Saxe bill increasing the pension of New York city firemen; the bill fixing the salary of the Kings County Surrogate at \$15,000, and the bill providing for a commissioner of records in Queens county.

The Governor also refused to sign the two Hill bills desired to help float the barge canal bonds, which provided that banks and trust companies need not keep any money reserve on deposits invested in State bonds

The Governor signed Senator Cobb's bill providing for marriage licenses to be issued by town and city clerks in the place in which the woman to be married resides and making it the duty of the officials performing marriage ceremonies to make re-turn of the same to the town or city clerk on or before the tenth day of the month next succeeding the date of the solemnizing of the marriage, violation of this provision to be a misdemeanor punishable by a fine of from \$25 to \$50 for each offence. The bill takes effect on January 1 next.

Among the last bills signed by the Gover-nor to-day were the following:

Mr. Rogers's, providing that no persons shall be excused from becoming witnesses in proceedings relative to rebate and allowances by life insurance corporations on the ground that the evidence required of them may tend to incriminate, but making it im-possible for such evidence to be used against the person testifying in any criminal proceed-

Mr. Prentice's, amending the primary election law relative to certified copies of primary enrollment records in New York city. Mr. Mills's, providing that rules regulating the use of nets my be made from time to time by the State Forest, Fish and Game Commission and that they shall be filed in the office of the Secretary of State.

Mr. Wainwright's, providing for a sanitary ewer in Westchester county.

Mr. Huth's, providing that dangerously sick patients shall not be ordered removed from hospitals in New York city except for good cause and upon written certificate of attending physicians or surgeons.

Mr. Whitley's, providing that appeals from judgments of the Municipal Court in Rochester may be taken to the Monroe County Court.

The Governor refused to sign Assembly-man Cunningham's bill which provided that where necessaries are furnished on the order of a married woman or her agent she shall not be permitted to deny liability to pay for such necessaries if it appears that her husband was at that time fluorially irresponsible and that such financial con-dition was then known to her; the Foley dition was then known to her; the Foley bill, requiring that trading stamps shall be redeemed in money at the option of the holder, and the two Phillips bills, authorrine noider, and the two Phillips bills, authorizing the State Tax Commission to equalize special franchise tax assessments and requiring the corporations to pay the taxes before going into the courts for a revision of account.

vetoing the four bills extending the time for the construction of four specified railroads Gov. Hughes says: "No sufficient reason appears why statutes requiring the commencement and completion of con-struction within fixed periods should be aived in these cases."
In vetoing the six bills cancelling State tax sales the Governor says:

If the present restrictions of the general law operate unfairly they should be changed so as to provide a scheme by which those who suffer injury from illegal tax sales may have a proper remedy. But the relief should be extended to all within the classes of cases demanding it, as they may be defined by general legislation.

general legislation.
In vetoing Senator Foelker's bill, desired by Edward M. Grout, establishing in Brooklyn a college similar to the College of the City of New York in Manhattan, Gov.

has been made apparent to me that there is a sharp division of opinion as to the advisability of this bill. The project has direct relation to the educational system of the city of New York. The extent to which the city should develop opportunities for higher education in its different boroughs is a subject which may well engage the attention of the Charter Revision Commission. A con-sistent plan should be adopted, and in my judgment there should be no legislation upon the subject until the Legislature has ad the benefit of the commission's report, made after full consideration.

In vetoing bills authorizing the Com-missioners of the Sinking Fund of the city of New York to cancel taxes or assessments or to refund moneys paid thereon in the case of certain religious and charitable

There are a number of bills of this sort each year. The matter is one for which ovision should be made by a suitable amendment to the Greater New York Charter, so that in proper cases liens may be cancelled and moneys refunded. As a charter revision commission has been appointed, it seems to me that further action upon special bills of have considered the subject.

The Governor's reason for vetoing many of the New York city Charter amendments was that the changes in the charter should be left to the recently appointed Charter

In vetoing the Great South I ay oyster planting bill Gov. Hughes says: This bill in effect places upon the court the burdens of administration. It is in the line of a policy too frequently reflected in our statutes which fails to take account of the tive functions. It provides for a court review of administrative matters and in effect substitutes the judgment of the court upon administrative questions for that of the commissioners. I do not believe that this is the proper way to correct administrative buses, and as the principle is so important am constrained to disapprove this bill.

In vetoing the Merritt pure food bill Gov. Hughes says: recommended the legislation with reference to protecting the public against the sale of dulterated and improperly branded foods. also suggested the desirability of promoting termony between the work of the Federal and trate authorities. The bill follows generally e lines of the Federal statute, but it is so teriously defective that I cannot approve it. there is a provision in this bill which protects by dealer who buys under a guaranty from lardly too much to say that such a provision in the face of the explicit language used no his protection by construction. It is better that the bill should temporarily fail than that a should be enacted in this form.

In vetoing the forty claims against the tate the Governor says: "If the juris-iction of the State Court of Claims should be enlarged the law of the l enlarged the law should be amended secordingly. Its jurisdiction should be coverned by general rules, applicable im partially and not by legislation in favor of particular claimants."

EDDY HEARING POSTPONED. daster Gives Next Friends Till August 13

to Prepare Evidence.

