of Mr. Orchard. Witness after witness came upon the witness stand and testified that the same parties who had been proven by other witnesses to be at Caldwell with Mr. Simpkins under the name of Orchard was done in San Francisco looking for another accomplice to carry out the trouble of 1893, hunting out his home, slouching around his place of living under the name of Mr. Barry.

"They testified that he came there in the month of October, that he hunted a house which overlooked the house of Mr. Bradley, that he inquired as to his residence and familiarized himself with the way by which he could get into the house, and as Mr. Bradley said, made himself rather familiar with the situation with reference to Mr. Bradley's residence, took every opportunity to get into the house, Mr. Bradley being one of the conspirator characters in the trouble of 1893 and standing within the same class as Governor Steunenberg precisely.

The Attempts on Bradley.

"What is the result after this man Barry under an assumed name has been there a time? We find in the house that the milk had been poisoned and a few days afterwards there is an attempt to send Mr. Bradley out of existence in precisely the same manner in which the Bunker Hill & Sullivan mine was blown up and Governor Steunenberg was afterwards killed.

Always Back to Denver.

"What else happened? Again we find our way back to Denver. Take what path you will, follow what trail you may, find the time Harry Orchard stayed in the city, the execution of crime until the close of it, take any path you will and it leads back to Denver. They sent him a registered letter under the name of whom? Why, Harry Orchard. They sent him a Postal telegram conveying him money in the time that he is being slouching upon this man, he is being sustained by Harry Orchard. They sent him a member of this conspiracy as the evidence will further show, and Mr. Pettibone sends him money over the Postal Telegram company. How? Under the name of Mr. Hogan, but Thomas Hogan, but Jack Dempsey.

"Graft, Mr. Hawley corrected. "No, the registered letter was Jack Dempsey, said Borah, and the words by the Postal Telegram to Harry Green.

"Now we say that that is evidence and I am not quoting Orchard now, I am quoting the parties in the case is there upon the name of Barry and we have shown that he is there

in that business and we have shown further that a Postal telegram carried money to a party there and that that came from Mr. Pettibone. "The testimony here of Mr. Kingsford shows that the handwriting was that of Mr. Pettibone.

"It was signed in the name of 'J. Wolff.' He committed the crime of forgery in order to convey that money to San Francisco. Again it was signed as 'Pat Bowen,' assuming another name just as Mr. Simpkins and Hogan assumed another name in Caldwell when they were in dealing always deal under cover, under assumed names, which discloses the criminal motive or the criminal purpose upon the part of the parties in these different transactions.

"Without leaving the city of San Francisco where this crime had apparently been committed as shown by other evidence than that of Mr. Orchard, we find the parties in connection with the events in Colorado, and we find another condition of affairs there all denounced by the Miners' Magazine and particular parties named who are known as friendly to the organization, the same as Governor Steunenberg and Mr. Bradley, and we find a crime occurring at the Independence depot.

"Now they say that there is no evidence except that of Mr. Orchard. But we have shown as a circumstance that the crime occurred and that at the time that it did occur every party upon that platform, it appears as if they were unfriendly to the interests of the Western Federation of Miners; that they were non-union men, men who were there for the purpose of interfering with the union men and who were proceeding to work the mines which they desired to remain unworked unless they were permitted to work them.

Vindicator Explosion.

"In addition to that we show that but a short time before a crime had been committed against two other non-union men in the Vindicator mine, and this is shown outside of the testimony of Mr. Orchard. We have a right to assume, from what we show that there was a conspiracy here, we have a right to reason from the proposition that each and every one of these offenses were committed against parties who this Miners' Magazine and other evidence shows were looked upon as the enemies of this organization, and each party who had been either attacked or upon whom the crime has been committed, has been shown to be, outside of the testimony of Orchard, a party upon whom they look as their common enemy in this industry, one which had been going on since 1859.

The Letter to Stearns.

"Now, if your honor please, take the transaction with reference to the letter to Mr. Stearns. There is an independent evidence here, one who is wholly separated from Mr. Orchard's testimony and which was not innocent upon its face as suggested by these parties. Nobody had just retired from office. He had been the conspicuous enemy of the organization also. He had gone to Canon City. All at once he is back here, and he is back here, Orchard, desired to go to Canon City, and what does the evidence show? Mr. Stearns' testimony alone shows that Hogan was one of the parties in connection with these defendants as shown from time to time, and in close association with them.

"Now, if your honor please, I am not proposing (it is half past four and my associates have remarks to make) I do not propose to go into the details of this matter and argue this case as fully as I would argue it before the jury.

at Canon City he not only writes insurance or undertakes to, but he carries with him a bomb; that he has there some other means, means which he proposes to take the life of Governor Peabody. Now, why was he sent down there by Mr. Pettibone—because his letter, now the recommendation—or he did suggest it under the name of Hogan to go to Canon City at that particular time, and why was it that he carried with him the insurance device?

Orchard Traced. "We have traced him from Governor Steunenberg's home under an assumed name down to San Francisco and back to Colorado, and each and every time he is in close connection in the city of Denver with Mr. Pettibone or some of the other parties there who are interested, as we claim, as members of this organization.

When he gets to Canon City Mr. Vaughn undertakes to beguile him away from his place of crime and takes him back to Rocky Ford; but nevertheless it appears that he went there in connection with a criminal design, and it appears outside of his testimony that he went there upon the recommendation in part of one of the members of this organization, and you may take each and all of these offenses and you will find that in each and every instance where Orchard was connected with any of the parties in connection with the crime upon any of these parties they were known as the enemies of this organization.

Haywood Connected.

"Now, they say that all this does not concern Mr. Haywood with this offense. It is shown in addition to this that at a certain time Mr. Orchard was writing a letter to his wife through the circulation of the International Federation of Miners. The letters disclose that fact themselves.

"And it is shown that Mr. Haywood at this particular time was doing what?

"At this very time when this matter of Peabody's was attempted to be carried out on the part of the accomplice it appears that Mr. Haywood was undertaking to make his wife believe that this party was in the territory of Alaska.

Darrow Contradicts.

"Haven't you just states mixed a little" asked Mr. Darrow.

"No, I haven't," replied Mr. Borah. "Haywood's letter was November 18th."

"But the time that he was writing to his wife in the first instance was when he was after Peabody, and when Haywood wrote the letter he was after Governor Steunenberg," said Mr. Borah.

"The letter of Haywood was November 18th," insisted Mr. Darrow.

"Well, said Borah, upon the 17th day of November Peabody was killed upon the 18th, the next day, Mr. Haywood writes to his wife and tells her that he is in Alaska."

"You stated he was at Peabody's at that time," said Richardson.

"What I said was at the time of the letters he was writing to his wife through the Western Federation of Miners' headquarters that he was at that time upon the trail of Governor Peabody," replied Borah.

"You don't mean Haywood, you mean Peabody," asked Mr. Richardson with a laugh.

And He Was Answered. "I think it would apply to either one, but I was referring to Orchard. At that time he was carrying his wife stating he was in Alaska. Mr. Orchard was upon the trail, in company with Mr. Simpkins, of Governor Steunenberg; and it shows that at all times he was connected with these different individuals who were known as the enemies of the Western Federation of Miners that he was in touch with his associates, receiving money from the members of the Western Federation of Miners and was being sustained while he was carrying on these criminal doings by the money which came directly from that source.

which show this general conspiracy because when it is shown then the fact that Mr. Haywood was not present or did not participate directly in this particular crime by his personal presence or by a letter or direction or by any act or word outside of the testimony of Orchard would not be material upon this motion.

"The question which the court has to consider is whether or not the state is correct in its view of the proposition that there exists a general conspiracy and whether or not the evidence in this case tends to show that general conspiracy and that the defendant in this case was a member of that conspiracy."

START TO BE MADE FROM BOISE

Special Car Carrying Delegates to B. Y. P. U. Convention to Leave Here July 1.

Rev. W. H. Bowler of Shoshone was in the city yesterday, having come over for a brief visit after attending the Sunday school convention at Nampa, and announced to delegates who are going from Boise to the international convention of the Baptist Young People's union at Spokane that the special car to be provided for the Idaho delegation will start from Boise on the afternoon of July 1, instead of from Pocatello as had been formerly announced.

It is estimated that there will be from 30 to 35 delegates go to the big convention from Idaho, and those from the southern part of the state are requested to be in Nampa in time to take the special car which will connect with train No. 5. The special car is to be decorated with a banner on each side on which will be the words, "On to Spokane—Idaho Delegation."

Reports have been received from Spokane that difficulty probably will be in finding accommodations for the thousands of delegates who will attend the convention. An effort was made to secure rooms for the Idaho delegation in advance, but it was impossible to get them. However, the delegation from this state does not expect any difficulty in securing rooms as it will be one of the first to arrive at the convention city.

The convention will not open until July and the delegates from here will arrive in Spokane July 2.

The time before the opening of the convention will be spent in making pleasure trips. The members of the party expect to visit one or more of the nearby lakes, for an enjoyable outing.

The banner which will be carried by the Idaho delegation is now being painted. The center it will have the B. Y. P. U. emblem resting on a sheaf of wheat, on each side being a horn of plenty. Over the emblem are to be the words "Into Perpetua," taken from the state motto. The letters across the top of the banner will be the name "Idaho," and across the bottom the initials, "B. Y. P. U."

NEWS OF PUBLIC RECORD

Real Estate Transfers. W. D.—Alva D. Bailey to Sarah M. Dodge, \$1050; lots 2 and 4, block 12, Brumback's addition, subject to mortgage \$500. W. D.—L. S. D. Manville to Clara Williams, \$1; lot 17, block 1, Manville's subdivision. W. D.—Frank L. Martin to Alex McIntyre, \$750; lots 5 and 6, block 20, Brumback's addition. W. D.—F. W. Ireland to William J. Ellis, \$250; lots 12 and 13, block 2, Ireland's addition. W. D.—John Perkins et al. to Otto Downard, \$1700; \$8 by 115 feet, block 3, Ressegue's addition.

FOREST SERVICE TO BUILD ROADS

Plans Extensive Improvements in Repairing Trails and Erecting Bridges.

To Construct Telephone Systems to Connect With Rangers—New Road to Do Away With Heavy Grade Between Salmon and Payette Lakes.

The forest service in Idaho in accordance with the policy, in the several sections under its jurisdiction, is planning extensive improvements in the way of building and repairing roads and trails, the construction of bridges and the installation of telephone systems to connect the headquarters of the rangers and other officers of the service.

Among the improvements to be made in the Sawtooth national forest, Supervisor Grandjean announced yesterday that the department has decided to contribute \$250 to the building of the road contemplated between Meadows and the Payette lakes along Goose creek. The course of the new road will do away with the heavy grade over the summit between Salmon Meadows and the lakes.

The length of the projected highway is about twelve miles and the amount already apportioned by Washington county and the state, together with the sum contributed by the forest service, will insure the making of good serviceable road.

The service will also shortly begin the construction of a bridge across the Boise river at a point near Trail creek, near Tom Nevins' ranch. There is present a ferry near this place which was put in operation early in the spring. The bridge will give access and egress to and from the Smith's Prairie country.

Other bridges that will be built will span Canyon country, Warm Springs creek and the south fork of the Payette river, on the old trail to Loon creek.

A great deal of important work will be carried on on trails already established in the Sawtooth and Payette national forests, the work to consist of widening the trails and cutting them to a grade that will permit the hauling of freight.

WEATHER COOLER ON THE PACIFIC SLOPE

The threatening weather and occasional light sprinkles of rain that have occurred in this vicinity during the last day or two are caused by a large area of low barometric pressure, which on Friday morning covered practically the entire west. The lowest reading of the barometer was reported from a region including northern California, Nevada and Utah, southern Idaho, and Wyoming. During the 24 hours ending at 6 a. m. on Friday, rain had fallen over most of the northwest, and a thunderstorm had occurred in the vicinity of Tacoma. Rain had also fallen over a belt reaching from central Texas to southern Illinois, and along the north Atlantic coast. The temperature prevails in the Mississippi valley and along the Gulf coast and Mexican boundary, while on the Pacific slope the weather has become noticeably cooler.

Newspapers from 10 cities. Collins, 1022 Main street. Free deliveries.

DEFENSE'S MOTION FOR VERDICT OF ACQUITTAL DENIED

(Continued from Page Seven.)

ing in the boxes of the earth in Stillwater City," he said, "when the most violent articles in the magazine were written; since this man became an officer of the organization, the mild articles have appeared. The last four years Steunenberg's name has not appeared in the Miners' Magazine. Why it would be better to shut down the printing press and abolish newspapers if because of some intemperate criticism, editors of newspapers were to be charged with conspiracy and put in danger of their lives."

Orchard's Word Only.

Mr. Darrow sketched through the evidence, and like Richardson, maintained that without Orchard there was no evidence to show that any officer or member of the Western Federation of Miners knew anything about the crimes to which Orchard testified. The connection of Orchard with the "indicator" mine, the Independence depot, the killing of Lyle Gregory and the attempts on Bradley, were not supported, Mr. Darrow held, by any proof except by the word of Orchard himself. The crimes had been committed and Orchard says he is the guilty man, but there is no one else to prove that Orchard was there.

"Where is there a witness in this case who has ever heard a step of Haywood's connection with this conspiracy? We have nothing but the testimony of a man who is trying to

convict three men to save his own life." Mr. Darrow turned to the evidence of the draft sent to Simpkins on December 21.

"Why," he asked, "if Haywood had sent it would he be guilty?" "It is Gus Paulson guilty of the murder of Steunenberg because he was Orchard's \$300 on which Orchard, according to the evidence produced by the state, travelled to Caldwell with Steunenberg."

"Now vigorously denouncing Orchard in scathing words, now turning to counsel for the state, sneering and sarcastic and again discussing the legal aspect of the case, Darrow made the picturesque figure of the defendant's motion.

"The state has promised to connect—connect—connect," he cried, "and turning to Senator Borah he sneered, 'connect with what?' The speaker then asked the defendant, Orchard, the traitor, the assassin, the ringleader and the murderer."

In conclusion he appealed to the court to withdraw the case from the jury and dismiss the case.

Motion Overruled. Judge Wood immediately pronounced his decision refusing the motion. "The court is thoroughly satisfied that this case should be submitted to the jury. If I felt differently I would not hesitate to so rule."

The court then explained that he would not review the evidence in a written opinion because the case had two more defendants to be tried, but he said he had adhered until 10 o'clock Monday morning.

ACTION FOR \$20,000 DAMAGES

Suit by Fred Harrop Against J. M. Halley for Alienation of Wife's Affections.

Over Harrop, desiring to institute a suit against him, states that when Fred Harrop was married to Vivian Stanley September 28, 1902, until the interference of Halley between plaintiff and his wife, the couple lived together in peace and in the most cordial affection and that Vivian Harrop was deeply attached to plaintiff and to the minor child of the plaintiff and his wife.

The complaint recites that the defendant, "intending to injure plaintiff and deprive him of the comfort, society and assistance of his wife and to abrogate and destroy her affection for plaintiff, did on the 14th day of May, 1907, and for a long time prior thereto, cheat, coax and persuade the said Vivian Harrop to quit, leave and separate herself from plaintiff and to sever the said matrimonial life and to live apart and apart from plaintiff and to live and associate with the defendant."

That by reason of such entreaties and insidious defendant did alienate and destroy the affection of said Vivian Harrop for plaintiff and induced her to quit, leave and separate herself from plaintiff and to sever her matrimonial life and to live apart and apart from plaintiff and their minor child on the 14th day of May, 1907, and to live in adultery with said defendant.

That on the 21st day of May, 1907, and at divers other times said defendant, well knowing that Vivian Harrop was then the wife of plaintiff, wrongfully and unlawfully seduced, abducted and carnally abused said Vivian Harrop, the wife of plaintiff, thereby seducing and alienating her affection from plaintiff and persuading her to quit, leave and separate herself from plaintiff and to sever the comfort, society and assistance of his wife to plaintiff's damage in the sum of \$20,000.

Visible Fox. Idaho Typewriter Exchange. 10th St.

Bell Rings at Pullman Bar Five minutes before train leaves. Budsweiner. Four doors from depot Nampa

Strawberries, strawberries. Pilot-on & Peper. 267 N. Eighth.

Willard White. Fire Insurance, Surety Bonds. No. 1000, 10th St. Phone 950.

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DEFENSE TO OPEN ITS CASE TOMORROW

Scenes to Shift in District Court—Defending Attorneys Become the Aggressors—State on the Defensive.

MANY WITNESSES NOW IN BOISE

General Outline of the Defense to Be Stated By Darrow

PLAINLY INDICATED IN CROSS-EXAMINATION

How Defense Will Endeavor to Explain Many Matters of a Suspicious Nature Exposed by the State—What Some Witnesses Will Testify to on the Stand and Who Some of Them Are—Register Under Assumed Names.

Tomorrow morning at 10 o'clock the district court will reconvene for the continuation of the trial of William D. Haywood. The state has finished. The defense will open. The act changes. There will be new characters upon the state and the attorneys change places. From now on the defenders of the man on trial become the aggressors and the attorneys for the state will be on the defensive. The state will put up an aggressive cross-examination and from now on Mr. Richardson will endeavor with all his might to keep the lid down instead of continually taking it off. He learned a few things about the results of lid lifting in the cross-examination of Harry Orchard, which it is presumed will be of great value to him should he ever be employed as defending counsel in another big case.

Outline of Defense.
Counsel for Haywood will not outline their defense until Monday morning, but their course during cross-examination, particularly when they laid the foundation for their impeachment of Orchard, and the personality of many of the witnesses they have summoned here, make their general course quite clear. It is manifest that they will endeavor to show that Orchard killed Steunenberg to be revenged for the loss of the Hercules mine, and several witnesses will swear that they heard Orchard tell the Hercules tale and how he would kill Steunenberg. They will probably show also that Jack Simpkins was a prisoner in the "Bull Pen" where a negro thrust a

bayonet into his chest, circumstances that gave the two common cause against Steunenberg.

There will likely be a showing that all of the financial relations of Haywood and Simpkins came in the natural and regular course of conducting the business affairs of the federation. In this connection as well as to the grants of money and food to Orchard and his wife and Steve Adams the books and records of the federation will probably be produced.

To Deny Orchard Story.
Orchard's testimony as to the alleged intimacy of himself and the federation leaders, and his story of the events at Cripple Creek extending from the first attempt at the Vindicator down to the destruction of independence station will probably be directly controverted by practically all the men named by him.

Many of them are now here and they are expected to take the stand and swear that he perjured himself. There will also be a general showing that the movements, acts and attitudes of Haywood, Moyer and Pettibone during 1903, 1904 and 1905 were largely at variance and strongly inconsistent with the recital of Orchard.

The Bradley story will be subjected to severe attack and in this connection the discrediting testimony of Bradley himself will be used. There exists a strong showing that Bradley's house was blown up by a gas explosion and not by a bomb and this will be used to all possible advantage.

Orchard's story about the letters connected with the alleged plan to deceive his wife will in all probability be directly controverted and generally discredited. There may be a showing that Orchard did go to Alaska. Marlon Moore will be a witness for the defense and it is understood that he will directly deny that he carried Orchard's letter to Alaska. The legal aid extended to Orchard will be explained by a general showing that it has ever been the custom of the federation to provide counsel for its members.

Many Defense Witnesses.
During the past few days a large number of witnesses have arrived in Boise called here to testify for the defense in the famous trial of William D. Haywood and it is stated many more are coming. It is stated that many of the lesser witnesses, those least known are stopping at various places in the city where they are going under assumed names for the purpose of throwing off the scent of the state's detectives who are engaged in getting lines upon them. However, most of the witnesses so far arrived have been recognized and it is pretty well known along what lines most of them will be apt to testify.

Among the most important witnesses whom the defense is expected to introduce are Paul Corcoran of Coeur d'Alene fame, secretary of the Burke Miners' union during the terrible struggles of 1899, who was at one time convicted of murder in the second degree and later pardoned; W. W. Kemerer of Pierre, S. D., formerly a member of the executive board of the Western Federation of Miners, a map from Charles H. Moyer's old stamping ground; John M. O'Neil of Denver, editor of the Miners' Magazine, the publication from which many ma-

(Continued on Page Four.)

INSANE MAN RUNS AMUCK ON TRAIN

Italian Barber, Crazy With Drink, Kills One Man and Wounds Two Women.

Imagines He Had Been Robbed and Was Fighting the Thieves—Empties Revolver in Chair Car, Causing a Panic—Is Finally Overpowered.

DENVER, June 22.—While crazed from the effects of vermouth, John Bella, an Italian barber, shot and killed C. V. Topp, a tailor, en route from St. Paul, Minn., to San Francisco, as he slept, and wounded Mrs. Norris Olsen and Mrs. Harry Blakesley, sisters, traveling from Marshall, Minn., to Colorado, on passenger train No. 5 westbound, on the Chicago, Rock Island & Pacific railroad near Seiden, Kan., last night. Bella and Patsy Longobardi, an Italian who was traveling with Bella, were arrested and taken from the train at Goodland, Kan. The wives and nine children of the two men came to Denver and decided today to return to Chicago instead of continuing their journey to San Francisco, for which city the two families had started from Boston.

CONDUCTOR'S STORY OF AFFRAY ON TRAIN

COLORADO SPRINGS, June 22.—Edgar H. Young, conductor of the Rock Island train on which the shooting occurred, is a resident of Colorado Springs, and when visited by the Associated Press correspondent gave the following account of the affair:

"Everything was perfectly quiet on the train when this terrible affair happened. I was in one of the Pullman cars when the porter, James Duncan, rushed in and told me somebody was being killed in the chair car. I went immediately to the chair car and found things in a frightful condition. Men, women and children were making a wild rush to get away from the scene of the shooting and the panic lasted fully five minutes. The Italian who did the shooting was cooler than anybody else. He had a vague idea that somebody was trying to rob him and he did not know what he had done until his weapons were taken away from him. When taken into custody he offered no resistance but was still shouting for the arrest of a supposed thief.

The two women who were shot sustained only slight skin wounds and will be able to continue their journey in a short time.

Topp From St. Paul.
ST. PAUL, June 22.—The C. V. Topp, who was shot on the Rock Island train last night, was Carl V. Topp, a tailor who had been in business in this city. He sold out intending to engage in the same business in San Francisco. His wife and two children still reside here.

RAILROAD SPEEDERS FOR FOREST RANGERS

(Special Dispatch.)
WASHINGTON, June 22.—To facilitate fire patrol along the Great Northern railway in Montana and Idaho, railroad speeders are being purchased for use in the Kootenai, Lewis and Clark and Cabinet national forests.

SECRETARY TAFT IN MINERS' AGREE TO

SHORT REVIEW OF THE HAYWOOD TRIAL

Attorneys for State Declare They Have Succeeded in Showing the Existence of Conspiracy Resulting in Murder of Former Governor Steunenberg and in Connecting Haywood With That Conspiracy.

On May 9th the trial of the state vs. William D. Haywood, charged with the murder of former Governor Steunenberg began. There was some long, tiresome days while the jury was being selected, but on June 3, the last of the 12 men, who were to sit in the trial of this famous case, was qualified. On June 4, James H. Hawley, leading attorney for the state, made his opening statement to the jury, immediately after which the state began introducing its witnesses. On last Friday morning the state closed its case and tomorrow morning at 10 o'clock Clarence S. Darrow, associate attorney for the defense, will make his opening statement to the jury and then will follow the witnesses whom the defense will put on in an endeavor to controvert the testimony introduced by the state.

It is interesting at this stage of the game to review, in some particulars, the testimony and the evidence which the state has introduced to prove that William D. Haywood was guilty of the crime for which he is charged. Many who have been following the case express an opinion that the state has failed to connect Defendant Haywood directly with the crime, and that, therefore, the state has not succeeded in making a strong case.

They agree that there has been considerable evidence introduced showing that Jack L. Simpkins was a participant in the crime, that Mr. Pettibone took parts that need explaining and that Harry Orchard's story, regarding the parts he took in committing the murder, have been fully substantiated, but they cannot see how the evidence tends to connect Mr. Haywood sufficiently to convict him.

Whether or not the evidence is sufficient to convict Haywood is a matter for the jury to decide, but the prosecutors claim that they have made the case much stronger in many details than they had anticipated when they commenced.

It is evident that many people who are interested in following the trial, do not understand just what it is necessary for the state to prove to make its case. Many are laboring under the impression that in order to convict Mr. Haywood it will be necessary to show his direct connection with the murder of former Governor Steunenberg. Many who were of that opinion previously have a better understanding of the case since hearing or reading Senator Borah's argument on Saturday in resisting the motion of the defense to take the case from the jury.

But perhaps the best statement of what the state must prove under the law is given in Mr. Hawley's full statement of the case to the jury on

June 4. In that statement he says:

Hawley's Statement.

"We expect to show to you, gentlemen, that these parties that are charged in this indictment with this offense, were not personally present, as they are charged in this indictment, but we are compelled to so charge them on account of the exigencies of the law itself, that they did aid, advise, encourage and assist the real perpetrator of this crime, the man who is charged in the other indictment (Orchard) in the commission of this offense, and are equally guilty with him if these facts are found.

"This necessarily, gentlemen of the jury, brings to our attention another important matter in connection with this case. If not personally present, if only advising, encouraging, aiding, abetting in this affair, it must necessarily follow that there was a communication between these parties, who we have charged here, and the man or men who actually committed the crime in their own person and by their own hands. This necessarily implies, gentlemen, a collusion. It necessarily shows that there must have been a combination—a conspiracy of some kind between those parties and the parties who did commit the crime.

"Gentlemen, we expect to so prove. We expect to show, that this crime that is charged here is the result of a conspiracy of an understanding or collusion, between the leaders of the Western Federation of Miners and other persons, and that those leaders are the ones that are responsible for this outrage and must be held responsible by law, and we will adduce proof under the law in attempting to make our case before you."

The Western Federation of Miners.

Mr. Hawley in his opening statement went on and gave a brief history of the Western Federation of Miners, showing how the business of the federation was entirely controlled by the executive committee, which was composed of members of the organization, and he said in closing:

"From the very inception of this organization, gentlemen, although we will prove it to you as part of our proof, that the rank and file of it were innocent of any sinister motives, we will show to you, by their acts and by the policies that they have pursued that there has been an understanding amongst the leaders which has existed to the present time and has been the reason and the cause not only of the death of Governor Steunenberg, but of scores of others besides.

"We will show that the leaders who comprised this 'inner circle' have traded in blood, employed hired assassins to take life and destroy prop-

erty as their interests seemingly required."

State Started June 4.

It was on June 4 that Mr. Hawley made his opening statement to the jury. The court room was packed. Very comprehensively, in simple language that every jury appreciated and drank in with full understanding Mr. Hawley told of what the state would endeavor to prove to show that the defendant, W. D. Haywood, was a party responsible for the death of former Governor Frank Steunenberg. As soon as he had finished the state began the introduction of witnesses. On that first day the following witnesses testified:

C. N. Wayne of Caldwell was the first witness called for the state. He lived directly across from the Steunenberg home and was the first man upon the scene after the tragedy. He testified regarding the position in which the body was found, the injuries sustained and the general effects of the explosion. Dr. J. W. Guo, the physician who was called to attend Governor Steunenberg on the night of the murder followed. He told of how badly the body was mangled. Following these two, Attorney John C. Rice; M. S. Ellis; A. Ballantyne; Julian P. Steunenberg, son of the former governor, all testified regarding having seen Orchard in Caldwell and his suspicious actions previous to the murder.

L. J. Bowman testified to having met "Simmons" at the Pacific hotel, where he roomed with Orchard, then known as Thomas Hogan. He identified a photograph of J. L. Simpkins as the likeness of the man whom he knew as "Simmons." James Russell, formerly boarder at the Pacific hotel, and Steven Dempsey, proprietor of the hotel, both testified to the presence of Orchard and Simpkins at the hotel.

On June 5th J. M. Brunzell, proprietor of the Grand Hotel at Nampa, identified the signature of Thomas Hogan and L. J. Simpkins on his hotel register in November, 1905. Antoine Hinkley, proprietor of the Commercial hotel in Nampa, testified to the signature of "J. Simmons, Spokane," on his hotel register of the date of November 7th, and of Thomas Hogan on November 11th. J. C. Conner, at Silver City, proprietor of the Idaho hotel, testified that Simpkins registered there November 8th.

Simpkins' Writing Verified.

C. H. Wentz, of Wardner, who knew Simpkins' hand writing, identified the hand writing on the hotel registers as that of Mr. Simpkins. Guy Feight of Nampa, who lived at the Pacific hotel in the fall of 1905, testified to the presence of Orchard and Simpkins at that hotel in November.

Orchard Called to Stand.

Immediately after Feight was excused the famous criminal witness, Harry Orchard, was called to the stand. People who have been following the reports of the trial all through the country have not missed any of the details of Harry Orchard's terrible story. He practically, on direct and cross examination, told the history of his life. He told the story which directly and unequivocally connected Haywood and the co-defendants with the great conspiracy which included many crimes and many murders and attempted murders and which closed in the assassination of former Governor Steunenberg on the 30th day of December, 1905, the murder for which William D. Haywood is now being tried, and which Orchard tes-

(Continued on Page Nine.)

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SHORT REVIEW OF THE HAYWOOD TRIAL

(Continued From Page Three.)

tified he had committed with his own hand.

It took Harry Orchard most of eight days to tell his story to the jury on direct and cross-examination. And when his story was in it devolved upon the state to substantiate the statements he had made concerning the existence of a conspiracy. Now that the state's case is in, the question which is being freely discussed on all sides is whether the substantiation of Orchard's story, aside from his own testimony, has been sufficient to prove beyond a reasonable doubt that William D. Haywood was a party to the conspiracy and that there was a conspiracy which was responsible for the murder in Idaho.

State Is Confident.

The attorneys for the prosecution insist that they have proven beyond a reasonable doubt that William D. Haywood was a party to that conspiracy. Many witnesses have been introduced all of whom one after another, have taken the stand and, despite the most persistent cross-examinations, have refused to be confused or to vary from the statements that they told on direct examination. Each and every witness has told of some material matter which has tended to substantiate the minutest detail some part of Orchard's story.

The testimony of some of these witnesses has not only substantiated matters told of by Orchard but has gone further in bringing to light other damaging evidence against the defendant.

Defense Opens Tomorrow.

Tomorrow Clarence S. Darrow, for the defense, will present the defense side of the case. Then will follow the introduction of witnesses to disprove Orchard's story and to prove the testimony given by the state's witnesses. It is said that the defense has many witnesses on hand. What will be the exact nature of the testimony given can not be forecasted and it remains to be seen how strong will be the evidence presented by the defense. At this time it is interesting to review some of the matter which the state has so far introduced witnesses to prove, which tended to connect Haywood with the conspiracy and to show that there was a conspiracy as Mr. Hawley stated in his opening of the case would be proven to exist by the state.

On account of delays in getting some state witnesses here just when they were wanted, the state's evidence was put in in somewhat irregular order. But all summed up a review shows that the state has proved many important matters.

To Show a Motive.

Under the most persistent objections by the attorneys for the defense

ters were sent and received, and even evidence as to the number of the mail pouch which carried the letters.

Regarding the telegram, the orders forwarding the money, were produced as evidence and the handwriting on those orders, each signed by a different fictitious name, was proved to be the handwriting of George A. Pettibone.

The identification of Pettibone's writing on those orders was secured through a handwriting expert, who had compared the handwriting on those telegraph orders to the handwriting of Mr. Pettibone in a letter in which he recommended Orchard, under the name of Thomas Hogan, to John L. Stearns of the Mutual Life Insurance company in Denver as a solicitor.

Pettibone's letter to Mr. Stearns was in itself a very strong piece of evidence in proving that Pettibone knew Orchard intimately, and in connection with that letter were others which it has been shown had been procured by Orchard through the solicitation of Mr. Pettibone.

Haywood's Telegram.

Other evidence of great value to the state is that of the telegram sent by William D. Haywood, himself, forwarding \$75 to Steve Adams in Ogden. It was shown that Adams, with another man, had made an unsuccessful trip to California to get Mr. Bradley, and on his way back to Denver was arrested at Ogden upon a charge of trespass, having been caught by a railroad detective stealing his way in a fruit car. Witnesses from Ogden testified as to his arrest, identified him here, and told of how he wired Haywood for the money. The state now has the original telegram in which Haywood forwarded the money to Adams, and while it has not yet been introduced in evidence, the state has reserved the right to do so before its case can be considered actually closed.

Haywood to Mrs. Orchard.

