



JUDGE SMITH,
Who Will Preside at the Trials.

are sent to him not to be punished unnecessarily, but to be held safely for trial. He did not recognize in Moyer, Haywood and Pettibone men of the prison demon class. He has accordingly treated them as he treats other "trusties" among the prisoners. They sleep in a room with two large, heavily grated windows. They are given good food. They may write letters and have all the reading matter they choose to buy. Their attorneys may see them at will. They are allowed to see friends. The attorneys for the defense, however, withhold such permission from newspaper men.

There are boxing gloves and dumb bells for exercise. Singly the men are permitted to walk about in the sun on the big lawn beside the jail. Extra guards and handcuffs do not figure in their treatment. Moyer has recovered and the three men are now in excellent health and spirits.

Waldeck's third article tomorrow will tell of the murder of ex-Gov. Steunenberg and incidents that led up to it; of the arrest of Orchard and Adams and their "confessions," and the arrest and kidnaping of Moyer, Haywood and Pettibone.

This confession by Orchard was made AFTER TWO MONTHS' SWEATING BY THE PINKERTONS. They say it was due to an awakened conscience, belief in God and solicitude for the welfare of his soul. They say no inducements or promises of immunity were held out to him.

It is a fact, however, that after making the statement Orchard dis-



ATTY. J. H. NUGENT,
For the Defense.

missed Fred Miller, who had acted as his attorney. When the latter called to see him Orchard sent out word that he was satisfied with matters as they stood and so declined Miller's further services.

When Orchard was arraigned in court he was mute, declining to plead either guilty or not guilty. Judge



Frank J. Smith entered a plea of not guilty.

Steve Adams, who was arrested in Oregon, has also confessed. He is held at the pen, as a sort of guest of

the state, no charge having been entered against him. Adams says he was hired by the federation to throw Greek fire into a train load of non-union men and to commit other crimes.

Moyer, Haywood and Pettibone will first be placed on trial and Orchard and Adams will be used as witnesses against them.

It will probably be charged by the defense that much of the evidence alleged to be corroborative of the Orchard and Adams confessions was manufactured by the detectives.

The prosecution claims evidence that L. J. Simpkins, a member of the miners' federation, was in Caldwell with Orchard and took part in the murder of Steunenberg. A reward has been offered for his arrest.

The defense has letters from Washington saying he was in that state at the time of the murder, but that it would be risky for him or any union miner to surrender to the present fierce combination in Idaho.

Nugent and Miller have not heretofore acted as attorneys for the federation. The former, however, in addition to his duties as prosecuting attorney, has been the legal adviser of several mining companies.

Nugent is prosecuting attorney in a county where two-thirds of the population is composed of miners and their families. He has served eight years. In that time no member of the federation has been convicted of a felony. One arrested on such a charge could not be convicted.

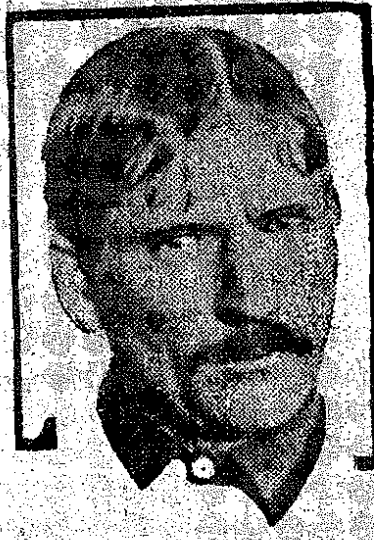
This prosecution, according to the defense, is an attempt by the mine owners, through their employes and friends in office, to destroy the Western Federation of Miners and to revenge the death of one who had befriended them by hanging, without particular regard to the evidence, three of their enemies.

The defense holds that the evidence so far produced by the state is unworthy of credence. It avers that, as a matter of humanity, the three federation men would not have committed such a horrible crime. Their connection with it is declared to be impossible, if there were no other reasons, by the fact that, if proven, it would ruin the federation.



HARRY ORCHARD, THE CON-STEVE ADAMS ALSO A CONFESSOR.

The arrest of Moyer, Haywood and Pettibone was based almost entirely on the confession of Orchard, who told the authorities that they hired him to murder ex-Gov. Steunenberg. Adams' confession relates to other deeds of violence, which he alleges that these officials of the miners' federation hired him to commit.



in ingenuity and expense in preparing for the trial. Every corner of the mining regions is being ransacked for evidence. The careers and associations of the leading figures are being thoroughly investigated. The power of the state and the system of the mine owner are arrayed against the resources of the federation.

Few issues in this country have aroused such intense and widespread public interest. Much of this is perfectly natural, and some has been encouraged by partisans of the contending interests.

Word that comes here from all parts of the country seems to indicate that, in behalf of the prisoners, there has been aroused a feeling almost strong enough to form the basis of a revolution. Great numbers of men see in the kidnaping of the prisoners from Colorado (for it was virtually kidnaping, whether or not it was within the form of law), a case of "railroading to the gallows"

because the prisoners are union men and Socialists. Their suspicion is based, too, on the character of the evidence, so far as it has been made public, and the fact that it has been gathered through the agency of the mine owners, the bitter foes of the federation.

On the other side no opportunity is lost to impress on the public mind, in advance of trial, a conviction of the absolute guilt of the prisoners. The charge of an "inner circle" in the miners' federation to give the members graft and great power and by terror-

ism to swell the influence of the organization has been published everywhere. The killings that have marked the warfare between the miners and mine owners during more than a dozen years are charged against this secret "inner circle," and the prisoners are declared to be the controlling power in the circle. They are classed with the "Molly Maguires," who were destroyed largely through the work of the Pinkerton detective who has a leading

part in securing the evidence in the present case. The statement is made and emphasized that evidence held in reserve by the state will not only convict the prisoners, but will cause a profound shock throughout the country.

So there's a trial by public sentiment while the plans for the other trial are going forward.

There is a colony of private detec-



SECY. WM. D. HAYWOOD

tives quartered in this city. They make frequent trips to the mines in this state, Utah and Colorado, on trips that promise to produce evidence. Attorneys for the defense have been shadowed day and night on their trips through these states. It is barely possible, too, that they are keeping tabs on their opponents. The sleuths are in many guises.

The trial of Moyer, Haywood and Pettibone will begin at Caldwell (unless there should be a change of venue) about June 1. It may be a few days before or a few days after that date. They are held in the county jail in this city. Orchard and Adams, the two prisoners who have made confessions and will be used as witnesses by the state, are at the state penitentiary, which is also in this city.

By John J. Tierney

BOISE, Idaho, June 30.—The testimony of Morris Friedman, author of the "Pinkerton Labor Spy," who exposed the methods of that organization, has aroused the eyes of the sleuths, and it is now alleged by the defense that his life is in danger. Friedman has been shadowed by several and counsel for the defense have taken steps to protect him from possible assault. J. M. Orwick and L. D. Miller, two former members of the Colorado National guard, were unceremoniously ordered from the offices of the attorneys for the defense this afternoon after a brief interview; they presented themselves to Attorney Richardson, stating that they had valuable testimony to offer in behalf of Haywood. Richardson invited them into his private office, and began to question them before making answer each demanded \$75 and return tickets to Cripple Creek. The interview was ended right there, and the pair took their way to the headquarters of the Pinkerton detectives in the Danba hotel.

Money Is Light

The banks of Boise have tightened up, and the prosecution conducting the case against Haywood is threatened with financial stringency, which may seriously affect its plans as regards witnesses and other details of the case.

The last session of the Idaho assembly passed a bill authorizing the issuance of warrants to cover a deficiency of \$54,000, which had been contracted by orders of Governor Gooding in the preliminary steps of the trial. In addition an appropriation was made of \$50,000 for further expenses of the trial, but this fund was to be raised from the tax receipts of the July collections. The money, consequently, has not been available yet, and as the various items of expense have been contracted, vouchers have been issued by the bookkeeper for the prosecution, and these vouchers have been presented to the local banks to be cashed. The vouchers have been accumulating at a rapid rate.

The attorneys, Hawley, Bovan, Mont, Van Dusen and others, have drawn portions of these fees, the Pinkertons have drawn down large sums and the army of witnesses have also been reimbursed. During two or three days prior to the date when the prosecution closed between thirty and forty witnesses were dismissed, and in paying their mileage and per diem it was necessary to draw on the fund for between \$8,000 and \$10,000.