CONCORD, N. H., July 26. The hearing pefore a master to determine the comsetency of Mary Baker G. Eddy to manage er own affairs was begun at noon to-day sefore Edgar Aldrich, Justice of the United tates Court of New Hampshire, sitting

citate counsel pleaded for a speedy hear g. He said that the contest, already searly five months under way, had been source of annoyance to Mrs. Eddy, who is in her eighty-seventh year and whose hysical condition by reason of her age hould warrant for her an early ascertain-

pould warrant for her an early ascertaingent of the fact as to her competency.

Gen. Streeter said that he was ready to groceed at once.

Ex-Senator William E. Chandler, counsel or the "next friends," asked that the hearing he put off until September 15.

At the conclusion of to-day's hearing estenessent to August 13 was appropried. ostponement to August 13 was announced by the master in the following official state-

"We think Judge Chamberlin's order ontemplates a speedy hearing of the issue ubmitted to us, but we also think that he order contemplates that a reasonable ime should be accorded to the plaintiffs p prepare and obtain their evidence. This earing is therefore postponed until Tues-by, August 13, at 11:30 A M."

HAYWOOD CASE TO THE JURY

THE JUDGE WILL DELIVER HIS CHARGE THIS MORNING.

nator Borah's Address One of the Greatest Ever Heard in the West -A Powerful Arraignment and Remarkable Review of the Evidence-Jury Spellbound.

BOISE, July 26 .- Senator William E. Borah to-night concluded his arraignment of William D. Haywood, indicted for the murder of ex-Gov. Frank Steunenberg. To-morrow morning Judge Wood will

hands before noon.

There is only one word that fitly describes the speech of Senator Borah and that word is "terrific." For three hours in he morning and three more hours in the evening he held the crowded court room spellbound. The jurors sat up straight in their chairs. The lawvers for the defence gazed on the prosecutor as if hypnotized. Haywood himself fixed a fascinated eye upon the Senator through all those six hours. His wife wept softly to herself at frequent intervals. His mother stood it as long as she could, but had to leave the court room before Borah had been talking an hour and a half. The widow of ex-Gov. Frank Steunenberg was also overcome and

had to be led out early in the forenoon. The Senator reversed the process of argument followed by the other lawyers in the case. He took up his stand by the little gate in Caldwell, stained with the blood of Frank Steunenberg, and he followed Harry Orchard's trail backward from that spot and he took with him on his quest every soul in the court room while he led them, as he said, to that flight of stairs in Denver that leads to the former office of William D Havwood.

He did not encumber his address with a mass of immaterial detail, but he took one fact and he put another with it and to those two he added a third and so on, until before the eyes of his auditors the whole structure of his argument appeared complete and flawless. He built up his pictures of the conspiracy that sent Harry Orchard, now in jail, and Jack Simpkins, now a fugitive from the law, to Caldwell on their murderous mission, till those who heard him could almost see the plotters, Haywood, Moyer and Pettibone, at work back there in Denver. And he did it all without the evidence given by Harry Orchard, by the aid of evidence independent of his testimony but corroborating it. And every now and then the train of logic was punctuated with a dazzling stab, like his dramatic outburst of last night when he said: "They say this trial is a symptom of the war of class against class, the rich against the poor. That statement is false," and leaping forward added this startling cry: "Frank Steunen-berg is dead and the manhood of Idaho wants to know

So it was to-day that the blood of every so it was to-day that the blood of every man who heard him leaped within his veins when he cried: "Watch these five men. Haywood, Moyer, Pettibone, Simpkins and Orchard In a little over thirty days Frank Steunenberg is going to die Watch the movements of these men, one of whom has since confessed, a second of whom is to-day a fugitive from justice and a third of whom is down stairs in jail this moment of whom is down stairs in jail this moment

and afraid to testify."

Senator Borah's peroration came suddenly, a full hour before it was anticipated. His voice had been powerful. Now it fell with startling effect until it was scarcely more than a murmur. The heat was terrific, the court room crowded to suffoca-tion with people who had stood in line for hours to make sure of their seats. The prosecutor was plainly exhausted almost to the point of prostration, but his last ords to the jury came clearly and solemnly

cupy a position so important in all its bearings as the one you occupy to-night.

"In the name and for the sake of the manhood and the womanhood of this State I know you will do your duty without fear or favor. For after all the pictures of this great trial have faded into oblivion the thing that will remain with us all is that monitor of the soul that will ask were you brave and faithful in the discharge

"Gentlemen, you will never again oc-

of your great duty.
"You have listened to the eloquence of counsel for the defence and have been moved by it as I have been, but after the

moved by it as I have been, but after the spell that they had woven upon me passed away there came to my memory another scene. There came to me the memory of that awful night of December 39, 1905. I recalled that winter night whose chill I faced to look upon the blood of my friend, that stained the white, white snow. I saw not murder—a thousand times worse than that. I saw anarchy raising its blood red hand for the first time in Idaho since my dead friend struck it down, and I remember that picture to-night and I therefore fully believe it to be a superfluous function when I call upon you to do equal justice be-

when I call upon you to do equal justice be-tween the State of Idaho and this defendant, William D. Haywood."
Frank acknowledgment of the ad-nicable temper of the argument of Senator Borah is made by the defence.