What the state considered a very damaging of documentary evidence is the letter which Mr. Haywood wrote to Orchard's wife in Cripple Creek informing her that her husband was in Alaska. This letter was written by Haywood on the very date that Orchard and Jack Simpkins were in Caldwell planning a method of the killing of former Governor Steunenberg. This letter in evidence was supplemented by letters written by Orchard in Denver to his wife, but dated from San Francisco and from Nome, Alaska. These letters were received by Mrs. Orchard and prepared from her for use by the state in this trial. The letters showed conclusively that Orchard was trying to deceive his wife as to his whereabouts and that Haywood entered into the scheme to assist him in the deception.

On the very last day the state put on the stand a colored livery man from

whom Orchard had instructed to throw the bomb in the river if he did not use it.

The bomb was found in the river by a fireman of Wallace. He testified to the finding of the bomb, and of turning it over to the sheriff. The sheriff testified to the unloading of the bomb and to bringing it to Denver and then to Boise. Mr. Harrah, the plumber, on the stand absolutely identified the casing as the casing he had made for Harry Orchard.

Corroboration by Peabody.

Orchard said that the reason he did not blow up Peabody at his home in Canon City was because Peabody began making alterations in his house and quit sitting near a certain window where he has been accustomed to sit. Mr. Peabody on the stand testified that he had seen Orchard in Canon City, that the man had been pointed out to him as Thomas Hogan, and he testified that at that time he was engaged in making alterations in his house.

The state produced witnesses to substantiate the story Orchard told of attempts on Judge Gabbart and Judge Goddard, justices of the supreme court of Colorado, and the state has introduced in evidence decisions handed down by the supreme court while those two men were on the bench—one declaring unconstitutional the Colorado eight-hour day law for miners, and the other denying an application made by Charles H. Moyer for a writ of habeas corpus. These decisions were introduced to show a motive on the part of the Federation officers for killing Judges Gabbart and Goddard.

The Goddard Bomb.

Absolute corroboration of Orchard's story regarding an attempt to blow up Judge Goddard by planting a bomb at his gate was produced in the testimony of Judge Goddard himself, and in presenting in evidence parts of the bomb. The bomb was dug up by General Bulkeley Wells in the presence of Judge Goddard and others and parts of the bomb were carefully preserved, sealed up in packages, marked as exhibits and the names of those present signed on the different packages. The seals on these packages were broken by Judge Goddard before the jury and the articles individually introduced in evidence.

Orchard's story of the attempts on Bradley by poisoning the milk and by exploding a bomb in the front of his residence, and the story of his movements in San Francisco have all been amply corroborated by numerous witnesses from that city.

It would seem to one who has closely followed the trial and heard all the testimony introduced that the state has succeeded in fully verifying every important and material part of Orchard's story. The attorneys for the prosecution declare that they have fully and completely established proofs that Orchard was the tool and accomplice and a participant in a conspiracy in which the members of the Western Federation, now in custody, and others not in custody, were the principals, they declare that they have made their case.

That their evidence has been entirely satisfactory to them, and stronger, if anything, than what was hoped before the trial began.

It now remains to be seen what will be developed by the defense in controverting the state's evidence. It was stated by the attorneys for the defense that two weeks would probably be all the time they would require to complete their side of the case.

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governor in enforcing the order in the Coeur d'Alene district during the terrible times following the strike in 1899.

Introductory to these articles, Edward Boyse was placed on the stand by the state. He was the first president of the eWestern Federation of Miners, and the testimony procured from him was to the effect that the Miners' Magazine was the official organ of the Western Federation of Miners, that the expenses of publishing it were paid out of the treasury of that organization, and that its contents voiced the sentiments of the officers of the Federation.

Many of these articles were very malignant, very expressive of the hatred the federation officials had for Governor Steunenberg, and it is claimed by the state that these articles alone divulge the fact that the federation officials had a motive for putting Steunenberg out of the way.

Evidences of Intimacy.

In view of the fact that witnesses testified to the authenticity of the various crimes and attempts at which Orchard confessed to have committed at the instigation of Moyer, Haywood, Pettibone, Simpkins and others perhaps, there is nothing of more importance in the case so far proved by the state than the intimacy which existed between the federation officials, who are now charged with the murder, and their tool and self-confessed accomplice, Harry Orchard.

This intimacy has been shown in many ways, and much proof regarding the intimacy has been brought out in answer to questions put by Haywood's attorneys under cross-examination of various witnesses. Along that particular line Mr. Richardson proved of very great assistance in making its case. He practically, long before Orchard's cross-examination was concluded, admitted a dozen different times that his clients had been intimate with Orchard. And had he not done so, the state itself produced abundance of evidence to show the intimacy. The defense practically admitted that Orchard was a frequent visitor at federation headquarters in Denver. It was admitted by Attorney Richardson in cross-examining Orchard that Orchard at one time, when Orchard says he was in the thick of the plot to kill Sherman Bell, former adjutant-general of Colorado, spent a whole month at the home of George A. Pettibone at the latter's invitation to keep him company while his wife was visiting in the east.

Through the evidence of a policeman it was shown that Orchard had been seen on several occasions with the three men, and on one occasion at least was seen with them seated on Pettibone's porch.

Money From Pettibone.

But more damaging evidence than all this was the production of the telegram proved absolutely to have been in George A. Pettibone's handwriting, addressed from his store in which he used fictitious names forwarding money by telegraph to 'H. Green,' who was shown to be Harry Orchard, in San Francisco, where Orchard was then plotting to kill Fred W. Bradley.

In connecting up this evidence the state succeeded in forging a perfect chain from Mr. Pettibone in Denver to Orchard in San Francisco. It was proven that Orchard received money by telegraph and by registered letter. The registered letters were traced from Pettibone's store to the registry department of the Denver postoffice, to the San Francisco postoffice and to Orchard's hand. Records were produced of Orchard's receipt for the letter in San Francisco, the dates the let-

George A. Pettibone, and that before buying the rig William D. Haywood had inspected the outfit and had taken a short drive about Denver with it in company with Orchard.

Regarding Simpkins.

The state has proved beyond all doubt that Simpkins under an assumed name was in Caldwell with Orchard at the time plans were being made for killing Steunenberg. It has shown by the introduction of bank drafts in evidence that various sums of money were sent by Haywood to Simpkins and that the sum of \$100 was sent to Simpkins at about the time Orchard was expecting Simpkins to procure that sum of money for him, and that after Orchard was arrested and in the county jail at Caldwell, he received a letter unsigned but which he claimed was from Pettibone, which informed him that "That was sent to Jack and he should have got it to you before this."

It has been shown by the state that after Orchard's arrest and before he sent out any communications from the Caldwell jail he received a telegram from the firm of attorneys in Spokane to the effect that Fred Miller, one of that firm, would start at once for Caldwell to defend him. It was shown that Miller did come and Mr. Richardson, attorney for the defense, in cross-examination introduced it as a fact that the officials of the Western Federation of Miners always looked after members of that organization who got into any legal entanglements without any solicitation on the part of the members themselves.

And on the stand Orchard testified that he had been instructed by Moyer and by Haywood and by Pettibone that if he ever got into trouble and was arrested not to wire or write them but that they would see that an attorney was sent to him immediately.

Corroborations.

Orchard testified on the stand to having attempted to blow up the Vindicator mine at Cripple Creek; witnesses were put on the stand who verified his story. He told of how he set the infernal machine which killed the superintendent of the Vindicator mine and a shaft boss there. State's witnesses verified that story.

Orchard told of how himself and Steven Adams had blown up the depot at Independence, killing 14 persons. Witnesses on the stand corroborated Orchard's story in regard to many details, time, place and methods used.

Orchard told of attempts made by himself and Steve Adams to shoot Governor Peabody in Denver. He told of following up a hack that stopped at the Peabody residence one evening with guns ready to shoot the governor when he got out, and that three ladies got out instead. One of the ladies in the hack was Miss Peabody, the governor's second daughter. On the stand for the state Miss Peabody verified that part of Orchard's story.

Orchard told of manufacturing a bomb to kill Governor Peabody. He told of how he had ordered and had made the lead casing for that bomb at a certain plumbing shop in Denver. Mr. Harrah, the Denver plumber, went on the stand for the state and corroborated that part of Orchard's story. Another witness from the same shop testified to delivering the bomb casing to Orchard.

The history of that bomb was traced from that plumbing shop down to Canyon City where Orchard had taken it to blow up Peabody back to Denver, and up to the Coeur d'Alene country where Orchard said he had given it to a man named Cunningham, who wanted it to blow up a boarding house occupied by union miners, and

Clay Expended Over \$2 per Acre in Improvements.

The contest involving desert land entry No. 1966 filed by Henry G. Clay, July 15, 1903, brought by Nannie E. Bedford on May 15, 1906, was decided in favor of the contestee in a decision handed down by the register and receiver of the local land office yesterday.

It appears the contestant alleged that the entryman had failed to make the annual expenditures as required by law and claimed that he had failed to irrigate it and in other ways failed to meet the requirements of the law in connection with the proving up of the land. Upon a careful investigation, however, by the officials of the department it was discovered that Clay had placed sufficient improvements on the land which in the absence of any evidence of fraud are entitled to be credited on annual expenditures. At the time of the initiation of the contest there is clear evidence that more than \$2 per acre had been expended.

JUNE HANDS OUT CHILLY, MAY WEATHER

According to the records kept at the local office of the weather bureau the temperature during the last two days has averaged about 15 degrees a day below normal and the figures are those usually experienced here about May 1. With a minimum temperature of 40 degrees, which with one exception is the lowest reading at so late a date in the month during the last nine years, frost formed during the early hours of yesterday morning. This, however, is not the latest date of a frost at this station. Light frosts occurred on the 23d and 24th of June in 1904 and on the latter date the temperature dropped to 36 degrees.

Yesterday's weather map showed a storm of considerable energy central over Utah. This depression has caused rain over a large area in the northwest and at a number of stations in the great central valleys in the extreme south. Over the east the weather was generally clear with temperatures normal or slightly above. A high pressure area was approaching the Oregon coast and was expected to prove the controlling factor in the weather to be experienced in this locality today, causing fair skies, with light frost during the early morning, followed by higher temperature during the afternoon hours.

BOISE BOY WINS NEW YORK SCHOLARSHIP

Mr. and Mrs. Richard Williams have received word that their son, Walter Williams, has won the scholarship prize in the New York Art Student's league which will entitle him to study another year at the league free of expense. Mr. Williams has been making great progress in his art work and has a great many drawings accepted by magazines this year. He is expected to arrive home next week to spend his summer vacation.

DEFENSE READY TO BEGIN ITS CASE

Many Witnesses for Defendant William D. Haywood Arrive.

SOME ARE UNDER ASSUMED NAMES

Darrow and Richardson Have Final Consultation With Their Client Regarding Course to Be Pursued—Darrow to Make Opening Statement Today—Some of the More Prominent Visitors.

The attorneys for the defense of William D. Haywood announced yesterday that they are all ready to go on with their side of the case. Many of their witnesses are now here and a full understanding has been had of what the course of the defense will be. At 10 o'clock this forenoon court will convene for continuing the case. Clarence S. Darrow of Chicago will make the opening statement to the jury for the defense and it was stated yesterday that nearly, if not all, of both the forenoon and afternoon sessions would be required for his address.

Mr. Darrow will go fully into the course by which the defense intends if possible to prove that Harry Orchard perjured himself time and again on the stand; that he killed Steinhilber, not because he was instructed to do so by the officers of the Western Federation, but because he had a personal, deep-seated grudge against his victim arising from losing his opportunity to become wealthy from his interest in the Hercules mine; that during the Cripple Creek troubles Orchard was in the employ of the Mine Owners' association and a spy for that organization upon the union miners.

Mr. Darrow will tell how the defense will try to explain Orchard's intimacy with the Federation officials; how the defense will endeavor to show that the money sent by Pettibone to San Francisco was intended not for Orchard, but other men; how the defense will endeavor to prove that the drafts sent to Jack Simkins were sent in the regular order of legitimate business.

It is expected the defense will endeavor to prove that Orchard's story of attempts upon Governor Peabody, Sherman Bell and Judge Goddard was all a "pipe dream"; that the explosion which killed 14 people at Independence was a job put up by the mine owners; that the Goddard bomb was

INFERNAL MACHINE INTENDED TO END LIFE OF GOVERNOR PEABODY



AN EXHIBIT INTRODUCED IN EVIDENCE.

The above is the casing of the famous "Peabody" bomb which was found in the Coeur d'Alene river and brought to Boise as evidence in the Haywood trial.

intended to create evidence for the state; that Haywood sent Adams money to Ogden out of the "kindness of his heart," and that what little money Orchard received was given him for "sweet Charity's sake."

Regarding the Bradley explosion the defense will endeavor to make capital out of the evidence that there was a gas explosion instead of the explosion of a bomb, but how the poisoned milk episode is to be explained has not been given out.

New Witnesses Here.

A large number of new witnesses for the defense arrived yesterday and they are scattered around at various places. A large number of the defense witnesses are quartered at the Noble rooming house, a few at the Capitol hotel; one or two at the Pacific, but most of them are at less conspicuous lodging houses and a large percentage of them are going under assumed names. It is thought, however, that there are few witnesses here who are not known to the special agents of the state, who are engaged in identifying them.

Among the late arrivals is W. F. Davis of Cripple Creek fame and who was also a well-known character in the Coeur d'Alenes in 1899. Davis is the man Orchard said he first met at

Wardner and later at Cripple Creek. Orchard testified it was Davis who put him up to the job of attempting to blow up the Vindicator mine and who counselled him in other criminal matters. Davis, according to Orchard, was one of the "inner circle"—one who stood very close to the Federation officials who are now in the toils.

Cowboy Preacher.

An interesting character is Rev. T. S. Leland, famed throughout the Cripple Creek district as the "Cowboy Preacher." He was formerly a cowboy and later became "converted." He joined the Methodist church, and had charge of the Cripple Creek appointment of that denomination at the time of the big strike. He was a sympathizer with the strikers and his home was the refuge of many of the union men. He comes here now from Montana as a witness for the defense.

A story is told of how Leland successfully for several hours stood off, almost single handed, Sherman Bell and a detail of soldiers who attempted to search his house in Cripple Creek for several desperate characters they believed were hidden there. Not until his ammunition was exhausted did the preacher surrender and then the soldiers found one of the men they were after.

Rah for Governor.

A. H. Floaten, one of the prominent characters in the Cripple Creek strike, is here for the defense. He registers as J. C. Barnes from Montana. Barnes

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Ran for Governor.

A. H. Floaten, one of the prominent characters in the Cripple Creek strike, is here for the defense. He registers as J. C. Barnes from Montana. Barnes is the man who was formerly in partnership with Detective Riddell in conducting a boarding house at Cripple Creek, although Barnes at that time had no suspicion that he was in partnership with a Pinkerton man. Floaten now lives at Fort Collins. He ran for governor of Colorado on the Socialist ticket the same year that Adams and Peabody ran the close race for the same office. During the Cripple Creek troubles he took an active part on the strikers' side.

One witness who arrived yesterday was J. Wolfson of Denver, formerly an employe of George A. Pettibone. Other witnesses lately arrived are Antoine Matte, Ira Blizard, C. A. Collin of Telluride and Mrs. Nellie C. Joyce of Denver.

Yesterday at the Jail.

Yesterday at the Ada county jail Haywood and the co-defendants were visited by Attorneys Richardson and Darrow, who went over with the prisoners finally the course that would be pursued and who consulted with Haywood particularly regarding matters that would be included in Mr. Darrow's statement to be made today to the jury.

All the prisoners were visited by their wives and Steve Adams had a long visit from his wife and his brother, who have been here several days. One of the principal subjects of discussion among the defense attorneys yesterday, it is understood, was as to whether or not Steve Adams would be called to the stand. It is understood John Nugent visited Adams yesterday and it is presumed it was for the purpose of discovering how he was feeling regarding the matter. The defense is very quiet about its plans regarding Adams, but it is understood that Mrs. Adams will not be called unless it is decided to also call her husband.

FORMER FEDERATION MAN WHOM THE STATE CALLED AS A WITNESS



EDWARD BOYCE.
On Stand for the State.

Mr. Boyce was the first president of the Western Federation of Miners. Now he is a capitalist and mine owner. He testified for the state regarding the fact that the Miners' Magazine was the official organ of the federation.

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INTERESTING CORRESPONDENCE WITH HARRY ORCHARD

Opened With a Remarkable Letter from a Victim of the Explosion at the Independence Depot—Communications from the Prisoner Written Since He Testified.

A dispatch from the Spokane Review from Walla Walla says:

A well known Walla Walla farmer has just received a letter from Harry Orchard, or Alfred Horsley. The letter would tend to show Orchard's complete renunciation of his old life. The man who received it asks that his name be not used, to avoid notoriety.

He has received several letters from Orchard, and is personally acquainted with him. A letter received prior to the Haywood trial stated that Orchard would go on the stand and tell all, and that he expected to pay the penalty for his crimes. The man who received the letter was maimed at the Independence depot explosion. He was once in the woods for several months with Orchard and stated that he acted much the same as any other man.

Orchard's Letter.

The letter is as follows:

BOISE, Ida., June 15.—Dear Friend: I have neglected answering your letter, but you will understand the reason. I have been very busy. As you know I have just passed through perhaps the most horrible ordeal that any human being ever was called upon to do. I could never have done this in my own strength. But I give all the praise to a kind and loving Providence for giving me strength spiritually and physically. I know I have been an unnatural monster, but the dear Lord regenerated me, so he could use me. I have told the whole truth. I did not shield myself or anybody else; nor did I wrongfully accuse any innocent person. I could not send you a copy of the manuscript, as I have made a contract to have it published and have agreed not to divulge any of the contents. I got a good contract and got \$1000 in cash to start with. If you get McClure's Magazine you will get some of the first chapter, in the next issue. I think I will get enough money out of this so as to make my dear wife and little daughter comfortable. I have used them shamefully and disgracefully, but the dear Lord has watched over them and spared them. And I love them better than my own life now since God has taken away my stony heart and given me a heart of flesh and blood.

I have been greatly strengthened spiritually since I have been on the stand. I relied upon the promises of God. I fear I did not trust him as fully as I should have. His ever-abiding presence gave me strength. If I had thought I was right, I could have taken my own life a great deal easier than to go through that awful ordeal, and it is not finished yet, but I can go through the rest easier. As I have learned to more fully rely upon God's grace, and I know he will never leave or forsake me, if I do not him.

I would like to use the first two letters you sent me in my book if you have no objection. Please let me know if I may. I will not use them with-

out your permission. I am well and hope this will find you the same. I will close with the kindest thoughts toward you.

ALBERT E. HORSLEY.

P. S. You will understand now why I signed as I did before.

HARRY ORCHARD.

Orchard's previous letter was signed A. E. H., per Harry Orchard. This was before he revealed his right name and prior to his taking the stand.

INTERESTING CORRESPONDENCE

Letters Between Orchard and Man Referred to in Walla Walla Dispatch.

The man referred to in the foregoing is named Ganey. Soon after Orchard made his confession this man wrote him a remarkable letter. He narrated that he was standing on the platform at the Independence depot when the wire was pulled that fired the dreadful mine. In the awful horror he lost one foot entirely and the other was rendered useless. After suffering great torture he was again able to get about, but was obliged to face the fact that he was a hopeless cripple.

The man added that, though he had suffered so, he had fully forgiven the author of the explosion. Continuing, he sent Orchard a remarkable message of a religious nature.

Those who have seen the letter say it reads as if it might have been written by some great bishop of splendid literary attainments and deep consecration to the cause of religion. It shows this man who lost his feet in the explosion is splendidly educated and has a polished mind as well as a great, magnanimous heart.

The letter was withheld from Orchard for some time, as it was feared it would move him too deeply. When it was handed him, Orchard was powerfully impressed. After a time he replied expressing his appreciation, and the correspondence has been carried on at intervals since.

Ganey's consent to have the letter used was secured, and Mr. McClure now has it to appear in connection with other Orchard matter in his magazine.

Letter From His Wife.

There is still another letter of great interest among those secured by Mr. McClure. This is from Orchard's first wife whom he deserted and who had not heard of him for 10 years until he opened communication with her after getting into prison. This letter shows her to be a woman of culture and refinement, of great ability and of the highest character. Those who have read it have found tears springing to their eyes as they have perused it. After Mr. McClure had read it, he handed Orchard and additional \$50, requesting him to send it to his wife from him as a testimonial of his regard.

DOCTORS MI.

Are said often to be buried ground. But many times their family physicians, so imagine, one from dyspepsia, heart disease, another from kidney disease, another from indigestion, another with pain and in this way they ruin themselves and their easy busy doctor, separate disease, assuming them to be his pills and potions. In all only symptoms caused disease. The physician, cause of suffering, keeps until large bills are made, patient gets no better, wrong treatment, but proper medicine like Dr. Pierce's Favorite Prescription, directed to have entirely removed by dispelling all those conditions, and instituting a prolonged misery. It has that "a disease known is Dr. Pierce's Favorite Prescription, scientific medicine, carefully experienced and adapted to woman's. It is made of native American roots and is perfectly effects in their condition system.

As a powerful invigorant, Dr. Pierce's Favorite Prescription "improves the whole system and distinctly feminine in particular worked, "worn-out," run-tired teachers, milliners, seamstresses, "shop-girls," nursing mothers, and generally, Dr. Pierce's Favorite is the greatest earthly equal as an appetizing storative tonic.

As a soothing and strengthening "Favorite Prescription" and is invaluable in all doing nervous excitable, nervous exhaustion, neuralgia, hysteria, spasms, and other distressing symptoms commonly a functional and organic uterus. It induces refreshing mental anxiety as Dr. Pierce's Pleasant Pills the stomach, liver and three a dose. Easy to take.

THE WORLD'S

PALM



MARVEL REVELATIONS

BY BENTLEY

ED TO
ERNOR PEABODY



EVIDENCE.

amous "Peabody" bomb
river and brought, to

and later at Cripple Creek, testified it was Davis who put to the job of attempting to to the Vindicator mine and who led him in other criminal matters. Davis, according to Orchard, is of the "inner circle"—one very close to the Federation who are now in the toils.

Cowboy Preacher.

interesting character is Rev. T. and, famed throughout the Cripple Creek district as the "cowboy preacher." He was formerly a coward, later became "converted," and joined the Methodist church and became the Cripple Creek agent of that denomination at the time of the big strike. He was a sympathizer with the strikers and his was the refuge of many of the non-union. He comes here now from as a witness for the defense. He is told of how Leland stayed for several hours, stood off, single handed, Sherman Bell, a detail of soldiers who attempted to break his house in Cripple Creek. Several desperate characters they were hidden there. Not until ammunition was exhausted did they surrender and then the soldiers found one of the men they were

Itah for Governor.

**NEITHER A FEAST OF REASON NOR AN
EXHIBITION OF ENTERTAINING ORATORY**

MR. DARROW MAKES THE OPENING STATEMENT FOR DEFENSE

PLAN IS TO PROVE ORCHARD A LIAR

Crimes to Be Laid at Doors of
Mine Owners and
Pinkertons.

JURORS ALL WEAR MISSOURI EXPRESSIONS

The Kind That Indicate "We
Must Be Shown"—Darrow
Promises to "Explain" Many
Suspicious Circumstances He
Admitted to Have Existed—
No Denial That Simpkins Ac-
companied Orchard to Cald-
well—Introduction of Testi-
mony Begins Today.

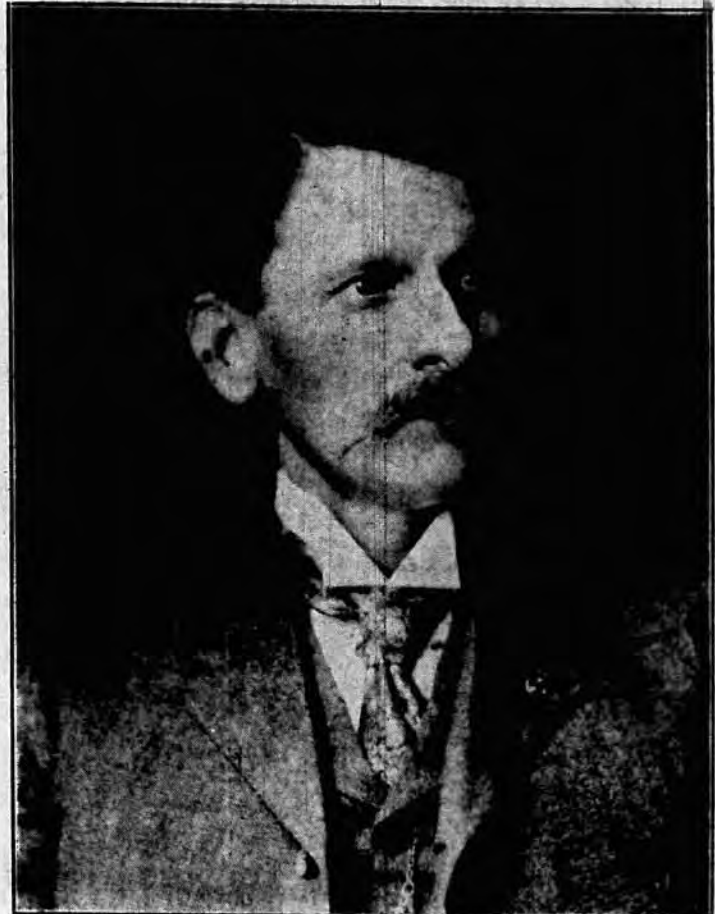
It was neither a feast of reason nor
an oratorical treat.

Those who attended court yesterday
to hear Clarence S. Darrow outline
the course the attorneys for the de-
fense would take to undermine,
wreck, destroy and lay in the dust the
monument of evidence the state had
erected to prove William D. Haywood
guilty as a party to a great conspiracy,
one of the results of which was the
murder of former Governor Steun-
enberg, were greatly disappointed.

What they expected of Mr. Darrow
was not forthcoming.

Many believed that he would spring
a surprise; that he would disclose
some well covered line of march that
the defense had blazed through the
tall timber of Orchard's story and its
substantiating evidence along which
the defendant could be led to com-
plete vindication and certain acquit-
tal.

"WE WILL PROVE that Harry Orchard is the most
monumental liar that ever lived on earth" said
Clarence S. Darrow yesterday in outlining the course of
the defense in the Haywood trial. He talked three hours
and twenty minutes but that one sentence was the gist
of what the defense's course would be.



WILLIAM B. EASTERLY.

One of the men whom Orchard declared belonged to the
"Inner Circle," one of the men he consulted with in several
criminal undertakings and the man who first made him ac-
quainted with the officers of the Western Federation of
Miners. Easterly is here as a witness for the defense and

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substantiating evidence along with the defendant could be led to complete vindication and certain acquittal.

Others, not expecting that an absolutely certain course for acquitting Haywood would be divulged by Mr. Darrow, did expect at least an oratorical address. They expected that the walls of the court room would ring with silvery utterances; that the blinds in the windows would rattle and the plaster on the ceiling crack from the force of his oratory. They were all disappointed.

Mr. Darrow stood before the jury—right in front of them. And he leaned over occasionally and almost rubbed noses with those in the front row. He wiped his glasses and he gave them a talk much in the same manner that the good old deacon in the little Methodist church you used to attend led the class meeting.

Were Interested—For a While.

And the jurors, with sphinx-like faces watched Darrow, and they listened to his words and they seemed interested—for quite awhile.

Then one after another they got weary and their eyes wandered from his faces. They looked over the audience. They watched the newspaper men at work.

Then, after awhile, Mr. Darrow began talking about the letters Pettibone sent to Orchard at San Francisco with money in. He admitted the money had been sent to Orchard, but he said it was Orchard's own money that he had left in Pettibone's safe. It had been received by Orchard under an assumed name and it had been sent by Pettibone under an assumed name.

And while he was making those statements the jurors appeared interested again. And then, when he was through every juror in the box, from the expression on his face, you would have sworn was recently from Missouri.

On the face of each you could read as plainly as if printed in poster type: "You will have to show me."

Long and Rambling.

It was a long and rambling talk that Mr. Darrow made and when he got all through and said he had finished—and the jury was glad and the spectators were glad and the judge, too, was probably glad—not one thing had been added to what the spectators already knew regarding what course the defense would take.

Darrow had said that he would introduce witnesses to prove that Orchard was a "monumental liar" and everybody had supposed that that would be done if possible by the defense, for had not Richardson worked overtime and unsuccessfully trying to prove that on Orchard's cross examination?

Darrow said that they would prove that Orchard didn't commit near as many crimes as he had confessed to.

That was somewhat surprising for his purpose in proving that was not quite clear inasmuch as he gave notice that the defense would endeavor to show that what crimes Orchard committed he had committed of his own free will, or at the instance of the Pinkertons or of the mine owners.

And surely it wasn't expected that Darrow and his associates were intending to introduce evidence to shield the mine owners and the detective association. But that's what he said, all right.

Darrow said he would show that Orchard never was near the Bunker Hill and Sullivan mill, when that mill was blown up—just to prove on general principles that Orchard was a liar.

Darrow admitted that Simpkins accompanied Orchard to Caldwell. He came south on a trip to visit some

criminal undertakings and the man who first made him acquainted with the officers of the Western Federation of Miners. Easterly is here as a witness for the defense and will probably be one of the first called.

miners' unions. But Darrow did not intimate why it was that Simpkins went under an assumed name in Caldwell nor that the defense would introduce testimony to show that he endeavored to organize a miners' union while in Caldwell.

Pettibone's Sunny Nature.

Darrow explained how the intimacy between Orchard and Pettibone happened by stating that Pettibone was a jovial, "Happy Hooligan sort of a fellow," who had such a happy nature that anybody could get acquainted with him in 15 minutes. He said he let Orchard stay at his home a month while his wife was away visiting just to save Orchard board money and room rent. That was because Pettibone had a heart like an ox.

When Darrow declared that the defense would introduce evidence to show that Orchard was really in the employ of the Mine Owners' association, the newspaper men turned back to the sheets they had written on that subject before the session began. They had heard that matter gone over so often that they knew what Darrow would say about it and all they had to do was to number their pages on that topic and put them in where they belonged in the story.

And they had no additions to make. Darrow added nothing to that part of his tale.

Borah Was Amused.

If the attorneys for the prosecution were trembling with fear and anxiety when Darrow began speaking they controlled their emotions wonderfully. After the first break-away, Mr. Borah's tense features began to relax and he actually smiled with his hand before his face at some of the "explanations" made by Darrow.

Hawley, along during the middle of the forenoon, left his seat at the table for the state and went into the judge's office or out in the hall or somewhere to shake off the lethargy into which he had fallen. He came near falling asleep.

Darrow took up lots of time on some of the more trivial matters to which Orchard had confessed and he gracefully slipped over or under or around other matters which the public had deemed vital and important. Regarding Haywood's letters the Chicago attorney waxed into eloquent silence. He did speak of the letter Orchard received at the county jail after his arrest in Caldwell, the letter Orchard claimed had come from Pettibone and which was in regard to money he was expecting from headquarters through Simpkins.

Yes, Darrow mentioned the letter. He said the defense had no way of proving where that letter had come from unless by argument and he nonchalantly passed it to one side as a trifle that could be dealt with when the time came—if it wasn't forgotten altogether by that time.

The Course Summed Up.

Just as had been expected and prophesied the course of the defense as outlined by Darrow summed up in a few sentences will be: To deny the existence of the great conspiracy to murder, as alleged by the state with Orchard's testimony as a basis; to deny that the Federation was anything but an earnest fighting labor organization with higher wages; shorter hours, tolerable working conditions and the care, safety and education of its members as its only motives; to deny the

several intimate conferences that Orchard said he had with the defendants; to endeavor to prove that agents of the Mine Owners' association and the Pinkerton Detective association joined hands in a conspiracy to discredit and destroy the Western Federation of Miners and committed many crimes charged to the Federation; that Orchard was a tool of the mine owners and not of the officers of the Federation; that Orchard was swearing falsely against Haywood, Moyer and Pettibone that he might save his own neck.

Explanation of the Draft.

In explanation of the draft for \$100 which Haywood sent to Jack Simpkins on December 21, 1905, Mr. Darrow promised that the defense would show that Simpkins had an expense account for \$223 against the Federation, and that after Simpkins himself had cashed the check for that amount in Denver he gave Haywood \$100 with the request that he mail the amount to him at his home in Spokane.

Work for This Morning.

When court adjourned yesterday afternoon, 10 minutes earlier than the regular hour for adjournment it was until 9:30 o'clock this morning. There are several matters to clean up before the state has actually finished its side of the case. Before Orchard is finally excused the defense has the privilege of asking him some additional questions in the presence of impeaching witnesses. That was postponed until the witnesses could get here. Mr. Darrow announced yesterday the witnesses were on hand and Judge Wood ordered that Orchard be brought down so as to be on hand this morning. Unless Orchard is called in rebuttal by the state this will probably be his last appearance in the Haywood trial.