As a consequence of these heavy drains the banks have gotten together and figured that the limit has been reached and bill vouchers cashed from now on will have to be taken on the unsatisfactory condition of the legislature making them good. Another circumstance is also having a disquieting effect on the Boise bankers.

Question Authority

There is a well founded contention here that the legislature had not the constitutional right to pass the laws making the appropriations for the purpose of the trial, and I learn that a suit will be filed in the civil division of the court to restrain the state treasurer from cashing any of the deficiency warrants or the vouchers drawn on the \$50,000 additional.

By Associated Press

BOISE, Idaho, June 30.—The alleged conspiracy of the Pinkerton National Detective agency, under retainer from the Mine Owners' association and the Citizens' alliance of Colorado and Idaho, to destroy the Western Federation of Miners, will be taken up tomorrow morning, when the trial of William D. Haywood is resumed at 10 o'clock. The defense sets up this as the counter-conspiracy of which Harry Orchard, it is charged, was simply an agent. The chief witness is one Morris Friedman, formerly a stenographer for the Pinkertons at the headquarters of the Western division in Denver.

It is alleged that Friedman, as an agent of Socialists and the Western Federation, secured the position in the Pinkerton employ for the purpose of spying on the Pinkertons. Some of the daily reports of the "operators" employed by the agency to join the Western Federation, attended meetings of the local unions, and if possible secured their own location to office in these unions. Friedman has testified, were given to him a copy. He made a copy for himself and now produces a number of these reports which have been marked for identification as evidence, but which have not been read in court. In fact, Clarence Darrow of counsel for the defense advised Judge Wood that he had not himself read the reports. The admissibility of these copies of reports as evidence will be argued tomorrow morning.

To Show Conspiracy

By the introduction of the witness, Friedman, on the last day of the first week of the findings for the defense a more positive light is thrown upon the position taken by the attorneys who are endeavoring to clear Haywood and the other members of the Western Federation of Miners from the charge of conspiracy to murder. It is clearly indicated that it is proposed to show that a conspiracy to exterminate the Western Federation went so far as to secure the indictment of the highest officials of the federation on the charge of murder.

It is charged that when Orchard was arrested on the charge of murder of former Governor Steunenberg he was induced by the Pinkertons to make a confession implicating Haywood, Moyer, Pettibone, Steve Adams, Jack Simpkins and a number of other officers and members of the Western Federation to such an extent that indictments could be secured against them in Idaho. In furtherance of the mine owners' conspiracy it is charged that further incriminating evidence was manufactured by the Pinkertons in support of Orchard's confession, so that Haywood, the secretary and treasurer of the Western Federation, Moyer, the president of the organization, and Pettibone, a former member of the executive board, might be convicted of a capital offense and executed, while many other officers and members of the federation were placed in jeopardy of trial on a similar charge of conspiracy.

Accuse Mine Owners

A review of the evidence introduced in the course of the trial has led to the inevitable conclusion that counsel for the defense will endeavor to prove to the satisfaction of the jury that the Pinkerton agency and the Mine Owners' association, with the knowledge and approval of the governor of Idaho, the former governor of Colorado and other influential people, conspired to secure the death by hanging of William D. Haywood, Charles H. Moyer and George A. Pettibone, and that incidentally the mine owners are directly responsible for the killing of fourteen men in the Independence depot.

The evidence so far introduced by the defense goes to prove that Orchard knowing of the blowing up of the Bunker Hill and Sullivan concentrator in 1899; of the explosion in the Vindicator mine; of the blowing up of the Independence depot; of the killing of Lyte Gregory, and of the explosion at Bradley's residence in San Francisco, accused himself of having committed the crimes and the murder of seventeen men. When in fact, he had little or no personal connection with any of them. Witnesses have sworn that Orchard was not at Wardner on the day the Bunker Hill and Sullivan concentrator was blown up; that the facts connected with the Vindicator tend to the conclusion that the explosion was accidental; that while Orchard may have been present when the Independence depot was destroyed, Steve Adams, in fact, the man who was employed by the mine owners to blow up a piece of useless property, but that a blunder resulted in loss of life; that Lyte Gregory was murdered by persons connected with the United Mine Workers and not with the Western Federation; and that Orchard possessed a motive for boasting of the commission of great crimes, was lying when he said he had any connection with the bomb at Bradley's house.

Orchard's Motive

Evidence has also been introduced to show that both Orchard and Simpkins had personal motive for killing former Governor Steunenberg and that Simpkins' motive was the stronger of the two, in that he was subjected to unjust punishment and torture at the hands of negro troops called in by Steunenberg in 1896. Further evidence as to the explosion at the Bradley house is yet to come. Depositions from Mr. Bradley will be introduced. They were made recently in San Francisco. Bradley swears that the explosion was due to an accumulation of escaping gas and that the owner of the house secured a judgment for damages against the gas company before a jury, and further that an appeal to the superior court resulted in the confirmation of the finding of the jury in the lower court.

The defense has not attempted to deny the presence of Jack Simpkins in Caldwell, in company with Orchard, shortly before the murder of Steunenberg; and the evidence as to the treatment of Simp-

kins by the authorities while he was in the prison indicates that the defense does not intend to clear Simpkins of participation in that crime as an accessory before the fact.

It has been repeatedly stated, as a matter of current report, that counsel for the defense knew of the whereabouts of Simpkins, who has been a fugitive since Steunenberg's murder. It is now flatly stated as coming from outside sources that Simpkins is dead and it is possible that evidence may be produced to this effect.

Haywood may go on the stand next week and make his statement. He will be examined by Senator Borah. Steve Adams is still the unknown factor in the present trial. Counsel for the state believe that the defense will be obliged to put Adams on the stand. The counsel for the defense are noncommittal. They state that this question has not yet been decided. The prosecution believe that should Adams go on the stand they will be able to get before the jury the confession which he repudiated, but which, it is understood, strongly supports Orchard.

Night Sessions

Five full days will be given to the trial next week. The court must adjourn over Thursday, but Judge Wood is threatening to hold night sessions. Both sides have now prepared their request for instructions, which will be submitted to Judge Wood as soon as the evidence is in. It is probable that the speeches to the jury will begin early in the week after next, unless the opening up of the alleged conspiracy between the mine owners and the Pinkertons should necessitate a prolonged examination of Morris Friedman and lengthy rebuttal by the state.

Counsel for the state will not admit that they attach great importance to the evidence given by Friedman, which is included in a book published by him and to which the publisher's preface says: "We believe that the work will have its effect chiefly in opening the eyes of the public to the nature of the methods employed by the agency (Pinkerton's) in its efforts to convict Messrs. Moyer, Haywood and Pettibone, now awaiting trial in Boise for the murder of ex-Governor Steunenberg of Idaho, and who have been recently branded as undesirable citizens by no less a person than the president of the United States."

Pettibone's Relations With Federation

Senator Borah next inquired as to Pettibone's relations to the Western Federation of Miners. Pettibone was not an active member, but when his business permitted would attend the conventions and would come to headquarters. He was a good friend of the organization and ready to assist in any way he could. He had often bought furniture and other supplies for the organization and for its members.

Moyer declared he had never heard of Orchard's enmity toward Governor Steunenberg until the present trial started. Senator Borah had the witness tell again of Orchard's activities in helping the federation officials and attorneys in the alleged train wrecking case at Cripple Creek.

"You knew him as Orchard and as an active member of the organization?" suggested Senator Borah.

"Yes, sir."

As to Orchard's accompanying him to Ouray, Moyer said he had intended hiring a bodyguard until Orchard happened to drop in and say that he was going through Ouray on his way to Silverton. The two were on the train together for a day and a night and talked very generally about their experiences in different mining districts. There was some discussion of Steunenberg, Orchard comparing the acts of Idaho's governor to those of Governor Peabody of Colorado.

Orchard also told of having had an interest in the Hercules mine, but did not say he had lost that interest because of Governor Steunenberg. He always said it was "because of the troubles in the Coeur d'Alene."

Moyer repeated his statement of yesterday that from the time of his arrest in Ouray in April, 1904, until June 23, 1905, he had not seen Orchard.

"You are sure of this," questioned Senator Borah.

"I am willing to say so under oath, Senator."

Outside of offering a reward of \$5,000, the Western Federation of Miners, Moyer said, did nothing toward ferreting out the parties responsible for the Independence depot explosion.

The witness read in the papers that Orchard and Johnny Neville were suspected of the crime. The federation did nothing toward inquiring into this.

When Moyer saw Orchard and went to dinner with him, a year later, the matter of the Independence depot explosion was discussed. Orchard declared that he had nothing to do with it and that he and Neville had left the Cripple Creek district before the explosion occurred.