"Were I writing for any newspaper a description of Senator Borah's argument I would say it was the fairest and most decent as well as one of the ablest ever made by a prosecutor in a great case." said ce Darrow to-night.

Clarence Darrow to-night.

The Senator was not only respectful toward Haywood and considerate of opnosing counsel but he argued the evidence. There was much that he could have argued and have been within his rights, but he honorably held himself down to the sworn testimony. He made me feel ashamed of myself for my attack on Jim Hawley."

There is no talk in Boise to-night save of this tremendous speech and the effect it may have upon the jury. It is admitted upon all sides that this effect is bound to be strong. Even Haywood's attorneys admit that it was one of the most powerful addresses ever delivered in an American court room and they are obviously fearful of its effect, though of course they will not say so.

It is no secret that they do not expect an acquittal. The most they claim is that the jury will be somewhere nearly divided The general notion is that there may be one or two men who will stick out against conviction and whose attitude

may cause a compromise verdict or hang the jury instead of Haywood.

"Did a conspiracy exist between these defendants to commit crime and to do violence to those whom they believed to be inimical to them and to their purposes?" was the question Borab first asked the jury when he got to his feet this morning. In answering this quest.on he began with the Steunenberg murder and travelled back the Steunenberg murder and travelled back upon the trail of Harry Orchard. He said:

Now, if there is one thing that is admitted Steunenberg's death was in no way contrived ex-Governor had retired to private life. He

as premeditated, deliberate, cold blooded. Many things have happened in Colorado of which I do not approve, but I am not here to defend the mine owners or the militia, and the time will come when Colorado will awake and higher than mine owners or union or non-union miners, and that is the manhood and the honor of the State. But all that is aside from the vital point-the question as to who contrived the death of Frank Steunen-

The Senator called attention to the proof that Orchard came directly from Pettibone's house, where Haywood said he had talked with him, to the town of Cald-

Now why did he go there? To gamble with soldiers? To work in the mines? associate with his old comrades or friends: Pettibone's home to the home town of the man whom, it will be admitted by every one concerned, the Western Federation of Miners

and this is not proved by the testimony of

Harry Orchard either. before that this murderer had told Marion Moore, not another tinhorn gambler but a high officer of the Western Federation of Miners, that he wanted him to help deceive his wife by taking a letter to Alaska, inserting the proper date and mailing it there. Moore did it. He told you so himself, and that is not established by the testi-mony of Harry Orchard either.

And here's another thing proved, not by tarry Orchard, and that is that Johnny Seville, with whom Orchard rode away after he had blown up the Independence station, after that went to President Moyer and

asked for money.
Witnesses differ as to the exact character of the demand, but will agree that this man asked Moyer for money and when Orchard charge the jury and the case will be in their and Neville hurried away from Denver that time it is established that Pettibone helped them get their camping outfit. And Petti-bone was not called upon to deny this thing. self. Sure. Yet there is placed within his most important things in this case. And he does not do it. Account for this on the theory of innocence if you can

Well, what's the last we see of Orchard in Denver before he comes to Caldwell? It's when Mrs. Haywood says to her husband Orchard has gone," gone from immediate close personal association with these de-And how did he go? Armed like a Cuban Major-Genera!. He had a sawed off shot gun in his grip and a bomb in his trunk.

Mr. Darrow says Pettibone was a man they called on for everything. They did, for shot-guns, dynamite and everything else the Western Federation needed for its warlike one got him the gun and the dynamite and helped him pack his trunk. Is this denied? And you may speculate upon the causes of the failure to deny it.

Yet, though Orchard goes from Denver armed as for war direct to Caldwell, they try to tell you that it was later on in Wallace that he got the inspiration for the murder. Pehaw! Isn't it childish-too childish to

Did the Pinkertons give him that bomb? Did the mine owners? Not a bit of it. You've heard the man testify who made that bomb case, and with the dynamite in his trunk Orchard left Denver; at that very time benefit receiver, on the payroll of the Western You may doubt that they sent him, but you can't possibly doubt that he went directly from them to Caldwell, and mark this well,

The Senator then addressed himself to the defence's contention that Orchard didn't defence's contention that Orenard didn't really sell his mine in the Cour d'Alenes, but only put it up as collateral and had to sacrifice it when Steunenberg drove him out of that country. Senator Borah conout of that country. Senator

And right here I want to call your attentio to the fact that there is not a fact testified to by Orchard that could, in the nature of things, be corroborated by documents that could not possibly be tampered with but what in every single solitary case that corroboration has been forthcoming. He says he sold his property and here's the deed.
[The Senator waved it at the jury]. He says he got telegrams and letters from Pettibone and here are the records. The Senator shook them at the jury box.