The state still has the privilege of presenting for acceptance as evidence the original copy of the telegram Haywood sent from Denver forwarding money to Steve Adams in Ogden. There was some delay in getting the evidence here and the state crossed with the understanding it could reopen its side for the introduction of that evidence later. The telegram in question is now said to be on hand and that matter may be disposed of before the defense begins introducing its witnesses. Darrow stated that if the cross-examinations were not too lengthy the defense could get all its testimony in within seven or eight days.

Morning Session.

One of the largest crowds since the Haywood trial began flocked to the court house yesterday morning and nearly as many disappointed persons were turned away, there not being room for their accommodation, as on the first days when the famous criminal-witness, Harry Orchard, was on the stand.

At the time court opened, at 10 o'clock, the court room was packed every available seat being occupied. The first four rows of the spectators' seats were filled for the most part with witnesses for the defense.

Every member of the Haywood family in Boise was present to hear the statement of the case for the defense by Attorney Clarence S. Darrow, and every attorney for the defense except Fred Miller was present.

Yesterday morning Attorney Rich-

(Continued on Page Two.)

FIRST EIGHT WITNESSES FOR THE DEFENSE TAKE THE STAND

EFFORTS TO SHOW ORCHARD HAD PERSONAL MOTIVE FOR MURDER

Two Witnesses Testify to 'Conversations in Which They Say Orchard Avowed an Intention to Kill Steunenberg.

TESTIMONY TO SHOW A CONSPIRACY ON PART OF MINE OWNERS

Several Witnesses Placed on Stand to Tell of Orchard's Intimacy With Detective Scott of the Railroad and Detective Sterling for the Mine Owners—Orchard Appears on Stand to Answer Questions Put by Richardson for Building Foundation for Impeaching Testimony.

Yesterday eight witnesses were introduced by the defense in the Haywood trial. Two of these witnesses testified regarding conversations they claimed to have had with Orchard in which the latter complained that in driving him out of the Coeur d'Alenes Governor Steunenberg had been the means of making him a pauper by making it necessary for him to dispose of his interest in the Hercules mine, which afterwards proved very valuable property. They swore Orchard avowed his intention to kill Steunenberg if he had to swing for it.

The other six witnesses were mainly introduced to testify to intimacies between Orchard and D. C. Scott, a railway detective, and K. C. Sterling, a special agent of the Mine Owners' association. This to lay a foundation for the defense's avowed intention to prove a counter conspiracy and that Orchard was really a tool of the mine owners and

cisco, Frank Hough at Wardner, Charles A. Sullivan, F. R. Red or Joseph Scholtz at Cripple Creek, Coates, Miss Day, Copley and Hough were all absent. Orchard knew all of them but Hough; he had never known anyone by that name, he said.

Orchard had testified that Joseph Scholtz had helped him make the unsuccessful attempt to set off a powder mine in the Vindicator at Cripple Creek. When Scholtz was ordered to stand up for identification, however, Orchard looked him over and declared:

"That is not the Joseph Scholtz I knew."

He was asked to describe the man he knew by that name and unhesitatingly gave a description that would fit the man on exhibition in several particulars but generally not at all.

Charles A. Sullivan and F. R. Red were later called by the defense and swore to the conversations which Orchard had absolutely denied having had with them. They gave the substances and places of the conversations but on cross-examinations could not place the time of any of the conversations even approximately.

Dr. I. L. McGee, a mining broker of the Coeur d'Alenes, another impeaching witness, swore that Orchard told

PECULIAR FEATURES OF M'GEE'S TESTIMONY

There was a peculiar feature of the testimony offered by Dr. McGee. The doctor came here some 10, days or two weeks ago. It was after that when the impeaching question was put to Orchard by the defense, that occurring on June 17. At that time Orchard was asked if he had not told the doctor in 1905 that he was a spotter working for the "other outfit." He answered in the negative.

Yesterday Orchard was asked the question again but the date was changed to 1904, and when the doctor went on the stand he testified he talked with Orchard in the Coeur d'Alenes in that year. The correction of that "mistake" in dates was rather suggestive to some persons who recalled the evidence on that point.

FUNSTON EXPLAINS AGAIN

Conditions Such That Parade of Soldiers Would Have Caused Trouble.

SAN FRANCISCO, June 25.—The Bulletin today prints a statement from General Frederick L. Funston in reference to correspondence between himself and the Fourth of July committee regarding the parading of troops on the Fourth of July in which General Funston is quoted as saying: "I understand that there was much discussion in the Fourth of July committee in regard to my letter. There are many estimable men in the organization, but for the blatherskites I don't care a whoop in —. Some of the members I know personally and I have the greatest regard for them. "Had this request come at any other time I would gladly have acceded to it, but under the conditions of semi-anarchy now existing I would not take the chance. I know what is going on in this city. Just the other night a mob of nearly a thousand men attacked four strike breakers, who

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...fense's avowed intention to prove a counter conspiracy and that Orchard was really a tool of the mine owners and railway corporation.

The first business of the morning was to recall Orchard and ask him some additional questions before impeaching witnesses.

The defense's side of the case is now fairly launched. Eight witnesses were yesterday called to the stand by the attorneys who are defending William D. Haywood in his trial on charge of the murder of former Governor Frank Steunenberg and the testimony given by these witnesses was chiefly directed toward proving that Harry Orchard, blaming Idaho's former governor for the loss of his interest in the Hercules mine, had threatened several times to be revenged by killing him, and also to show that the conduct of Orchard during the Cripple Creek troubles in being intimate with K. C. Sterling, private agent for the Mine Owners' association, and with D. C. Scott, a railway detective, indicated Orchard was an agent for the mine owners and a spy upon the union miners' organization.

Great stress was put upon the testimony of one witness, who, after strenuous objections by the state were overruled, testified that Sterling had called off a blood hound, which was on Orchard's trail after the Independence depot explosion, the defense claiming the testimony justified an inference that that explosion had been inspired by the mine owners.

Orchard on Stand.

The calling of the first witness for the defense was preceded by a further examination of Orchard to permit the defense to complete its formal impeaching questions. These questions were nearly all in connection with the claim that Orchard killed Steunenberg because of an alleged grudge growing out of the sale of his interest in the Hercules mine.

Orchard came into court escorted by guards as usual. He maintained his previous calmness of manner, and spoke in the same low pitched, soft tone.

He again denied that he ever threatened to kill Steunenberg because of losing his interest in the Hercules mine, and again asserted that he sold his interest in the mine two years before the trouble that drove him out of North Idaho.

During the proceeding with Orchard several witnesses were called from the audience for identification by him. One of these was John B. Elliott, whom the defense says will be prepared to testify that Orchard met him on a train going from Weiser toward Nampa in 1905, a month before Steunenberg's death, and in a conversation intimated that "something dreadful was about to happen in this vicinity within 30 days"—something that would effectually break up the Western Federation of Miners.

Elliott, an old soldier, was called up for Orchard's identification. Orchard coolly looked at the man over very carefully and then declared emphatically that he had never seen the man before—that he had never had any conference of the nature suggested by Richardson with that man or with any other man.

Impeaching Witnesses.

Orchard denied having threatened to kill Steunenberg in the presence of former Lieutenant Governor Coates of Colorado, at Denver, Lottie Day at Denver, D. C. Copley at San Fran-

... Dr. I. L. McGee, a mining broker of the Coeur d'Alenes, another impeaching witness, swore that Orchard told him in 1904 at Wallace, Idaho, that he was a "spotter" for a detective agency. Orchard denied this conversation, denied that he was in Idaho at any time in 1904.

Women Testify.

Several witnesses, principally women who kept lodging houses at Cripple Creek, located Orchard at various conferences with Sterling, the detective for the mine owners, prior to the Independence explosion, and there was a further showing as to meetings between Orchard and D. C. Scott, the detective for the Florence & Cripple Creek railway.

Another witness told of the effort to locate the men guilty of the Independence station outrage by starting a blood hound from the chair rung used in pulling off the mine. He said the dog took the road to Colorado Springs—the one over which Orchard fled in the night—and that when he reported to Sterling he got orders to call the dog off. Sterling said he knew who blew up the station and later said that Steve Adams had done so.

The state fought the admission of the blood hound story and also opposed the admission of evidence covering general features of the Colorado labor war but in both instances the court ruled with the defense.

Noted Visitor Here.

One of the most intensely interested spectators at the morning session of the court yesterday was Professor Hugo Munsterberg, a professor of psychology at Yale. He is here for the purpose of making a psychological study of some of the characters in the big case, particularly of witnesses who testify, and especially of Harry Orchard. The professor is deeply interested in the great criminal witness and will remain here in pursuit of his investigations for some time. He was persuaded to come to Idaho by S. S. McClure, publisher of McClure's Magazine.

Large Number of Visitors.

The probability that Harry Orchard would be on the stand for the last time called out many spectators yesterday morning. As on many previous occasions many were disappointed. In the afternoon the court room was also well filled, but all who applied for admission got seats.

Defendant Haywood was very alert during all of yesterday's proceedings. He took notes carefully during all the taking of testimony and very often made suggestions to his attorneys during the examinations. His mother, wife and two daughters and other relatives were all present and all seemed greatly interested in the testimony given by the defense's witnesses. Court convened promptly at 9:30 o'clock.

Orchard Takes Stand.

As soon as court convened Harry Orchard was brought in. He took the witness chair to answer several questions put by Richardson for the purpose of building a foundation for impeachment. Richardson's first question was:

"Did you have a conversation with Max Malich in the Windsor Turkish bath rooms in Denver on or about the 23th of June, 1905, in which you said: 'There is one ——— I am going to get rid of if I hang for it'; and he asked you who it was and you told him it was Steunenberg of Idaho and then you told him he'd kept you from making a fortune?"

"I never had no such conversation with Max Malich any time."

(Continued on Page Two.)

...going on in this city. Just the other night a mob of nearly a thousand men attacked four strike breakers, who were taken to a hospital. Such a condition certainly cannot mean peace and the reign of law.

"In the stand I have taken I have the support of all the better class of citizens. I meant no attack on the labor union portion of the population; in fact, I am personally in favor of the unions, as I think that with the great moneyed interests banded together the working men must organize for their own protection. It would not be from this class that trouble would come, but as sure as regular soldiers were to appear on the streets they would be insulted. I am glad there will be no parade. It is the easiest way out of the difficulty.

"One more indication of the present disorderly conditions: In all the time I have been stationed here I have had no difficulty. Within the past two months I have received about 20 anonymous communications, 10 of which threaten death. Such communications could not help but affect my attitude.

"Within the past two days I have received numerous letters from prominent residents of San Francisco commending me on the tone of the letters which have occasioned so much trouble."

SPLENDID TRIBUTE TO AMERICAN HUMORIST

LONDON, June 25.—The first tribute which Mark Twain has received in England was the Pilgrim's luncheon in his honor today. The guests numbered 150. Two notable speeches were made, that of Chief Secretary for Ireland Tyrrell, introducing Mark Twain, which was a classic and full of humor, concluding with a tribute which brought the company to its feet with prolonged cheering and Mr. Clemens' reply, which was largely humorous.

A telegram of congratulation, signed "The Undergraduates of Oxford," was read and another from the New York Pilgrims. The presence of many members of parliament was particularly complimentary, as they were obliged to absent themselves from one of the most important and interesting debates of the season.

The committee in charge of the luncheon was obliged to refuse the application of nearly a thousand persons of prominence who were anxious to attend.

Killed by a Train.

SALT LAKE, June 25.—Schofield Kershaw, his wife and two daughters, were killed by a train on the Oregon Short Line this afternoon near Layton. While driving across the track in a buggy they were struck by the Los Angeles limited of the San Pedro route, which uses the Oregon Short Line tracks between Ogden and Salt Lake.

Another Body Found.

WASHINGTON, June 25.—Admiral Berry, commandant of the Norfolk navy yards, reports the finding of the body of Seaman Frank B. Plumlee, the last of the 11 men lost from the launch in Hampton Roads. Plumlee enlisted at Mt. Vernon, Ill., but the residence of his mother is given at Mabton, Wash.

Deaths From Heat.

PITTSBURG, June 25.—Three more deaths from heat occurred here today, making a total of 13 fatalities since Sunday evening.

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FIRST EIGHT WITNESSES FOR THE DEFENSE TAKE THE STAND

(Continued From Page One.)

"Do you know John B. Elliott?" "Not by that name."

Elliott was called forward from the audience. Orchard looked at him and said he never had seen him. Richardson asked if it was a car between Weiser and Nampa Orchard had had a conversation with Elliott in 1905.

"Did you tell Elliott you had formerly been a member of the Western Federation of Miners, but about two years before had quit and went to work for the Mine Owners' association, and did you tell him the Western Federation of Miners would be destroyed—that ways would be found to accomplish the putting away of the officers of the federation and right here?"

Orchard emphatically denied that any such conversation had ever been held between himself and the man named Elliott at any place.

Orchard knew Copley. "Do you know D. C. Copley?" "Yes, sir."

Richardson asked if the witness had ever had a talk with Copley in San Francisco.

Orchard said he had. It was after the Bradley explosion.

"Did you at that time ask Copley if he was the man who was blowing up of Bradley's home in the newspapers?"

"I think I did, probably."

"Did you say that that man got what he deserved?"

"I may have said something of that kind. I know we talked of the matter."

Orchard denied that he had said to Copley that Steunenberg had caused him to lose a fortune and that he was going to get Steunenberg some time.

"Do you know Charles A. Sullivan?"

Sullivan identified. Orchard said he remembered the name. Sullivan was called from the audience. He proved to be a pudgy-built man with closely cropped gray hair and silver bowler glasses.

Orchard said he had known Sullivan in the Cripple Creek district. They had both roomed at Neville's in 1902.

"Did you tell Sullivan that you'd be rich if it wasn't for Steunenberg?"

"No, sir, I did not; and that you'd kill him yourself?"

"No, sir, I did not; and no time place."

"Do you know Frank Hough?" "Not by that name."

Hough was not present. Richardson said Orchard was playing cards with him in Bradley's saloon in Wardner in September, 1905, and he told Hough of Steunenberg and said that he'd kill the former governor.

Red but not in regard to Steunenberg or that he had been driven out of the Coeur d'Alene.

Orchard denied that he had told Mr. Coates in Pettibone's store that he was once a partner in the Hercules mine and that he had been run out by Steunenberg; if not he would be a rich man.

Orchard was asked if he had had a conversation with William Easterly and W. F. Davis and had told them both that he would get both Steunenberg and Sinclair some time if he had to hang for it. Orchard flatly denied any such conversation.

"Is Joseph Scholtz in the room?" asked Richardson.

Photos in Evidence. A tall, thin faced man stood up at the left of the spectators' section, but Orchard was not asked to look at him at once. There was a discussion. Darrow and Richardson held a whispered conversation and then Richardson produced two photographs.

The pictures were handed to Orchard for his inspection and he identified them as photographs taken of himself on January 1, very shortly after he had been arrested in Caldwell. The photos were taken in the Caldwell jail. Richardson offered them in evidence. The state made an objection but the court allowed their admission.

Orchard said they weighed them for use in the future testimony of witnesses in identifying Orchard. A third picture was then introduced which Orchard identified as one taken of himself and two friends in Salt Lake. It was a picture that had been taken, he said, for a joke. It showed a card table and the three men with drawn revolvers had arisen about the table as if there had been a dispute over the game. Orchard held a weapon which was smoking.

Strawser to Orchard. Richardson returned to Scholtz. He asked Scholtz to stand up. Orchard said he did not know him. Judge Wood called Scholtz down close to Orchard. Orchard looked at the man over carefully and said:

"This is not the Joe Scholtz I knew."

He was asked to describe the man he had known—the man who had helped him attempt to commit the crime in the Vindicator mine. Orchard said he was a man about 4 feet 4 inches in height, light complexion and wore a heavy, light colored moustache, was slightly bald and had some eyes most of the time.

Some Explanations. Mr. Hawley asked a few questions about the pictures, to explain the peculiar position of the men in the picture where Orchard held the smoking revolver.

Orchard said he had never seen Elliott, who testified to the conversation on the train and said he thought he was at Salt Lake City at the time the conversation is alleged to have occurred. He said he was not in Idaho in 1904 and was not in the Coeur d'Alene at that time.

He said he first met Copley at Cripple Creek and afterwards in Denver where he was a member of the executive committee. He was examined by Hawley relative to meeting Copley in San Francisco. He said he got out on his soldier's disguise in Copley's room and Copley went out and bought the glasses that he wore. He said he didn't tell Copley that he had caused the explosion that blew up Bradley.

In telling him F. R. Red was, Orchard said he was at one time an organizer for the Western Federation of Miners. This completed Hawley's examination of Orchard.

First Witness. Orchard was called and the first witness called by the defense was a middle-aged, gray haired woman dressed in brown, who said her full name was Mrs. Maty J. King of Cripple Creek and she resided in the name of K. C. Sterling occupied a room in the house for a couple of months and rented a room there for a Mrs. McKinley, who stayed there about six weeks.

"Did Sterling pay for the room?" "Yes, sir."

Here Darrow showed Mrs. King the two pictures taken of Orchard in the Caldwell jail.

"Did you ever see that man?" "Yes."

"Where?" "I saw him in my rooming house in the hall just outside of Sterling's door."

"How many times did you see him there?" "Seven, anyway—perhaps nine."

"At what time of the day?" "Usually in the evening, but I have seen him there in the daytime."

The witness said the man always came by the back stairway, which led up from an alley. She could not tell how long Orchard usually stayed. She had never seen him depart. She said Sterling had many other visitors. These visits to Orchard were between January 1 and the latter part of March. She had seen Orchard talk to Mrs. McKinley in the hall.

Hawley took up the cross-examination.

The witness said she was giving her story to the best of her recollection. She had not kept any books or a record of the guests at her boarding house.

"That's all," said Hawley.

Pretty Girl Testifies. Miss Frances King, a pretty black haired, black eyed young woman, a daughter of the previous witness, was next called. She testified about the Star rooming house and to the fact that Sterling occupied the "front" room. She had known Mrs. McKinley. She had never seen Mr. McKinley—he was there in jail.

Richardson asked Orchard's pictures. She had seen them in the court room and at her mother's rooming house in Cripple Creek talking in the hall with Sterling and with Mrs. McKinley. She remembered seeing him there three times.

"That's all," said Darrow.

"That's all," said Hawley.

Pleasant Witness. Mrs. Alice Fitzhughes of Fairview, Neb., was next called. She was a middle aged woman who nodded her head and answered the questions. She took charge of the Star rooming house in Cripple Creek in 1904 when Mrs. King vacated. She said K. C. Sterling occupied the room No. 2.

"I got him with the house—also Mrs. McKinley, but she left 10 days after I took possession. Her husband got out of jail and came here. He stayed there about four days—perhaps only three."

Here she was shown Orchard's pictures. She had seen him on the witness stand in the court room and also when he was at her boarding house in Cripple Creek.

"What was he there for?" "To see Mr. Sterling."

"How many times was he there?" "I didn't count them but it was at least a dozen times. He always came in the early morning or in the evening."

Mr. Hawley, an cross-examination, learned that the witness had kept a record of her roomers, but had lost it. She said there were two entrances to her house, back and rear.

"Certainly—the doors were always wide open."

"Roomers alone used the rear door?"

"Why, anyone that came up could come either way," she replied.

"The witness could not testify as to the time of the calls of Orchard."

"You are testifying to the best of your recollection?" "Yes."

"That's all," said Hawley.

Railway Operator. The next witness was C. W. Aller, a husky, fair complexioned, light haired, blue eyed railroad clerk from Lewiston. He said he did not know Darrow but he knew Orchard from 1892 to October, 1906.

He worked in the railroad office. He knew D. C. Scott. He was a rail name and he had seen Sterling and Scott together a good many times. They had only been together

to the approximate time with reference to the train wreck.

"You are just guessing about the matter, aren't you?" asked Hawley, and you are not sure about anything?"

"I am only sure about seeing Orchard three times and the witness. Two of the witnesses next desired by the defense were not in the room and an early luncheon adjournment until 1 o'clock was ordered."

As soon as the afternoon session began, Ira Bilzard was called to the stand. He told Darrow that up to the last three months he had been in the Cripple Creek for 1 year. He said he was a practical railroad man. He said he knew K. C. Sterling—had known him for about 12 years in the Cripple Creek district. He had seen him in the office of the Mine Owners' association.

"What have you seen him doing there?" "Standing around there in the association headquarters."

"Where were you the day of the Independence explosion?" "In the Cripple Creek district."

The witness said he went to the wire and the chair range. He judged the wire stretched 200 yards. He said the depot had not been occupied for a long time.

"What was its condition?" "It was good. It was a neat, tasty, up to date railway depot. It had a good waiting room. The building was probably 100 feet long by 50 feet wide. It had a nice, well platform."

He was asked regarding putting dogs on the trail of persons who might have pulled the wire. The witness said he saw the dogs brought from Victor. It was in the evening.

"What was the dogs go?" "Defense Wins a Point. "Hold on," demanded Darrow. "That testimony should not go in unless the dogs are qualified. That is in the nature of expert testimony. What kind of dogs were they—hounds or shepherds?"

Darrow said heatedly that for the purpose of the showing he was about to make of what he reported to Sterling it was not necessary to qualify them.

"Suppose the defense is attempting to establish a counter-conspiracy," suggested Judge Wood.

"I cannot see how all these matters individual troubles—can ever be brought out. There is a legitimate way to prove a counter-conspiracy if such can be proven."

Mr. Darrow in reply asserted that the prosecution could not pick out of the history of the past few years the best evidence they wanted to place before the jury, and then shut the defense off in its purpose to present the other side of the case and show who was responsible for the acts complained of. Darrow declared that if Orchard committed the crime he confessed to he acted for some one other than the Western Federation of Miners. The whole history of the labor struggle associated with the Western Federation of Miners could alone locate the responsibility, declared the attorney.

"Ever since this strife began between the mine owners and the Western Federation of Miners, the mine owners have been in the aggressive," concluded Mr. Darrow. "They determined to get rid of this organization and it is nothing but taking both sides that the truth can be arrived at."

Mr. Borah replied that in order to introduce the evidence the defense must show a theory and a basis for proving a conspiracy.

"It is true that the state did introduce certain evidence to show a conspiracy. The state had a theory to prove. The defense must have a past to tie to. They must have some theory to prove. They can't hit us. Sign—there was a man was deported. They don't prove a conspiracy. If he was deported it was done by the military, an organization with which they are nothing to do. If they are going to show a counter-conspiracy they must make some declaration as to how they expect to make their connections."

Darrow was asked what he expected to show by his question.

"We expect to show the man, with others, was deported from the district."

Darrow asked the witness if the hounds went to the Vindicator powder house. He said he did not know.

Hawley Cross-Examined. Hawley took up the cross-examination. Bilzard said he was not an expert on dogs. He said he had no powder house. He said he was watching those men and only by looking at them

Cripple Creek and had been for a number of years a special agent for the Florence & Cripple Creek rail in the Cripple Creek district from 1900 to June, 1904. He had worked in the Vindicator, Atlanta and other mines. He had gone from Cripple Creek to New Mexico.

"Did you know Orchard?" "Yes, I knew Orchard."

"Where did you meet him?" "I met him at Neville's saloon the same day he arrived there. It was in 1902. He said he came from Utah and had been in the Coeur d'Alene. For five months we roomed over Neville's saloon and we both boarded at Neville's residence, not far away."

"Did you have a talk with Orchard in the fall of 1902 about affairs in the Coeur d'Alene?"

The witness testified that Orchard had told him he would be rich if he had the Idaho government ought to be killed—that if someone did not kill him he would do it himself. The witness testified to a similar statement he said Orchard made later at the breakfast table.

The Cross-Examination. Mr. Borah took up the cross-examination.

"Do you know Mr. Haywood?" "Yes, how long?" "Since 1902."

"You know Meyer?" "Yes, for about the same length of time."

The witness said he had never seen Pettibone—had never been in his store. He said he first joined the federation in April, 1902, just before the state of Orchard. He had never seen Orchard at a union meeting.

Witness said he knew W. F. Davis and also Sherman Parker. He knew Duke Atwater, Art Bantam, Ed Minst and Steve Adams. He also knew Billy Easterly. He first knew Orchard on the first Sunday in July, 1902. He said he had the conversation alluded to on the porch some time in September. He testified that himself and Orchard were always alone when the latter talked about killing Steunenberg. He said he had never talked with Orchard about the Steunenberg matter when anyone else was around.

"Did you never tell anybody about it?" "No."

"How did the lawyers for the defense find it out?" "I told Fitzhugging about it."

"Who is he?" "An engineer in Denver."

The witness could not remember when it was he told Fitzhugging but remembered it was in the engine room of the Y. M. C. A. building in Denver.

Witness said Orchard told him he had helped blow up the Bunker Hill & Sullivan mill at Wardner.

"He didn't tell you he was playing poker at Mulligan that day, did he?" asked Borah.

"No, sir, he told me he was at Wardner and helped blow up the mill," declared the witness.

The witness said he did not infer from Orchard's statements that he had any other reasons for hating Steunenberg, other than related to his interest in the Hercules mine.

The witness was excused, and it then being 20 minutes to 4 o'clock court adjourned until 9:30 this morning.

row was Charles A. Sullivan, a hotel watchman of Denver.

Sullivan said he had been a miner in the Cripple Creek district from 1890 to June, 1904. He had worked in the Vindicator, Atlanta and other mines. He had gone from Cripple Creek to New Mexico.

"Did you know Orchard?" "Yes, I knew Orchard."

"Where did you meet him?" "I met him at Neville's saloon the same day he arrived there. It was in 1902. He said he came from Utah and had been in the Coeur d'Alene. For five months we roomed over Neville's saloon and we both boarded at Neville's residence, not far away."

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FRUIT SHIPPERS ORGANIZE

Central Association to Protect Interests of Its Members in Shipping and Buying.

ASSOCIATION'S BRAND TO BE GUARANTEED

Prominent Growers and Shippers Meet and Effect Temporary Organization of Fruit of Members of Association to Be Rigidly Inspected and Only First-Class Fruit Shipped.

One of the prominent representatives of the fruit growers and shippers of the Boise and Payette valleys met in Boise last night for the purpose of taking preliminary steps toward organizing a permanent organization of the fruit shippers of the central part of Idaho. Temporary organization was effected and a committee was appointed to draw up resolutions which are to be based on the provisions of which it is to be known as the Southwestern Fruit & Growers' association. Those present at the meeting were Judge Fremont Wood, Arthur Binzel of Boise, S. F. Poole of Idaho, Charles Payne of Haysville, A. G. Union of Caldwell, and E. E. Hinchey of Puyette.

A temporary organization was effected by electing Mr. Gibson president, Mr. Price secretary. The members of the special committee are Mr. Price, chairman, Mr. Payne, Mr. Binzel and Judge Wood. The latter was elected an advisory member of the association as he did not have the vote of a majority of the members of which the committee was appointed to be comprised.

The purposes and objects of the organization as discussed are of a very broad scope and have for their end the attainment and protection of the interests of growers and shippers. Another thing is to be held at the call of the committee, which probably will be the most important matter to be discussed. When the association is permanently organized it is expected to be practically all of the growers and shippers of the central part of Idaho by their union the organization will have more strength to carry out its purposes for which it is being organized.

Upon everything still being in the state of formation, it is the idea of the promoters that the movement toward a uniform brand to be placed upon all the products shipped by the members of the association will be a box of fruit packed by the members of the association will be inspected by an inspector employed by the association and when the fruit of the association is placed in the box it will be a guarantee of strictly first class product. To secure a uniform pack and to place the fruit in the hands of the growers as well as the shippers, the association will be a benefit to the association.

CRUSHING DEFEAT FOR HARVARD

Yale, Nine Takes the Second Game of the Series by Score of 14 to 6.

NEW HAVEN, Conn., June 25.—On the green award of the Yale diamond

built man with closely cropped gray hair and silver lined glasses. Orchard said he had known Sullivan in the Cripple Creek district. They had both roomed at Nevada's in 1902.

"Did you tell Sullivan that you'd be rich if it wasn't for Steunenberg; he ought to be killed, and that you'd kill him yourself?"

"No, sir; I did not; at no time or place."

"Do you know Frank Hough?"

"Not by the name."

Hough was not present. Richardson said Orchard was playing cards with him in Bradley's saloon in Wardner in September, 1905, and he told Hough of Steunenberg and said that he'd kill the former governor.

Orchard denied the conversation.

"Do you know James Haney, a stage driver between Gem and Wallace?"

"Yes."

Other Details.

"Did you tell that man you'd like to tell him your interest in the Hercules mine on your way out of the Cour d'Alene?"

"I had no interest in the Hercules mine at that time."

"I asked you about your talk with Haney."

"I didn't have any talk with him about the Hercules mine at any time."

Orchard successively denied having had a similar conversation with Lottie Day, a woman he knew in Denver.

"Did you tell Lottie Day that you had some money in Pettibone's store that you had got from gambling?"

"No, sir."

Orchard denied that he told Lottie Day he had loved only one woman, and that if it had not been for Steunenberg he could have had her with him—that his poverty had kept them apart and that it was a long time that had no time that he could "get" the woman—yes if he had to swing for it.

Orchard knew a man by the name of F. H. Red, who stood up in the audience for his inspection. Orchard was asked regarding a conversation Richardson said he had with Red regarding Steunenberg.

Some Explanations.

Mr. Hawley asked a few questions about the pictures, to explain the peculiar position of the men in the picture where Orchard held the smoking revolver.

Orchard said he had never seen Elliott, who testified to the conversation on the train and said he thought he was at Salt Lake City at the time the conversation is alleged to have occurred. He said he was not in Idaho in 1904 and was not in the Cour d'Alene at that time.

He said he first met Copley at Cripple Creek and afterwards in Denver when he was a member of the executive committee. He was examined by Hawley relative to meeting Copley in San Francisco.

He said he did not see Copley in Copley's room and Copley went out and bought the glasses that he wore. He said he didn't tell Copley that he had caused the explosion that blew up Bradley.

In telling who F. H. Red was, Orchard said he was at about the same time an organizer for the Western Federation of Miners. This completed Hawley's examination of Orchard.

First Witness.

Orchard was excused and the first witness called by the defense was a middle aged, gray haired woman dressed in brown, who said her full name was Mrs. Mary J. King of Cripple Creek. She said she kept a boarding house and was the mother of six grown children.

Darrow conducted the examination. The witness said she had some grown children, miners, but not members of the union. She said she had kept the boarding house from 1891 for a number of years and had later given up the boarding house and in 1898 began keeping a rooming house—the National rooming house—and later the Star rooming house on Bennett avenue. She kept the latter house from January, 1904, for several months.

The witness said a detective by the name of E. H. Red was Orchard's partner in the rooming house at that time. She said she had kept the boarding house from 1891 for a number of years and had later given up the boarding house and in 1898 began keeping a rooming house—the National rooming house—and later the Star rooming house on Bennett avenue. She kept the latter house from January, 1904, for several months.

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haps only three."

Here she was shown Orchard's pictures. She had seen him on the witness stand in Boise and also had seen him at her boarding house in Cripple Creek.

"What was he there for?"

"To see Mr. Sterling."

"How many times was he there?"

"I didn't count them but it was at least a dozen times. He always came in the early morning or in the evening."

Mr. Hawley, on cross-examination, learned that the witness had kept a record of her roomers, but had lost it. She said there were two entrances to her house, back and rear.

"Certain—the doors were always wide open."

"Roomers alone used the rear door."

"Why, anyone that came up could come either way," she retorted.

The witness could not testify as to the time of the calls of Orchard.

"You are testifying to the best of your recollection?"

"That's all," said Hawley.

Halfway Operator.

The next witness was C. W. Aller, a husky, fair complexioned, light haired, blue eyed railroad clerk from Leaville. He told Darrow he used to live in Cripple Creek, from 1899 to October, 1904.

He worked in the railroad office. He knew D. C. Scott. He was a railroad detective. He had seen Sterling and Scott together a good many times—two or three times a day.

"When was it?"

"It was in 1903, 1904, and up to the early spring of 1905."

"Witness were together a great deal during the strike?"

"Yes, sir."

The witness was not allowed to tell what Sterling's business was as he admitted he only knew from hearsay.

The witness identified the pictures of Orchard as a man he had seen at Cripple Creek.

"Where?"

"At the depot."

"Did you see him anywhere else at Cripple Creek?"

"No—not as I remember."

Witness said he had seen Orchard at the depot three or four different times with D. C. Scott. Once he had seen him there on a Sunday—not more than three weeks before the Independence depot explosion. The witness said he had an engagement with Scott to go to dinner. Scott spoke to him in reference to Harry Orchard.

"What time?"

"About 2 o'clock."

"Did Scott go away?"

"Yes, he went away."

Witness said Orchard came while Scott was away, asked for Scott and waited for him in the depot office. When Scott came the two went up to Scott's room.