Knew Nothing of Draft to Simpkins

Moyer declared he knew nothing of a draft being sent by Haywood to Jack Simpkins on December 21, 1905. The first he ever heard of the draft was in the evidence produced in court a week or so ago.

"Wouldn't your name have to be on such a draft?" asked Senator Borah.

"No, sir."
"Wouldn't you have knowledge of a check being drawn to cover the draft?"

"Did you ever draw such a check?"
"The only check I drew was given to Simpkins in person when he drew his per diem and mileage early in December in Denver."

Senator Borah asked Moyer if he had had any previous communication with Jack Simpkins prior to receiving from him January 4, 1906, the telegram commanding a lawyer to defend Borah. He declared he had not.

"Do you know why he sent you that telegram?"

"I do not."
"Did you ever talk to him about it?"

"I have never seen him since."

Moyer said that Simpkins as the member of the executive board of the district where the trouble occurred, would be the man to handle the affairs of the Western Federation of Miners.

Moyer said that at the time the federation arranged to employ a lawyer for Orchard there had been no investigation

to determine the main guilt or to learn if Jack Simpkins had been in Caldwell with him.

"Did you expect to preserve the good name of the Western Federation of Miners by defending the man who had killed Frank Steunenberg?" demanded Senator Borah.

"I did not believe at that time that Orchard had anything to do with the murder. I felt it was just another attempt to charge a crime to the federation."

Attorney Fred Miller, who went from Spokane to defend Orchard, was paid \$1,500 on account when he came to Denver January 30, 1906, to report the result of Orchard's preliminary hearing. The check was not made out in Miller's name but was drawn to the order of Richardson and Hawkins, who had acted as the federation's attorney in several instances. The cross-examination lasted but a little more than an hour and a half. On re-direct Moyer said that Attorney Hank was employed by the federation at Cripple Creek and made an investigation of the Independence explosion.

Moyer declared that he had not heard of Simpkins since some time in January, 1906. He knew where to find all the other members of the executive board but could not tell where Simpkins was. Both sides announced that Moyer's examination had been concluded as the luncheon recess until 1:30 p. m. was ordered.

Haywood on Stand Tells Story of Life

Explains Policies of Federation and Tells of His First Meeting With Orchard.

By Associated Press

BOISE, Idaho, July 11.—William D. Haywood was called to the stand immediately after the recess, and his examination by Mr. Darrow was begun. The accused man was perfectly at ease as he walked to the chair and took oath as a witness in his own behalf. His voice was quite low at first, but when his attention was called to it he elevated it so as to carry to Judge Wood. Haywood was first questioned as to his family history. He said his father and stepfather were both miners, and he first began work as a miner under the latter. Haywood was born in Salt Lake City in 1869. His father was born in Ohio, and his mother in South Africa—the daughter of an English army officer. Haywood said he first went to work at the mines when he was 9 years old. He was married at Pocatello, Idaho, and has two children—daughters. The witness, who has but one eye, said he lost the other when a boy of 7 by sticking a knife in it. The prisoner spent the greater part of his mining career at Silver City, Idaho. He joined the Western Federation of Miners in 1896.

Haywood declared he never knew Governor Steunenberg and had no interest in the Coeur d'Alene troubles other than as a member of the federation.

Resolutions and discussions condemning Governor Steunenberg's course in the Coeur d'Alene, Haywood declared, were not confined to the Western Federation of Miners but applied generally to labor organizations throughout the country.

The witness was asked if he ever said to anyone, as has been testified, that Governor Steunenberg should be exterminated.

"No, sir," he replied. "I think what I said was that he should be relegated and I took a hand in relegating him."

Haywood became a member of the executive board of the Western Federation of Miners in 1900, holding that position until June, 1901, when he was elected secretary-treasurer, an office which he still normally fills. His salary is \$150 a month.

The federation, according to Haywood, has always taken an active interest in politics, one of its objects being to elect its friends and defeat its enemies.

Says He Met Orchard

Haywood said he first met Orchard in 1904 at the same time Moyer met the man. Orchard came as a delegate from one of the Cripple Creek miners' unions to a convention of the State Federation of Labor.

The witness denied as flatly as Moyer did yesterday that Orchard was at federation headquarters in December, 1903, and that he had congratulated Orchard on blowing up the Vindicator mine.

"He never spoke to me at any time about the Vindicator," declared Haywood, "and never received any money from me."

Haywood corroborated what Moyer testified yesterday as to the circumstances of Orchard's accompanying the president of the federation to Ouray, Colo.

"When Moyer asked Orchard if he had any firearms," said Haywood, Orchard unbuttoned his vest, reached way down in his belt and pulled a 44 caliber six-shooter. It must have been a foot and a half long. I asked him what he was going to do with that thing. He said he would take it to Ouray. I said 'Do you think those fellows down there are going to wait till you address yourself to get that gun?'

Haywood's recital of the incident, told in even good humor, called out a ripple of laughter in the courtroom.

Haywood told of Moyer's return from Ouray to Denver in 1904 in custody of a detachment of militia. Haywood was himself a prisoner in the custody of an officer. He, at his own request, was allowed to meet Moyer at the depot.

The witness told how he had just greeted Moyer at the depot when General Buckley Wells interfered, and Haywood struck Wells.

"What happened then?"

"The soldiers set upon me and I got much the worst of it."

Haywood was then taken to the Oxford hotel, he said, and there one of the soldiers pulled a six-shooter on him. Haywood struck the soldier and the row occurred in which Haywood was again roughly handled.

Never Heard of Crimes Until After Execution

Haywood said that he heard nothing of the Independence depot explosion or the murder of Lyle Gregory until after they happened. Orchard, he said, had never approached him in connection with either of these matters, nor had he ever mentioned them to him in any way.

The federation, Haywood declared, had never had any difficulty with Gregory.

As to Johnny Neville the witness said he had never met or spoken to the man. He did see him at headquarters one day, but whatever conversation the man had there was with Moyer.

"Did you ever give Orchard at any time or place any money for the Independence explosion?" asked Darrow.

"I did not."

Haywood said he saw Orchard in Pettibone's store in May, 1905. He remembered the incident because of Orchard having solicited him to take out some life insurance. He had no further conversation than to decline to have a policy written.

He next saw Orchard in the middle of July.

HAYWOOD ON THE STAND.

William D. Haywood takes the stand and begins to tell the story of his life and his connection with the Western Federation of Miners.

Moyer dismissed from witness chair after a short cross-examination.

Explanation offered for the hiring of an attorney by the federation to defend Orchard.

Haywood declares he said that Steunenberg should be "relegated," not "exterminated," and that he helped to relegate him.

Accused says he never met Orchard until 1904, and that he never talked about the Vindicator explosion with him, or gave him any money at any time for any purpose.

Prisoner says he censured Orchard when Orchard told him he intended to desert his wife, and that he never discussed the Steunenberg murder with him in Pettibone's back yard.

The witness said he lived in the neighborhood of Pettibone's store and had often been in his backyard, but never to talk. The yard was only twenty-five feet across and the Solomon family next door had ten children playing about most of the time.

At Pettibone's store one day Haywood said he heard Orchard say he was going to Alaska and was not going back to his family in Cripple Creek. He said his wife had two boys by her first husband and he did not feel like supporting another man's children. Haywood says he told Orchard "The little woman" married him in good faith and he ought not to desert her. Orchard hung his head and said he was not going to support her.

"Was Orchard ever at your house?"

"Yes, sir."

The witness never saw Orchard after August, 1905.

At this point court adjourned until 9 a. m. tomorrow.

corners for the...
for the organization.
"Hawley said that without the unification of the different unions we would continue to be perfectly helpless," said Boyce. "And that the mine owners had set us the example by forming an association."
This advice was given Boyce in the yard outside the county jail, which is underneath the courtroom. Boyce was in jail at the time, serving a sentence for contempt of court.
"We were standing outside beneath that window over there," said Boyce, pointing to the corner of the room, "when we had the conversation."
When the incendiary advice about arming with rifles was recalled to Boyce, he frankly admitted the speech, giving as defense that the constitution guaranteed the right to all citizens to keep arms.
Bill Easterly will probably be on the stand the entire forenoon session tomorrow, and he will be followed by Frestman, the ex-Pinkerton.

Easterly Contradicts Orchard's Testimony

Denies That He Ever Discussed Vindicator or Any Other Plot With Assassin.