He says Haywood sent Steve Adams money by telegraph and here is the telegram. What do you make of that? They call Orchard a but here are witnesses that cannot lie and which say that Orchard told the truth. any further, but let me clinch it by calling

your attention to the fact that to this day Harry Orchard has never made the least attempt to claim any rights in that which if he could prove them would make him a millionaire to-day. They say Steunenberg forced him to sacrifice his interest. How Did his departure from Idaho affect his right Nonsense! Would his rights be affected even if he went to Australia? Nonsense again! If he had not unconditionally sold his property he could claim it to this very day, and if they say it was a mortgage and not a sale I answer wouldn't it be as good to-day as ever it was and wouldn't he have dozen lawyers from Chicago or Denver suing to establish his rights in that valuable

Now about these threats they say he made against Steunenberg. I'm not going to dis-cuss all of them. It might throw too much light on the method of their manufacture But I will talk a little of Billy Easterly. Orchard telephoned him from Caldwell shortly before the murder. He told Easterly he would kill Steun nberg, so Easterly has told you. Yet when Easterly read in the newspapers that Orchard was arrested he never opened his head to help the officers of the law in the work of getting evidence against the man he knew to be a murderer.

And don't forget this from the 6th of June. 1904, to the 18th of February, 1906, the leaders of the Western Federation of Miners were in pasession of evidence that would have hanged explosion. Did they ever give it up? Did they ever even peep? Not much. That was not the federation's way. They offered a reward of \$5,000, and then protected the man they knew was wanted for that very outrage. That's what the leaders of the

estern Federation did. Now lets look at Dave Coates a while. He was once Lieutenant-Governor of Colorado, and you have heard Mr. Darrow's sulogy of him. Well, Coates himself says that the sec-ond time he saw Orchard Orchard proposed to him to steal Gus Paulson's children and hold them for a ransom. It didn't make much impression on Coates at first, but pretty soon he said that afterward he told Orchard he'd get out a special edition after the child was stolen to denounce the theft. He'd lock after that he promised Orchard he'd lie to help

All this Dave Coates tells you himself. I don't say it. Harry Orchard doesn't say it Dave Coates does say it. And he tells you other things, too. Does he break off with this scoundrel then? By no means. He tells you himself that he entered into a business agreement with Orchard, whom he so de-nounces, after he knew him to be a scoundrel. would-be kidnapper, and that he intended to carry out that agreement. Well, let them this man, but how much credence will you twelve jurors put in the word of a man

Eugene Engley, once Attorney-General of Colorado under Cloody Bridles Waite, was another witness who said he heard Orchard say he would kill Steunenberg. enator Borah quoted his testimony a then proceedal:

Now, above all men, I want to know where Engley was from December 30, 1905, to the day he came upon this witness stand. This man, a former Attorney-General of Colorado, had in his possession knowledge that Orchard threatened to kill Steunenberg. and yet he kept it to himself. But Gen. Engley doesn't believe in law. You heard stand stamps him as an anarchist. He believes in turning society upside down and saying to the man who has his home and his property, "Give it up, turn it over to the man who doesn't own it-whose sweat didn't

I'm not surprised that Colorado had had hell within its boundaries for the last ten

Philosophic anarchy," he says. might just as well tell of philosophic hell. Now these observations may not impeach man otherwise than by demonstrating indubitably that he is a most interested wit That cannot possibly be disputed. But that they do that who can doubt?

The Senator went on to sketch the hatred that the federation had for Frank Steunenherg. "Mr. Darrow has told you that there was an industrial warfare. So it was, and what this jury has to decide is whether men in our land are justified in fighting out such a warfare with murder as a weapon." weapon."
Mr. Borah read from the Minera' Magazine a paragraph printed after Steunenberg's murder saying: "The press de-

spatches report his dissolution via the

spatches report his dissolution via the bomb route."

Then he threw back his massive head and declaimed: "Oh, well might Orchard say that Haywood told him 'Kill him, not alone for what he has done; kill him so that these men who are our enemies may know that we do not forget—that we do not forgive."

He quoted another Miners' Magazine paragraph describing Steunenberg as a hireling and a traitor.

"A traitor!" he cried. "Did he desert the State? Did he violate his oath of office? No. A traitor? Why? Because he stopped assessination in the Court d'Alenes, and for this he was killed on that holiday night as he was leoking in through the lighted. as he was leoking in through the lighted windows of his own home. 'The press despatches report his dissolution via the bomb route.'

The Senator's voice grew cold and steely.

He dropped the magazine to the table and

Gentlemen, you would know that the man murder. And it turned out to be so-that represented the sentiments of the Western for killing a fellow creature. John M. O'Neill is his name. You saw him on this witness

stand. You remember him well.

Now, can anybody doubt that the hatred of the federation for Frank Steunenberg was unforgiving and unforgetting, that i never died and that it found its full fruition

on the night of December 30, 1905? Now, why did Jack Simpkins go to Caldwell with Orchard? Did the mine owners put him on the train? Did the Pinkertons send him there? I tell you that he went there because he knew Orchard's mission. He went there under an assumed name, as Orchard did, with no possible errand whatever save that

Watch these five men, Haywood, Moyer, Pettibone, Simpkins, Orchard. In a little over thirty days Frank Steunenberg is going to die. Watch the movements of these men one of whom has since confessed, a second of whom is to-day a fugitive from justice, a and afraid to testify.