The witness said that at 5 o'clock he saw Scott, Sterling and Orchard all in Scott's room. He said Scott was not ready to keep his engagement for dinner, so he went alone. He saw Scott again at 8 o'clock.

The Cross-Examination.

On cross-examination the witness told him that Scott's room was upstairs in the depot. He could not give the date, even approximately, of the first time he saw Orchard with Scott. It was some time before the report of an attempt to wreck a train on the Cripple Creek & Eastern railroad. He could not tell how many times he was there before the time of the attempt to wreck the train. It was more than once.

"Oh, yes."

"More than twice?"

"Perhaps—I couldn't say."

The witness asked for Mr. Scott. Scott came in just about that time.

"Did they address each other as acquaintances?"

"No, I think not."

"Scott did not call Orchard by his name?"

"I think not."

The witness, when urged to state how long the second meeting between Scott and Orchard was, before the train wreck said it was possibly two weeks.

He was positive he didn't see them together again before the attempt to wreck the train.

Aller told Hawley he knew nothing of any trip Orchard took to Denver at Scott's expense or on a pass.

Aller said he could not remember the date of Orchard's visit, even as

the case had been overruled. The witness was asked toward the vindicator mine, across the low piece of ground and then down the main road toward Colorado Springs.

"Did you call up Sterling by telephone?" asked Darrow.

"Yes."

"What was said?"

Borah's Objection Overruled.

Senator Borah objected to any conversation between the witness as hearsay. He declared the witness had the right to show that some one other than Orchard blew up the Independence depot if it could, but the evidence must be competent and not hearsay.

"We expect to show that Mr. Sterling knew of the explosion, that he was responsible for it and that he called off the dogs because they were following Orchard."

The witness was allowed to tell of his telephone message to Sterling. He said he told Sterling the dogs were on a safe trail. He said he called off the dogs—We know who did it."

The second day after that, Blizard said, Sterling told him: "I told you to call off the dogs because we knew what Steve Adams was doing. Steve Adams blew up the depot."

Darrow asked the witness if the hounds went to the Vindicator powder house. He said he did not know.

Hawley took up the cross-examination. Blizard said he was not an expert on dogs. He said he had no particular interest in watching those dogs. He said he was only looking after the railroad company's interests. The witness said Sterling did not say how he found out Steve Adams caused the explosion.

Witness said trains stopped at Independence on the way to the depot and to let miners off to go to their work. He said he never knew Steve Adams—never saw him, to his knowledge.

In 1901, McGee, who said he lived in Wallace, said he had lived in the Cour d'Alene in 1902. He had lived in the Cour d'Alene in 1896. He said he had known Harry Orchard since 1897 when Orchard delivered milk there.

Dr. McGee caused a laugh when he said: "He wanted to court one of my nuns and I told her to turn him down."

Don'tful Statement.

"Where were you when the Bunker Hill & Sullivan mill was blown up?"

"I was at home in bed."

"Did you see Orchard at any time on the day of that explosion?" asked McGee.

Dr. McGee said he thought he saw Orchard at Mullan, 18 miles distant.

"I am not sure of it, but if I am not mistaken I saw Orchard playing pool that day in a saloon or cigar store," said the witness.

"You're not certain about it?" asked Darrow.

"No, I wouldn't be sure," was the reply.

Dr. McGee also related a conversation he said he had with Orchard in the Cour d'Alene in 1904. Orchard, according to the witness, said he was "spending for a detective agency."

"Did Orchard say you if there was any money in sight did he tell you there was a mine in the canyon and did you ask if he worked for Swain and he said he worked for another outfit?"

"Yes, sir," was the reply.

"When was it?"

"It was in July of 1904."

On cross-examination the witness said he saw Orchard at the depot one day at Wallace, talking to a man named Cunningham. Orchard claims he gave the Peabody bomb to a man named Cunningham who said he wanted to blow up a "weak" boarding house. The witness positively fixed the time of his conversation with Orchard as the latter part of July, 1904.

In answer to Hawley's questions the doctor said he was sure it was in 1904. In answer to a series of questions the doctor said the first question Orchard asked that day was: "Where is Annie?"

"Where is the nurse I spoke of," said the doctor.

He told the rest of the circumstances of the visit the same as he had told Darrow. He insisted that it was in 1904.

Detective Scott.

Here D. C. Scott was called by Mr. Darrow. Scott said he was from

was a member of the committee called by Mr. Darrow declared that if Orchard committed the crimes he confessed to he acted for some one other than the Western Federation of Miners. The whole history of the struggle associated with the Western Federation of Miners could alone locate the responsibility, declared the attorney.

"Ever since this strife began between the mine owners and the Western Federation of Miners, the mine owners have been in the aggressive, concluded Mr. Darrow. "They determined to get rid of this organization and it is only by taking both sides that the truth can be arrived at."

Mr. Borah replied that in order to introduce the evidence the defense must show a theory and a basis for proving a conspiracy.

It is true that the state did introduce certain evidence to show a conspiracy. The state has a theory to prove. The defense must have a part to it. They must have some ground where they can hit up. Some other proof man must be reported. That doesn't prove a conspiracy. If he was deported it was done by the military, an organization with which we have nothing to do. If they are going to show a counter-conspiracy they must make some declaration as to how they expect to make their connections."

Darrow was asked what he expected to say by his question.

"We expect to show the man, with others, was deported from the district."

The court said he would permit the last question to be answered.

"But, Mr. Darrow," said the court, "you must not understand that the court is going to allow you to go into a general rehash of all the incidents of the labor troubles in Colorado."

Question Is Answered.

The witness told of being arrested, put in the bullpen for a few days and finally released.

A motion by the state to strike out all of the testimony of the witness was overruled.

Hawley took up the cross-examination. The witness said he joined the Western Federation of Miners in 1899. He said it was on June 7 that some soldiers and some deputies—25 in all—came to the mine. They got on the train and took him, put him on the bullpen, 12 miles away.

Hawley learned that it was the day after the independence depot explosion. The witness could not say whether or not martial law was in force. He had been there when martial law was first invoked but had never been arrested before. The bullpen, he said, was the place where prisoners taken by the officers were placed temporarily. He said while he was there military officers were in control.

How many prisoners were there when you were put there?"

"Probably 150."

Witness said he did not know at that time that investigations of all parties regarding the Independence depot explosion were being looked up—that after each suspect had been found to be innocent he was set free.

"You were excused and given your freedom in a few days?"

"Yes, sir."

Witness said he had worked as carpenter much of the time after he had been called out of the mines on a strike.

"Did you work in the mines at all during the strike?" asked Hawley.

The witness said he had at no time been engaged in high grading. He said he had never known Steve Adams. He said he had heard of the man but never remembered of having seen him until he saw him in the jail yard in this city.

The witness said he was taken before the grand jury or grand and questioned regarding his whereabouts at the time of the Independence depot explosion before he was released from the bullpen.

On redirect the witness said he could not remember the names of the men who composed the committee who examined him except Mayor Franklin. He said the committee did not ask him any questions.

"They sent me back to the bullpen and later an officer came up and called my name. The colonel advised me to take a train out of the district. I stayed there the next day, it being Sunday, but on Monday I followed the colonel's advice. I got out of the district on the first train and have never been back."

Sullivan Called.

The next witness called by Mr. Dar-

to act as one of the three members of which the committee was appointed to be comprised of the purposes and objects of the organization as discussed are of a very broad scope and have for their aim the promotion and protection of the interests and welfare of another purpose is to be held at the call of the committee, which probably will be held soon, when it is expected to have a large number of growers present. When so organized it is expected to be practically all of the growers in the part of the state as its members will have more strength to carry out the purposes for which it is organized.

nothing definite has been determined, everything still being in the form of a plan, or in the idea of promulgating the moment upon a uniform brand to be used by the members of the association, which the growers will be required by an inspector employed by the association and when the association is placed in a strictly first class product to secure a uniform pack and to have the fruit shipped from the Boise Valley to only first class territory, which will be a guarantee of quality. This will pertain not only to the big shippers but to the small growers as well. The association will be a benefit to them all and will result in a better quality of product. It is expected that the number of cars of fruit shipped out of the two valleys will be nearly doubled within the next year. The fruit of every member of the association will be handled alike and the fruit that is handled by shippers who are members of the association's brand is inspected before it is shipped. In this way the association will protect the small growers who ship their fruit through commission men and the members of the central association.

Another purpose of the association is to save its members consideration in the price of materials purchased for them. This can be done by buying the materials in large quantities for the use of all the members of the association.

It is not expected that the association will be permanently organized until it has done a very much for the growers in the way of assisting them in handling this year's crop, or buying the materials to be used this year. But it is expected the association will be ready to buy the materials this fall to be used next year.

Undivided Messages.

The Western Union office here are open for Miss Ella Jones, 2 V. St., and Mrs. O. O. Gillipie and Mrs. J. J. Smith.

PACIFIC COAST LEAGUE.

Oakland Wins.

SAN FRANCISCO, June 23.—The day's game was a tie up to the ninth, when Blise made a three-bagger and scored on a sacrifice by Huber. The score: Blise 1, Huber 1.

Portland 1, 0; Oakland 2, 6; Batteries—Hartman and Mott; Cateo and Blise, Umpire—Herrick.

Scots Shut Out.

LOS ANGELES, June 23.—The baseball team shut out San Francisco today. The score: Los Angeles 2, 0; San Francisco 0, 0. Batteries—Carnie and Hogan, Jeff and Street, Umpire—Hamilton.

American League.

At Boston—New York 3, Boston 2; At Chicago—Chicago 3, Cleveland 2; At St. Louis—St. Louis 4, Detroit 2; At Philadelphia—Philadelphia 3, Washington 1-7.

National League.

At Pittsburgh—Pittsburgh 2-5, Cincinnati 4-4; At Brooklyn—Brooklyn 11-2, Philadelphia 3-5; At New York—Boston 3, New York 0.

The management of the woman's exchange wish to announce that because of the growth of the business the grill will be closed until it can be leased as the present Management cannot attend to the exchange and the grill. See the cooked food sales at the time in the woman's exchange back, Eighth and Main.

Capital Grain & Com. Co., Ltd. Wholesale dealers in grain and hay. Oats 11.20; wheat 11.40; barley 11.50; Corn 11.25; mill feed 11.15. R. B. Horrie, manager. 329 South Thirteenth street.

July 3 and 4 round trip tickets on sale locally between O. R. L. at rate of two cents per mile in each direction. First return limit, 1907. D. B. Stubbs, D. P. &



FIRST PICTURE OF ORCHARD.

A photo taken of Harry Orchard shortly after his arrest and incarceration in Canyon county jail. This one of the two such photos introduced yesterday in evidence by the defense for the purpose of identification by defense witnesses.

IMPORTANT TESTIMONY BROUGHT OUT BY CROSS-EXAMINATIONS

Four Witnesses For Defense All Tell of Circumstances of Great Value to State in the Trial of William D. Haywood

EDITOR O'NEIL ON WITNESS STAND

Aids Prosecution in Introducing Suggestive Magazine Articles.

STRONG TESTIMONY TO SHOW A MOTIVE

W. F. Davis Tells a Seemingly Improbable Story on Cross-Examination—Mrs. Day of Denver Amuses the Spectators and Helps Prosecution as Much as Defense—John D. Elliott of the Soldiers Home Gets Hopelessly Mixed in His Story—Swears Orchard Wore Moustache in Fall of 1905.

The defense in the Steunenberg murder case yesterday continued to offer evidence in support of the contention that Harry Orchard threatened to kill the former governor and that he was also a participant in a plot to destroy the Western Federation of Miners—that he was a tool of the Mine Owners' association.

It was a very interesting day. Four witnesses were placed on the stand by Attorneys Richardson and Darrow and in each instance the severe cross-examinations by Mr. Hawley and Senator Borah respectively, brought out matters far more valuable to the state than any testimony produced favor-

introduce in connection with other articles from the magazine as evidence tending to show the hatred of the federation officers for the murdered governor. They were all articles printed after his death and were not deemed material at that time. They all went into the record yesterday on the cross-examination of the man who wrote or clipped them.

The turn that the cross-examination of Editor O'Neil took was by no means agreeable to the attorneys for the defense. They had taken the seal off the package and Borah had a right to expose the contents. They could make no objections to the course followed by the associate attorney for the state, but chagrin was plainly depicted on the countenances of both Richardson and Darrow.

Elliott Badly Tangled.

John B. Elliott is an old soldier and he lives at the Idaho soldiers' home. He was placed on the stand yesterday to tell the jury about a conversation he said he had with Harry Orchard on the train between Weiser and Nampa in November, 1905, about five weeks before the murder of Governor Steunenberg. He swore that Orchard, who told the old soldier his name was Hogan, said that he had formerly been a member of the Western Federation but was then in the employ of the mine owners as a secret agent; that the federation was soon to be broken up and that within 30 days "something terrible would happen right around here" that would eventually put the Western Federation of Miners out of business.

James H. Hawley conducted the cross-examination. In a very short time the old soldier, by his answers, apparently didn't know whether he was taking a ride in a merry-go-round or was taking a transatlantic trip. He stuck to his story of the conversation with Orchard but he said he left Weiser between 3 and 4 o'clock in the afternoon (at a time when there never has been an eastbound train between Weiser and Nampa on the O. S. L. railway). He said he rode in a chair car. He said he had not seen Orchard since that time until the day before on the witness stand, but recognized him then as the man he had seen on the train who had told him his name was Hogan. He had seen the pictures taken of Hogan in the jail at Caldwell.

Describes Orchard.

Asked to describe Hogan as he looked on the train when he talked with him, the witness thought a little while and then said Hogan had a moustache, "perhaps not quite so heavy as the one he has now."

"You are sure he had a moustache?"

SURE ENOUGH SENTIMENTS OF FEDERATION OFFICIALS.

Here is one clipping which was printed in the Miners' Magazine, the official organ of the Western Federation of Miners, which John M. O'Neil said had been inserted by him in that magazine and which he said he knew voiced the sentiments of the officers of the federation. It was published in January following the death of Governor Steunenberg:

"A chap by the name of Steunenberg was blown up the other day at Caldwell. He came into fame as the inventor of that revered institution known as the Bull Pen. It seems a bomb was carelessly left at his gate, presumably by some Russian revolutionist. Such carelessness should be frowned down. The gate was completely wrecked.

There were other articles read by Senator Borah that were just as inflammatory.

DISASTROUS FIRE AT PINE BEACH

Number of Hotels and Other Buildings Near Exposition Grounds Burned.

NORFOLK, Va., June 26.—Fire early today at Pine Beach, a resort containing a number of hotels of varying size, restaurants, stores and places of amusement just outside the Jamestown exposition grounds, destroyed 40 of the 50 frame structures between Virginia and Maryland avenues and 102d and 103d street, including Exposition avenue. The loss is placed at between \$200,000 and \$250,000, with about 20 per cent insurance.

The Arcade, Royal Seine, Hampton Roads, Washington, Outside Inn, Powhattan, Carolina and Berkeley hotels were among the largest buildings destroyed.

The States hotel was not reached. The Powhattan guards and the exposition fire department did splendid work in preventing the fire from spreading beyond the boundary in which it was finally confined. About

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ator Borah respectively brought out matters far more valuable to the state than any testimony produced favorable to the defendant. It was very noticeable yesterday that the men in the jury box were all intensely interested in the testimony and it could not pass attention that most of them were much impressed with what was brought out in the cross-examinations.

The four witnesses were Mrs. Lottie Day, who lived at the Belmont hotel in Denver at the time Orchard was there under the name of "Dempsy," in 1904; John M. O'Neil, editor for the past five years of the Miners' Magazine, the official organ of the Western Federation of Miners; John D. Elliott, an old soldier residing at the Idaho soldiers' home; W. F. Davis, a miner who was prominent in the Coeur d'Alene and Cripple Creek districts during the big strikes, one whom Orchard said had led the mob that blew up the Bunker Hill & Sullivan mill in north Idaho and the man who promised to pay him money for an attempt to explode a carload of powder stored in the Vindicator mine at Cripple Creek.

O'Neil a Good Witness.

It was in the testimony of Editor O'Neil that the prosecution made many short cuts to the home plate. O'Neil's fund of information was tapped by Mr. Borah as soon as he was turned over for cross-examination and it gushed out like water from an artesian well. And almost every question produced an answer that fitted the chain of evidence forced by the state and which caused the wrinkles on Darrow's brow to deepen and the corners of Richardson's mouth to droop lower and lower.

O'Neil for the defense testified that in the early part of 1905 Orchard came to his office in Denver and asked for the addresses of Governor Peabody and Sherman Bell and that he told Orchard to look for them in the city directory. O'Neil said Orchard was silent for a short time and then remarked that "they ought to be bumped off." Then he was turned over to Senator Borah.

When Borah began questioning him, Editor O'Neil sat up straight in his chair. His face took on a defiant expression as much as to say: "You can't scare me." Every question put by Mr. Borah got an instantaneous answer and Mr. O'Neil made every statement in a tone which indicated: "You bet that is true and I'm proud of it."

The prosecution, through O'Neil, got evidence that the Miners' Magazine was the official organ of the Western Federation of Miners, that the matters published in it voiced the sentiments of the officers of the federation—and incidentally the sentiments of John M. O'Neil.

O'Neil stated that in his writing he had voiced his own ideas, but that if the officers of the federation had thought differently from what he thought he would have had to write accordingly or resign his position.

Damaging Admission.

Then, after preparing the way in an artistic manner, Senator Borah began picking up and reading several articles in the magazine published after the death of former Governor Steunenberg. They were maliciously worded articles—sneering, insulting. As he read them, one at a time, he paused after each to ask:

"Did you write that?" or "Did you select that for the magazine?"

And in each instance O'Neil defiantly answered in the affirmative and declared that the article was not only approved by himself but also by the officials of the organization.

These were the articles which Judge Wood would not allow the state to in-

terfere with. "You are sure he had a mustache?"

"Yes. I know he had a mustache and he wore a suit of brown clothes. I don't think he was so fleshy as he is now."

That was as far as the man would commit himself regarding a description of Harry Orchard on the train. But it was evidently as far as Hawley wished him to go. The pictures offered in evidence by the defense show that Hogan was smooth-faced—and the pictures were taken, one in Salt Lake before Orchard came to Idaho, the others just after he had been arrested in Caldwell.

Mr. Darrow groaned inwardly. Mr. Richardson made a failure of trying to appear unconcerned and Mr. Borah with a great effort tried to conceal his satisfaction.

Before the witness left the stand he testified that he had been twice sent to Blackfoot by the probate court of Washington county after examinations for insanity and that he had been let out of the institution the last time on the promise of a brother-in-law living near Boise to look after him carefully and see that he did no harm to anyone. Elliott said his ailment had been the result of trouble with his family, which had worried his mind.

Mrs. Day Causes Amusement.

Mrs. Lottie Day, a large, comely woman, with a decidedly bold face and a manish voice, at times during her testimony made statements that caused roars of laughter throughout the court room. She had braced herself for the ordeal and was continually on her guard.

She very evidently suspected there was a plot on the parts of attorneys for both sides to make an attack upon her character and she had her guard up all the time.

The burden of her testimony for the defense was that while sitting on a lounge in the Belmont hotel, over Pettibone's store, with Harry Orchard, the latter got confidential about his love affairs and told her former Governor Steunenberg had kept him and the only woman he ever loved apart, that the governor had driven him out of the Coeur d'Alenes, forcing him to part with the interest he had in the Hercules mine and that he never could send for the woman he loved because of his poverty, and that he was going to kill Steunenberg if he had to swing for it.

Before the prosecution had finished she had told the jury about how Orchard had introduced her to Mr. Haywood one time when the latter came to the Belmont to see him; how she had been introduced to Orchard, whom she knew as Dempsy, by Pettibone; and how very, very great friends Dempsy and Pettibone always appeared to be. And while Mrs. Pettibone, out in the audience, sat with a sneer upon her face, Hawley drew from the witness that Pettibone and herself were very good friends and that he often came up from his store to the Belmont hotel to chat with her and that sometimes she went into the store to chat with Mr. Pettibone.

Rough on Hawley.

It developed that Mrs. Day came to Boise before the trial started at the request of the attorneys for the prosecution and gave Attorney Stone for the state a signed statement regarding the intimacy between Haywood and Orchard.

On redirect examination Mr. Darrow asked the woman in a low, solemn voice if she had not one evening gone up to Mr. Hawley's office, Darrow's tone perhaps was the reason why Mrs.

work in preventing the fire from spreading beyond the boundary in which it was finally confined. About the only buildings saved within the affected area are the Tourists' hotel, the Greystone Inn and California Frank's buffet.

The Twenty-third United States Infantry was ordered out and the entire district west of the exposition grounds reaching to the States hotel is under its protection.

The blaze, originated in the Berkeley hotel, from what cause is unknown, the destroyed buildings were of temporary construction, the Arcade hotel with 280 rooms being the largest.

HOLMES ON WITNESS STAND

Contradicts Many Statements Made by Van Riper.

WASHINGTON, June 26.—E. S. Holmes, jr., former assistant statistician of the agricultural department, on trial on charge of conspiring to defraud the government by prematurely divulging information regarding the cotton crop, took the stand today in his own behalf. He testified that he never had any reports from the field and contradicted many of Mr. Van Riper's statements. Mr. Holmes related the details of the sale of his Idaho mining interests to Van Riper in 1904, saying that he had been introduced by Peckham to Van Riper as "a remarkably rich man," who was dealing in mining claims. He said that he had received \$73,000 for his interest in the mine, but at Van Riper's request the consideration had been fixed in the deeds at \$40,000. He said he had refused to accept an interest in Van Riper's brokerage business because of his discovery that the firm expected to deal in commodities affected by the crop reports.

STERLING DECLINES TO TALK

Refuses to Discuss Charges Made by Haywood's Attorneys.

DENVER, June 26.—K. C. Sterling, chief of detectives for the Cripple Creek Mineowners' association, who was charged by Attorney Clarence Darrow in the Haywood trial at Boise yesterday with being responsible for the Independence depot explosion in which 14 men were killed and a number injured, is in Denver. He would not discuss the charges made by Darrow nor would he say whether he would go to Boise to testify.

New Governor of Hawaii.

OYSTER BAY, June 26.—President Roosevelt today formally appointed Judge William F. Frear, to be governor of Hawaii, to take office the middle of August.

DAMAGE BY FLOOD.

EL PASO, June 26.—A report reached here today that the old church at Seneca, on the Mexican side of the Rio Grande river below El Paso, has been wrecked by high waters and that some bodies in the ancient cemetery were washed out. The church was built in the sixteenth century.

It is reported also that the Mexican town of Guadalajara, near San Antonio, Socorro county, N. M., has been washed away. All the buildings in both towns were of adobe and readily crumbled in water. No loss of life is reported.

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IMPORTANT TESTIMONY BROUGHT OUT BY CROSS-EXAMINATION

(Continued From Page One.)

Day misconstrued Darrow's question. She turned on him with flashing, angry eyes, cast a scornful look toward Mr. Hawley, and in a tone of great contempt, answered: "Well, I should say not!"

A roar of laughter followed her answer and deputies were busy several minutes restoring order in the court room.

"Billy" Davis on the Stand.

William E. Davis of Goldfield, Nev., considered one of the most important witnesses for the defense of William D. Haywood, was called to the stand just before noon and his cross-examination had not been completed when Harry Orchard had testified that Davis led and commanded the mob that destroyed the Bunker Hill & Sullivan mill in 1899, inspired, as the agent of Haywood and Moyer, the Vineland explosion and the train wrecking plot at Cripple Creek, and was an accomplice in the Independence station crime.

On direct examination by Clarence Darrow, Davis went over the story of his working life and made positive denial of every statement of Orchard that involved him or his associates in any form of crime. He denied that he the Bunker Hill & Sullivan mine was blown up and at the conclusion of his general story swore that at Cripple Creek during the strike Orchard told him of the Hercules mine affair and threatened to kill Steunenberg.

The cross-examination of Davis by Senator Borah was severe and searching and was chiefly devoted as far as it proceeded with the Bunker Hill & Sullivan mill affair, and the circumstances under which Orchard made the threat against Steunenberg. Davis asserted that he remained at Gem the day the Bunker Hill mill was blown up, and while he said he saw the train in charge of the masked mob arrive at and depart from Gem he could not name anyone on the train except Engineer Hutton. He said that he remained in hiding after the mill was blown up because he did not want to be thrown into the "bull pen," and that he changed his name when he departed for Butte shortly after because he feared he would be put on the mine owners' black list.

Borah showed that Butte was a federation camp where the black list was ineffective. Pressing to the threat Orchard made against Steunenberg, the witness was unable to recall what anyone had said on that occasion except the words of Orchard. Davis returns to the stand this morning.

Small Attendance.

Notwithstanding the fact that six rows of seats in front across the spectators' section of the room were occupied almost exclusively by witnesses for the defense, there was altogether the smallest attendance in the court room yesterday morning than for many days since the Haywood trial began.

As soon as court convened at 9:30 o'clock, Mr. Darrow called the first witness for the defense to be examined yesterday. It proved to be Mrs. Lottie Day of Bayview.

Mrs. Day proved to be one of the masculine type of women, large but well proportioned, with an almost

a number of occasions she had seen Pettibone with him at the Belmont. They were quite friendly.

She could not remember how Pettibone and Dempsey usually addressed each other, but she knew they were close friends, apparently.

"Why were you at the Belmont at that time?" asked Hawley.

"I was waiting to go to the mountains. I thought of going into business in 'Cripple Creek—of starting a boarding house."

"You never talked with Dempsey in regard to your chances of doing business in 'Cripple Creek, did you?"

"No, sir; I think not."

Regarding the talk she claimed she had with Orchard about Steunenberg the witness said, it was about a month after she first met him—about the time of the federation convention. The conversation, she said, was in the hall of the hotel, sitting in their favorite place—on the sofa.

What Orchard Said.

"I was sitting there and he came in and sat down beside me. It was early in the morning and he said: 'Good morning.' He said: 'I would have been a millionaire if it hadn't been for the decision of the governor of Idaho. He made me lose my mine and I'll get even with that old devil of a Steunenberg.' I said: 'Forget it; you'll get another mine.' He said: 'That ain't all of it. I loved one woman, and only one woman and if I could have retained the mine I could have had her with me.'"

Hawley drew from the witness that she had made a written statement over her signature to Mr. Stone, attorney for the state, regarding Haywood's visit with Orchard.

"Why didn't you tell Mr. Stone about this conversation you had with Orchard?"

"He didn't ask me about it."

Hawley stated to the court that Mr. Stone was not well. When he could come into court he wished to present his statement and desired to reserve the privilege of recalling Mrs. Day for further cross-examination.

Richardson "Real Sassy."

Attorney Richardson declared that notwithstanding any order of the court to pay off its witnesses and send them home as fast as they left the stand. If the prosecution desired their presence further, he declared, the state could issue subpoenas and keep the witnesses here at the expense of the people.

"If counsel sends these witnesses home they will be doing what they have no right to do," declared Hawley for the state, "and as to the suggestion that we subpoena the witnesses, we don't propose to do anything of the sort. We propose to cross-examine them as witnesses for the defense and not for the prosecution."

Judge Wood announced that once a witness was sworn he or she would be held subject to the orders of the court.

"I should like to attack the court's view of the law," said Attorney Richardson.

"This matter can be satisfactorily arranged," said Judge Wood, "and I will converse with counsel on the subject at noon."

"When we are through with our witnesses we will send them home and take our chances as to whether we are right or wrong."

Orchard, when confronted by Elliott on Tuesday, declared he had never seen the man before.

Elliott was put through a searching cross-examination by Hawley. He told Hawley that the conversation happened on the 28th or 29th of November, 1905. He said he owned a farm in Washington county at the time. He said he went there to look after a land claim near Council, but not in connection with the farm. He said he did not remember whether he stayed over night at Weiser or not; he came down on the P. & I. N., but could not tell whether it was in the evening or in the morning, but he thought he left Council about noon, getting into Weiser about three hours later, leaving Weiser between 3 and 4 o'clock.

"Do you feel certain that it was the afternoon train?"

"I think so, but I am not certain whether it was the afternoon train or the night train."

"The night train left Weiser after midnight, about 2 or 3 o'clock in the morning, didn't it?"

"I think about 1 or 2 o'clock."

"When did the afternoon train leave?"

"Along between 3 and 4 o'clock, I think."

"You are not certain which train, you took?"

"I am certain it was the day train."

"You came on the P. & I. N. train to Weiser and connected with the O. S. L. train the same day?"

"What car were you riding in?"

"I think it was a chair car. Orchard sat at the rear of the car and eight or 10 others sat in the front of the coach. They were men, women and children."

"What did he say first?"

"He said: 'My name is Hogan. I reside in Colorado. What is your name and business?'"

"You swear to that positively?"

"What did you say?"

"I said: 'I live in Boise and have no regular business now.'"

Orchard's Mustache.

The witness related the conversation with Orchard as brought out by the direct examination. Hawley suddenly asked the witness to describe Orchard. The witness appeared to be "up against it." He could not tell much about it. He could not describe any man very well. Richardson had shown him the pictures of Orchard that had been taken shortly after his arrest and he knew he had talked with that man—the man whose picture he had seen.

"Did the man have a mustache?" asked Hawley.

Everybody knew that Orchard was smooth-shaven at that time—that he had been for a long time, that he was when his pictures were taken in Salt Lake just before coming to Idaho and also in the pictures taken at the Canyon county jail.

But the witness replied to Hawley's question, "Did the man have a mustache?" very decidedly in the affirmative.

"You are certain about that?" asked Hawley.

"Yes, I am certain."

"Yes, you see him in the court room yesterday?"

"Yes, sir."

"Was his mustache about the same as yesterday?"

"Yes, only it may not have been quite so heavy then as now."

"What kind of a suit did he have?"

"Butternut brown."

"Was it an old or a new one?"

"I am attributing to Steunenberg the responsibility for the calling in of 'black brutes of soldiers who outraged the wives and sisters of miners and refused the request of a miner who, with the dew of death upon his brow, asked for a minister and was

"I regret to say I have been once—in 1897."

The witness said that in 1904 he saw Harry Orchard at the federation headquarters in Denver. Afterward he had seen Orchard in his office—at the time of the Adams-Peabody race for the governorship. It was the only time the man had ever been in the office. O'Neill said Orchard came in and asked for the address of Peabody and Sherman-Bell.

"I told him to look in the city directory. He was silent for a few moments and then he remarked that they ought to be 'bumped off.' A moment later my wife and daughter entered the office."

On cross-examination by Mr. Borah O'Neill said the views he expressed in the magazine were supposed to be the views of the Western Federation of Miners. If the Western Federation of Miners adopted views and policies, contrary to his own, O'Neill said he would either have to write in conformance with those views or resign his position as editor.

He said the executive board really controlled the policy of the magazine.

Important Admission.

"The magazine could not run 24 hours without the approval of Haywood, could it?" asked Senator Borah.

"The magazine has been adopted by the organization and the organization is more powerful than any one officer. If Mr. Haywood should decline to pay out the necessary money, the executive board would probably tell him what his duties were."

"And in the executive board," commented the interrogating attorney, "we get back to Moyer, Haywood, Jack Simpkins and Marlon More and the others?"

"Yes, sir."

O'Neill said he did not know of any conflict of opinion in the executive board as to the magazine and had never been told the magazine was unsatisfactory.

At this point Senator Borah began to quote from several issues of the magazine early in 1906 following the death of Governor Steunenberg. The first of these contained the expression:

"The press dispatches report the dissolution of Steunenberg via the bomb route."

"Did you write that?" asked Borah.

"Yes, sir, I wrote that," replied O'Neill promptly and a trifle proudly. "He did die by the bomb route. Isn't that a fact?"

"Yes, I suppose it is," replied Senator Borah.

Mr. Borah next read an extract from another paper which was reprinted in the Miners' Magazine. It read:

"A chap by the name of Steunenberg was blown up the other day at Caldwell. He came into fame as the inventor of that revered institution known as the bull pen. It seems a bomb was carelessly left at his gate, presumably by some Russian revolutionist. Such carelessness should be frowned down. The gate was completely wrecked."

O'Neill said he had personally selected the clipping and had it published.

"Did you write this editorial?"

Editorial Read.

Senator Borah here read an editorial appearing in the Miners' Magazine in January, 1906, beginning with the statement that Steunenberg had been "ushered into eternity and thus has closed the career of a man who showed his bravery."

Continuing the editorial in most inflammatory terms detailed outrages in the bull pen in 1897 attributing to Steunenberg the responsibility for the calling in of "black brutes of soldiers who outraged the wives and sisters of miners and refused the request of a miner who, with the dew of death upon his brow, asked for a minister and was

from Wardner. It was five years since he had worked at the Bunker Hill & Sullivan mill. He said he was not then a member of the Western Federation of Miners.

Davis said he had never had any trouble with any of the managers of the mill.