BOISE, Idaho, June 27.—A ruling made today by Judge Wood while Ed Boyce, for years the leader of the Western Federation of Miners and now a wealthy mine owner of the Coeur d'Alenes, was testifying in behalf of William D. Haywood, may materially limit the showing of the defense as to the existence of the counter conspiracy against Haywood and his associates which it alleges.

James H. Hawley, for the state, objected to a general question as to the policy and practice of mine owners throughout the West in blacklisting union miners, and in the argument that followed Clarence Darrow for the defense claimed the same latitude in proving counter conspiracy that the state enjoyed in showing its conspiracy.

Mr. Hawley contended that the state had directly shown the existence of a conspiracy by Harry Orchard and by so doing had laid the foundation for and made the connection of all the evidences subsequently offered on the subject. He said that the defense 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 for none of which a proper foundation had been laid.

In ruling the court accepted in part the contention of the prosecution and limited the proof of the defense along this line to events in Colorado and the Coeur d'Alenes connected with the case as now established.

Ed Boyce was the principal witness of the day and his testimony was chiefly devoted to the history, purposes and work of the Western Federation. He denied the existence of an "inner circle" or that there had ever been a conspiracy in the organization to do an illegal act. The chief importance of Boyce's cross-examination was the production of a speech by him at the convention of the federation held at Salt Lake in 1903 in which he said that every union should have a rifle club, every member a rifle, so that the federation could march 25,000 armed men in the ranks of labor.

THE TRUTH ABOUT IDAHO

An Impartial Consideration of the Charges and Counter Charges Growing Out of the Murder of Ex-Gov. Steunenberg, Whose Assassin is Shortly to Be Put on Trial

BY M C C R E A D Y S Y K E S

(Special Correspondence to Ridgway's from Boise, Idaho)

"IDAHO is on trial." That is the way a clever editor put it last spring. That is something the way Samuel Gompers, president of the Federation of Labor, put it to Roosevelt in asking him to investigate the Idaho prosecutions. Is it true? The state of Idaho holds in prison awaiting trial three men accused of one of the most dastardly and cowardly murders of this generation. On the evening of December 30, 1905, Frank Steunenberg, ex-Governor of Idaho, then living in the little agricultural town of Caldwell, was walking through the gate of his home just at dark, when a dynamite bomb exploded at his feet and he was blown to death.

There it was. Simple, brutal assassination. As a private individual, Frank Steunenberg did not have an enemy in the world. I have never talked with a man in Idaho, farmer, merchant, mechanic or professional man, that had a word to say against Steunenberg. So the significance of assassination lay not in any personal quarrel.

A Significant Fact

There was one word that came instinctively to the lips of every man and woman in Idaho the instant they heard of the horrible crime of last December, and this fact is something to bear in mind, when epigrammatic editors tell you that Idaho is on trial. That word was "Coeur d'Alene." That was sufficient to account for the crime. For his conduct as governor of Idaho during the Coeur d'Alene riots of 1899, Frank Steunenberg was blown to death. No one questioned that; it is one of the established, undisputed facts in the case. No man can remain at the head of a state in time of riot and disorder without making enemies, bitter enemies, for life, with a fair chance always of having among them some men so depraved as to seek his life. Occasional assassination seems almost inevitable. If that is all there was to the assassination of ex-Governor Steunenberg, let them hang Harry Orchard, wretched assassin, and be done with it. Orchard, it seems, had his own personal grievance against the state authorities, his own bitter memories of the stern hand of martial law.

When rioting broke out in the Coeur d'Alene seven years ago, Governor Steunenberg sent Bartlett Sinclair to the scene as his personal representative and emissary,

something that was said by many to be a most impolitic, unfortunate appointment. Sinclair set up his famous "bull pen," where men were herded together like sheep in a stockade, under the open sky—treated, they will tell you (and others will tell you exactly the contrary), worse than cattle and cut off from even the decencies of savages.

Bull-Pen Bred Hatred and Ill-Will

Perhaps in that trying ordeal Governor Steunenberg made some mistakes. Perhaps the appointment of Bartlett Sinclair was a mistake. All that may be. But no one pretends that Governor Steunenberg did not try his utmost to do his duty, nor that on the whole he did not meet the situation manfully and efficiently, but it all left behind its trail of bad blood and resentment, and its chief object was Frank Steunenberg, governor of the state.

Harry Orchard was one of those who had been in the "bull pen." If brooding on real or fancied wrongs, this perverted creature had finally succeeded in killing the governor, it would have been horrible; but it would not have been significant. If that had been all, the people of Idaho would now be waiting the trial of Harry Orchard, and in due course he would be tried, hanged, and Frank Steunenberg would be thought of as a brave public servant, who had lost his life because of the performance of duty.

But it isn't Harry Orchard who is lying in jail at Boise awaiting trial. It isn't any one who was ever in the "bull pen;" it is not any one who ever suffered real or fancied wrong at the hands of Frank Steunenberg; it isn't men whom any one ever thought of as crazed or out of their heads. And the reason why the people of Idaho are so wrought up over it, and why the eyes of the whole country will shortly be turned with horrible fascination upon the trial, and why one hears talk on both sides of infamous conspiracies for wholesale murder is because of the confession that the wretched Harry Orchard made in jail—one of the most horrible pictures of villainy ever poured out from the lips of man.

No Objection to Friedman's Story

The prosecution offered no objection to any feature of Friedman's testimony and no objection to the introduction of any one of the documents that the defense obtained through him, and when Friedman was handed over for cross-examination it endeavored to ascertain if Friedman had any more reports or letters bearing on the general issue.

It attacked Friedman's story that he had played the Pinkerton falsely, had violated his pledge to them, and had stolen the documents which he produced, but the witness would not admit he had stolen the papers and would not allow Senator Borah to call him a "Pinkerton." He insisted that it was not stealing to take information that had been obtained by the fraud and deceit of secret service men, and declared that the public service which he performed in informing the people of the methods of the agency fully justified anything that he had done.

He said that had he known this trial was coming up he would have taken many more letters and reports. Senator Borah pressed him to tell just what records there were in the Pinkerton office at Denver bearing directly on this case and why the witness said he could not tell him of any particular one. He remembered many letters written by Detective McFarland in which all manner of crimes were laid at the door of the Western Federation of Miners.

Militiaman Tells of Misuse of Power

Another interesting witness was James I. Wallace, an attorney of Cripple Creek, who served with the militia, first as a private and then as a lieutenant, during the strike of 1903-04. He related several instances as tending to show the misuse of the power of the militia by the mine owners, gave the criminal records of some of the gun-fighters imported by the mine owners, told of the working of the case system, recited the circumstances connected with the looting of the union stores and a newspaper office, and swore that he saw K. C. Sterling, chief detective for the mine owners, fire the first shot in the Victor riot the day the Independence station was blown up.

M. E. White, an organizer for the Western Federation, was the last witness, and brought the trial participants back to great good humor with the drollest kind of a tale of his arrest by the militia with all the pomp and circumstances of war times, the activities of the vermin in the bullpen, and his happy release by a brother Woodman of the World who commanded the militia.

Counsel for the defense said today that they might succeed in finishing with all of their witnesses except Hayward and Moyer by the end of this week. Their plan is to reserve those two principals for the last. The defense has prepared its draft of instructions, the state is working up its rebuttal case, so the end of the trial approaches.

Wallace testified that the leader of a gang of fourteen recruits whom he arrested for drunkenness and disturbance told him he had been instructed to search Denver for the toughest bunch he could collect and bring them to Cripple Creek.

"They should not kick now," said Wallace's prisoner.

Today's testimony probably winds up the stories of Colorado troubles and experiences of victims of outrages, for a time at least.

Tomorrow morning witnesses to impeach Harry Orchard will be called. Max Match will be the first witness, and will be followed by a score of others.

Friedman Objects to Name of 'Pinkerton'

By Associated Press

BOISE, Ida., July 1.—Morris Friedman, the young Russian stenographer who left the employ of the Pinkerton agency at Denver to write a book, in which he published certain correspondence of the agency that passed through his hands, was again today the principal figure at the Steunenberg murder trial. More than half of the court's day was occupied in reading to the jury copies of the documents which Friedman took from the Pinkerton records. These were chiefly the daily reports of secret agents operating as spies among the unions and union men at Cripple Creek, Victor, Globeville, Colorado City, Trinidad and Denver, and showed a complete surveillance of the Western Federation of Miners and the United Mine Workers of America during the labor troubles in Colorado in 1903-04. Pinkerton men sat in the federation convention in Denver in 1904, reporting all proceedings.