On the same day that Orchard and Simpkins were in Caldwell shadowing Frank Steunenberg, hanging about his home, plot ting his murder. Haywood writes a lie to Mrs. Orchard to tell her that her husband Don't forget that in a conspiracy the alibi

s an essential element

Don't forget that there are brains behind this murder and Jack Simpkins is Simpkins at Nampa and Simmons at Caldwell, ten miles away. Then Jack goes back to Spokane, takes Orchard's ticket and from there goes down to Denver on that ticket to see Haywood and Moyer, and while he is there he gets the large sum of \$213 and he conceives the idea that that is too much money for a leader of the federation to carry around with him. So he leaves \$100 with Haywood. On December 30, about the hour Frank Steunenberg was killed, this letter from Pettibone was sent to Harry Orchard from "Friend Tom, that was sent to Jack that Harry Orchard was in Caldwell?

did he learn that he was there under the name of Thomas Hogan? I leave it to you and I want to say to you that this is a piece of evidence that calls for the testimony of George A. Pettibone. Yet he kept silent And that draft for \$100 was sent to Simpkins by Haywood on December 21. You have seen They say Fred Miller got it on January 4 Certainly. The murder had been committed.

Send money to Orchard in jail? Absurd. Well, Orchard is arrested on January 1. Orchard was sent there to commit that crime you would expect them to get busy, to go to Orchard's rescue before he askad it. Didn't they do it? You know they did. On January 3 this telegram was sent from Spokane to T. Hogan at Caldwell:

Attorney Miller will start for Caldwell in he morning." Well, the attorney starts from Spokane. He gets to Walla Walls. He buys a ticket to Caldwell and then turns around and flees from his client for some reason.

They were trying to give Orchard encouragement under cover, and when they were discovered Mr. Miller took a back track and sbandoned his client. Jack Simpkins knew the instant he heard of Steunenberg's death that it was accomplished by Harry Orchard. whom he had left in Caldwell. And on the very next day he sent a cipher telegram to

"Can't get a lawyer to defend Hogan. Answer. He meant that Miller had started and turned back. It was his way of saying "Now you get busy and send some one to defend

know that the man who was to receive it understood the situation? Well, Moyer said in a newspaper talk that they would make an inquiry and if they found Orchard was guilty they would not defend him. Inquire, eh? Why, Jack Simpkins had all the information they needed.

Fred Miller went to Caldwell from Simp-kins, and then down to Denver. They had all the information they could possibly get. They had all the information they have to-day on the very day they gave \$1,500 to Miller o defend him. Now, can anybody say this is a case of

orchard and Orchard alone? They say the Pinkertons have built up case. They have merely uncovered that fabric of crime and violence reared by this defendant, who sits there in his chair

Did the Pinkertons send Orchard to Caldwell? Did they send Jack Simpkins there under an assumed name? Did they make the bomb and forge these telegrams and these drafts and these letters? And yet they say it's all the Pinkertons and Harry Orchard Why, I tell you, and you believe me when I say that there is more than enough evidence in the Steunenberg case alone, aside from the evidence of Orchard, to force you to impose the law's penalty upon this defendant.

Now when this man Orchard went to San be went there a roving tin horn gambler, to play cards with the soldiers at the Presidio this roving tin horn gambler had an inevitable scent for the enemies of the Wester Federation. Pretty soon he hires a room that overlooked Fred Bradley's house. He makes himself intimate at the grocery store just across the street from Bradley's, the man whose property was destroyed and the murder of whose employees brought Gov. Steunenberg into action, the man who would have been blown to death by federation

Well, this tin horn gambler learns Bradley's habits, he finds out which flat he lives in and what time he comes out in the morn-ing, gets acquainted with the servants and so on. And yet they tell you that he wasn't

planning to kill. Well, Orchard says he poisoned Bradley milk. Was it an accident that Bradley's was the only complaint in all that neighbor hoot of poisoned milk; Bradley, the federation's enemy? He gets enough poison in his mil: to kill six men, the chemist tells you, and not another man in all San Francisco

got any of it. Now go with me to Orchard's room in Mrs. Soward's house and view what she says went on there. Call to mind the screw-cye in the door, the lead shavings, the wood shavings, and you will have a facsimile of the picture that you would have seen in room 19 in the Saratoga Hotel if you had been there the night before Frank Steunen-

And the night before the Bradley explo sion, what happened? Orchard pays Mrs. Soward and goes away. Alibi! He knew then that there was going to be a gas explosion in the Bradley house next morning. A shiver and a thrill ran over the court

room. This was the climax of a chain of reasoning that appeared to be absolutely deadly. There didn't seem to be a loop-hole left. It astounded even the men who Skull Fractured by Ball Brother Threw. have been sitting in court for weeks and who have heard every word of the testi-mony in the case. It was about this time that Mrs. Crothers, Haywood's mother, was unable to endure more and rose and left the room.

Senator Borah proceeding, said:

Weil, the tin norn gambler doesn't stay

long in San Francisco after the explosion But before he departs he goes to D. C. Copley, executive board member of the federation, and he tells Copiey that Fred Bradley got what was coming to him. Does that look as if Orchard thought it was a gas explosion? And we have it on authority of this witness for the defence that he said not this only, but also that Copley got the idea that Orchard

But it was back to Denver, anyhow. The crime was the magnet that drew him back to Denver. No matter where he roved back always strayed his feet to the city on the plateau, and he got Copley to help him disguise himself as a soldier, to get into Denver he defence tells you, but you know, gentle men, that it was to help him get out of San

Francisco.