Davis positively declared he had nothing to do with the blowing up of the mill. He said he led no body of men in an attack on the mill. He said at that time he had never seen or heard of Harry Orchard.

"After the explosion, I left the country. I left in August. From April to August I worked on a claim near Wallace. I didn't go to town. I worked pretty well under cover."

"Did you know Ed Boyce at that time?"

"Yes, I knew him."

"The Hercules was then just a prospect?"

"Yes, sir; I worked some of that prospect. I was employed by Mr. Paulson, who was a poor man then. There were three working there. I worked there about 15 days."

"Did you see Harry Orchard there?"

"I don't remember of seeing him there. He spoke once of seeing me there. I remember of two men stopping there but am not sure he was one of them."

Goes to California.

The witness said he went from Gem to California, where he changed to another name. He said he had been blacklisted under the name of Davis. He could not get work as Davis, so he used the name of W. F. Jones. He worked in several places in California and in May, 1900, went to Bisbee, Arizona. There, with 50 others, he was fired because he had been blacklisted.

"The foreman told me he had found out who I was."

"Then where did you go?"

"I went to Prescott. I worked there six months and then went to Cripple Creek, where I arrived on July 2, 1901. I met some old acquaintances there. I went to work at the Turtle mine on Bull hill."

"Was Parker there?"

"Not at that time. I knew him and Kennison later. They are now both dead."

At Cripple Creek Davis said he joined the Altman union and in March of 1902 he became president of that union. There were, he said, about 500 members. He said he was president a little over two years. He said Parker was for awhile secretary treasurer and Billy Easterly was financial secretary. Steve Adams was a member of the union. He said he remained president up to the time the union went out of business and the members scattered. Since that date, Davis said, he had never been back at the district.

Meeting With Orchard.

It was in May, 1902, that Davis first met Orchard in the miners' union hall.

"He came there to straighten up with the union. He wanted to join and had lost his card. He wanted us to send for his transfer. We couldn't get it after some correspondence, so we told him he would have to join over again in the regular manner. That's the way he finally joined down there."

Davis said Orchard had frequently attended the union meetings. The strike started in August, 1903, in sympathy with the smelter men at Colorado City.

"All but the Portland mine were shut down. That continued running and employed union labor. We had a strike committee consisting of Parker, Kennison and myself. A man by the name of Whitney was on the committee later. The soldiers were called in in September. It was quiet in the district then—just as quiet as it is here today. There was a protest against the soldiers being called. It was the last of August or early in

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died almost exclusively by witnesses for the defense. There was altogether the smallest attendance in the court room yesterday morning than for many days since the Hayward trial began.

As soon as court convened at 9:30 o'clock, Mr. Darrow called the first witness for the defense to be examined yesterday. It proved to be Mrs. Lottie Day of Denver.

Mrs. Day proved to be one of the majestic type of women, large but well proportioned, with an almost masculine voice. She said she had at one time lived in Cripple Creek. She had met at the Belmont hotel in Denver, where she lived in 1904, a man by the name of Dempsey, whom she had seen on the witness stand here, testifying under the name of Harry Orchard.

Mrs. Day said that during the session of the annual meeting of the Western Federation of Miners she had been introduced to William D. Hayward in the hall of the Belmont hotel by Mr. Dempsey. She said Dempsey was at the Belmont hotel off and on for a long time. She was certain there was there on election day—the spring election. She said she had a good many talks with Dempsey.

Darrow asked if Dempsey had told her that at one time he had a good chance to be rich and that he had loved once and only once, and that Steunenberg was to blame for his poverty and that he was going to kill that man Steunenberg if he had to swing for it.

"I had a conversation with him and he talked along that line, but I'm certain he didn't swear like that. I think he said 'that devil of a Steunenberg,'" was the reply.

She also said Orchard, or Dempsey, as she knew him, had told her about his plan to go out to a mining camp on the miners' payday to play poker. She said she advised him to stay at home—that he was liable to get broke. She testified that Orchard replied that he always had a nest egg in Pettibone's safe.

Severe Cross-Examination.
In reply to questions by Mr. Hawley, the witness said she had not seen Orchard previous to meeting him at the Belmont rooming house. She said she had no business in Denver at the time she roomed at the Belmont. She was just living there.

"Who introduced you to Dempsey?" asked Hawley.

"Mr. Pettibone introduced him to me."

"How long had you known Pettibone?"

"Several years."

"Were you intimate with Pettibone?"

"No, not very."

"Did he come up to see you in the Belmont?"

"Why, he was up in the hotel quite often. We used to chat."

"And you used to go to the store occasionally?"

"Yes, sometimes."

"You and Pettibone were quite friendly—pretty well acquainted; is that so?"

"Yes; we were quite well acquainted. We were friends."

Hawley jumped to the introduction of Hayward. She said she was sitting on the sofa with Dempsey when Hayward and a man by the name of McDonald came in.

"Haywood said 'Hello, Dempsey.' He said he wanted to see him and they walked down the hall and went into Dempsey's room. Dempsey introduced me to Hayward before they went to his room. McDonald sat down and talked with me for a few minutes."

Judge Wood announced that once a witness was sworn he or she would be held subject to the orders of the court. "I should like to attack the court's view of the law," said Attorney Richardson.

"This matter can be satisfactorily arranged," said Judge Wood, "and I will converse with counsel on the subject at noon."

"When we are through with our witness we will send them home and take our chances as to whether we are right or wrong," shouted Richardson.

"If the court will make an order in this matter," said Hawley, "we will quickly see whether the court or counsel for the defense shall bias this trial."

"We are not seeking trouble with the court," interposed Richardson, "but we are ready and waiting for trouble with counsel at any time they want it."

Senator Borah for the state and Mr. Darrow for the defense created a wave of laughter by announcing that they would agree to stand firm under when the trouble came.

Judge Wood ended the discussion by directing Mrs. Day to remain in Boise until released by the court. The witness was anxious to get back to Denver and protested.

"I have told you gentlemen everything I know."

Re-Direct by Darrow.

Mr. Darrow said he wished to ask a few questions.

"Mrs. Day, when you were here last spring where did you stop?"

"Well, sir, to save my life I could not tell what street it was on. It was over that way somewhere (pointing with her finger) but just where I couldn't say. It was next to the Christian Science church, though—I know that mightily well."

There was considerable laughter and the court officers had to get busy to suppress it.

Hawley then, in low, apologetic tones, asked:

"Mrs. Day, one night while you were here did you go up to Mr. Hawley's office?"

A look of utter surprise came over the face of the witness. This changed quickly to an expression of great indignation.

"What do you mean, sir?" she almost shouted, her cheeks flushed with anger, and she cast a look of scorn toward the leading counsel for the state. It was plain she was laboring under a misapprehension as to the significance of Darrow's question.

Darrow repeated his question word for word.

The witness replied, "Well, I should say not," and she emphasized the last word and then pleaded ignorance.

The court officials had to get active again.

"Well, did you go somewhere with Mr. Stone one evening?"

"Yes, sir," she answered promptly.

"And when you got back you learned I had called during your absence?"

"Yes, sir."

For the next day Mr. Stone took you to Nampa and sent you on the way back to Denver?"

"What?" almost shrieked Mrs. Day, with flashing, angry eyes.

Darrow repeated the question.

"Well, sir, Mr. Stone did nothing of the kind. I took myself to Nampa and back to Denver. Mr. Stone merely went along as far as Nampa on the same train."

The witness was excused while the spectators were roarin' with laughter. It was several minutes before order was again restored.

Old Soldier on Stand.

The next witness was John D. Elliott, an inmate of the soldiers' home at Boise. Elliott is 51 years old. He detailed a long conversation he said he had with Orchard on a train in November, 1905, when Orchard told him he was in the employ of the mine detainer of the Western Federation of Miners was going to be crushed and that within 30 days something would happen that would startle the world. This, he said, was about five weeks before the assassination of Governor

"Was his mustache about the same as yesterday?"

"Yes, only it may not have been quite so heavy then as now."

"What kind of a suit did he have?"

"Butternut brown."

"Was it an over or a new one?"

"I can't tell."

"You are generally very observant, aren't you? But you observed this man and his mustache particularly?"

"I did, indeed."

"Have you a brother-in-law and sister here?"

"Yes, near the fair grounds."

"You lived with them a while?"

"Yes."

"Did you ever mention this matter to them?"

Statements About Conversations.

"I may have told him I talked with a man by the name of Hogan."

The witness declared he had never gone into the details of the conversation with his relatives. He said the first man he had talked about it with was his roommate, Mr. Wilcox, a one-armed veteran at the soldiers' home.

"When did you make your first statement to the defense?"

"On the 20th, I think. They began their case on the 21st and I made the statement on the 20th."

"Were you subpoenaed?"

"Yes, Mr. Richardson gave me the subpoena."

"Were you summoned by the sheriff?"

"No, sir."

"Did you get any fees?"

"I got one day's fees and mileage."

Elliott told the jury to the defense headquarters in the Overland block and at Richardson's request dictating a statement to a stenographer.

"You are a socialist, aren't you?" asked the attorney.

"I can't say that I am."

"Can you say that you are not?"

"No, sir. But I don't belong to any socialist organization."

Elliott stated that he had ever been employed by the defense or had received any pay.

Inmate of Asylum.

On severe cross-examination and with some hesitancy Elliott admitted that he had been an inmate of the state insane asylum at Blackfoot for six or seven months in 1895. One of his sons filed the application for his commitment. Elliott denied that he had been put in a straight jacket. When he was released, Elliott declared, he had a certificate of recovery.

In May, 1904, Elliott said, he went to the asylum again. The probate judge told him he was not insane but he seemed to be in bad shape physically and he thought a stay at the asylum would benefit him. Another of his sons signed the complaint on this second occasion. Elliott was released later on the promise of his brother and sister-in-law to take care of him. They cared for him a short time and he was then placed in the soldiers' home.

On redirect examination, Elliott said he had not been assisted in any way in "stating his testimony" and had received but \$1 witness fee and \$1.75 in mileage.

In January, 1906, beginning with the statement that Steunenberg had been "ushered into eternity and thus has closed the career of a man who showed no mercy."

Continuing the editorial in most inflammatory terms directed at the bull pen in 1899 attributing to Steunenberg the responsibility for the calling in of "black brutes of soldiers who outraged the wives and sisters of miners and refused the request of a miner who, with the dew of death upon his brow, asked for a minister and was told that he could make his confession in hell."

The editorial went on to say that the death of Steunenberg was a step forward but that the murder of one man did not destroy the system adopted by the capitalistic class. In conclusion the editorial said that the sudden extermination of Steunenberg was not of great moment "because Steunenberg will continue to rise."

"Did you write that article?" repeated Mr. Borah.

"Yes, sir; I wrote that article," said O'Neil.

"It stated your views?"

"Yes, sir."

"And also the views of the officers of the Western Federation of Miners?"

"I think so."

"You know so, don't you?"

"I am pretty positive."

Regarding Orchard.

"And you knew Harry Orchard, didn't you?"

"Yes."

O'Neil said that after Orchard's return from the trip with Moyer to O'Neil he met the man at federation headquarters. It was a few days after Moyer's arrest.

"It was about March, 1904, Moyer, I think, was arrested in March, 1904, and it was a few days after that that Orchard returned and I saw him at headquarters."

Shortly after the deportation from the Cripple Creek district O'Neil said he saw Steve Adams at federation headquarters and he saw him again at the same place seven or eight months later. He had also seen Annie Adams there once or twice.

"Do you remember when Hayward was in Salt Lake in 1905 and Harry Orchard brought a letter with an order from Max Mallich for a ticket to Utah?"

"No, Mrs. Adams came and asked for a ticket. I had no authority to get the ticket. I believe she went to Utah, however."

O'Neil said he had never been criticized for any of the articles he had written and published in the magazine by federation officials.

In answer to Darrow on re-direct O'Neil said his instructions as to how he should run the magazine were general rather than specific.

W. F. Davis was called to the witness chair and sworn just before the noon adjournment was taken to 1:30 o'clock.

W. F. Davis Testifies.

The afternoon's proceedings began with the direct examination of W. F. Davis by Clarence Darrow.

Davis said that for the last two and a half years he had lived in Goldfield, mining and prospecting. He said he was 37 years of age. He began mining in 1888 in the Coeur d'Alenes. In 1888 he became a member of the Burke miners' union. He said he never held any office in any union in the Coeur d'Alenes. He said he had worked at the Bunker Hill & Sullivan mills in 1891 and until they shut down in 1892. He worked there from February to July in 1894, when he worked at sawing wood for about two months. Then, in August, 1895, he said, he went back to the Coeur d'Alenes and stayed until February, 1898, when he went to Alaska and prospecting in that country for 14 months. Returning from Alaska, Davis said, he went to Gen. Idaho. During this time Davis said he quit the miners' union and joined the Western Labor union. In September, 1899, he rejoined the Western Federation of Miners.

He said at the time of the Bunker Hill & Sullivan mill explosion he was

pathy with the smelter men at Colorado City.

"All but the Portland mine were shut down. That continued running and employed union labor. We had a strike committee consisting of Parker, Kennison and myself. A man by the name of Whitney was on the committee later. The soldiers were called in in September. It was quiet in the district then—just as quiet as it is here today. There was a protest against the soldiers being called. It was the last of August or early in September that the first mines began operations with non-union men. It was about the time the soldiers came in."

Davis remembered the time it was reported an attempt to wreck a train had been made.

"That was in November. I was in Altman at the time. There was no disturbance then. The first I knew of it was reading it in the papers. I never told Orchard I'd give him \$200 or any other sum to touch off a car load of powder in the Vindicator mine."

Davis' Arrest.

"After the report in regard to the attempt to wreck a train there I was thrown into the military prison at Cripple Creek. Bill Eastery, Sherman Parker and some others were in there with me—about 15 in all. Adams wasn't in there. He was put in the regular jail. He was charged with the Vindicator affair—not the attempted train wreck."

Davis said that after a writ of habeas corpus had been granted the military officials refused to give him up. Then he was taken to the county jail where, on February 9, he was released on bonds of \$30,000. He had been in custody since the middle of the previous November.

"Then I was at liberty until the trial. I stood trial with the others and was acquitted. I was held on three other charges."

Darrow asked a few questions regarding the strike conditions, not bringing out any material matters. He said he knew Slim Campbell. He denied he had ever asked Orchard to go with Campbell into the Vindicator mine, or that he ever told Orchard he could not pay him any money until he could go to Denver to get it.

Davis told of a trip to Denver during the strike—a trip to Denver during the Grand Encampment. He said there were about 25 union men in the party from Cripple Creek. Parker, Kennison, Eastery and others were in the party. He said Orchard might have been in Denver at the time. He might have seen him but he had had no talk with him there. The strike was talked about in the convention and a peace committee was appointed, but Davis did not remember the name of the members were. They visited the Cripple Creek district in June and made a report that the strike had been conducted judiciously and that there were good prospects of an early settlement.

The Depot Explosion.

"Where were you at the time of the depot explosion at Independence?"

"I was in Denver. I first heard of it by reading the paper, but I never heard of any plan to blow up that depot. I went about the mob the next day and of the deportations. I met many of the men from the district who came to Denver."

It will be remembered Orchard testified he and Adams were to blow up the Independence depot at the time the peace committee, accompanied by Davis, visited the district. Orchard said Davis told him not to blow up the depot until he had returned to Denver. He didn't want it pulled off until himself and the members of the peace committee had left the district.

Davis said he was married in the Cripple Creek district.

"And how about your wife and baby?"

"I lost them there," said Davis in a low voice.

"During the strike?"

Davis said he well knew Hayward, Moyer and Pettibone. He had been at Pettibone's store. The rooming house above his store, he said, was

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Davis said he never went back to Cripple Creek. He said his wife and child were taken to Denver and there buried.

Davis said he went from Denver to Cheyenne. There he met Pat Moran, whom he had known previously. He had a saloon there which miners frequented a great deal.

Meeting in Cheyenne.

Davis said he did not see Orchard in Denver after the depot explosion. He met him in Moran's saloon in Cheyenne, however, with Neville and Neville's boy. He also met Conley, a former member of the executive board. He had lived in Independence before that. He was in Cheyenne getting his bearings.

"I went by the name of Jones in Cheyenne. I went from there to Grand Encampment. I'm young to get a job, but there were more men there than there were jobs, so I then moved over 30 miles to another camp and worked there until September. Then I went to Battle Mountain, Nev. I took the name of J. Morris. I kept that name until the snow got so deep the mines had to shut down. I then went to Goldfield. That was in 1905. There I took the name of Davis—my own name—again and have traveled under it ever since. The old federation miners can all go by their own names in Goldfield."

"Did you ever have a conversation with Orchard regarding his leaving the Coeur d'Alenes?"

"Yes, sir; in the miners' hall at Altman."

Davis said Orchard there told him in the presence of Parker and Eastery and some others, while talking about the deportation at Colorado Springs, that he would have been rich if he had not been driven out of the Coeur d'Alenes and that he held Steunenberg and Sinclair responsible for his poverty.

The Cross-Examination.

The witness was turned over to the state and Mr. Borah took up the cross-examination. Mr. Borah took the witness over a repetition of his story to Darrow concerning his first appearance in the Coeur d'Alenes up to the time he first joined the Burke miners' union. He explained how he first joined the union, while he worked in the mines and how he left the union when he took positions as foreman and shift boss for the reason that men holding those jobs could not belong to the union, and how he later rejoined the union.

All through Darrow's direct examination the witness had been perfectly

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IMPORTANT TESTIMONY BROUGHT OUT BY CROSS-EXAMINATION

(Continued from Page Three.)

and collected. He answered the questions promptly. A sudden change came over him as soon as Senator Borah took up the cross-examination. The witness became fidgety and nervous. He kept shifting his position. Often, in answering questions he hesitated, repeated, stammered and during the most searching part of the cross-examination, particularly the part relating to what he knew about the Bunker Hill & Sullivan mill explosion, great beads of perspiration stood upon the brow and face of the witness. He was plainly keyed up to a high nervous tension.

Davis said there was no work done in the mine on the day of the explosion at the Bunker Hill & Sullivan mill, except, perhaps, by bosses.

"Did you see any business men that day?"

"Yes, sir."

"On the streets?"

"Yes, sir."

"Anyone you talked with?"

"Yes, sir."

"Who?"

"The postmaster."

"Where is he now?"

"Don't know."

"Were you there when the train went through Gem on the way to Wardner?"

"Yes, sir."

"See the men on the train?"

"Yes, sir."

"See anyone on the train that you knew?"

"No—not one."

"You'd been working in the canyon for five years or more and out of 300 or 400 men you didn't see anybody that you knew?"

"No, sir."

Davis said lots of them had masks on. They wore cloths over their faces. He saw some people get off there. He did not see them going to the armory. He did not see any Gem miners board the train. He did not see any guns.

"You know Paul Corcoran?"

"Yes."

"Knew him then?"

"Yes."

"See him that day?"

"No, sir; I did not."

Davis said he did not know where the Frisco powder house was located. He said the train stopped at Gem perhaps 15 or 20 minutes. He could not remember about the train backing up to the powder house.

"It was rather an exciting morning?"

"I didn't call it exciting."

Not So Exciting.

Davis said he did not know that there was any excitement in Gem as the train came through. He did not know that the men were armed—he could not say whether he did or did not see any rifles. Davis said he made no inquiries as to what the men intended to do.

"Three hundred masked men passing through on a train which afterward backed up to a powder magazine and took on supplies, created no excitement in Gem and aroused no suspicion or curiosity in your mind?"

"No, sir."

"Did you know where these masked men were going?"

"No, sir."

"Didn't know they were going to Wardner?"

"No, sir."

"You inquired about it, didn't you?"

"No, sir."

"Wasn't interested?"

"It wasn't any of my business."

Davis remembered of seeing Al Hutton—the engineer who ran the locomotive. He could not remember that armed men were running the engine—there might have been. Al Hutton and several train men were the only men whose names he could recall.

"Were you on the train at all?"

"No, sir, I didn't go near it."

Davis said he saw the train when it came back. It was about dark and he did not remember whether the men were masked or not. He could not remember whether any men got off at Gem or not. He heard some talk about the explosion that evening—not much about it, but he did not know that the masked men who went through Gem had blown up the mill.

"It wasn't my fight," said Davis, "and I wasn't very much interested."

Davis said he believed there was a strike on at the Bunker Hill & Sullivan mine at the time of the explosion. He thought he had read of it in the Spokane Review.

"Did the non-union miners who worked there go on a strike?"

"Maybe—I don't know. I think the mines were being worked by non-union miners."

Out of the District.

The next day after the explosion, Davis said, he went to Wallace. He quit work at Gem and went up to the Hercules mine to work for August Paulson, pounding a drill. He said he was staying under cover.

"You were in hiding?"

"I was just keeping out of the way."

"You knew they were hunting for you, then?"

"I knew they were hunting for everybody."

"And you in particular?"

"I think not."

Davis said he got on the train at Mudlan alone, took the name of Jones and started for Butte.

Davis denied that he rode through Wallace with his handkerchief over his face. He said he stopped in Butte a week or so and then went to San Francisco.

"Why did you change your name to Jones?"

"So I could get a job."

"But you changed your name before you asked for any job?"

"Yes."

"But you say you went to Butte. Butte was a federation camp and you were not blacklisted from working there were you?"

"No."

"Why did you change your name then when you went to Butte? You could have worked there under your own name couldn't you?"

"Yes, but I didn't intend to work at Butte."

"What I want to know," insisted Borah, "is why you changed your name when you left the Coeur d'Alenes. If it was for the purpose of getting work somewhere where you were blacklisted as Davis, what was the need of taking another name until the time came when you were ready to apply for a job?"

"Well, I had been blacklisted under Governor McConnell."

"But you worked in the Coeur d'Alenes after that?"

"Yes."

"As a matter of fact didn't you change your name because you knew the officers were looking all over for Bill Davis?" asked Borah.

"No, sir," was the reply.

Davis said he met quite a number of old miners he knew in Butte. He stayed there a short time and then went to California. Mr. Borah skipped over the Cal-

Conradlets Orchard.

Davis could not remember when acquainted with Steve Adams. He was in jail with him three months in the same cell with him.

"But you knew him before that?"

"Yes—slightly."

Davis repeated the story of how Orchard introduced himself in the hall.

"I couldn't remember Orchard ally, but I remembered the incident referred to of the two men sitting where I was working at the Hercules mine on their way out of the c."

"Did you ever talk with Orchard about the blowing up of the Bunker Sullivan mill?"

"No, sir."

"Then at the time when Orchard about having a grudge against Steu-

berg you and he didn't talk get about the Coeur d'Alene troubles?"

Davis said he could only give the stance of what Orchard had said Steu-

enberg but could not give the words. He could not remember ar-

he, himself, or Parker had said ply.

"We were talking about the dition in Colorado and Orchard but He said it looked as if Peabody turn out the same as Governor St-

berg had. Then he told about his interest in the Hercules mi-

said he was going to 'get' Steu-

Davis, after considerable cross-

tioning, could remember nothing anyone had said during the conve-

except what he claimed Orchard said about Steu-

berg.

At this time the hands of the pointed at 3:30 and Judge Wood (an adjournment to 9:30 this m-

Borah stated it would take him a or 20 minutes to finish and it was mated there would be some time up in re-direct examination befo-

witness was excused.

HOTEL ARRIVALS

CAPITOL—E. F. Blaine, Plac Charles Parsons, Hometown; F. H. Chicago; S. S. Foote, Middleton; Price Payette; Charles E. Paine well; Frank A. Rhinehart, Caldwell; H. Mansfield, Hailey; F. C. Moss, Moss, Payette; H. Hayman, Ca Ben Mitchell, Portland; E. W. T Payette; O. N. Callander and wife met; S. E. Payne, Wallowa; Harman, Baker City; H. G. Welch ette; Bruce Fair, Aberdeen, Wash H. Frazier, Meridian; Cal Wilkie, land; H. H. Hayman, Caldwell; Cullen, Sweet; Homer Tolleth, Me J. E. Loughman, Highland; C. Neal, E. Thompson, Pine; Art. Wright, C. B. Frank, Shafter; I. lins, W. J. Harris, Parma; Joseph Shoshone; J. J. Newman, Hailey ter Griffiths, Caldwell; Ira W. ward, Payette; E. F. Blaine, Plac A. E. Gipson, Caldwell; C. F. Payette; P. R. Poole, Tonopah; P. Moulton, Vesper; J. W. Reese, Falls; Maurice M. Myers, Idaho Fred, R. Reed, Wapi; W. H. Mountainhome; A. V. Evens, Creek; Charles P. Hartley, Emme

IDANHA—J. F. F. Hartwell, C L. G. Bradley, Lewiston; W. S. W. S. Kuhn, Jr., Pittsburg; I. B. P. Twin Falls; F. Hill, P. S. A. Buc C. MacWatters, Milner; E. K. Denver; J. H. Stoner and wife, G Ida.; J. J. Buehler, Salt Lake; A. meth, New York; R. A. Sprouse, I S. F. Frankenstein, Boston; R. B. ough, Salt Lake; A. H. Conner, W Ida.; F. G. Pinkerton, Salt Lake; Mead, Pueblo, Colo.; W. B. Rob J. B. Bellinck, Seattle; W. S. Koz and wife, Cincinnati; Ida Stoner, Stoner, Granger; Bertha Fowler, Edward K. Boyd, Mpls, Minn.; Lawrence, Boise; E. S. Hooper, C P. Caskey, Denver; W. L. Greine Lake; E. C. Manning, Chicago; Snow, B. F. Grant, Salt Lake Bunch, Placerville.

Cherries, canning cherries, at head's.

ED. BOYCE PRINCIPAL WITNESS FOR DEFENSE YESTERDAY

Court Makes Ruling Which May Materially Limit Showing of Defense As to Existence of Counter Conspiracy Against Federation Officials As Alleged—Limits Proof Concerning Mine Owners Actions to Events in Colorado and Coeur d'Alenes.

SPEECH BY BOYCE IN SALT LAKE

Admits He Made Strong Talk
Advising Arming Union
Miners.

FORMER SECRETARY
MAHER ON STAND

Cross Examination of W. F.
Davis Concluded—Engineer
Tells of "Attempt" to
"Wreck" Cripple Creek and
Victor Train—William B.
Easterly Goes on as Witness
Just Before Court Adjourns
—Haywood Greatly Inter-
ested in the Testimony.

Ed. Boyce, for years president of the Western Federation of Miners, the man who has been credited with being the father of that organization and who was its first leader, was the principal witness for the defense yesterday in the trial of William D. Haywood, charged with the murder of former Governor Steunenberg.

While Mr. Boyce was testifying an objection to the line of questions was put. This started an argument and Judge Wood made a ruling which may very materially limit the showing contemplated by the defense as to the existence of the counter conspiracy against Haywood and his associates.

ORCHARD'S STATEMENT OF "BOYCE PLAN" TO ARM UNION MEN

Extracts from Orchard's Autobiography—George A. Pettibone's Methods as a Justice of the Peace at Gem Back in 1892—How He Sided With the Union Men.

In his autobiography, the first installment of which appears in the July McClure's, Harry Orchard makes the following statement respecting what he calls the "Boyce plan of arming the union men."

"Ed Boyce, who was president of the federation for a long time in its early years, had more to do with getting it started than any other man. He began the 'Boyce policy' soon after he was elected; that is, that every union man should arm himself with a rifle, because they might all have to go out and fight the capitalists before long; and that nobody in the union should join the militia. The leaders of the different unions took this up, and I have heard it advised in unions time and time again by the officers that every union man should buy a good rifle and plenty of ammunition, for the time was coming when they would need it.

"As a matter of fact, many of the men did arm themselves. I think there was quite a number of guns left over from the fight of 1892, and then I know there were some shipped in. George Pettibone has told me that he sent in rifles from Denver in 1899 for the union men. He sent a hundred of them in piano boxes, and 10,000 rounds of ammunition, and addressed it to Jim Young, who was sheriff at that time, and was in deep with the unions. Then, in 1897, the guns which belonged to the militia company that had disbanded at Mullan, were stolen one night by masked men. The union

ident of the Western Federation of Miners, said in an address to its annual convention at Salt Lake city, May 10, 1897: "Every union should have a rifle club. I strongly advise you to provide every member with the latest improved rifle, which can be obtained from the factory at a nominal price. I entreat you to take action on this important question, so that in two years we can hear the inspiring music of the martial tread of 25,000 armed men in the ranks of labor. I would recommend the adoption of a new ritual. The constitution (of the Western Federation of Miners) should also be amended so as to declare all members of the national guard ineligible to membership, and withhold our patronage and assistance where any member of the national guard is employed or admitted to membership."

This speech inaugurated what became known as the Boyce policy.

Pettibone as J. P.

Following is another interesting statement from the autobiography:

"There never seemed to be much exertion on the part of the officers to find out who did these things, especially if there was just some one run out of town. All the peace officers—the sheriff and constables and justices of the peace—were elected by the unions and were in with them. The miners made up their minds who they were going to nominate and vote for, and when they did this they

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nature and regarded the policy and practice which witness said the mine-owners had shown throughout the west in blacklisting union miners and in putting obstructions in the way of federation organizers in starting unions and soliciting memberships.

James H. Hawley, leading attorney for the state, made the objection on the grounds of immateriality and that too much latitude was being used by the defense. Darrow claimed the defense was entitled to the same latitude in proving a counter conspiracy that the state enjoyed in showing its conspiracy.

Then Mr. Hawley contended that the state had directly shown the conspiracy by the testimony of Harry Orchard and in so doing had laid a proper foundation for introducing individual circumstances and connecting all those circumstances in the general showing of a conspiracy. He said the defense had made no such foundation; that it was trying to show a counter conspiracy by proving various isolated instances and certain general conditions, none of which were connected with the case and none of which were admissible until a foundation for their introduction had been laid.

Judge Wood in his ruling stated that he believed the continuation of the prosecution was well taken—that the defense had not laid a proper foundation for the introduction of such evidence as it was endeavoring to draw out. He ruled to limit the proof of the defense along that particular line to events in Colorado and the Coeur d'Alenes which had been connected with the case as so far established.

Ed. Boyce's Testimony.

The testimony of Mr. Boyce, who is now a mine operator instead of a mine worker, was the most interesting of any introduced yesterday, but did not seem to develop many material matters of great value to either side. His testimony for the defense was devoted chiefly to the history, purposes and work of the Western Federation of Miners. He denied the existence of an inner circle or that there had ever, to his knowledge, been a conspiracy in the organization to do an illegal act.

On cross-examination Mr. Boyce, plainly much to his own discomfiture, was confronted with an extract from a speech he had made as president of the federation at a convention of the organization in Salt Lake in 1898 in which he said that every union should have a rifle club, and every member a rifle. The extract was read to him as follows, notwithstanding the frowns of Mr. Darrow and the crestfallen looks of Mr. Richardson:

From Boyce's Speech.

"Every union should have a rifle club. I strongly advise you to provide every member with the latest improved rifle. It can be obtained from the manufacturers at a nominal cost. I entreat you to take action on this important question so that in two years we can hear the martial tread of 25,000 armed men in the ranks of labor."

Boyce winced when he was asked to father that paragraph of his speech. He was inclined to beat about the bush awhile and it took several sharply put questions by Mr. Hawley before he would acknowledge the coin. Even then he wouldn't swear those were his "exact words" but he admitted the words used very well voiced his sentiments at the time he made the speech.

And when, a few moments later Mr. Darrow, on re-direct examination

(Continued on Page Five.)

great many of the guns pointed up in the hands of union men when we made our raid on the Bunker Hill & Sullivan mill in Wardner. All these guns which the union men used were cached in places known to the union leaders, so that when the time came to use them they could be dug up and given to the men."

Foot Note—Ed Boyce, as pres-

The peace officers, of course, always sided with the miners, and whenever a non-union man got into camp and got beaten up and they took him before the justice of the peace, they would fine him or send him to jail. George A. Pettibone was justice of the peace at Gem back in 1892 and used to tell how he did this."

ARTICLES FROM MINERS MAGAZINE READ IN COURT BY MR. BORAH

Here Are Some Editorials from the Hand of Editor John M. O'Neil Who Proudly Acknowledged Their Authorship—
The Clippings Were Selected by Him He Said.

Following are the articles from the Miners' Magazine which were read, in whole or in part, by Mr. Borah during the cross-examination of Editor John M. O'Neil on Tuesday:

Editorial.

(Jan. 25, 1906.)

Ex-Governor Peabody, wife and daughter, had a close call from poisoning last week. It is reported that the poisoning was due to the use of "embalmed" cream at the breakfast table.

As the membership of the Western Federation of Miners are not engaged in mining "embalmed" cream, it is scarcely possible to place the responsibility of the poisoning at the door of the organization.

Clipping.

(Jan. 25, 1906.)