None of the reports or letters that were produced by Friedman and read to the jury by Clarence Darrow contained other than general references to the collateral issues of the trial, but they were offered in substantiation of the counter claim of the defense that the Pinkerton agency conspires for the destruction of the Western Federation of Miners and the lives of its leaders.

FOUR FOR COLONEL HURT BLOOM. BLOOM WAS ONE OF GENERAL STEUNENBERG'S CLOSEST FRIENDS. HE ENJOYED THE CONFIDENCE OF THE IMPETUOUS WASHINGTON BULLDOG. ALL OF BLOOM'S WARS IN PHILIPPINE WARS. HIS FRIENDSHIP WITH STEUNENBERG AS A CLOSE FRIEND OF HIS TO BE THE SIGNATURE OF THE MINE

WALLACE'S INTERESTING REPORT WAS SUBMITTED BY DETECTIVE ROBERT M. SMITH FROM THE TRINIDAD DISTRICT. WALLACE GOING TO "PUMP" ONE OF MITCHELL'S ORGANIZERS. SMITH REPORTED ENCOUNTERING A J. FRANK STRONG. ACCORDING TO FRIEDMAN, STRONG WAS ALSO A PINKERTON. BUT HE DID NOT KNOW OF SMITH'S CONNECTION WITH THE AGENCY AND HAD NOT THE LATTER KNOW THAT STRONG WAS A PINKERTON DETECTIVE. THAT THE AGENCY WAS ENABLED TO KEEP TAB ON ITS OPERATIVES AND ALL POSSIBLE TREASURES.

Charge Sterling With Another Crime

K. C. Sterling, the chief detective for the Colorado Mine Owners' association, was charged with another crime today. James I. Wallace, formerly a lieutenant in the militia and now a practicing attorney, swore that Sterling fired the first shot in the riot which followed the blowing up of the Independence. This evidence was presented by the defense to sustain its theory that the depot was blown up as a part of a carefully laid plot which had for its object exactly what took place—the arrest and deportation of the union miners.

The defense will contend that Sterling, after the explosion at Independence hastened to Victor, where Clarence Hamlin, secretary of the Mine Owners' association, was haranguing a crowd composed of members of the Citizens' alliance, militiamen and nonunion miners. "The men responsible for this outrage should be hanged," shouted Hamlin. At that moment, according to Wallace, Sterling discharged his weapon and the mine owners' followers at once attacked every union sympathizer in sight.

Darrow cleverly brought the fact of Sterling's presence in Boise to the attention of the jury.

"Have you seen Sterling here since you came?" asked Darrow.

"Yes, I saw him on the street today," replied Wallace.

As the question and answer were given, Borah looked up quickly and smiled an acknowledgment of the attorney's skill. However much the other attorneys may quarrel, Darrow and Borah insist on remaining good friends.

The defense is anxious to force the prosecution to call Sterling, and it is difficult to see how the state can avoid going so. The jurors now know that the detective is here, and if he is not called the inference will be that the state concedes the truth of the charges made against him.

PATTERSON CANDIDATES CLOSELY ALIGNED WITH LEADERS OF WESTERN FEDERATION OF MINERS

In view of what has been made known of the Western Federation bosses since the arrests in connection with the murder of Former Gov. Steunenberg of Idaho, do the people of Colorado relish the possibility of the return of this organization to authority in the mining districts of Colorado? Those who believe that the supreme court did wrong in aiding in putting down insurrection through the aid of the law, those who condemn the Republican administration for its insistence on established methods as against those who vote for the Patterson ticket, give him an endorsement in his warfare with the supreme court and place on the supreme court bench Messrs. Seeds and Hartenstein, the two men chosen by him to act as instruments with which to chastise the tribunal as it now stands.

When this question was fought out two years ago the people did not know the extent of the conspiracy in which the Haywood-Moyer organization was engaged. How could they? No convictions had been secured against the paid assassins. Not until after the Idaho murder had been committed and the Idaho authorities went to work to reach the criminals, did the people know that the reign of terror which had been projected on Colorado was part of a widespread political campaign to end with a social revolution in the Western states. It was not until after Gov. McDonald sent Haywood, Moyer and Pettibone across the state border that a realization of the desperate work of this gang of professional dynamitards and assassins reached the citizens of this state.

Patterson Clique Is

Defending Dynamiters

Patterson and his party, in their platform and in their speeches, have made the issue on what the supreme court did to put down the assassins. That court upheld the governor in arresting and detaining Moyer until the insurrection at Telluride had been put down. Even this act has been twisted and misrepresented. Patterson has been telling for two years past that the supreme court upheld the doctrine that the governor could declare martial law and suspend the writ of habeas corpus, two statements false from beginning to end.

In his opinion, which every unprejudiced authority now admits is sound law—an opinion which was supported by the highest court in the islands in the authority given the governor of the Philippine Islands to put down insurrection—Justice Gabbert wrote:

"To deny the right of the militia to detain those whom they arrest while engaged in suppressing acts of violence and until order is restored, would lead to the most absurd results. The arrest and detention of an insurrectionist, either actually engaged in acts of violence or in aiding and abetting others to commit such acts, violates none of his constitutional rights. He is not tried by any military court, or denied the right of trial by jury, neither is he punished for violation of the law, nor held without due process of law. His arrest and detention in such circumstances are merely to prevent him from taking part or aiding in a continuation of the conditions which the governor, in the discharge of his official duties and in the exercise of the authority conferred by law, is endeavoring to suppress. When this end is reached he could be no longer restrained of his liberty by the military, but must be, just as respondents have indicated in their return to the writ, turned over to the usual civil authorities of the county to be dealt with in the ordinary course of justice and tried for such offense against the law as he may have committed."

"In fact, counsel for petitioner (Moyer) practically concede that the questions of the authority of the governor to declare martial law, and suspend the writ of habeas corpus are not involved, because, they say, if he has such authority he has not assumed to exercise it; but it is immaterial what power in this respect may be vested in the governor, or whether he has, in fact, attempted to declare martial law or suspend the writ of habeas corpus. The petitioner was lawfully arrested by the military authorities while the work of suppressing the insurrection in San Miguel county was in progress. Such arrest being lawful, his restraint by respondents until it is suppressed is not illegal."

It does not appear strange that a party at the instigation of Boss Patterson should work itself into hysterics over such a commonsense doctrine as is propounded in the above. Moyer was in Telluride urging his tools to their work and he was arrested by the forces sent there to restore order, because he was one of the instigators of the insurrection. If the military had turned him over to the authorities in that county he would have been released. The civil authorities at that time were under the domination of the federation.

The decision of the court upheld the hand of the governor and, despite Patterson and the rich treasury of the federation and the lawyer associates of Patterson, the federation's authority was temporarily broken and in due time Colorado returned to business. But to maintain present conditions it is absolutely essential that Patterson should be kept down. Patterson is the real issue. What does Alva Adams amount to?

SECRETARY TAFT'S TRIP TO IDAHO

IS SOLELY TO HELP GOVERNOR GOODING IN FIGHT FOR RE-ELECTION.

Contest Against Governor Because of His Effort to Enforce the Law Arouses the President and Administration Will Give All Aid It Can to Gooding.

WASHINGTON, Oct. 25.—Secretary Taft's appearance on the stump in Ohio is not at all pleasing to Senator Foraker or his friends. On the contrary Foraker did his utmost to keep Taft out of the state this fall, because he feared that any speeches Taft might make would add to the rapidly increasing popularity of the secretary of war, and this increasing popularity is apt to prove fatal to the Foraker presidential boom.

While Taft made his principal speech in Congressman Burton's district, he will make two other speeches in territory where Foraker is in control. He will go into the Grosvenor congressional district and try to save the young man who beat Grosvenor for nomination and who, having won the nomination, has nearly thrown away the honor by a lot of foolish talk.

The three speeches give Taft an opportunity to address Republicans who are his friends, as well as those who are primarily friends of Foraker. Moreover, it brings him once more in touch with the people of his own state, and three speeches at home will do him no harm.

In the West.

At Omaha and Denver Taft will talk more good Republicanism. He does not go to these cities in the interest of any particular candidates, but in the interest of the entire Republican ticket. At Omaha he will reach people who have never before heard him speak, and the same is true at Denver. If Taft can bring order out of chaos in Colorado he can perform most any sort of political miracle. His speeches in Denver and Omaha, however, are merely incidental to his speeches in Idaho. If the president had not requested him to speak in support of Governor Gooding of Idaho, the Denver and Omaha speeches would not have been scheduled.