The Senator plunged into an analysis of the undisputed evidence that Pettibone sent a large sum of money to Orchard while he was trying to kill Bradley. No attempt has been made by the defence to explain this matter, though Darrow said in his opening speech that it would be satisfactorily explained.

When evening came Senator Borah entered upon the last stage of his task by urging against the defence theory that Orchard went about as a detective committing crimes with the intention of ultimately laying them on the tederation's shoulders, by declaring that had this been his object he would to a certainty have produced much better independent evidence against the accused than he did actually produce. The Senator said:

Why, as soon as Orchard got a letter from Pettibone he destroyed every bit of incriminating evidence whenever it was pos to do it and to corroborate him we have had to go to the four corners of the United States to get these things.

Another thing you must not forget is that after June 6. 1904, Orchard was a suspect, yet he went about thereafter always in touch with some federation leader, Pettibone, Copley, Haywood, Moyer, always in touch with

The evidence shows more-it shows that the leaders of the federation knew he was guilty. But we are not compelled to prove hat the defendant committed crimes in Colorado -- you could not convict him of that anyway. But one circumstance may become as strong as the directest evidence could be and this is why we go to Colorado to show motive, conspiracy, combination, under-

Something has been said about the extra dition of these men-the so-called kidnapping If there was anything illegal in it they wouldn't be here. But you have nothing to do with Did this defendant kill Steunenberg? If he did it was in Idaho that he raised the

True, he is a stranger to you, but he is just as safe here as in the State of Colorado- the Court and every one else has extended to him ants. I sat here for two days allowing Mr Darrow to chum with Haywood and Moyer in violation of all the rules of direct examination. and that is a fair example.

If he is innocent he will go forth. But Mr. Darrow tells you Haywood was brought here by Bulkley Wells, the Adjutant-General of Colorado. He tells you Wells has a Harvard accent. Well, what of it, is that argument? He talked about the deficiency warrants issued to meet the expenses of this prosecution. Well, Mr. Darrow needn't feel uneasy about that. The State of Idaho is perfectly willing to pay any expense that may be fectly willing to pay any expense that may be necessary to find out whether we have got a State that can protect the lives of its citizens. They brought McPartland's stenographer here to show the letters he had stolen from the Pinkerton office, and what do they show? They show that the Mine Owners' Association was never a client of the Pinkertons. This witness broke the backbone of the Pinkerton conspiracy theory and it limped, spavined, from the court room.

The Senator read the agreement signed by Vincent St. John of the Telluride union. person and property for a certain period.
"Does it take a contract," he cried, "to
hold the federation down from violence
for three days?"

With that and a declaration that he hoped the time would come when Colorado would come to the front and settle all its labor troubles without regard to class or party Borah went on to show that the Independence depot explosion was not an accident.

There is no doubt Orchard did it. We didn't prove it beyond all reasonable doubt, but they did and we concede it. And who else—why Now I wonder if Steve-loyal Steve-who they are now defending—I wonder if he's a Pinkerton too. They put a man named Blizard on the stand who says Detective Sterling says Adams did it. It appears before you wonder now why he isn't on the stand? like Orchard, must be a Pinkerton, and here they are defending Orchard's fellow Pink-

uncover all the infamy intimated against the State. He knows Orchard was lying, if lying he was. They say Orchard's confession came from the factory of McPartland. Steve Adams was there. They could uncover the whole transaction and show the infamy of

the State from start to finish.

But Steve, like Pettibone, thinks it is a good time to keep silent. They tell you they bave kept him silent, and they have, and it's within their power to prove Orchard a liar if he is one by Steve Adams and to show you the way the State of Idaho gets its evidence. Adams could tell you how McPartland does business Well, I ask you, why shouldn't he? Now, Mr. Richardson has told you the blowing of the Independence station, if the federation did it, was the most foolish thing they could possibly do. Let usuall your attention to the 29th of April, 1899, when 1,000 of them went to Wardner and wrecked that mill and killed two men. Could anything have been more foolish, more short sighted, more unreasonable? But-they-did-it. Let that be

my answer to this specious argument.

But they say the Independence explosion was a conspiracy of the mine owners. A most peculiar conspiracy, gentiemen, formed for the purpose of destroying the property and killing the employees of the conspirators.

Now regarding the bombs that are proven to have been planted for Judge Orchard and Judge Gabbert. Why was Orchard going around Denver and planting bombs? Was he doing it on his own hook? Was it just for he doing it on his own hook? fun to pass the time away? It is clear that behind him was some one directing and sustaining him. Can you doubt it? Well, then, who was it who regarded Goddard, Gabbert, Peabody and Bell as their enemies? The federation and William D. Haywood. He has told you so himself. Can the inference of

criminal connection be avoided? Now I like Mr. Darrow very much peronally, but I don't like the doctrines he preached to this jury and I'm going to say something about them. When you come to hear the doctrine he preached you must have thought it was offered solely for the purpose of justifying the violent deeds of Haywood. If laws are made to be broken and constitutions are for the rich alone and this defendant believes as his lawyer does my only wonder is that Goddard and Gabbert and Bell and Peabody are still alive to-day and that they have not gone to join Frank Steunenberg and Jim Cheyne and the rest But somewhere in our form of government

lodged the power to control and guide me without their going forth to slay. And I say again that if Mr. Darrow's senti-ments reflect those of his client there need not be any doubt in the jury's minds that this defendant believes n murder for the settlement of labor disputes.