A chip by the name of Steunenberg was blown up by a bomb at Caldwell, Idaho, on December 30th. He was governor of that state some few years since, and attained considerable of a reputation as the inventor of that revered American institution known as the "bull pen." The bomb had been carelessly left, presumably by some Russian revolutionist, in the gateway leading to the Steunenberg habitation. Such carelessness should be frowned down. The gate was completely wrecked.—The Western Clarion.

Editorial.

(January 25, 1906.)

Ex-Governor Peabody and Adjutant General Sherman Bell, two distinct types of military despots who ruled in Colorado during the strike troubles, are still blatantly boasting of their deeds of infamy and are fearful lest they be murdered by agents of the Western Federation of Miners. "However," says Bell, "the federation will soon be disrupted and the lives of men will be safe." This assertion is, but the bellowing expected from the source it emanates. Today the federation is more substantial and progressive than in the days when Bell and his military cohorts attempted its annihilation with the rifle and bayonet. His criminal charge can be dismissed as the vaporings of a lust distorted brain.—Tollers Defense.

No one in Colorado, who is cognizant of the mental condition of Bell

pays any attention to his drivelling imbecility.

As far as Peabody is concerned, he is retired to private life and now dwells in a little burg, where the state keeps its criminals.

The fact that these official outlaws are attacked by a nervous fear of assassination, is conclusive proof that a "guilty conscience needs no accuser."

Clipping.

(January 25, 1906.)

The other day Ex-Governor Frank Steunenberg of Idaho was blown to shreds by a bomb placed inside the gate in front of his residence in such a manner that when he opened the gate the deadly sphere would be exploded. Any other member of his family, or, indeed, any chance caller at the Steunenberg residence, might have encountered the awful fate that fell to the much hated ex-governor. A man has been arrested, a man who was one of the victims of the famous, or infamous, bull-pen, at the great Coeur d'Alene mine strike of 1899, and it is claimed will be found guilty. The very name of Steunenberg was a stench in the nostrils of the working class all over the west for years after the horrors of his Coeur d'Alene bull-pen became generally known, and the ex-governor's name was later coupled with that of the infamous Governor Peabody of Colorado as showing how capitalist governors and mine owners act the same no matter which of the capitalist parties elevates them to office—Steunenberg being a Democrat and Peabody a Republican. Naturally in looking for the perpetrators of the recent crime the strongest motive that could be thought of was labor hatred for terrible injuries received, and so the miner already alluded to has been taken into custody. No one will attempt to justify the private killing of men, however they may regard murder-in-gross which is called war, and murder by the state, which is called administering justice, but hate and cruelty begets hate and cruelty and the fate of Steunenberg was very clearly the effect of a plainly seen cause. For the credit of the working class, however, it must be pointed out that such crimes of retal-

(Continued on Page Five.)

NUGENT CLAIMS DEFENSE ATTORNEYS ARE ASSISTING TO CONVICT WILLIAM D. HAYWOOD

It was noticeable that, when the cross-examination of W. F. Davis was resumed yesterday, Attorney Darrow was constantly protecting him by making interruptions. To those who had observed the complete discomfiture the day before this action on the part of Darrow was very significant; it was plain he was endeavoring to give the witness time to shape answers that would not expose him at some other weak point. The questions poured in and the objections were often as frequent.

Back of this there is a story.

The blow given the defense by the discrediting of Davis was recognized by the defense as well as by others, and there was a difference among the attorneys over the matter. John Nugent told Darrow he was putting Haywood's neck in a noose by putting such a witness as Davis on the stand.

Whether or not Darrow appreciated the extent to which Davis had injured the case, he evidently determined to protect him as far as possible against the continuation of the merciless attack; hence the flow of interruptions.

It was noticeable that Nugent was not in the court room yesterday.

ALL COMMITTEES LIKE THEY HAVE IN HARD AT WORK BIG CITIES

Fourth of July Celebration
to Be by Far Biggest
Ever Pulled Off.

Carpenters Erecting Bleachers
on Jefferson Street Where
6000 Spectators May Watch
Masque Ball Night of Fifth—
Big Floral Parade.

The committee on the decorated automobile and carriage parade, which will be held the 5th of July, has met with a great deal of encouragement and promise a big and beautiful parade. They have seen a large number of those having automobiles and carriages and every one talked to is enthusiastic about the event.

At present there are over 30 entries including every automobile in the city with several from the other towns. There will be a large number of coupes, surreys, runabouts and other vehicles in line and a great deal of attention is being given to their decoration.

Special features are being arranged for by the committee which are very unique and will add a great deal of interest.

It is impossible for the committee to call on all those who can enter, but everyone is urged to get to work and give their all in making this parade the most beautiful and successful fea-

Fire Chief Twogood to Make
Central Station if Coun-
cil Gives Him Money.

Just like they have in the big cities—thoroughly modern and up-to-date, sanitary and with every convenience. That is what Chief Twogood of the Boise fire department says he will make of the central fire station at the corner of Sixth and Idaho streets if the city council will give him the money with which to do it.

Chief Twogood has made an estimate of the cost of the changes which he desires at the station and being a very handy man anywhere he is put, has himself prepared a plan of the first floor of the building, showing the floor as his proposed changes will alter it. At its next meeting the chief will give the figures of his estimate to the council and ask that it give him the amount the figures show.

The principal change which is desired by Boise's fire chief is one that will provide a place for the horses at the back on the first floor. It is the plan to put all the horses behind doors and each stall screened off. The doors are to be of wood and a spring hinge placed upon each, which, when an alarm comes in, opens the door, allowing the horses to go out and get to their places at the engines quickly. The idea of screening the stalls off is to protect the horses from flies. The latter are very troublesome to the horses in their present stalls. Another advantage in placing the stalls in the back of the building would be to provide a cooler place, both in summer and winter, for the animals. In

NEWS FROM

NAMPA ICE PLANT BURNED

Feight Plant and Cold Storage
With Most of Contents
Destroyed.

Blaze Believed to Have
Caused by Spontaneous
Combustion—Loss in the Neigh-
borhood of \$9000,
About \$6000 Insurance

(Special Dispatch.)

NAMPA, June 27.—The ice plant here was practically destroyed by fire at an early hour this morning, causing a loss estimated from \$8000 to \$10,000. The insurance amounts to about \$6000.

The fire was first noticed at 1:30 by the crew of the switch engine, who gave the alarm.

The blaze had a big start before firemen arrived and the plant was ruined.

About 5000 pounds of butter in storage was removed and some but a large quantity of beer spoiled. Quite a quantity of meats and other produce was in place and all destroyed.

The building was frame and burned very rapidly. The fire is believed to have been caused by spontaneous combustion. The flames were first near the boiler room and at that time there was a quantity of oil-soiled waste.

Nampa's new pitcher, Klinkhan, the southpaw formerly with the Kane league team, made a good showing against the Boise team yesterday in all but the seventh inning. The Senators piled up three runs. Campbell, the Boise twirler, was unhit and Nampa was unhit.

Five Chinese, arrested on Tuesday on a charge of gambling, were at a hearing today and found guilty. They were assessed \$25 each, with costs of \$13.50. This makes a total of \$500 collected by the city in the week in fines from gamblers.

ARTICLES FROM READ IN COURTS

are to be of wood and a spring hinge placed upon each, which, when an alarm comes in, opens the door, allowing the horses to go out and get to their places at the engines quickly. The idea of screening the stalls off is to protect the horses from flies. The latter are very troublesome to the horses in their present stalls. Another advantage in placing the stalls in the back of the building would be to provide a cooler place, both in summer and winter, for the animals. In the past it has been just as warm for them in the winter as it was in the summer, as the stove has been very near the stalls. The heat has acted on the horses in a very unsatisfactory manner as, when they are taken out into the cold air from their warm quarters they catch cold and the chief says this has caused large bills, the result of visits of veterinarians to the station.

Some time ago the last year's council ordered that a bitulithic walk be built in front of the central station on Sixth street and the walk will be built soon. The cost of this work and that of making changes proposed by the chief, the latter estimates at \$1106. Included in the changes in the building is the construction of a new floor. This will be of cement under the engines and of blocks for the remainder of the floor. It is the plan to set the engines back 15 feet from the doors instead of only several feet as they are now.

Chief Twogood will ask the council for one more man at each of the two outside stations. There are now nearly six hours a day that there is only one man at these stations.

The fire chief estimates the cost of maintaining the department for the year beginning July first at \$26,795.40. Of this amount \$6625 is for salaries and the new engine which the council recently ordered and \$285 is for changing fire hydrants to more convenient places, which work will be completed this month.

Local Bits.

Watt Piercey, secretary of the Bagdad-Chase company, has arrived from Los Angeles and is prepared to open up the offices of the company. Hereafter this will be the headquarters of the big mining corporation. Wayne Darlington, the general manager, will be here about July 1.

Norman Gratz has moved his family into the old Halveston property on Thirteenth and Bannock streets which he recently purchased.

W. S. Kuhns left on the early morning train for Pittsburg. Others of his party returned to Milner, excepting Fentress Hill, who was obliged to remain to look after business matters.

L. G. Bradley, representative in the legislature from Nez Perce county, has arrived from Lewiston.

Low round trip rates O. S. L. stations to Norfolk, Va., account Jamestown exposition, will be on sale May 20 to November 20, 1907. For rates via various routes and full information regarding, see O. S. L. ticket agents.

Cherries, canning cherries, at Plowhead's.

Low round trip rates will be effective from O. S. L. stations to San Francisco and Los Angeles till July 12; going transit limit September 10, final limit September 15, 1907. Fare from Boise to San Francisco \$42.30, via Portland. Fare to Los Angeles \$54.20, via Portland. Diverse route privilege allowed. For particulars see O. S. L. agents.

A Fortunate Texan.
Mr. E. W. Goddole, of 107 St. Louis St., Dallas, Tex., says: "In the past year I have become acquainted with Dr. King's New Life Pills, and no laxative I ever before tried so effectually disposes of malaria and biliousness." They don't grind nor gripe, 25c at all druggists.

For Sale—One first-class single buggy, one gentle driving horse for lady, at a bargain. Call Bell phone 1681 Black.

Capital Grain & Com. Co., Ltd.
Wholesale dealers in grain and hay
Cash prices
Oats \$1.30; wheat \$1.40; barley \$1.50
Corn \$1.35; mill feed \$1.15.
R. B. Harris, manager.
320 South Thirteenth street.

LOST—Glass front to automobile lamp. Finder please return to Capitol hotel.

ARTICLES FROM MINERS MAGAZINE READ IN COURT BY MR. BORAH

(Continued From Page One.)

lation as that in Idaho the other day are so extremely rare as to form the exception that proves the rule. The working class as a whole is possessed of immense patience, which is an augury that when the labor question is finally settled it will have been settled right—Social Democratic Herald.

Editorial.

(January 25, 1906.)

Harry Orchard has been held by the Idaho authorities to answer for the murder of Steunenberg. The following appeared in the press dispatches:

BOISE, Idaho, Jan. 15.—At Caldwell today, Probate Judge Church committed Harry Orchard on the charge of having murdered ex-Governor Frank Steunenberg. The defense offered no testimony. The most important witness was Andy Johnson, a Boise officer, who talked with Orchard several times before and after his arrest.

He had a collection of exhibits connected with the case. Julian Steunenberg, son of the former governor, testified that a man whom he identified as Orchard came to him on Wednesday before the murder and asked when his father would be home. He said he had a deal with his father for some sheep, and was anxious to see him. The boy told him his father would be back Friday night. Among the witnesses was A. Ballantyne, a Caldwell business man, who saw Orchard a few minutes before 6 o'clock on the evening of the murder, not more than 45 minutes before the bomb exploded. He testified that Orchard was in a nervous state. He failed to answer questions, and otherwise gave evidence of being under some strain.

"Chemist Jones of the state university, who has analyzed the powders and other materials found in Orchard's room and in his trunk, was not called. No hint of the result of his investigations has leaked out."

The only evidence which appears in the above dispatch, are the statements of Steunenberg's son and A. Ballantyne, a Caldwell business man.

If Orchard was the murderer of Steunenberg, it seems strange and singular that he would make any inquiries from Steunenberg's son.

Ballantyne, the business man, seemed to have been possessed of those peculiar powers of penetration that were able to discern nervousness upon the part of Orchard, some 45 minutes before the tragedy was to take place. He makes the claim that Orchard "failed to answer any questions."

Was Ballantyne the official interrogator of Caldwell, commissioned to put questions to every individual whom he met within the corporate limits of this burg?

Had Steunenberg not been murdered, it is very probable that Ballantyne would never have remembered any symptoms of nervousness upon the part of Orchard.

The \$20,000 reward which has been offered will doubtless have seen one.

Deceives will never permit this vast amount of money to escape them. The work of manufacturing a chain of testimony will now become the work of the sleuths.

Editorial.

(January 2, 1906.)

Former Governor Frank Steunenberg of Idaho met his death last Saturday evening at his home at Caldwell, Idaho.

The press dispatches report his dissolution by the bomb route.

The Death of Steunenberg.
(Editorial, January 11, 1906.)
Since ex-Governor Steunenberg of Idaho was ushered into eternity on the

night of December 30, the editorial columns of the capitalistic press have hurled rabid denunciations against the assassin or assassins who hatched and consummated a conspiracy that closed the career of a man who showed no mercy to the man on strike and who gloried in the destruction of organized labor.

The organs of the capitalistic class recognize in the death of Steunenberg the loss of a man who was faithful and loyal to their interests.

The history of the Idaho strike of 1899 is still fresh in the memory of the membership of organized labor throughout the country.

The brutality and barbarism that characterized the official acts of those who were clothed with power and backed by authority of law, will never be forgotten during the life of the present generation. The military stockade or bullpen, where hundreds of men were goaded and tortured to the limit of human endurance, could have no other effect than to kindle in the hearts of many a flame of hatred that would burn as long as there lived a victim that bore the scars of the conflict of the year 1899.

The mothers, wives, sisters and daughters of imprisoned miners were insulted by black libertines who wore the uniform of the soldier, and were even forced to carry pistols to protect themselves from armed brutes who were supposed to uphold the majesty of the law.

Men died behind the walls of a bullpen that was reeking with filth, and in one instance, when a miner with the dew of death upon his brow begged for a minister in order that he might receive the last rites of his church he was told: "You can make your confession in hell."

The infamous outrages that were perpetrated upon the miners in the military bullpen of Idaho led to a congressional investigation and the facts that were brought out before the investigating committee were of such a horrible and shocking character that the administration at Washington suppressed the evidence that covered with infamy the "law and order" brigands who were but the tools of corporate anarchists.

We recognize the fact that the assassination of Steunenberg is not a step forward in the march of organized labor towards the goal of economic freedom.

The man or men who may have been implicated in the removal of Steunenberg have but little grasp of the great unsolved problem which confronts every nation upon the face of the globe.

The murder of a man who may be looked upon by the laboring men as a tyrant or a despot does not destroy one iota of the system that has given birth to industrial slavery.

It is safe to say that the reward of \$25,000 which has been offered will convict someone of the murder of Steunenberg. This vast amount of money will command the services of men who are trained to manufacture testimony and who hesitate but little at the crime of perjury.

The suspected bomb maker who was arrested under the name of Thomas Hogan is now identified as Harry Orchard. Other suspects are in jail awaiting investigation.

Though the membership of the Western Federation of Miners have suffered at the hands of the departed Steunenberg, though many of them have borne outrages as infamous as ever blackened the history of civilized Russia, yet the sudden extermination of the ex-governor of Idaho will not be applauded for the simple reason that men of intelligence know that as long as capitalism and wage slavery exist, Steunenberg will be found in every nation and community, who will use the functions of government to hold the laboring people in bondage.

than usually investigated in the processings yesterday. He particularly had his ears open while Ed Boyce was on the stand and he frequently made notes and advised his attorneys regarding questions to be asked. He prompted Darrow to ask Boyce if there had ever been such a thing as an "inner circle."

Davis Continues.

As soon as court convened W. F. Davis was called to the stand and Mr. Borah took up the cross-examination where he had left off the previous afternoon.

"How many times did you meet Orchard in Colorado previous to the strike?" asked Borah.

The witness said he knew Orchard like any of the other members of the union. He had met him a good many times. He said he had never been at Orchard's house, but he knew Orchard's wife—Mrs. Toney. He could not remember where he first met Steve Adams.

On November 21, 1903, the witness said, he lived about one-half a mile from the Vindicator mine and about one-quarter of a mile from Orchard's home. On June 5, 1904, the witness said, he was in Denver. He had lost his family and had no place of residence. He had stopped with his sister-in-law not far from his old home.

"On the night of the explosion in the Vindicator mine—the time Beck and McCormick were killed—where were you?"

"I was at home."
"All the evening?"
"Well, no; I was at a union meeting."

"Who with?"
"Sherman Parker and others."
"Was Orchard there?"
"I don't remember."

The witness denied he had gone to Orchard's home that night. He said he walked home with Sherman Parker. They had missed the car. He denied that to his recollection he had seen Orchard at all that night.

"How long prior to the explosion, had you seen Orchard?"

"I don't remember."
"Did you see Easterly the night of the explosion?"

"I may have. I don't remember."
The witness said he did not know where Steve Adams lived at that time.

"The troops came on the 4th of September, 1903?"
"Yes, sir."
"Sure about that?"
"I think so."

Conditions Before Strike.

Davis said he remembered an assault that had been made upon an old man by the name of Stewart, a carpenter. He said he had heard of it.

"Did you hear about J. T. Hawkins being beaten up?"
"I believe I did."
"That was before the troops came in?"

"Yes, he was a justice of the peace."
"He was a non-union man, wasn't he?"

Here an objection was made by Mr. Darrow as to the line of cross-examination. Borah said:

"Your honor, this witness has made the claim that all was quiet and peaceable before the soldiers were brought in."

The court overruled the objection. The witness had heard of a non-union man by the name of Paris suffering some indignities before the soldiers came in.

The witness said he knew "Slim" Campbell.

"Did you know of his having killed a woman a few days before the troops came in?"

Davis said he knew of the incident, but he thought it was after the troops came in.

Attorney Darrow objected to this, declaring it had nothing to do with the calling out of the troops. The objection was overruled. Davis insisted that this murder followed the arrival of the troops.

The witness disclaimed any knowledge of trouble with non-union men at the Golden Cycle mine prior to the coming of the troops.

During this line of cross-examination Senator Borah and Attorney Darrow sparred almost continuously. Senator Borah sought to show that whereas the witness had said the Cripple Creek district was as quiet as Boise before the troops came, there was a reign of lawlessness.

Davis insisted the district was quiet and declared he was willing to stand

(Continued on Page Ten.)

ED. BOYCE'S PRINCIPAL WITNESS FOR DEFENSE YESTERDAY

(Continued from Page Five.)

on his statement of Wednesday. He admitted, however, that the knavery of some non-union men being beaten. Senator Borah wanted to know if the strike committee did not have to spend most of its time preventing union men from going back to work. Davis said it required some work to keep the men in line for the mine owners had secret agents at work all the time and were trying to misrepresent things to the miners.

Davis admitted talking with F. J. Campbell, a representative of the Victor mine with regard to their proposed resumption of work there with non-union men.

"Didn't you tell Campbell that if he insisted on opening up, something would happen to the property?" asked Senator Borah.

"No, sir," replied the witness.

Conditions at Convention. Davis declared that no unusual conditions existed in the miners' convention in Denver of the Cripple Creek and Victor explosion. Orchard had testified that Haywood said he was having some difficulty in keeping the men together and thought something ought to be "pulled off."

After great deal of hard questioning Davis reluctantly admitted he knew McCormick and Beck were not union men at the time they were arrested and he said that the men killed at the Independence station were non-union. At that time the Portland mine was the only one being operated by union labor.

At the convention in Denver, Davis said he stayed at the Belmont rooming house. Sherman Parker had a room with him. Davis could not remember whether the Belmont was over Pettibone's store or not.

Davis could not remember how long he remained in Denver after the explosion. He thought it was several days.

Davis started for Cheyenne and he said he changed his name to Jones.

One reason Davis said he changed his name was in order to get work. He had also been in the papers that the authorities were looking for him and he had been arrested many times.

Davis said he stayed in Cheyenne a few days. He met Conley, Pat Moran, Stewart and the other men who were with the crowd there. Davis said, he never again saw Orchard until he had seen him here on the witness stand.

On re-direct examination by Darrow, Davis testified that the execution of the assaults on Stewart and the Justice of the peace, he had never heard of any violent acts in the Cripple Creek district before the militia was ordered into the district until the troops came in.

In regard to McCormick and Beck being union men Davis testified that he had seen them in the papers and that he was not customary for houses to become members. Some of them did join only a few of them. They did not have to do so. In some localities they were permitted to join.

Vagrancy Notice. Darrow asked Davis if he had seen a notice posted in December, 1903, by the military officers in reference to taking people who were strikers for buggars.

The witness said he had seen the notice. He did not remember if Moyer or Haywood had made any reference to the notice.

ive engineer, 32 years of age, was called. He had worked on the Florence & Cripple Creek road. He had charge of locomotives on a train running over that road at the time it was reported an attempt had been made to wreck the train. He had no personal knowledge that there had been any attempt. He had heard of it. From D. C. Scott, he said, he received word of the second attempt.

"He told me to be very careful. It was on the night of November 14. He said there was a probability that there would be another attempt to wreck a train between the Economic mill and Victor, probably a mile from the Victor depot after midnight. I did not think they could wreck the train there. I asked me if I knew of a place along the track where it would be a good place to wreck the train and I told him."

"Mr. Scott said they would attempt to throw the train into the ditch near the overhead crossing. I said I didn't think they could throw me there because I was not so far from the depot. Scott then asked me if I knew of any other good place along there to wreck a train. I said it might be done at the second left-hand curve east of the overhead crossing. Scott repeated the question after me. On the 11.25 trip to Bull Hill that night Scott got on the train and told me to stop near the second left-hand curve. I did so and two men dropped off the rear of the train. One was tall and the other was short."

"Is Scott a tall man and K. C. Sterling a short man?" interrupted Darrow.

"Yes, sir. It was early on the morning of the 15th of November when the train reached Victor on the next trip. Scott and Sterling were there. I saw Sterling at the depot. He came up to the cab and said: 'They've done it. I asked what and Scott said: 'They've removed a rail at the identical point you thought they would.' Scott and Sterling said they saw the men at work."

"When we struck the curve I got off and walked ahead to where one of 10 spikes had been taken from a rail. It was still in place, however."

"I would have seen both any difficulty in your taking your train across in safety?"

"I wanted to do it, but the conductor thought we had better put the spikes back. So we did it. The men and the train were there to the train wrecking."

On cross-examination the witness said the point where the spikes were pulled out was undoubtedly the most dangerous on the road and the most likely place to be selected by train wreckers.

Edward Boyce Called. At 15 minutes past 11 o'clock Edward Boyce was called to the stand. Mr. Darrow asked the direct examination.

Boyce said he was born in Ireland in 1862 and came to the United States on September 12, 1882. His business at present, he said, was mine contracting. He said he had an interest in the Hercules mine.

"When was ore first struck there?"

"In 1901."

He said the condition of the mine was the same in 1899 as in 1894 and 1897.

When Boyce first came to this country he worked for a railway company. It was in 1892 that the witness first worked in a mine for a living. He worked for a smelter, but soon had to give that up as it affected his health. He was obliged to go to Glenwood Springs to recuperate. After he got well he went to work in a mine for a while. Then he worked for a water company some months. It was in 1887 that Boyce went to Wardner. He worked on the Northern Pacific railway grade for a while and then went to Betty's work. He stayed there a year, until March, 1888.

ganize a federation of miners unions. "I couldn't say who first spoke of the plan. I remember Mr. Hawley talked with me about the unification of miners unions. He told us that was the only thing we could do if we wished to perpetuate our unions. He said the mine owners were already organizing."

Boyce said he was not at Butte when the federation was organized. He said it was formed to prevent the reduction of wages and to reduce the hours of labor. To do away with company stores and boarding houses, to introduce more safety appliances into the mines and to take a hand in politics.

"I always advised taking an active part in politics," declared Boyce, "but I regret to say my advice was not always heeded in the way I would have liked to have seen it."

The Western Federation of Miners, the witness said, always looked out for suffering members, their widows and children. The Butte union alone paid five per cent of the cost of a quarter dollars in sick benefits and charity. No member of the union had gone to the poorhouse since the federation was formed.

Boyce said that prior to the organization of the Western Federation of Miners, miners and smelters were required to work 10 and 12 hours a day. He described graphically the treatment of the miners, saying he had suffered himself from many ill and physical disabilities growing out of such work. The wages averaged about \$2.50 per day.

The federation frequently employed lawyers, he said, to fight for eight-hour laws and all such laws as applied to mining have been passed in the west since the organization of the federation. The organization has also done much to secure increased wages for the miners, the doing away with the system of paying off in scrip redeemable at the company stores, the adoption of many safety devices, etc. Boyce went some length into the dangers of mining, saying the mine owners seldom if ever voluntarily adopted means of preventing accidents.

"The killing of men, he said, was so common in his own experience as to be almost unnoticeable."

Boyce was still under direct examination when the luncheon recess until 1:30 o'clock was taken.

Rush Recalled. As soon as court reopened at 1:30 Mr. Darrow allowed to recall Engineer Rush for an additional question or two.

Rush testified that the workers of the Portland mine as well as the non-union miners were in the habit of riding on the train the attempt was made to wreck. There was no cross-examination. Mr. Boyce was recalled.

Mr. Darrow handed the witness for the Portland mine as well as the non-union miners were in the habit of riding on the train the attempt was made to wreck. There was no cross-examination. Mr. Boyce was recalled.

"I will state," said Boyce, "that I have never seen any man like that and have only heard of it from employees of that company."

On that testimony Mr. Darrow said he would not attempt to introduce the evidence in evidence in the habit of riding on the train the attempt was made to wreck. There was no cross-examination. Mr. Boyce was recalled.

Mr. Boyce said that during the term of his presidency the federation increased membership from \$900 in 1899 to about \$9,000. He said it had always been necessary to have a federation to defend any members of the organization who were arrested on any charge.

Boyce said he was arrested in 1896 in Leadville. He was president of the federation. He was arrested as soon as he struck the town and held for safe keeping. He was let go later. He had gone to the secretary of the local union that trouble was brewing.

were members of the Mine Owners' association."

Under persistent objections by the prosecution, a few of which were sustained, Boyce told of difficulties placed in his way, as he testified, by the mine owners while he was going from camp to camp in Colorado organizing unions in 1896 and 1897. He also told of many miners being blacklisted both in Idaho and in Colorado but was not allowed to tell of what he knew about blacklisting in other states.

Boyce said he had never known Harry Orchard—that he never came to live in Butte or anywhere asking for a duplicate membership card for one he had lost.

"I am positive I never saw the man known as Harry Orchard until I saw him on the witness stand in this trial."

Boyce said he established the Miners' Magazine and edited it himself for some time. He wrote the first editorial.

Boyce said he first knew Moyer in 1887 or 1898—met Harry Moyer in 1887 when he was working in the mines in Silver City. He met Moyer first in South Dakota.

"Mr. Moyer, do you know Mr. Siringo, Mr. McParland's private guard?"

"Yes, sir."

"You've seen him here?"

"Yes, in the court room here."

The defense attempted to introduce testimony that Siringo had as a spotter or detective ingratiated himself into the confidence of the union miners and finally became a secretary of the

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"That's all," said Mr. Hawley and a copy of the speech was put in evidence.

Mr. Hawley had read the abstract of Boyce's speech from a pamphlet compiled by the mine owners' association of Colorado. The pamphlet was titled "The Criminal Record of the Western Federation of Miners From 1890 to 1904."

The Reason Why. On re-direct examination Mr. Boyce told Darrow he could not remember how long his speech was at that time. He said when he wrote those lines he had in mind the imported soldiers at Leadville when they marched through the streets "butting miners' wives off the sidewalks and calling them vile names." He said:

"I contended that the miners had as much right to have rifle clubs as any class of aristocrats."

He said he had seen the cruel acts of soldiers in Colorado and in the Coeur d'Alenes.

Boyce said there was still a miners' employment office in Wallace and had been since 1893. The office is now in the Federal Mining company's building. This company, he said, controlled about 70 per cent of the mines operated in the Coeur d'Alenes.

"Mr. Hawley referred to the Comstock ledge, where they had been safety appliances years ago. Was not the Comstock union an old union?"

"Yes, sir."

James Mahler, Secretary Called. He told Darrow he was in the mining business living now at Butte, Mont.

"You used to work?"

"Yes."

Mahler said he had lived in Butte 25 years. He was for four years at one time country treasurer.

From September, 1896 to the spring of 1897, he said he was secretary-treasurer of the Western Federation of Miners. Boyce was then president of the organization. He described the purposes of the organization much the same as Boyce had done and described the duties of the secretary-treasurer. Mahler said he had been treasurer of Butte local No. 1, the largest local union in the federation, since 1887. It now had a membership of nearly 5000.

Mahler said that all the time he was secretary no money was ever used for criminal purposes. There never had been, to his knowledge. He told of some money being spent to defend members who had been accused of crime. He said he had known Mr. Haywood since 1896. He knew Moyer also dating from the same year. Haywood, he said succeeded him when he was elected to a county office. Mahler said he was not at present a member of the federation.

On cross-examination Mahler told Borah the federation had paid the expenses of the defense of Paul Corcoran. He said he never knew the federation paying out any money to defend a member of the federation when charged with crime unless there was also some charge, direct or implied, against the federation itself in connection.

W. B. Eusterly Testifies. Mr. Maher was soon excused and W. B. Eusterly was called. This witness told Darrow he had been born and raised on a southern Illinois farm. His first experience he had ever had at mining was in the winter of 1884 in Colorado. He had been a miner almost all of the time since 1896. He had also worked on hay and cattle ranches. He put in six years at the smelter in Pueblo. He went to the Cripple Creek district in April, 1896. He said he joined the union that summer—the Altman union. He knew Parker and Davis and a lot more. There were about 260 members when he joined—later there were over 500.

Eusterly said that during the period of his membership he held most of the

FRED R. RED.

A miner from Cripple Creek who swore Orchard had told him he was going to kill Steunenberg because he had lost his interest in the Hercules mine. One of first to testify.

Burke miners union. They were defeated for the reason that it was shown that the incident sought to be brought in was in 1892, before the organization of the Western Federation of Miners.

"Now, Mr. Boyce," said Darrow, approaching the close of his examination, "has there ever existed in the Western Federation of Miners a so-called 'inner circle'?"

"No, sir," replied the witness.

"Was there ever any conspiracy, combination or agreement to do an illegal act in the various lodges?"

"There never was."

Boyce said that as president of the federation one of the things he had to guard against was the placing of Pinkerton men in the various lodges.

He said he had often been persecuted by detectives in the employ of the mine owners. His grips had been opened and gone through many times and three times his desk had been unstacked.

Hawley moved that this testimony be stricken out but the judge ruled against him, saying that it was a point he might cover on cross-examination.

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offices in the union from president down to doorkeeper and was several times elected delegate to this or that meeting or convention.

On the evening of the 7th of June, the witness said, he attended the last meeting of the Altman union. He had never been to the Cripple Creek district since.

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"After a great deal of hard questioning Davis reluctantly admitted he knew McCormick and Beck were not union men at the time they were killed and also that the men killed at the Independence station were non-union. At that time the Pottsville mine was the only one being operated by union labor.

"At the convention in Denver, Davis said, he stopped at the Belmont rooming house. Sherman Parker had a room with him. Davis could not remember whether the Belmont was over Pettibone's store or just near there. He could not say whether he saw Orchard at the Belmont or not. He remembered seeing Orchard at the convention hall. He saw Pettibone in the convention hall.

Faithful Memory.

"Davis could not say how long he remained in Denver after the explosion. He thought it was several days.

"Davis started for Cheyenne and he said he changed his name to Jones.

"One reason Davis said he changed his name was in order to get work. He had also been in the papers that the authorities were looking for him and many others. He had been arrested many times.

"Davis said he stayed in Cheyenne a few days. He met Conley, Pat Moran, Neville and his son. Davis said, he never again saw Orchard until he had seen him here on the witness stand.

"On indirect examination by Darrow, Davis said, with the exception of the assault on Stewart and the justice of the peace, he had never heard of any violent acts in the Cripple Creek district before the militia was ordered into the district.

"Davis was not willing to amount to anything in the district until the troops came in."

"In regard to McCormick and Beck being union men, Davis said they were bosses and his own. After mining, he would become members. Some of them did join—only a few of them. They did not have to do so. In some locals they were not permitted to join.

Vaguer Notice.

"Darrow asked Davis if he had seen a notice posted in December, 1902, by the military authorities in reference to taking people who were strikers for hostages.

"The witness said he had seen the notice. He did not remember if Moyes or Haywood had made any reference to the notice.