President's Interest in Idaho. Idaho is Secretary Taft's objective point in the west, and he goes there not so much to talk good Republicanism as to talk "law and order." The president wanted it known in Idaho that he was in hearty accord with Governor Gooding in the fight he is making against the dynamiters who killed ex-Governor Steunenberg. He realized that the only way to make this fact known so that it could not be contradicted, was to send some member of his cabinet into Idaho for the express purpose of supporting Governor Gooding in his campaign. The president could not go in person, for he cannot participate in any state campaign, but he picked the strongest man in his cabinet; the man with the most nerve, and the most apt manner of expression, and his instructions to Taft were so explicit that the words of the secretary, when he speaks at Pocatello and at Boise, may be well construed as the words of Roosevelt. Or, more properly speaking, the words will be the words of Taft, but the thoughts will be the thoughts of Roosevelt, only on this question the two men agree entirely, and the president is no more pronounced in his views than is his fearless secretary of war.

To Aid Gooding.

The effect of the Taft speeches in Idaho will be to establish the fact that President Roosevelt and the national administration approve the course taken by Governor Gooding, and will stand by the governor to the end of the procession. It is not because Gooding is a Republican, but because he is demanding the enforcement of the law and a respect of the law, that the president has deemed it proper to take a hand in Idaho. If the contest was purely political, Secretary Taft would never have been sent there. Nor would he have been sent there if the state campaign was being fought out on the Mormon issue, as is pretended by Senator Dubois. It is because something higher than a political issue is at stake that the president has taken a hand, and the very fact that he has taken an interest in the campaign is indication that he and his administration see but one issue, and that an issue that knows no state lines. It means that the president considers that Governor Gooding's stand for law and order is the sole issue, and it is such a commendable fight that he deems it not only proper but incumbent upon him to lend the influence of the administration to save the governor and save the reputation of the state.

Personally, Secretary Taft will invite the eremity of some of the union labor leaders by making law and order speeches in Idaho, but that does not make him hesitate. He would never make a bid for the vote of the law-breakers, and particularly the dynamiters and their sympathizers. Taft, if he gets into a campaign, will invite the support of good citizens, and will do everything in his power to show that he has no sympathy for the law-breaker. But he makes his trip into Idaho at this time absolutely without regard for the effect it will have on his own political future.

Orchard's Tale Further Borne Out.
**JUSTICE GODDARD TELLS OF
HIS ESCAPE FROM THE BOMB**

(BY HUGH O'NEILL)

Boise, Idaho, June 20.—Now and at last we are getting down to "factions" over the Haywood case in pleasant Boise City. Not only the citizens of this imperial small town are meant by that "we," but even us of the newspapers and other persons having no actual connection or business with the case. There are "friends of the prosecution" and "friends of the defense," while unfortunate outside persons like the writer, who prefer to take the story and form their impressions from day to day as the case develops, are sometimes solitary and unhappy. It is so much easier to make up your mind when you have heard only one side.

Even the appearance of Luther M. Goddard, associate justice of the supreme court of the state of Colorado, on the witness stand yesterday was matter for a friendly wrangle at night. Somebody had passed the word before the judge had appeared that he was "corrupt," and I thought it proper to retort that at least that somebody was anonymous; and at least he had produced no facts; and "corrupt" was only a term of abuse; and also the judge had gone onto the witness stand and laid himself open to cross-examination, and further I said that he had made an unusual and an extraordinary impression on the court and on the jury by his personal appearance and by the matter of his evidence and by the manner in which he gave it. His upright and sturdy figure; his white beard; his grave face; his scholarly voice and clear utterances, all helped to fix themselves in a picture of unusual importance.

He told the story of the finding of the bomb that was buried at his gate so plainly; he identified the screw eye that held the wire; and the bottle that held the acid and the giant powder caps; and the cartridges that held the dynamite sticks, all so carefully that men shuddered in a moment of realization.

LEST WE FORGET.

This is a time for the people of this state to recall the shock they experienced less than a year ago when news reached them that Frank Steunenberg, a former governor of Idaho, had been assassinated with a bomb at the gate of his home at Caldwell. It is a time for them to recall the incidents that preceded that awful murder and which made him a marked man, one doomed to death by the hands of persons incensed against him because he had, while in the executive chair, been loyal to the great principle of law and order.

It is a time to recall the shudder with which each fresh outrage in the Coeur d'Alenes during a period of seven years was received. It is a time to recall the feeling of despair with which law and order people everywhere contemplated the conditions prevailing in that section under which the authors of countless crimes were permitted to go scott free, walking the streets unchallenged.

It is a time to recall the terrible fact that, for years in that section, the eleventh of July was celebrated instead of the Fourth, the eleventh being the anniversary of the terrible riots and bloodshed of 1892.

Again, it is a time to recall the feeling of enthusiasm and thankfulness experienced, when, following the riots and murders of April, 1899, the heroic figure of Governor Steunenberg was seen standing at the helm of the ship of state assuring the people of Idaho that the dark conspiracy through which all those crimes had been committed should be blotted out and the reign of law restored in the Coeur d'Alenes. It is a time to recall how loyally, resolutely and effectively he laid the hand of the law upon the throat of treason and crushed the ter-

rible cabal that had ruled that region so long by violence and terrorism. It is a time to recall that, in 1899, the Fourth of July was celebrated there for the first time in years, the treasonable celebration being prohibited.

Further, it is a time to remember it was because of what he did there at that time that Governor Steunenberg was done to death last December.

And, as to events still more recent than the murder of the former governor, it is a time to recall the fact that, the moment the men accused of responsibility for that murder were taken from Denver to be brought here to stand trial, every publication in sympathy with such lawlessness as cursed the Coeur d'Alenes and inspired this crime, raised a mighty shout of protest, proclaiming that the accused persons should not be put on trial and that they should not be punished if tried and convicted.

Darrow Puts Crimes on the Pinkertons

Boise, Idaho, June 24.—At 10 o'clock this morning Clarence S. Darrow commenced his opening statement for the defense in behalf of William D. Haywood, secretary of the Western Federation of Miners, charged with the murder of Frank Steunenberg, one time governor of Idaho. The speech may continue until late into the afternoon. Before Darrow commenced his address the court room was filled with spectators, but the crowd was not unusual. Haywood's mother was seated beside him inside the railing, and his wife sat next to her, and his younger daughter and his wife's nurse.

Haywood and Richardson sat well back from the table of defending counsel. John Nugent and Edgar Wilson, also counsel for the defense, sat watching Darrow closely and listening intently to every word he said. And to follow Darrow with intelligence needed intently.

He spoke in broken sentences, phrased many of his statements elliptically. He left not a little of his meaning to the personal inference of his listeners.

Darrow is a large man, with a slightly protuberant abdomen and heavy, crouching shoulders; his hair is as black and as straight as an Indian's; his face is melancholy and very sallow; his voice has something of the high, appealing growl of the revivalistic hysteria.

Opening Statement Indefinite.
The opening statement Mr. Darrow made was neither obligatory nor binding upon the defense. In presenting its evidence the defense can ignore every statement made by him. He need not bring one witness to substantiate a single opening affirmation. He addressed himself not to the court, but to the jury, and he had been talking for half an hour before he indicated in any way the line of defense that would be followed.

It was after admitting the formation of the Western Federation of Miners in the Ada county jail in 1892, by some miners imprisoned there, that Darrow said:

Blames the Pinkertons.
"As soon as the Western Federation of Miners was born the mine owners started the work of destroying it, and as the chief means of destroying it they hired the Pinkerton agency with one MacParland at its head. From the beginning until now that agency has been busy scheming and working and lying to get these men of the Western Federation. We shall show that among other things the mine owners repeatedly hired detectives and placed them in positions of responsibility as secretaries and presidents of local unions, and the mine owners sent these Pinkerton detectives out to advise bloodshed and advise dynamite and advise murder."

Falls Under Orchard's Spell.
Then Mr. Darrow dealt in further rhetoric concerning the industrial and social conditions of Coeur d'Alene before the days of the bull pen, and then, like Richardson, fell under the everlasting spell of Harry Orchard. He denied that Orchard had committed half the crimes he charge himself with. He denied that he had ever tried to blow up Bradley in San Francisco. He denied that he had ever cut any figure as an assassin, and he ended his philippic by calling Orchard the "most monumental liar that ever lived."