A few minutes later the Senator finished his address after talking a total of about five hours and a half—the shortest of the arguments before this jury and incom-parably the biggest ever made before any jury in this Western country.

LOWELL, Mass., July 26 .- With his skull fractured by a swiftly pitched ball Grover Fels, captain of the Yale freshmen baseball nine this spring, is hovering between life and death. The ball was thrown by his brother Max in a game between rival nines of the Martin Luther Association at

YOU need not deny yourself the pleasure of smoking Havana Cigars simply because the Imported article is so scarce just now-

There is an abundant supply of

El Principe de Gales The King of Havana Cigars

Uniformly excellent—always thoroughly enjoyable-a strictly high-grade Havana cigar made from the finest tobacco grown in the Vuelta-Abajo district of Cuba.

The Ideales, Corona Especiales, Invincibles and Escepionales sizes at 25c-

And the Perfectos at 20c or 3-for-50c. are perhaps the most celebrated of the 150 shapes and sizes of this cigar.

Have you ever smoked the 2-for-25c sizes? Try them. El Principe De Gales are made in all sizes and shapes from 10c to 50c each.

For sale at all leading hotels, clubs, cafes and tobacconists.

Also at all the United Cigar Stores. in Greater New York and throughout the United

HAVANA-AMERICAN CO.

IN ON THIS MINING VENTURE?

OR HAS WILLIAMSBURG GOT IT ALL TO ITSELF?

Lot of People Over There, Including Toilers and Clergymen, Sue the Elkhorn Mining and Milling Co., Which Was Backed by Well Known Business Men. A good many Williamsburg people who

fully expected at one time to get rich from

dividends on their stock in the Elkhorn Mining and Milling Company are saving their pennies nowadays to pay the expenses of a suit that has been brought in their behalf in the Supreme Court, Brooklyn, against the directors of the company. The suit is for an accounting and the recovery of money alleged to have been diverted. The defendants are among the

best known business men of Williamsburg including Louis Beer, the wealthy real estate broker; Nathan Levy, head of the wholesale meat house of that name; Jacob N. Herrle, tea merchant; Theodore Yonkers, Louis Fink and Ernest W. Morche. Charges of fraud, conspiracy and deceit are made in the complaint. The facts also have been laid before District Attorney Clarke of Brooklyn. The Elkhorn Mining and Milling Com-

Arizona in 1903, with a capital stock of \$1,250,-000, par \$1 a share. Before the company was incorporated Jacob N. Herrle had acquired from one John Klaes, Jr., thirteen alleged gold mining claims in Buena Vista, Cal., agreeing to pay Klaes \$20,000 in cash and \$148,000 of the stock of any corporation that might be formed to operate the According to the complaint the claims and other property, "if any," were of little or no value; certainly not worth more than the

pany was organized under the laws of

\$20,000 in cash. Knowing what the claims were worth the defendants, it is alleged, conspired together to form a corporation for the purchase of Herrle's rights. They voted all except 443,750 shares of the stock to him and put the balance in the treasury, with the understanding that the \$20,000 in cash was to be paid from the proceeds of the sale of that stock

The complaint charges that the stock which Herrie got, with Klaes's 146,000 shares deducted, was to be distributed among the defendants of the company without any consideration or return thereout This plan, however, was not carried out The books show, so the complaint alleges, that 61,500 shares were issued to various persons and charged against Herrle, and for these the company has never received any consideration.

When the correction machinery had

ceived any consideration.

When the corporation machinery had been perfected and the company had opened an office in the Williamsburg Trust Company Building, on Broadway, the directors began to let the golden secret out a few links. As Mr. Levy said last night, they certainly thought it was a good thing and passed it along only to their friends and relatives. Williamsburg made the thing a little family affair. No outside Brooklynite got even a look in. Everybody down in Williamsburg knew Levy the meat man, and Beer who sold houses by the score. If the Elkhorn was good enough for them it was good enough

houses by the score. If the Elkhorn was good enough for them it was good enough for anybody.

The Williamsburg clergy got in early. The late Rev. Father Francis Pauletighi, pastor of the Roman Catholic Church of the Annunciation, North Fifth and Second streets, invested \$2,000, representing the savings of a lifetime. The Rev. Father J. B. Willman, another Roman Catholic clergyman, got the good word from one of his director friends, and he put in \$2,000. Father Willman is not inclined to take a very charitable view of the proposition now.

now.
"Why," said he yesterday. "there was
misrepresentation all the way through.
We were led to believe that the company
would be paying dividends in a reasonable
length of time." It is estimated that Williamsburg people paid between \$80,000 and \$100,000 into the

paid between \$80,000 and \$100,000 into the company.

The complaint in the suit charges that the directors got out a prospectus, circulated literature and hired agents to sell the stock. All these expeness, it is charged, were paid out of the assets of the company.

The stock at first was sold for 50 cents a share. Then the price was boosted to par. The complaint charges that the directors sold a large number of shares to themselves; that thereafter they increased the price and reaped a profit. It is said that the price paid by the directors for stock was 50 cents a share. The complaint charges further that persons were induced to purchase the stock through representations made by the defendants or their agents that they (the purchasers) were dealing directly with the company and that the money paid in was to be turned into the company's treasury.