"Mr. Darrow here secured the consent of the prosecution to introduce into evidence a notice posted by the military authorities in Cripple Creek defining vagrancy and declaring that all able bodied persons seen loitering about without visible means of support would be taken into custody. Davis said he saw in all the time and did not see the notice. The union, however, supported all its members while they remained in the district.

"Did you hear of attacks at Trinidad on Mr. Richardson here and other friends of the federation?" asked Mr. Darrow.

"Yes, sir," replied the witness.

"On re-examination Senator Borah asked Davis if he had made an effort to find out who assaulted old man Stewart. The witness said he had not. Senator Borah mentioned the names of Steve Adams, Parker, Campbell and others in this connection. But Davis declined knowing anything about the matter.

"Davis, in reply to Mr. Darrow, said that Haywood and Moyer spoke at an outdoor meeting in Cripple Creek and urged the men to stand together but always to keep the peace.

Engineer Called.

"At five minutes to 11 o'clock the next witness, W. W. Rush, a locomotive

think I could not throw me there because I could see the place too far. I was a quarter dollar in sick benefits and charity. No member of the union had gone to the poorhouse since the federation was formed.

Boyer said that prior to the organization of the Western Federation of Miners, miners and smelters were required to work 10 and 12 hours a day. He described graphically the hardships of the smeltering industry, he had suffered himself from many ills and physical disabilities growing out of such work. The wages averaged about \$2.50 per day.

The federation has frequently employed lawyers, he said, to fight for eight-hour laws and all such laws as applied to mining have been passed in the west since the organization of the federation. The smeltering industry has done much to secure increased wages for the miners, the doing away with the system of paying off in scrip redeemable at the company stores, the raising of the safety, safety, appliances, etc. Boyer went at some length into the dangers of mining, saying the mine owners seldom if ever voluntarily adopted means of preventing accidents, killing "of course" he said was so common in his own experience as to be almost unnoticable.

Boyer was still under direct examination when the luncheon recess until 1:30 o'clock.

Rush Recalled.

As soon as court reconvened at 1:30 Mr. Darrow was allowed to recall Engineer Rush for an additional question or two.

Rush testified that the workers of the Cripple Creek district were well identified with the union. He said that the size of a handbill which was said to be a regular contract of the Federal Mining company.

"I will state," said Boyer, "that I have never seen any such handbill and have only heard of it from employees of that company."

On that testimony Mr. Darrow said he would not attempt to introduce the evidence.

Mr. Boyer said that during the term of his presidency the federation increased in membership from 6900 or 8000 to 30,000. He said it had taken the public eye, the federation to defend any members of the organization who were arrested on any charge.

Boyer said he was arrested in 1896 in Leadville. He was president of the federation. He was arrested as soon as he struck the town and held for safe keeping. He was let go later. He had gone to Leadville on a message from the secretary of the local union that trouble was being made.

"What was done by the Mine Owners' association and mine owners in regard to blacklisting yourself and other miners?" asked Darrow.

"Hawley objected to the question as immaterial and on the grounds that the defense had not stated in their opening or at any time that it contended there was a general mine owners' association. The plans of the federation were opposed by an association of any kind was immaterial, anyway, he said, as long as the opposition did not succeed in preventing the federation from carrying out its plan.

Darrow claimed that the various mine owners' associations were connected; that all of them were engaged in a common conspiracy the defense would prove. He said the citizens' alliance in each town always worked with the mine owners' association—in Idaho, in Colorado, in California—everywhere in the mining districts.

Heated Argument.

This started a long argument between Attorney Hawley for the state and Darrow for the defense as to the latitude of Mr. Boyer's testimony as to the general attitude of the mine owners toward the Western Federation of Miners. Mr. Darrow contended that the defense expected to prove there was a general conspiracy on the part of the mine owners, backed up by distasteful allusions to the various communities, to tear down and abolish the federation.

Mr. Hawley declared that evidence as to a general conspiracy might be admitted if it tended to show that the mine owners in any particular community were responsible for the crimes charged to the Western Federation of Miners.

Mr. Hawley asserted there was nothing in the evidence concerning the mine owners' association. He also contended that isolated cases could not be taken as proving a conspiracy. The prosecution, he said, had introduced a conspiracy about a conspiracy on the part of the federation leaders and had then connected up isolated incidents as proving the conspiracy. He thought the defense should proceed in a similar course.

Judge Wood called for a reading of the question and then ruled. He said: "I do not think you have laid a foundation for introducing this sort of evidence. Mr. Darrow has suggested the existence of connections between the mineowners' associations of the different camps in different states. However, I shall allow the witness to answer four questions, but only so far as they relate to the Coeur d'Alene and Colorado." Mr. Darrow repeated his question:

"I must conclude that what was done by me was done to other men. I was denied employment in the town of the Coeur d'Alene because I was a union man. In the town of Starkeville, Colo. I went there to organize a union, and was denied food because I was a union man. I had to go four miles to Trinidad to get food. The mine owners there were the men of the Coeur d'Alene. I was there at that time. In 1896 I think they

prices of the market. James Maher was the next witness. He told Darrow he was in the mining business living now at Butte, Mont.

"You used to work?"

"Yes," Maher said he had lived in Butte 23 years. He was for four years at one time country treasurer.

From September, 1894 to the spring of 1897, he said, he was secretary-treasurer of the Western Federation of Miners. Boyer was then president of the organization. He described the purposes of the organization much the same as Boyer had done and described the duties of the secretary-treasurer. Maher said he had belonged to Butte local No. 1, the largest local union in the federation, since 1887. It now had a membership of nearly 5000, he said.

Maher said that all the time he was secretary no money was ever used for criminal purposes. There never had been to his knowledge. He told of some money being spent to defend members who had been accused of crime. He said he had known Mr. Haywood since 1895. He knew Moyer since dating from the same year. Haywood, he said, succeeded him when he was elected to a county office. Maher said he was not at present a member of the federation.

On cross-examination Maher told Borah the federation had paid the expenses of the defense of Paul Corcoran. He said he never knew of the federation paying out any money to defend a member of the federation when charged with crime, direct or implied, against the federation itself in connection.

W. B. Easterly Testifies.

Mr. Maher was soon excused and W. B. Easterly was called. This witness told Darrow he had been born and raised on a southern Illinois farm. The first experience he had ever had at mining was in the winter of 1884 in Colorado. He had been a miner almost all of the time since 1896. He had also worked on hay and cattle ranches. He put in six years at the smelter in Pueblo. He went to the Cripple Creek district in April, 1896. He said he joined the union that summer—the Altman union. He knew Parker and Davis and a lot more. There were about 200 members when he joined—about there were 500. Easterly said that during the period of his membership he held most of the

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Burke miners' union. They were defeated for the reason that it was shown that the incident sought to be brought in was in 1892, before the organization of the Western Federation of Miners.

"Now, Mr. Boyce," said Darrow, approaching the close of his examination, "has there ever existed in the Western Federation of Miners a so-called 'inner circle'?"

"No, sir," replied the witness.

"Was there ever any conspiracy, combination or agreement to do an illegal act?"

"There never was."

Boyer said that as president of the federation one of the things he had guarded against was the placing of Pinkertons in the various lodges.

He said he had often been persecuted by detectives in the employ of the mine owners. His grips had been opened and gone through many times and three times his desk had been ransacked.

Hawley moved that this testimony be stricken out but the judge ruled against him, saying that it was a point he might cover on cross-examination.

The Cross-Examination.

It was 2:25 o'clock when the state, by Mr. Hawley, took up the cross-examination of Mr. Boyce. The direct examination had taken up about two hours.

Boyer admitted he could not say as to who was responsible for the outrages upon his desk and personal baggage. Mr. Hawley again moved that the evidence be stricken out as having no connection with any mine owners' association. The motion was denied.

"Do you know of any mine owners' association in the Coeur d'Alenes?" asked Mr. Hawley.

"I know there was one organized in 1890."

"Is there one today?"

"I can't say that there is."

"Has there been one since 1899?"

"There has been one since 1899, but the bureau of the expenses of which were paid by a mine owners' association."

"Do you know of a mine owners' association in Colorado?"

"In Montana?"

"No."

"In Utah?"

"No, do not."

"In California?"

"No, sir."

"Do you claim that the Western Federation of Miners is alone responsible for the passing of the eight-hour law throughout the west?"

"That was one of our principal objects."

"But there were other organizations just as interested as you were?"

"Yes, sir, I think so."

"Boyer said he believed the rate of wages had been increased, generally speaking, since the federation was formed.

Mr. Hawley brought out from Boyce that wages were frequently the same in union and non-union camps.

In the matter of safety devices Boyce said that the Western Federation of Miners had secured legislation in Montana but that in Idaho the devices had been put in when the attention of owners was called to the necessity for them.

Mr. Hawley next turned to a speech made by Boyce in 1898 when he addressed the miners of the Western Federation of Miners as president.

Speech by Boyce.

Mr. Boyce admitted there was a general meeting of the federation held in Snake River city in 1897 at which time he spoke in opening the convention.

"Did you at that meeting say this: 'Every union should have a rifle club. I strongly advise you to provide every member with the latest improved rifle. It can be obtained from the manufacturers at a nominal price. I entreat you to take action on this important question in that in two years we can hear the martial tramp of 25,000 armed men in the ranks of labor.'"

"Did you deliver such a speech?"

"I can't say that those were my words. I won't swear they are."

"But you made a speech along that line to that effect?"

"I think I did."

"Don't you know you did?"

"I don't know as I said those words. I spoke along that line."

"I think you expressed your sentiments at that time?"

"Yes, sir."

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On cross-examination Maher told Borah the federation had paid the expenses of the defense of Paul Corcoran. He said he never knew of the federation paying out any money to defend a member of the federation when charged with crime, direct or implied, against the federation itself in connection.

W. B. Easterly Testifies.

Mr. Maher was soon excused and W. B. Easterly was called. This witness told Darrow he had been born and raised on a southern Illinois farm. The first experience he had ever had at mining was in the winter of 1884 in Colorado. He had been a miner almost all of the time since 1896. He had also worked on hay and cattle ranches. He put in six years at the smelter in Pueblo. He went to the Cripple Creek district in April, 1896. He said he joined the union that summer—the

"LYTE GREGORY WAS A SPOTTER AGAINST THE MINERS FEDERATION."

—D. C. COPLEY.

Witnesses For Defense Make Damaging Admissions When Severely Cross Examined By Prosecution

INTERESTING DAY IN BIG TRIAL

Further Efforts to Discredit Orchard and Prove Counter Conspiracy:

TO PROVE VINDICATOR EXPLOSION ACCIDENTAL

Cross-Examination Shows Up Glowing Facts in Support of States' Contentions—Principal Witnesses Yesterday Are William B. Easterly and D. C. Copley—Court Room Uncomfortably Warm—Bloodhounds at Independence.

The feature of the proceedings in the trial of William D. Haywood yesterday was the testimony given by William B. Easterly, a witness called by the defense. At the adjournment of court the previous day Easterly had just been called. His examination by both sides yesterday took nearly all of the forenoon session.

Mr. Darrow took Easterly through a long narrative of most of his working life and all of his life as a miner in the west, but the main questions were in regard to the events in the Cripple Creek country, where Easterly said he had known Harry Orchard. The burden of his testimony for the defense was to deny all the statements that Orchard had made implicating himself and his associates in shady, criminal enterprises and in making statements tending to show that many of the outrageous crimes of the Cripple Creek mining district during the big strike were perpetrated by agents of the mine owners.

From him Mr. Darrow drew out a graphic story of cruelties inflicted upon union miners by the militia and "paid thugs" of the mine owners, harrowing details of the bull pen and the deportation of union miners who were out on the strike.

Easterly, who said he had held nearly every elective office in the Altman union, swore that just before the Independence depot explosion everything was quiet and peaceable in the district and everything pointed to a speedy termination of the strike.

He denied emphatically that he had ever had a talk with Orchard about a plan to explode powder in the Vindicator mine or a plan to blow up the station at Independence or about any other plans of a criminal nature. He told about the depot explosion and the riot of the following day and how he got out of the district and went to Denver. He gave a history of his movements after that until in August, 1905, when he went to Silver City, got a steady job and settled down. Then came the interesting part of the story.

W. B. EASTERLY, one of the star witnesses for the defense, on the stand yesterday, swore that he had heard Orchard in Altman in 1902, vow he would sometime kill former Governor Steunenberg. Under a severe cross-examination by Senator Borah, he admitted he knew Orchard was in Caldwell some weeks before the crime, under an assumed name and that he gave no warning to any officers of what could reasonably be suspected Orchard's mission might be if it was true he had made the threat. He said he never mentioned the threat to anyone until after Orchard had been arrested and had made his confession implicating Moyer, Haywood, Pettibone and Simpkins and that he then only told John Nugent, an attorney for the defense. When asked why he had neglected to sound a warning he said he had never made a business of being an "informer," that he didn't know Steunenberg lived in Caldwell and that anyway he had forgotten all about Orchard's threat until after he heard Steunenberg had been killed.



TOM WOOD.

Witness for Defense Who Testified Regarding Vindicator Explosion and Identified Exhibits for State Which Helped the Prosecution Very Materially.

Mr. Wood asked him why it was when he knew that Harry Orchard, a man who had vowed he would kill Steunenberg, was in Caldwell, under an assumed name, that he had not warned somebody—an officer, so that the crime could have been prevented, he stammered some more; he looked helplessly toward the defense attorneys for an inspiration.

And then it came to him. His face brightened and he answered suddenly: "I didn't know where the governor lived. I had forgotten all about the threat until I saw in the paper that Steunenberg had been killed."

On cross-examination Easterly said he had told Mr. Nugent of Orchard's threat about February 20. On re-examination he said it was about the 16th of January and when he found he had contradicted himself he changed to the latter date, but persisted that he did not tell of Orchard's threats to anyone until after Orchard had made a confession implicating the officers of the Western Federation of Miners.

Much of the testimony yesterday was introduced mainly for the purpose of showing that Orchard had at different times made statements that he intended to kill former Governor Steunenberg in revenge for the loss of the interest in the Hercules mine and to discredit his testimony regarding other events.

"Accident" at Vindicator.

spirator in the blowing up of the Sun & Moon transformer at Idaho Springs on cross-examination Copley made what is considered a very important admission for the state. He admitted that Lyte Gregory, the detective killed in Denver—one whom Orchard confessed to having murdered—had been employed as a spotter against the Western Federation of Miners. This directly contradicted a statement made in opening the defense's side of the case when it was claimed the Federation officials could have had no motive for wanting Gregory put out of the way because he had never worked against their organization.

Several witnesses were put on and examined very briefly regarding the work of the bloodhounds put upon the trail of the person or persons who blew up the Independence station. The defense claimed the dogs first went to the home of a deputy sheriff and later took a trail down the Colorado Springs road, the direction taken by Orchard, and that they were taken off the scent and not allowed to run down the culprit.

In cross-examinations Mr. Borah brought out that the deputy sheriff in question was one of the first on the scene of the explosion after it occurred before daylight in the morning and returned to his cabin after making a cursory examination of the damage done and that it was natural that the dogs should have picked up his scent from that visit. There was no contention that the dogs were not on the trail when they started toward Colorado Springs.

Court Room Uncomfortable.

Yesterday was a very uncomfortable day in the court room but nevertheless the morning session was largely attended. In the afternoon the spectators' seats were not filled to their full capacity, and many who came at the beginning of the session left before adjournment. Court did not adjourn until almost 4 o'clock.

Yesterday Mr. Darrow conducted the examination of every witness introduced. Mr. Richardson was not heard to utter a loud word all day, although he frequently advised Mr. Darrow in his work. Attorney Edgar Wilson was again at the defense table, but John Nugent was absent. It was rumored that he had reneged from the case and there were many speculations. The attorneys present for the defense declined to be interviewed regarding Mr. Nugent's absence.

Dr. McGee Recalled.

Mr. Hawley announced as soon as court convened that Dr. J. L. McGee wished to leave for home and that counsel for the defense had agreed that he might be recalled at once. He had been held upon request of the state for further cross-examination.

McGee Took the Stand.

would be charged to the federation. "Were you arrested?"

"Yes."

"Why were you arrested?"

"The officers called it a military necessity. With about 14 others I was thrown into the military bullpen. I was released on a writ of habeas corpus. I was arrested in September and released in December."

Easterly said that after he got out he went to Denver, where he stayed two days, and then went to Pueblo to organize a smelter union. He was there until about January 20. He got back to the district before the first of February.

Easterly denied knowing anything of the inside facts concerning the spike-pulling case or the Vindicator mine explosion.

"When I got back to the district from Pueblo I assisted on the relief committee. We were particularly assisting all the strikers and their families."

He remembered the vagrancy notices and said a large number of the union men who were receiving regular relief were arrested, held for some time and then released.

The witness said he had never heard Haywood or any of the rest ever tell Orchard he could not make things any too hot for them in the district.

The Depot Explosion.

Easterly said the Independence depot was 25 or 30 feet long and 15 or 20 feet wide. It was not much of a building, he said, very cheaply built, and it was unused at the time of the explosion.

The night before the explosion, Easterly said, he attended a union meeting at Victor. He got home at 11:30. He then lived at Altman—in a small, three-room house. He said he went directly home and to bed and to sleep. He heard the explosion, but did not know what it was. It was half a mile to the depot. He said he got up and looked out of the window, but could not see anything. He did not hear what the explosion was or what happened until he went to breakfast.

"It was not until about 10 o'clock that I heard trouble was brewing at Victor—that the members of the Citizens' Alliance were arming themselves. I went to Cripple Creek and there found the boys greatly agitated. I went from there over to Victor. I went on a car that was so loaded there was hardly standing room. At the union hall in Victor many were gathered from different parts of the district. I remained in Victor until after the riot. I heard Sam Crump and C. C. Hamlin speak. There may have been two or three thousand people there—men women and children."

"Any militiamen there?"

"Lots of them."

"And secret agents?"

"A good many. The non-union men were very loud in accusing the union

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HAYWOOD'S ATTORNEYS PUT THEIR "SENSATION WITNESS" ON STAND

REPORTS OF SECRET AGENTS IN COURT

Copies Made by Friedman May Be Offered in Evidence by Defense.

POINT IS TO BE ARGUED ON MONDAY

Witnesses Testify to Bull Pen Cruelties and Deportations—Some Testimony Introduced in Effort to Show Members of Mine Workers' Union Had Grudge Against Lyte Gregory—Materiality of Some Evidence Offered Questioned by Court.

From the spectators' point of view yesterday was the most profitable day the defense has seemed to have had since the trial of William D. Haywood began. The sensation of the day was the placing upon the witness stand of Morris Friedman, who claimed to be a former employe of the Pinkerton Detective agency of Denver. Not long ago this man published a book which he claimed exposed the secret methods employed by the Pinkerton agency and in this attack he included the publication of what he alleges to be many of the confidential reports of the operatives for the agency and office records which he said had passed through his hands to copy. Friedman claims that he held the position of confidential stenographer to James McParland, superintendent of the western division, and that, aside from attending to Mr. McParland's correspondence, his duties including copying many of the operatives' daily reports.

Friedman yesterday in court identified a bulky lot of documents which he said were copies he had made of daily reports of the work of a number of secret detectives in the employ of the agency, and the defense stated there were more to follow. Friedman took the stand in the forenoon, but

Two Witnesses Introduced From Mullan Who Swear Orchard Was There Playing Poker at the Time Bunker Hill & Sullivan Mine Was Blown Up at Wardner.

point of stinginess in the hope that the members of the union might censure Mr. Haywood.

The examination did not show whether Friedman entered the employ of the Pinkertons as a spy in behalf of the labor organizations, or if his decision to make public his knowledge and the documents he stole was reached after he was employed.

To Discredit Orchard.

Aside from the introduction of Morris Friedman, the defense also offered testimony covering Orchard's credibility, the dispute as to the time Orchard sold his interest in the Hercules mine, the treatment of Jack Simpkins while a prisoner in the Idaho "bull pen," another motive for the murder of Detective Lyte Gregory, the whipping of men friendly to the strikers at Cripple Creek, and the circumstances under which the process of the civil courts at Telluride were disregarded by the military authorities.

Two witnesses swore that on the day the Bunker Hill & Sullivan mill was destroyed Harry Orchard was at Mullan in a poker game and one of them, Patrick McHale, a barkeeper, swore that he sat in the game. By various means, including a showing that McHale is a gambler, the prosecution endeavored to break this testimony. Both witnesses held to their stories, but Senator Borah, in cross-examining McHale, who claimed Orchard was seen in Mullan by a number of people that day, showed up the absurdity of the contention on the part of the defense that Orchard fled from the Coeur d'Alene country for fear of being implicated for the Bunker Hill & Sullivan mill explosion, if it was true he could so easily prove an alibi, by showing that he was all that dry playing poker in Mullan.

J. H. Ramey, who formerly operated stage lines in north Idaho, testified that Orchard came to him on May 2, 1899, and offered to sell him his interest in the Hercules mine for \$400. Orchard has testified that he finally sold his interest in the mine in February, 1897.

Ramey, on cross-examination, said he never made any inquiries of anyone concerning the title in the Hercules mine, and, though he stuck to his statement that Orchard offered to sell an interest to him, he was by no means certain that Orchard had an interest in the mine at that time and said it might have been possible that Orchard was trying to "work" him. Or-

O'NEIL FORMERLY A CONVICT

Under Name of John Hogan He Killed a Man Near Deadwood in 1880.

Claimed on Trial That It Was an Accident But Jury Returns Verdict of Manslaughter and O'Neil Got a Year and a Half at Detroit.

(Special Dispatch.)

DEADWOOD, S. D., June 30.—John M. O'Neil, alias John Hogan, shot and killed Daniel Falvey at Golden Gate, two miles above Deadwood on the morning of November 23, 1880. He and Falvey and others had gotten off shift in the DeSmet mine at 4:30 that morning and stopped into King's saloon on their way to the boarding house where they took a number of drinks. They were more or less intoxicated when they reached their boarding house. While they were washing for breakfast, O'Neil said something about a gun and he went to his coat which hung on the wall and produced a gun. He stepped to the middle of the floor and said he could pull triggers with any one there (using an epithet). Falvey approached him, requesting him not to make a fool of himself and endeavored to take the gun from him. O'Neil said he had dropped his first and would drop the second. In the struggle for the gun it exploded and Falvey was shot.

After the shooting O'Neil ran up

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ous which he said had passed through his hands to copy. Friedman claims that he held the position of confidential stenographer to James McParland, superintendent of the western division, and that, aside from attending to Mr. McParland's correspondence, his duties including copying many of the operatives' daily reports.

Friedman yesterday in court identified a bulky lot of documents which he said were copies he had made of daily reports of the work of a number of secret detectives in the employ of the agency, and the defense stated there were more to follow. Friedman took the stand in the forenoon, but was interrupted twice for the purpose of bringing in other witnesses, and further than identifying the documents mentioned and telling a few things regarding some of the operatives he knew, his testimony yesterday was not extended. It is understood he will resume the stand Monday and will continue on most of the day if the documents so far introduced and marked as exhibits for identification are allowed to be placed in evidence. On Monday the state may be prepared to argue strongly against the admission in evidence of the exhibits and the court's ruling in that instance will determine how long Friedman is kept on the stand.

Friedman is a striking looking young fellow, rather languid in action, evidently a believer in the old adage that "Rome wasn't built in a day." He wears a shock of black hair and his features are of the marked Hebrew type. Heavy, thick glasses magnify his naturally large eyes and his smooth-shaven face is very pale. He was slow and deliberate in his actions, like the railway conductor who knew that the train wouldn't leave without him, and he gave his testimony in a sort of a "stop-look-listen" air that impressed the spectators that he wanted it understood that he was the defense's "leading lady."

Knew Them All by Number.

By name and operating number Friedman identified about a dozen Pinkerton men who succeeded in entering or getting close to the miners' unions in Colorado, and identified copies of the daily reports they had sent in for transmission to the patrons of the agency. The testimony, while so far not of a damaging nature to the state, was decidedly interesting in showing up some of the methods of the agency and of the ability of some of the operatives in so completely keeping their identities a secret that in many instances they were elected to high offices in the various unions. Friedman told how several carried their daring to the extent of sharing all the hardships of the miners and two of them were actually deported with other strikers from the Cripple Creek district. Not far from Friedman's chair sat George W. Riddell, who, as a Pinkerton detective, worked up to a leadership in the Telluride union. Turning to him by direction of Mr. Darrow the witness identified him as one of the smoothest operators in the Pinkerton service in Colorado mining districts. Riddell smiled and with mock courtesy touched his chest with his fingers as Friedman glanced toward him. Riddell was one of those who had been deported from the Telluride district as a dangerous union man.

Relief to Strikers.

Friedman told of one Pinkerton man who joined the Globeville union and became chairman of the strikers' relief committee. As such, witness said he had charge of all funds and food disbursed there by the local union and general federation. Friedman said that under instructions from his superiors at the Pinkerton agency this man first tried to beggar the federation by the lavish expenditure in behalf of the strikers, and failing in this he cut the relief down to the lowest

price which he said had passed through his hands to copy. Friedman claims that he held the position of confidential stenographer to James McParland, superintendent of the western division, and that, aside from attending to Mr. McParland's correspondence, his duties including copying many of the operatives' daily reports.

Ramey, on cross-examination, said he never made any inquiries of anyone concerning the title in the Hercules mine, and, though he stuck to his statement that Orchard offered to sell an interest to him, he was by no means certain that Orchard had an interest in the mine at that time and said it might have been possible that Orchard was trying to "work" him. Orchard on cross-examination by the defense, stoutly denied that he had ever offered to sell an interest in his mine to Ramey, but said he knew Ramey.

Cruelty Witnesses.

Frank Hough, who said he was sent to the "bull pen" in north Idaho in 1899 for reasons that he never knew, described conditions in that military prison and told of how the negro soldiers required Jack Simpkins to stand for six hours in the hot sun of a July day, refused him water, and kept him up by menacing him with their bayonets.

Another cruelty witness was William Amole, once a watchman at the Portland mine, which acceded to the demands of the strikers at Cripple Creek and continued to work with union men.

In picturesque language and rare good humor Amole told how after he was first driven from the district he sneaked back to get his furniture only to be rounded up by the militia. The soldiers released him, but after he left the office of the Citizens' alliance he was set upon by a party of armed masked men. He testified that they took him six miles outside the town and there cruelly whipped him.

Judge Stephens Called.

Judge Theron Stephens, now of Goldfield, Nev., but once of the district court at Telluride, traced the history of the relations between the courts and the soldiery in the troublesome days of the strike. He testified that when the deportees tried to use the injunction to get back to their homes the governor returned the district to the control of martial law, and that the writ of habeas corpus and the subsequent order for arrest for its disobedience against the military authorities in the case of Charles H. Moyer were both disregarded by General Sherman Bell and Captain Halkley Wells. The judge thought things had been very quiet in Telluride district, but under cross-examination, said that a number of men had been killed in an attack on the Smuggler union mine and that subsequently Arthur Collins, manager of the mine, was murdered.

There was also a showing that Detective Lyte Gregory had beaten up officers of the United Mine Workers and the defense explained that this was offered as the foundation for the claim that somebody besides the federation might have desired his death.

Haywood Interested.

Defendant Haywood, as usual, was very much interested in the proceedings. He took notes generously and liberally advised his attorneys while several witnesses were on the stand. The good natured, rollicking manner in which William Amole told his story of being "beated up," how he "snook back arter" his furniture; how he "clumb up" to get away from the soldiers, and how he "fit an' fit" to "git" away kept the spectators holding their sides in efforts to be orderly. At one stage while the court officers were working overtime to keep the smiles of the spectators within the limits of facial expressions only and the witness was telling how the two masked men tortured him, he said:

(Continued on Page Three.)

washing for breakfast. O'Neil said something about a gun and he went to his coat which hung on the wall and produced a gun. He stepped to the middle of the floor and said he could pull triggers with any one there (using an epithet). Falvey approached him, requesting him not to make a fool of himself and endeavored to take the gun from him. O'Neil said he had dropped his first and would drop the second. In the struggle for the gun it exploded and Falvey was shot.

After the shooting O'Neil ran up stairs and jumped from the window. He secreted himself in a vacant building where he was soon after taken by the officers.

On the trial, which lasted two days and ended on January 13, 1881, O'Neil claimed the shooting was accidental, that he had borrowed the gun from one McKennon on the preceding election day and was about to return it to King's saloon. That morning when Falvey stopped him on the way to the door from the wash room of the boarding house and attempted to take the gun from him, the gun he claimed was accidentally discharged in the scuffle. The jury found him guilty of manslaughter in the second degree and he was sentenced to a year and a half in the Detroit, Mich., house of correction.

In his testimony, he said that the reason he changed his name from O'Neil to Hogan before coming to the Black Hills was on account of financial difficulties he had with his father before leaving his home at Nodaway, Iowa, about six months before the shooting.

At the time of the trial he was 23 years of age. O'Neil, the editor of the Miners' Magazine, was here on Labor Day last year and addressed a meeting at Lead, three miles from here. He was then recognized by many who knew him at the time of the Falvey shooting and he did not attempt to deny that he was the same O'Neil who was convicted here in 1881 for the killing of Falvey.

MILL MEN FINED FOR POLLUTING STREAM

(Special Dispatch)

POCATELLO, Ida., June 29.—Deputy Game Warden Moreland yesterday arrested E. M. Webb, C. L. Bishop, A. J. Damren and S. C. Skeen, officers of the Rabbit Creek Lumber Company at Inkom, for polluting the Port Neuf river with sawdust. Today the four men were fined an aggregate of \$35 and costs by Justice of the Peace Mason helmer.

Asks Cancellation of Passes.

KANSAS CITY, June 29.—Herbert S. Hadley, attorney general of Missouri, has requested all railroads in this state to cancel the thousands of state passes now in the hands of persons other than railroad employes so the three months' test of the two-cent law recently ordered by Judge McPherson may be a fair one. In letters received today by the attorneys here of Missouri railroads, Mr. Hadley says: If these passes continue in force no true estimate of the working of the two-cent law can be made. There is no anti-pass law in Missouri.

Taft Indorsed.

BOWLING GREEN, Ohio, June 29.—At a meeting of the Republican county central and executive committees today a resolution was adopted indorsing the candidacy of William H. Taft for president. The meeting was attended by 48 members of both committees.

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(Continued From Page One.)

"Suttenly, I gits a poke by my left ear, an' I looks around to see what it is, I gits hit by, an' I gits one jest like it by my right ear. Then I looks back quick an' git it agin in the left one. They kep' pokin' an' I kep' shakin' by head. Then—well, then they beated me up generally an' all I could do was to keep my hands over my eyes to keep from losin' 'em."

Witness had a pleasant grin on his face and he gave a realistic pantomime all through his recital which was so comical that Mrs. Haywood broke out into a merry peal of laughter that for a moment drew the attention of all eyes in that part of the room toward her. She was shaking with laughter and the movement of her body started the invalid chair in motion. It began rollin backward and several persons jumped forward to block it. With great difficulty the defendant's wife finally controlled her mirth.

Orchard at Mullan.

The first two witnesses called by the defense yesterday morning did not respond. The third name was Dominick Flynn, a merchant of Mullan, for 12 years a resident of the Coeur d'Alenes. He took the stand and told Mr. Darrow he knew Harry Orchard at the time the latter drove a milk wagon in that country.

The witness had a store at Mullan during the year 1899. Flynn remembered the day of the Bunker Hill & Sullivan mill explosion in Wardner. He said a good many people left the town that day. He stayed at home and attended to his business. He had a poker game on in his store that day.

"Who was playing?"
"Several parties."
"Was Orchard there?"
"Yes."
"When?"

"Between noon and 4 o'clock in the evening."

The witness said he did not hear the explosion, but heard about it later in the day. The people began returning along about 7 o'clock in the evening. The witness said he was at his store all day. He said he lived over his store.

On cross-examination Flynn said he never worked in the mines and never belonged to the Western Federation of Miners. He said he had known Orchard prior to the day of the explosion about a year and a half. He had seen Orchard a number of times before the time mentioned playing poker. The witness could remember three men who had played poker with Orchard. One was McHale, who is now a bartender in the Coeur d'Alenes. Another man was named Wells. Colonel Moore was another man in the game. Orchard was never in the store again. That was the last time he had ever seen him. The witness said the game began about noon and lasted until about 4 o'clock. The witness could not state where Orchard stopped in Mullan that day—where he slept or ate. The most direct line from Wallace to Mullan, the witness said, was seven miles. He said he had told Attorney Worms of Wallace about Orchard playing cards in his place. Worms came and asked about it three weeks ago.

The witness said Orchard was a frequenter visitor in his poker room. He was running a wood cutting camp about five miles from the town. From Mullan to Burke, across the divide, the witness said, it was four miles. Wardner and Wallace were each seven miles away.