There was nothing consecutive in the speech; it did not follow at all clearly the case presented by the prosecution; it did not outline at all the theory of the defense it would present. The very serious allegations of the prosecution; the allegations that affected Haywood most pregnantly—he avoided or slurred over altogether.

And all the time he made the impression of a man who had failed to gain the intellectual sympathy of his jury. The twelve jurymen trying this case are essentially and altogether Western men. They are frontiersmen; hard-bitten in the life of the frontier, believing in the methods of the frontier and believing in the type of men it has produced, and Darrow is an intellectual product of a great city. His view of industrial conditions is the view of a city man, believing in the alleviating benefits of anarchy, watered down by gentle words, and pink lemonade allusions.

And in talking to his jury, the thing he seemed to miss was the grave impression made upon the jury, not by the allegations that Haywood had been concerned with the killing of men, but in the secret, unwarned methods of that killing.

"If a man comes to me," said one frontiersman to me yesterday, who was very friendly to Haywood in the beginning of this case, "and tells me that he's going to shoot me on sight, why that's all right. The one of us that gets the drop first wins out. If he don't, well, he takes company to hell with him. But to hide a bomb in my gatepost or to drop arsenic into my milk, why, that's not American." That last word seemed to impress him greatly.

"That's not American," he repeated, and the point Clarence Darrow missed in talking to the jury this morning was just that.

Essentially American Jury.
The crime charged against them was "not American," and he was taking to an essentially American jury. But he talked to the jury as if it was a jury of Chicago packing house hands. The jurymen were men of their hands, sun-baked, hard-gripped, deep-bitten men; small ranch owners mostly, who thought for themselves and believe above everything in the individual freedom of individual Americans.

This morning Clarence Darrow bellowed as if they were a parcel of immigrants fresh and bewildered from Ellis Island. And all the time he abused and reviled Orchard.

"This monumental liar," he called him; "this leper," "this shoestring gambler." He implicated the mine owners time and again in continued efforts to wreck the Western Federation. He alleged that the explosion in the Vindicator mine was a "pure accident."

He spoke of Pettibone as "a light-hearted, good-natured citizen of Denver; the friend of every dog and child and cat in the place. A simple gentleman selling clothes wringers; a Happy Hooligan fellow," he called him; "who was always ready to help anybody."

Pettibone, Darrow said, had supplied the sawed-off shotguns for Moyer and Orchard when they went to Ouray together. He admitted that Orchard had gone to Ouray with Moyer as a "guard." He got rather complex in explaining how it was Orchard had gone with Moyer. He was vague in his facts and his dates and his places, and he had to turn often and consult his associate counsel. He talked like a man who had never gripped his case; he failed altogether to grip his jury, and he left the defense at 12 o'clock a little weaker than it was at 10 o'clock when he started.

Moyer's Testimony Discussed and Analyzed

WILL IT AID OR HURT HAYWOOD

Federation President Appeared to Good Advantage, Yet May Be a Hidden Mine.

By Xavier.

Special to The Times.

The crux in the Haywood case has been reached, and the defendant's fate may depend upon this day's developments.

From one standpoint Moyer made a most excellent witness. He was calm, deliberate, positive and modest. His voice is a pleasing one, and his manner is equally so. After listening to him all day, it shall at any time in the future turn out that he (Moyer) was in fact particeps to the murder of Steunenberg, it may well be said of him that he is "as mild a mannered man as ever cut a throat or scuttled ship."

Both Darrow and Moyer seemed to be on the same mission—that of a full and unreserved unfolding of the relations of the federation to the Steunenberg killing. There was no denial of the employment of counsel to defend Orchard; that the amount paid, \$1,500, to Attorney Miller was a large one at that early period in the case; that Moyer and Haywood were in communication with Simpkins, charged by Orchard to have participated with him in the early stages of preparations for Steunenberg's taking off; that certain protests came from the officers of the Silver City union and Lawyer Nugent of Boise against being too hasty in rushing to Orchard's defense, and Haywood's insistence that the defense be immediately undertaken—all of this with copies of correspondence, both by letter and wire, were disclosed with a frankness that seemed to say: "Here is the whole story. The federation has nothing to withhold and nothing to fear."

And yet that the day's work has shown Haywood to have been in perilously close association with Jack Simpkins and that it brings him into more intimate relations with Orchard than the state had established must be admitted.

And yet it may be that when all is told it will appear that what was done by Haywood and Moyer in dealing with Orchard's arrest and his defense was from a stern sense of duty, disbelieving that Orchard was the murderer, and honestly feeling that it was their duty to defend him and in doing that to defend the organization of which they were the heads.

Brief Resume of Situation.

The following is the situation as it was left last night by the day's development when Moyer's examination in chief was concluded:

Jack Simpkins was a member of the executive board of the Western Federation of Miners. The state of Idaho was within his jurisdiction as executive committee man. He had been with Orchard at Boise and Caldwell for a number of days a

month or less before Steunenberg's taking off, and Orchard says he was there with him preparing for the murder, and left before it was consummated through fear.

The unfortunate thing for Haywood, so far as Jack Simpkins is concerned, is that he is a fugitive from justice; that though charged with participation in the murder of Steunenberg, he has fled, or so conceals himself that the officers of the law cannot arrest him. His presence in Caldwell with Orchard, the testimony of Orchard and other circumstances create a heavy, quite insuperable, presumption against Haywood and Orchard that they, at least, knew that Steunenberg's murder was contemplated by Orchard, and that he helped in preparations for the crime.

Now, immediately after the crime and the arrest of Orchard, Simpkins, a member of the executive board of the federation, writes to the president of the federation to effect that Orchard should be detained, and at Spokane he gets Miller, attorney for the federation at that point, to proceed immediately to Caldwell that he may communicate with Orchard and take measures for his defense.

Hired Attorney for Orchard

Moyer testified that on June 5, five days after Steunenberg's murder, he received a cipher telegram from Simpkins dated Spokane, which, translated, read:

"Cannot get a lawyer to defend Hogan. Answer."
Upon receiving this telegram Moyer, according to his testimony, consulted Lawyer Murphy, the federation attorney in Denver, and was advised by him not to act hastily in the matter, but to take time to think it over. Moyer was called to Chicago almost immediately after consulting Murphy and left the matter of employing counsel in the hands of Haywood. Haywood at once entered into correspondence with R. J. Hanlon, financial secretary of the local union at Silver Lake, Idaho, both by wire and mail.

The first communication was a telegram to Hanlon directing Hanlon to employ John F. Nugent of Boise and now one of Haywood's counsel, to act as attorney for Orchard at the expense of the federation, to protect the interests of the organization at Boise.

Hanlon's reply discloses that Nugent hesitated about accepting employment and desired particulars. To this Haywood replied that the press dispatches indicated that a conspiracy was on foot to connect the Western Federation of Miners with that crime. In this connection, however, Haywood said the federation defended no one guilty of crime, but in the past that it had learned that had it defended some of the accused members they would have been the victims of a conspiracy.

Advised Against Haywood Action

Then Hanlon wrote to Haywood and told him Nugent was willing to take up the case if it appeared there was to be an effort to put the crime on the Western Federation, but that he, Hanlon, thought it unwise for the federation to employ counsel to defend Orchard at that time, giving as his reason that to do so would give the capitalist press an opportunity to say that the federation was concerned in the crime, and that he, Hanlon, thought he thought Hanlon should be the passport of the federation in dealing with that matter.

To this wise letter Haywood immediately replied, thus appreciating the delicacy of the federation's position and the antagonistic attitude of the capitalist press, nevertheless the federation officials felt that they had to act in the matter as they saw it from Denver, and that they had no doubt that everything would be done to point the finger of suspicion at the federation. He insisted that the defense should be given to Orchard and did not accept the advice either of Hanlon or Nugent to proceed slowly and with caution.

...willing to say so under oath...
...of offering a reward of \$5,000...
...Western Federation of Miners...
...did nothing toward arresting...
...responsible for the independence...
...explosion...
...witness read in the papers that Or...
...and Johnny Nevins were suspected...
...of the crime. The federation did nothing...
...toward inquiring into this...
...When Moyer saw Orchard and went to...
...of the independence report, explanation was...
...discussed. Orchard declared that he had...
...nothing to do with it and that he and...
...Nevins had left the Idaho Creek district...
...before the explosion occurred...
...Moyer declared he knew nothing of a...
...draft being sent by Haywood to Jack...
...Simpkins on December 21, 1906. This draft...
...he ever heard of the draft was in the...
...evidence produced in court a week or so...
...ago...
...Wouldn't your name have to be on...
...such a draft? asked Senator Borah...
...No, sir...
...Wouldn't you have knowledge of a...
...check being drawn to cover the draft?...
...Yes, sir...
...Did you ever draw such a check?...
...The only check I draw was given to...
...Simpkins in person when he drew his...
...per diem and mileage early in December...
...in Denver.