"Such representations," says the complaint, "were false and known to be false when made."

when made."

Things ran along in the company with a dividend always in sight, but never arriving until 1905, when the directors met and voted to merge with the Buena Vista Refining and Smelting Company. All the Elkhorn's assets were to be turned over to this com-

pany and the Eikhorn stockholders were to get share for share of the new company's stock. Then it was that Herman Ficker, a braid manufacturer of \$6 Stockholm street, who had been one of the friends let in by the directors, said he wanted to know what was up. He had been in a state of expectation long enough.

He consulted John L. Lamerdin, a lawyer of 100 Broadway, Manhattan. Mr. Lamerdin began a stockholder's action for an accounting and lo! the board of directors met and repudiated the merger which they had made. Then Mr. Ficker was elected treasurer and the board of directors was increased from nine to twenty.

Mr. Ficker said yesterday that he found the books of the company in such a terrible condition that he absolutely refused to have anything to do with them until an expert accountant reported that there had been some queer business transactions in the company, and the new board of directors met and voted that the company should sue the old board for an accounting. This vote was carried by one. It is practically a case of half the directors voting for the company to sue the other half.

The defendants in their answer to the company to sue the other half.

The defendants in their answer to the compaint deny all the serious allegations Mr. Levy declared last night that the stock which the directors had sold was not taken from the treasury, but came from the blocks which the directors got when the company was first organized. Each incorporator, he said, took \$1,000 of the stock at par. He denied also that the directors had ever misrepresented the prospects of the mine. He had always been careful to tell his friends it was a gamble

it was a gamble

WARNER PREPARED TO SKIP.

Killing Miss Norting. Assistant District Attorney Manley be ieves that Frank H. Warner, who killed Esther Norling and John C. Wilson, planned to skip after killing Miss Norling. Mr Manley yesterday went through the room in which Warner lived at 354 West Thirty-fifth street. There was a suit case packed and a street car line transfer which was and a street car line transfer which was good until 11 o'clock on the morning of the shooting. Mr. Manley thinks that after killing Miss Norling Warner went to his room, packed his things and then went to get money from Wilson. There is no ex-planation, however, of why Warner should have killed Wilson.

DIED.

BAWDEN.-At Ploral Park, L. I., the morning of July 25, William Bawden, in the 66th year of his age.
Funeral services at the home of his daughter Floral Park, L. L. Saturday afternoon, July 27 at 2 o'clock. Train leaves foot East 34th at at 12:50 P. M.

BREWSTER .- At Burlington, Vt., July 20, 1907, Ores (Bob) Brewster, aged 17 years, son of Frank R. and Margaret H. Brewster of 615 West 147th st.

Interment at Suffield, Conn., July 28, 1907. ARVIS.—After a lingering lliness. Friday evening July 26, 1907, at his late residence, 233 Jefferson av., Brooklyn, W. Scott Jarvis. Please omit Notice of funeral hereafter.

KIRK.—At his residence, 1133 Boston road. Friday, July 28, 1907. Harford B. Kirk. Notice of funeral hereafter. MILLS.—Henry Talcott, son of the late Dr. Charles Drake Mills of New York, on July 28, 1907, at Long Island College Hospital, Brooklyn., Interment at Pittsfield Mass.

NELSON.—On Friday, July 28, at his residence Peckskill, N. Y., Thomas Nelson, in the 30th year of his age. N. Y., on Monday, July 29, at 3 P. M.

SULLIVAN.—On July 25, 1907, at her residence 459 57th st. Brooklyn, Sarah, wife of James tolemn high mass at the Church of Our Lady of Perpetual Help, 59th st. and 6th av., Brooklyn. Saturday morning at 10 o'clock.

WILSON.-On July 25. John C. Wilson, aged 57 Funeral services on Saturday at 2 o'clock westminster Presbyterian Church, West 23, st. between 7th and 8th avs. St. Nichola Lodge, No 221, F. & A. M., and National Fi. Felt Hat Manufacturers' Association invite:

UNDERTAKERS.

Frank E. Campbell Co., 241-248 West 23d.-Chapels, Ambulance Service. Tel. 1224 Chelser

RELIGIOUS NOTICES

Fifth Avenue Presbyterian Church, Fifth Avenue and 35th Street. Services at 11 A. M. and 4 P. M. Rev. Len G. Broughton, D.D.,

of Atlanta, (ra... will preach both morning and afternoon Strangers are cordially invited. SECOND CHURCH OF CHRIST. SCIENTIST.

Central Park West and 68th St.

Christian Science Services Sunday, 11 A. M. and 8 P. M. Sunday School. 11 A. M. Wednesday eveneeting at 8. Christian Science Reading Room. 23 W. 23d St. 123 W. 125th St. Open daily, except Sunday, 9 A. M. to 5 P. M.

UNION SERVICES will be held by the Unitarian Churches of New York and Brooklyn through July and August in the Church of the Messlah Chapel Park av. and 34th at. Sunday mornings at eleven o'clock. Rev. ALBERT WILLARD CLARK, Min ister, office 104 Kast 20th st.

MADISON C. PETERS.