On the day of the explosion, Flynn said, he did not know the men had gone to Wardner to blow up the mill. He could remember a man by the name of Paddy Morrison who went.

Another from Mullan.

"Did they arrest any of those professional gamblers who were in Mullan that day?" asked the senator.

"They arrested everybody but the saloon keepers," answered the witness, causing a roar of laughter.

Frank Hough, a member of the Western Federation of Miners from Wallace, Idaho, who was in the bullpen in 1899, was called to testify as to the conditions in the military prison. He said Jack Simpkins, accused of complicity in the Steunenberg murder, was a fellow prisoner.

"Were you ever tried?" asked Darrow.

"Yes, sir."

"What for?"

"To find out what I had been arrested for."

"Did you succeed?"

"No, sir."

The prosecution objected to this testimony as to the bullpen but it was allowed upon the statement by Mr. Darrow that it was intended to show the motive of Simpkins for acting with Orchard, both men, it being alleged, having a personal grievance against Governor Steunenberg.

Hough said from 300 to 400 miners were crowded into the bullpen during the hot months of the summer of 1899. One fourth of the men were ill most of the time. The prison was guarded by troops of the regular army.

"What sort of troops?" asked Darrow.

"Colored troops."

Brownsville Investigation.

"Was it the same regiment that afterward went to Brownsville?"

"Brownsville" repeated the witness, somewhat puzzled, "I can't say as to that."

"We are not going to investigate that affair, are we?" questioned Judge Wood of the attorneys.

"Well, I guess not," drawled Darrow, after a pause.

"If you do, we'll send for Foraker," declared Borah.

Hough told of an incident which occurred on a hot day in July when Jack Simpkins was taken out of doors and made to stand in the sun for six hours without water.

"What was his condition?" asked Darrow.

"He seemed to be suffering considerably. Every time he tried to sit down the soldiers trained their bayonets on him."

"Did you see them jab him with their bayonets?"

"No, sir."

Hough said he was now a painter and paper hanger. Sometimes he tends bar. He met Orchard at Wallace, Idaho, in 1905. Orchard said he had just come from Alaska. He also said that if it had not been for Steunenberg he would be a rich man.

Mine Mill Explosion.

Cross-examined by Borah, Hough said he was in Gem the day the miners went through on a train bound for the Bunker Hill & Sullivan mill at Wardner. Hough declared the men he saw were not masked. He did not see any arms, either.

"Do you know where that train was bound for?" asked Borah.

"I did after the train pulled out," replied the witness.

Darrow objected to this as not cross-examination on any matter inquired into on direct testimony.

Borah said he wanted to show why the witness was sent to the bullpen and on this statement was allowed to proceed.

Asked to give the names of some of the men he saw on the train, Hough said:

"Mike Dwyer,"

"Where is he?"

"Dead."

"Who else?"



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... cutting a wood cutting camp
 about five miles from the town. From
 Mullan to Bufke, across the divide,
 the witness said, it was four miles.
 Wardner and Wallace were each seven
 miles away.

On the day of the explosion, Flynn
 said, he did not know the men had
 gone to Wardner to blow up the mill.
 He could remember a man by the
 name of Paddy Morrison who went.

Another from Mullan.

The next witness called was Pat Mc-
 Hale, a bartender at Crawford's sa-
 loon. He said he had tended bar
 about eight years. He said he knew
 Orchard in 1896. He knew him in
 Wallace, Burke and Mullan. He said
 he had seen him in Dominick Flynn's
 cigar store playing poker the after-
 noon of the day the Bunker Hill &
 Sullivan mill was blown up. There
 were few men in Mullan that day.
 The witness said he did not go down
 to Wardner. Not until that evening
 did he hear of the mill having been
 blown up.

McHale told Borah that he was
 born in Ireland. He had been a
 blacksmith's assistant in Indiana and
 Tennessee. He had first struck Mis-
 souli when he came west and later
 Burke, where he had blacksmithed
 some. Then he settled at Mullan.

McHale said he gambled a good
 deal since 1899.

"You are a professional gambler?"
 "I gamble whenever I get a chance.
 I am not a professional, however."
 "You're not a professional?" asked
 Borah.

"No, sir; I'm a bartender."
 "How often do you gamble?"
 "Every time I get a chance."

Witness said Horace Clark was in
 the game that day in Mullan.

"Is Clark still in Mullan?"
 "Yes, sir."

"What does he do?" asked Borah.
 "Nothing."
 "Is he a gambler?"

"No, sir."
 "He's retired from that?"
 "Well he's a miner and prospector."
 "Does he work at that?"

"No, sir."
 "Well what does he do?"
 "Nothing."
 "Is he a vagrant?"

"No, sir; he's living on the money
 he made mining."

Orchard's Alibi.

Horace Clark, Colonel Moore, Or-
 chard, Flynn and himself were all in
 the game, according to the witness.
 Moore, he said, left that country in
 1900 and went to Missouri.

"Was Dr. McGee in Flynn's place
 during the time the game was in
 progress?"

"Yes, sir; but he didn't play."
 "You saw him there?"
 "Yes, sir."

"You are sure Orchard was there;
 that he wasn't in Wardner that day?"
 "I am positive he wasn't at Ward-
 ner that day," was the emphatic re-
 ply.

"Then," said Senator Borah,
 "Orchard had nothing to fear so far
 as being mixed up in that explosion
 matter was concerned?"

"No, sir."
 "And he had no reason to sacrifice
 his property and get out?"

"No, sir."
 "He had plenty of witnesses to
 prove where he was at the time of
 the explosion?"

"Yes, sir; he did."
Saloonmen Exempt.

"Were all members of unions taken
 up?" asked Darrow.
 "They arrested everybody in Mul-
 lan," replied the witness.

"Did they arrest you?" asked Borah.
 "No, sir."
 "Or Dr. McGee?"
 "No, sir."

cross-examination on any matter in-
 quired into on direct testimony.

Borah said he wanted to show why
 the witness was sent to the bullpen
 and on this statement was allowed to
 proceed.

Asked to give the names of some of
 the men he saw on the train, Hough
 said:

"Mike Dwyer."
 "Where is he?"
 "Dead."
 "Who else?"
 "Jay Gould."
 "He's dead to," said Darrow.

Asked to give the names of someone
 not dead or out of the country, Hough
 replied:

"Horace Mahoney, Joe Riley and a
 lot of others. It is a long time to re-
 member names."

"Who arrested you when you were
 taken to the bullpen?"
 "A deputy they called 'Death-on-the-
 Trail.'"

"Any other name?"

"That's the only one I knew."

Hough said he was arrested in the
 general round-up. When he saw Or-
 chard in Wallace in 1905 he also saw
 Slinkpins there, but had no talk with
 him.

Stage Driver's Story.

J. H. Raney of Murray, Idaho, a
 stage driver and liveryman, was next
 called. He runs a stage from Murray
 to Wallace. He told Darrow he had
 been in the stage business since 1888.
 He ran a stage then from Wallace to
 Gem. He sold out in 1897 and went
 into other business until last April.

Raney said he had never been a
 miner. He knew Orchard in 1897,
 1898 and 1899.

"The last time I saw him," said the
 witness, "was early in May, 1899. I
 met him a mile or so below Gem. He
 was on horseback. On the day of the
 Bunker Hill & Sullivan explosion I was
 on my ranch. The day I met him he
 told me he wanted to sell his interest
 in the Hercules mine. He said he
 wanted to get out of the country be-
 fore the soldiers came in. He expect-
 ed them in some time that day. He
 said he wanted \$400 for his interest."

The witness said he was not positive
 of the day, but he believed it was on
 May 2.

Borah took up the cross-examina-
 tion. The witness said he had no way
 of fixing the exact date of the conver-
 sation. He said he speculated a great
 deal and he thought that was the rea-
 son Orchard looked him up. He said
 Orchard was on horseback and was on
 the way to the witness' ranch when
 he met him on the road.

"You took no interest in his offer?"
 "No, sir; I turned it down cold."
 "You didn't even investigate to find
 out if he really had an interest in the
 mine?"

"No, sir."
 "And he only wanted \$400 for the
 interest in the mine?"

"Yes. He said it would be a good
 mine sometime."

The witness said he never looked up
 the title to the mine. He never knew
 personally that Orchard had ever had
 an interest in the mine. That was the
 last time he had seen Orchard until
 he came to Boise. It was a year and
 a half or two years later that they
 made a rich strike at the Hercules.

From British Columbia.

James A. Baker of British Colum-
 bia was next called. He had lived
 there since 1893, he told Darrow, and
 his business was mining and prospect-
 ing. He said he was not a citizen of
 the United States. He belonged to the
 Western Federation of Miners and had
 been the British Columbia member of
 the executive committee from 1901 to
 1905—four years. He said he was in
 the Cripple Creek district and in Den-
 ver during the troubles there. He as-

(Continued on Page Eleven.)

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sisted in charge of the federation headquarters for a time, when Haywood was in the Denver jail and while Moyer was in jail at Ouray. Copley was at Idaho Springs.

Baker said he had something to do with the establishing of a relief store at Cripple Creek. He told of a union meeting there on December 19, 1903 when he was arrested by the military officers.

"I was taken before some officers first," said Baker, "and then to what they called military headquarters where they kept me until next day. At about 11 o'clock I was taken before the colonel. I had to tell him who I was and where I was from. He asked me my business. I told him it was for the purpose of establishing a union store in Godfield. He said they didn't need any more stores there or didn't need me, either. He let me go, but said if I was found after the evening train had left I would be put in the bullpen."

"Did you take the train?"

"I did."

There was no cross-examination.

Hoed a Hard Row.

William Amole was the next witness. He said he worked in Victor from 1898 to 1904. He had worked at the Portland mine—the only mine that kept running with union men all during the big strike. This was a big mine—the only one, as far as the witness knew, that had its own smelter. It employed about 600 men. At the beginning of the strike, before an agreement was reached, he said, he Portland was shut down about 11 days. The mill run all winter and on the night of June 6. After that, he witness said, he was running himself. He said he started to go to work on the night of June 7, but on the way to work he was stopped by a man by the name of Gene Scott, who had a gun. He asked him what he was doing with the gun.



William Amole.

"Just then two deputies and four soldiers grabbed me and started me toward the hall, but they let me go and I went to work the same as usual. But the next day they were using the men so rough I told my wife it would be a good time to go to the world's fair. And we went.

Amole said he got back in a month and went back to the mill. Then he told of a round up at the mill of union men and how he succeeded in getting out and to Colorado Springs. Then, he said, he ventured back to get his furniture and was nabbed. He was taken before the military tribunal where he was accused of having come back to make trouble."

Trinidad strike. He also joined the Mine Workers. Both Riddell and Benzer were deported with other union men.

Witness said he knew Londoner when he operated in the Cripple Creek district. He posted there as a capitalist.

Witness knew Frank E. Cochran. He worked from San Francisco.

A. W. Gratius was another Pinkerton who held three offices in the Globeville union within 10 months—president, vice president and delegate to the convention. He had charge of distributing the relief funds to the strikers and got instructions of how to distribute the relief funds.

Freedman said:

Under Orders.

"At first Gratius was instructed by Mr. McParland to make the relief bills as large as possible," said the witness, "in order to drain the Western Federation's treasury. This didn't seem to work so Gratius was told to cut down the bills to the lowest notch so as to dissatisfy the men on strike."

The reports from the operatives in the various unions usually covered all that had transpired at union meetings, what the miners were doing in private, where they went in the evening, etc. Friedman said he had copies of a number of these reports. It was a part of his duty to copy reports when McParland had no correspondence for him to look after.

Witness said he had copies of reports of a good many operatives. He said McParland had only to report to General Manager Bangs in New York.

Witness said the Pinkerton agency had operators in all the camps where there were strikes. He said he knew Smith, a Pinkerton, who was appointed national organizer for the Mine Workers' organization.

At this time, 11:30, Darrow asked Judge Wood what time court was to adjourn.

"Twelve o'clock," was the reply.

"I thought you said we would probably adjourn at 11:30," said Darrow, "and I am not prepared to go on with this witness at present, but could call another to fill in the time if there are no objections."

James Mooney Called.

He was allowed to call another witness and called James Mooney.

Mooney said he was a farmer from Missouri and also ran a coal mine.

"You do both?" queried Darrow.

"Yes, sir; I'm what they call in Missouri 'a Jim Crow farmer' and a 'one horse' coal operator."

As a member of the national board of the United Mine Workers, Mooney said he was called to the Trinidad coal fields of Colorado where there was a strike.

"Our object," said Mr. Darrow, addressing the court, "is to show that Lyte Gregory of Denver, whom Orchard says he killed, had to do solely with this coal strike and was in no way working against the Western Federation of Miners."

Mooney said non-union miners were being brought to Trinidad and it was general report that Gregory and the detective agency with which he was connected was in charge of this work.

The witness said he was badly beaten up and was in bed for 10 days.

The prosecution objected to this. Mr. Darrow in arguing the point said he wished to show motive for assaults on Lyte Gregory.

"On the part of this witness?" questioned Judge Wood.

"Yes, sir," said Darrow; "on the part of anybody who was there and who looked on Gregory as a thug, a man who beat up people and who was hostile to the union."

The witness was asked on cross-examination if he had laid any plans to assassinate Gregory as a result of

many. The judge said he had denied an application for an injunction asked for that the soldiers be restrained from deporting certain persons. He said the governor had ordered the troops and he would not interfere with the authority of the troops. Later, when the soldiers were withdrawn, but citizens kept on deporting a few miners, another application for an injunction was prayed for and granted. He said the governor almost immediately ordered the troops back.

Judge Stephens told about the Moyer habeas corpus writ.

The Moyer Writ.

"I issued the writ and had it served on Officers Sherman Bell and Bulkley Wells, commanding them to produce the body of Mr. Moyer. They refused to produce the body. They absolutely refused to recognize the writ. Then I issued a writ for the arrest of Wells and Sherman Bell and put it in the hands of the sheriff. They refused to submit to arrest."

Borah, taking the witness, drew from him that Wells was manager of the Smuggler Union mine near Telluride. The judge remembered the attack which was made on the Smuggler Union mine at the time several men were killed.

He admitted Vincent St. John and several others were arrested on charge of the attack, taken into his court, and there released. He said Wells was vice president and succeeded Collins as general manager after the latter had been shot through the window of his home and killed. He admitted there had been several acts of violence about the Smuggler Union mine during a period of a year before the troops were called in.

"You say the citizens demanded the troops be called in; who do you mean by the citizens?" asked Mr. Borah.

BAT MASTERSON MONEY OF

The Hamilton (Ont.) Telegraph publishes the following by W. B. ("Bat") Masterson:

Now that Harry Orchard, chief witness for the state in its prosecution of William D. Haywood for complicity in the assassination of ex-Governor Frank Steunenberg of Idaho, has virtually concluded his testimony, both direct and on cross-examination, the question naturally suggests itself, "What do those who were so ready in condemning President Roosevelt for referring to the defendants—Haywood, Pettibone and Moyer—as undesirable citizens, now think about the matter?"

Surely, after reading the published testimony for the past two weeks of this monster criminal Harry Orchard, they can no longer believe—if they really ever did believe—that the president spoke inadvisedly when he designated those men as undesirable citizens.

Probably there never has been a witness in a criminal trial in this country who was ever subjected to such a merciless cross-examination as this man Orchard, for the past week, and yet he emerges from the ordeal without as much as having one single essential point in his testimony either shaken or discredited. The reason of all is simply this: Harry Orchard has been telling the truth, and that is why the attorneys have been unable to break down his testimony or cause him, in the slightest degree, to contradict himself. While those who are not familiar with the conditions that existed in the mining districts of Ida-

"Just then two deputies and four soldiers grabbed me and started me toward the hall, but they let me go and I went to work the same as usual. But the next day they were using the men so rough I told my wife it would be a good time to go to the world's fair. And we went.

Amole said he got back in a month and went back to the mill. Then he told of a round up at the mill of union men and how he succeeded in getting out and to Colorado Springs. Then, he said, he ventured back to get his furniture and was nabbed. He was taken before the military tribunal where he was accused of having come back to make trouble.

"I was taken to the Citizens' Alliance headquarters and an hour later they told me I could go."

On his way home, he said, he was held up and flogged by two masked men, who escorted him a distance out of town and made him leave the district.

On cross-examination by Mr. Booth Amole said the time he was beaten up was late in July. At the time of the explosion at the depot he was at the Portland mine and it was the next evening that he was first arrested.

The witness said he did not know where the non-union men had come from into the district. He could not give an estimate of how many had come in.

Eugene Scott, the witness said, was a pump man. He was a mine worker. The men who gave him the beating he said, he did not know.

"They were disguised," said Amole. "One had a big white hat on and the other had a derby hat that was too small for him."

Friedman Called.

There was no further cross-examination. A short consultation was held between Darrow and Richardson, and then a mild wave of excitement passed over the room when Darrow called Morris Friedman.

This is the man who recently wrote a book which he claims is an expose of Pinkerton detective methods. He said he was a newspaper correspondent. He formerly lived in Denver—from 1900 to 1904. He worked there as a stenographer during the time of the strike at the Pinkerton office and particularly attended to the work of Mr. McParland. He said he attended to McParland's mail altogether and at odd times wrote or copied reports of operatives.

"The general superintendent of the office was Mr. Frasier," said Friedman, "but McParland was the head man. He had charge of the western division. Mr. Carey was assistant superintendent. Mr. Londoner was also an assistant superintendent. The strike at Cripple Creek started while I was in the office. They had one operative at Colorado Springs. At Cripple Creek later they had another. Crane became secretary of the union down there. He was No. 5 and I handled quite a few of his reports. He made them daily. The other man, after Crane's exposure, Joseph Gadden, went in. He tried to get into the union, but couldn't."

"Did you know Chas. H. Raynes?"

"Yes, he was an operative in the Cripple Creek district."

"Did you know George Riddell?"

"Yes, sir. His number was 36. He got into the Telluride union. I never handled any of his reports."

Here Riddell, who was sitting by the door, was pointed out and identified by the witness.

C. J. Connibear was another operative witness said he knew of who became president of the Florence union. Another was R. P. Bailey, No. 9, a member of the Victor union; also a man by the name of Lucklow, a member of the same union; also Benzer, a member of one of the Cripple Creek unions. He worked on the

and the detective agency with which he was connected was in charge of this work.

The witness said he was badly beaten up and was in bed for 10 days.

The prosecution objected to this. Mr. Darrow in arguing the point said he wished to show motive for assaults on Lyte Gregory.

"On the part of this witness?" questioned Judge Wood.

"Yes, sir," said Darrow; "on the part of anybody who was there and who looked on Gregory as a thug, a man who beat up people and who was hostile to the union."

The witness was asked on cross-examination if he had laid any plans to assassinate Gregory as a result of his experience at Trinidad.

"No, sir."

"Did you encourage any of your friends to assassinate him?"

"No, sir. I made an effort to find out who he was."

"For the purpose of seeking revenge?"

"No, sir. I was seeking to have him prosecuted according to law."

At the conclusion of Mooney's testimony the luncheon recess until 1:30 p. m. was ordered.

Afternoon Session.

After court convened for the afternoon session, Mr. Darrow called Chris Evans of Nelsonville, Ohio. He said Evans was the national statistician of the mine workers' organization. In 1904, he said; Evans was a national organizer. The witness said he was called into the Trinidad district during the strike of 1904. He was in Pueblo when Evans was beaten up. The witness said he had a beating. Darrow said the object of the testimony was to show that members of the Mine Workers' union were beaten up at this time and by men working under orders by Gregory. Judge Wood said the testimony would not be allowed to stand unless Gregory was shown to have been connected with the beating. He said he very much doubted the materiality of it, but would allow the questions to be asked.

The witness said he had been beaten up at that time.

There was no cross-examination.

Here John J. Tierney of the Denver News and Times was called to the stand. He said as reporter for the Times he went to Trinidad in 1904 in the spring. He said he knew Lyte Gregory. He was a tall man and very large. He saw Gregory at Trinidad. He said he wrote a story to his paper about Gregory being in connection with the beating up of Evans and Mooney.

Judge Stephens Called.

The next witness called was Judge Stephens of Goldfield, Nevada. He was judge of the district court at Ouray at one time. His district included San Miguel county, of which Telluride was the district court. He told of the strike at Telluride beginning in May, 1902, and lasting the next year. At that time the process of the court was not interfered with. At that time the union men boycotted some of the business interests. During his absence a county judge made some restraining orders out of his court against several members of the union who had taken part in the boycott.

Mr. Richardson, for the first time in the day, conducted the direct examination by asking the questions put to Judge Stephens.

Judge Stephens said in regard to deportations:

"There were a great many deportations. Martial law was declared and soldiers were brought in at a time when the district was very quiet and orderly, when the processes of the court were not being interfered with in any way. The assistant attorney general came into the district to see if matters between the federation members and mine owners could not

deficient spoke inadvisedly when he designated those men as undesirable citizens.

Probably there never has been a witness in a criminal trial in this country who was ever subjected to such a merciless cross-examination as this man Orchard, for the past week, and yet he emerges from the ordeal without as much as having one single essential point in his testimony either shaken or discredited. The reason of all is simply this: Harry Orchard has been telling the truth, and that is why the attorneys have been unable to break down his testimony or cause him, in the slightest degree to contradict himself. While those who are not familiar with the conditions that existed in the mining districts of Idaho and Colorado at the time the Western Federation of Miners was all powerful in those districts cannot be blamed for doubting the story Harry Orchard has told in connection with the trial of Haywood, it is, nevertheless, a fact that the entire story, with all its horrifying details, is one with which every citizen in those communities has heard without unusual surprise.

Mr. Richardson, the leading counsel for the defense, is the law partner of ex-United States Senator Thomas M. Patterson of Colorado, and one of the ablest criminal lawyers in the entire Rocky mountain region.

His home is in Denver and he perhaps knows as much about the operations of the Western Federation of Miners in Colorado as any man in the state. The law firm of Patterson & Richardson has defended members of the federation in nearly all their troubles with the Colorado authorities for the past 15 years, and Mr. Richardson now, perhaps for the first time, realizes what a monstrous organization the Western Federation of Miners really was.

Mr. Richardson, like all Denverites who were living there at the time, has been familiar with all the details surrounding the attempts on the lives of certain members of the supreme court of the state, also upon the life of Governor Peabody and his adjutant general, Sherman Bell, but probably believed as so many other well-meaning citizens of the state did at that time, that the federation was not a guilty party.

It must now be evident to the counsel for the defense that the state of Idaho will be able to corroborate the testimony given by this man Orchard on all material points by witnesses whose credibility cannot be successfully controverted.

While, perhaps, it has not been generally known that Harry Orchard was the instrument used by the inner circle of the federation to carry out its acts of diabolism, it has, nevertheless, been a well-understood thing in all parts of Colorado that the murders to which Orchard has confessed were committed by members of this organization.

Orchard's testimony has simply served to confirm that every well-informed citizen of Colorado has all along believed to be true.

The defense will not be able to involve Captain James McParland in anything discreditable in the trial of these defendants. McParland is one of the shrewdest and most capable detectives that has ever handled a case in this or any other country.

He is not only perfectly fearless, but he is also honest and conscientious, and could not be induced, for all the money the state of Idaho possesses, to enter into a conspiracy to send innocent men to their doom, but if he believes he is right, he will go to the very limit to obtain a conviction.

Those who know McParland will be loath to believe that he has gone into this case at half-cock, or that the defense will succeed in breaking down

... Pinkerton agency
 ... strikers. He said he knew
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 ... organizer for the Mine
 ... organization.
 ... time, 11:30, Darrow asked
 ... what time court was to
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James Mooney Called.
 ... as allowed to call another
 ... and called James Mooney.
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 ... do both?" queried Darrow.
 ... sir: I'm what they call in
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 ... ders by Gregory. Judge Wood
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 ... stand unless Gregory was
 ... o have been connected with
 ... ng. He said he very much
 ... the materiality of it, but
 ... ow the questions to be asked.
 ... witness said he had been beaten
 ... at time.

"You say the citizens demanded that the
 troops be called in; who do you mean
 by the citizens?" asked Mr. Borah.

... were called were not present, and the
 court adjourned at 2:40 to Monday
 morning at 10 o'clock.

BAT MASTERSON ON THE TESTI- MONY OF ORCHARD

The Hamilton (Ont.) Telegraph publishes the following by W. B. ("Bat") Masterson:

Now that Harry Orchard, chief witness for the state in its prosecution of William D. Haywood for complicity in the assassination of ex-Governor Frank Steunenberg of Idaho, has virtually concluded his testimony, both direct and on cross-examination, the question naturally suggests itself, "What do those who were so ready in condemning President Roosevelt for referring to the defendants—Haywood, Pettibone and Moyer—as undesirable citizens, now think about the matter?"

Surely, after reading the published testimony for the past two weeks of this monster criminal Harry Orchard, they can no longer believe—if they really ever did believe—that the president spoke inadvisedly when he designated those men as undesirable citizens.

Probably there never has been a witness in a criminal trial in this country who was ever subjected to such a merciless cross-examination as this man Orchard, for the past week, and yet he emerges from the ordeal without as much as having one single essential point in his testimony either shaken or discredited. The reason of all is simply this: Harry Orchard has been telling the truth, and that is why the attorneys have been unable to break down his testimony or cause him, in the slightest degree to contradict himself. While those who are not familiar with the conditions that exist in the mining districts of Idaho and Colorado at the time the Western Federation of Miners was all powerful in those districts cannot be blamed for doubting the story Harry Orchard has told in connection with the trial of Haywood, it is, nevertheless, a fact that the entire story, with all its horrifying details, is one with which every citizen in those communities has heard without unusual surprise.

Mr. Richardson, the leading counsel for the defense, is the law partner of ex-United States Senator Thomas M. Patterson of Colorado, and one of the ablest criminal lawyers in the entire Rocky mountain region.

His home is in Denver and he perhaps knows as much about the operations of the Western Federation of Miners in Colorado as any man in the state. The law firm of Patterson & Richardson has defended members of the federation in nearly all their troubles with the Colorado authorities for the past 15 years, and Mr. Richardson now, perhaps for the first time, realizes what a monstrous organization the Western Federation of Miners really was.

Mr. Richardson, like all Denverites who were living there at the time, has been familiar with all the details surrounding the attempts on the lives of certain members of the supreme court of the state, also upon the life of Governor Peabody and his adjutant general, Sherman Bell, but probably

any part of the testimony prepared by him. The defendants' counsel will find, as they proceed in the trial, that McParland is too shrewd and experienced a man to place himself in the power of a criminal by either promising immunity or suggesting what his testimony should be.

Had Jim McParland doubted for a moment that Orchard would tell the absolute truth when Orchard went on the witness stand, he would not have been used by a witness for the state in the first place. McParland knew the ordeal the man would have to go through when the attorneys for the defense took him in hand on cross-examination, and probably instructed him to be careful about his testimony and probably warned him that unless he told the absolute truth he would be likely to get himself into trouble, as he had every reason for believing the attorneys for the defense were in full possession of every important fact in his whole career. But further than this McParland was not likely to go.

There is little doubt that Orchard expects some concessions from the state for the service he has rendered in this trial, but what those concessions are to be very likely he doesn't know himself, and he is not perhaps sure that there are to be any at all.

That Harry Orchard, by his own confession, is a monster cannot be doubted, but if what he has stated under oath is true, what can be said of those men under whose directions he operated?

Admitting, as he has, that he has slaughtered his fellow-men for pay, what is to be said of the men who furnished the pay? There is no doubt but the slaughtering occurred all right enough; even the defense will admit so much, and Harry Orchard has sworn that he is the man who did it, but he qualifies the statement somewhat by adding that he was working under orders from the executive committee of the inner circle of the Western Federation of Miners which was comprised of the defendants Haywood, Pettibone and Moyer. This seems to be the only point in dispute and it may be said that it is really the only vital point in the case.

The whole country now knows that the Vindicator mine at Cripple Creek was blown up by dynamite, causing the death of several miners. Also that the railroad station at Independence was blown up, killing 14 more human beings; that a bomb which had been planted for the purpose of killing Judge Gabbert of the supreme court of Colorado was exploded, accidentally by a man by the name of Wally who was blown into atoms by the explosion.

Moreover, that Mining Superintendent Collins was shot dead in his home at Telluride, Colo., the shot being fired through the window; and that ex-Governor Steunenberg was blown to pieces at his own gate as he opened it to enter his home one evening; that Lyte Gregory, a detective, was also shot and killed in the streets of Denver. All these crimes

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MEN'S AND E
AT LESS THAN
 Show Cases

Don't Forget
 the Location

part of this witness?"
Judge Wood.
"sir," said Darrow; "on the
anybody who was there and
ed on Gregory as a thug, a
beat up people and who was
o the union."
itness was asked on cross-
sion if he had laid any plans
inate Gregory as a result of
evidence at Trinidad.
ir."

you encourage any of your
o assassinate him?"
ir. I made an effort to find
he was."
the purpose of seeking re-

ir. I was seeking to have
secuted according to law."
conclusion of Mooney's tes-
he luncheon recess until
n. was ordered.

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son, Mr. Darrow called Chris
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ng. He said he very much
the materiality of it, but
ow the questions to be asked.
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was no cross-examination.
ohn J. Tierney of the Denver
d Times was called to the
He said as reporter for the
went to Trinidad in 1904 in
ng. He said he knew Lyte
He was a tall man and very
He saw Gregory at Trinidad.
he wrote a story to his paper
Gregory being in connection
beating up of Evans and

Judge Stephens Called.
ext witness called was Judge
of Goldfield, Nevada. He was
the district court at Ouray
time. His district included
nel county, of which Telluride
district court. He told of the
Telluride beginning in May,
d lasting the next year. At
e the process of the court was
ferred with. At that time the
en boycotted some of the busi-
nesses. During his absence a
udge made some restraining
ut of his court against several
s of the union, who had taken
he boycott.

Richardson, for the first time
ay, conducted the direct ex-
n by asking the questions put
Stephens.
Stephens said in regard to de-
as:

ere were a great many deporta-
martial law was declared and
were brought in at a time
e district was very quiet and
when the processes of the
ere not being interfered with
way. The assistant attorney
came into the district to see
ers between the federation
s and mine owners could not

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general, Sherman Bell, but probably
believed as so many other well-mean-
ing citizens of the state did at that
time, that the federation was not a
guilty party.

It must now be evident to the coun-
sel for the defense that the state of
Idaho will be able to corroborate the
testimony given by this man Orchard
on all material points by witnesses
whose credibility cannot be success-
fully controverted.

While, perhaps, it has not been
generally known that Harry Orchard
was the instrument used by the inner
circle of the federation to carry out
its acts of diabolism, it has, neverthe-
less, been a well-understood thing in
all parts of Colorado that the mur-
ders to which Orchard has confessed
were committed by members of this
organization.

Orchard's testimony has simply
served to confirm that every well-
informed citizen of Colorado has all
along believed to be true.

The defense will not be able to in-
volve Captain James McParland in
anything discreditable in the trial of
these defendants. McParland is one
of the shrewdest and most capable
detectives that has ever handled a
case in this or any other country.

He is not only perfectly fearless,
but he is also honest and conscien-
tious, and could not be induced, for
all the money the state of Idaho pos-
sesses, to enter into a conspiracy to
send innocent men to their doom, but
if he believes he is right, he will go
to the very limit to obtain a convic-
tion.

Those who know McParland will be
loath to believe that he has gone into
this case at half-cock, or that the de-
fense will succeed in breaking down

know himself, and he is not perhaps
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blown to pieces at his own gate as
he opened it to enter his home one
evening; that Lyte Gregory, a detec-
tive, was also shot and killed in the
streets of Denver. All these crimes
have been committed, and Harry Or-
chard has testified that he was the
chief executioner in every instance,
but maintained that he was only
obeying the instructions of Haywood,
Pettibone and Moyer.

It now remains to be seen whether
Orchard's testimony will be suffi-
ciently corroborated to warrant the
jury in bringing in a verdict of the
state.

EILER'S BIG TENT SHOW
DELIGHTS BIG AUDIENCE

Eller's "King of the Cattle Ring,"
the big and unique show which last
evening opened a two nights' engage-
ment in Trinidad, is peerless among
things under canvas. It is good from
start to finish, and the immense audi-
ence that packed the big tent last
night enjoyed the big novelty from the
rise of the curtain on the first act to
its fall on the last thrill of the fifth.

Yet the big show affords the "touch
of nature" necessary to create and
hold the interest of the onlookers,
from the veriest small boy to the
grayest man or woman of mature
years. That this was so is best at-
tested last night perhaps by the ejac-
ulation of "Good Girl!" as the little
sweetheart of the "King of the Cattle
Ring" defied a Mexican desperado to
do his worst. It was true to nature,
and human nature had to respond.

Boise, Friday, July 5.

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