INQUIRES ABOUT THE FEDERATION

...of the federation...
...Denver Moyer said Jack Simpkins, the al...
...leged accomplice of Harry Orchard, who...
...has never been apprehended was con...
...tained in office as a member of the ex...
...ecutive board for Idaho, an alternate be...
...ing appointed to take up his duties...
...Moyer was very deliberate in his replies...
...again today, evidently weighing his an...
...swers in his mind before making them...
...He said he was living at Coeur d'Alene...
...in 1906, but having acquainted with many...
...of the members from that district at the...
...Salt Lake convention that year. He also...
...learned at Governor Steunenberg's part...
...in the strike. Jack Simpkins was one of...
...the men Moyer met at the convention. He...
...heard Simpkins tell of the indignities he...
...suffered in the Idaho "bullpen" and knew...
...what his feelings were...
...Moyer declared he had never heard of...
...Orchard's family toward Governor Steun...
...enberg until the present trial started...
...Senator Borah had the witness tell again...
...of Orchard's activities in helping the fed...
...eration officials and attorneys in the al...
...leged train wrecking case at Cripple...
...Creek...
...You knew him as Orchard and as an...
...active member of the organization?" sug...
...gested Senator Borah...
...Yes, sir...
...As to Orchard's accompanying him to...
...Corry Moyer said he had intended hiring...
...Corry until Orchard happened to...
...appear and say that he was going through...
...Corry on his way to Silverton. The two...
...were on the train together for a day and...
...night and talked very generally about...
...their experiences in different mining dis...
...tricts. There was some discussion of...
...Steunenberg, Orchard comparing the acts...
...of Idaho's governor to those of Governor...
...Peabody of Colorado. Orchard also told...
...of having had an interest in the Horou...
...les mine, but did not say he had lost that...
...interest because of Governor Steunenberg...
...He always said it was "because of the...
...troubles in the Coeur d'Alene."

...DENIES HE SAW ORCHARD AGAIN...
...Moyer repeated his statement of year...
...ago that from the time of his arrest in...
...Caldwell he had never seen Orchard...
...again.

...willing to say so under oath...
...of offering a reward of \$5,000...
...Western Federation of Miners...
...did nothing toward arresting...
...responsible for the independence...
...explosion...
...witness read in the papers that Or...
...and Johnny Nevins were suspected...
...of the crime. The federation did nothing...
...toward inquiring into this...
...When Moyer saw Orchard and went to...
...of the independence report, explanation was...
...discussed. Orchard declared that he had...
...nothing to do with it and that he and...
...Nevins had left the Idaho Creek district...
...before the explosion occurred...
...Moyer declared he knew nothing of a...
...draft being sent by Haywood to Jack...
...Simpkins on December 21, 1906. This draft...
...he ever heard of the draft was in the...
...evidence produced in court a week or so...
...ago...
...Wouldn't your name have to be on...
...such a draft? asked Senator Borah...
...No, sir...
...Wouldn't you have knowledge of a...
...check being drawn to cover the draft?...
...Yes, sir...
...Did you ever draw such a check?...
...The only check I draw was given to...
...Simpkins in person when he drew his...
...per diem and mileage early in December...
...in Denver.

DID NOT WRITE JACK SIMPKINS

...Senator Borah asked Moyer if he had...
...had any previous communication with...
...Jack Simpkins prior to receiving from him...
...January 4, 1906, the telegram "cannot...
...get a lawyer to defend Hogan." He de...
...clared he had not...
...Do you know why he sent you that...
...telegram?...
...I do not...
...Did you ever talk to him about it?...
...I have never seen him since...
...Moyer said that Simpkins, as the mem...
...ber of the executive board of the dis...
...trict where the trouble occurred, would...
...be the man to handle the affairs of the...
...Western Federation of Miners...
...Moyer said that at the time the fed...
...eration arranged to employ a lawyer for...
...Orchard there had been no investigation...
...to determine the man's guilt or to learn...
...if Jack Simpkins had been in Caldwell...
...with him...
...Did you expect to preserve the good...
...name of the Western Federation of...
...Miners by defending the man who had...
...killed Frank Steunenberg? demanded...
...Senator Borah...
...I did not believe at the time that Or...
...chard had anything to do with the mur...
...der. I felt it was just another attempt to...
...charge a crime to the federation...
...Attorney Fred Miller, who went from...
...Spokane to defend Orchard, was paid \$1...
...00 on account when he came to Denver...
...January 30, 1906, to report the result of...
...Orchard's preliminary hearing. This...
...check was not made out in Miller's name...
...but was drawn in the name of Richardson...
...& Hawkins, who had acted as the fed...
...eration's attorney in several instances...
...The cross-examination lasted but a little...
...more than an hour and a half. On re...
...direct Moyer said that Attorney Kane...
...was called by the federation at Cripple...
...Creek and that he had been in the employ...
...of the federation since the explosion...
...of Steunenberg since something in 1900...
...1900. He never knew Orchard and that...
...members of the executive board did not...
...not tell where Steunenberg was. He never...
...announced that Steunenberg had been...
...killed at the Coeur d'Alene mine in...
...1906.

...DENIES HE SAW ORCHARD AGAIN...
...Moyer repeated his statement of year...
...ago that from the time of his arrest in...
...Caldwell he had never seen Orchard...
...again.

Haywood Takes Stand Moyer Could Not Be Shaken

Federation President Holds to Details of His Denial of Orchard's Story During the Cross-Examination.

ASSASSIN NOT A CONFIDANT

Was a Good Witness and Modest Bearing and Straightforward Answers Made Favorable Impression on Jury.

By Associated Press.

BOISE COURTHOUSE, Idaho, July 11.—Flash.—W. D. Haywood was called to the stand to testify in his own defense immediately after court opened at 1:30 this afternoon.

BOISE, Idaho, July 11.—Charles H. Moyer returned to the witness chair at the Steunenberg murder trial this morning, and after the defense had secured the introduction as evidence of portions of the ritual and constitution of the Western Federation of Miners, the witness passed into the hands of the prosecution for cross-examination. Senator Borah at once began a searching inquisition of the witness. An important statement of the witness was a denial of any knowledge of the draft for \$100 sent to Jack Simpkins nine days before Steunenberg was killed.

Moyer's cross-examination was concluded before the noon recess, as was also the redirect.

intention to arrest you in connection with the murder?"
"When I was arrested."
Witness then related the story of his arrest, the denial of a right to consult counsel, and the trip to Boise on a special train in charge of General Bulkeley Wells.
Haywood said he was indicted for inciting to riot at Victor following the Independence depot explosion. He was in Denver at the time. The case never came to trial, a nol proa being entered by District Attorney C. C. Hamlin, who prior to our election had been secretary of the Miners Owners' association.

Borah Begins Cross-Examination

This ended the direct examination and Senator Borah began to cross-question the prisoner witness.
He dwelt upon the interest the miners at Silver City, Idaho, took in the Coeur d'Alene troubles. Haywood said a committee was sent from Silver City to northern Idaho at the time.

"The Western Federation of Miners came to think of Governor Steunenberg as a pronounced opponent of organized labor?"

"I believe so, yes, sir."
"But prior to this trouble he was regarded as a friend?"

"I think so; he was at one time an honorary member of a local union."

"The federation afterwards regarded him as a friend of capital and was swayed by capitalists and I suppose you joined in this view?"

"Yes, sir, as an officer, I did."

"Did the Miners' magazine reflect your views as well as those of the organization?"

"Somehow."
"It reflected your views as to the Coeur d'Alene?"

"In some instances it did. I did not approve of the bulkiness of the permit system, of the indignities upon the men, but as to Governor Steunenberg I did not regard him in any other light than I do you, senator, or Bartlett Sinclair, or any others who were concerned."

"I have understood that," replied Senator Borah, who then questioned the witness as to the article which appeared in the Miners' magazine at the time Governor Steunenberg left the office, and entitled "The Passing of Steunenberg." The article stated the conclusion that when Steunenberg's dispatch should come to be written it would read: "Here lies a hireling and a traitor."

"Did that article reflect your views and those of the federation?"

"As to the governor's official acts, it did," replied Haywood, who added that the article was directed against Steunenberg as a state official and not as a man.

"There were many others who felt the same way about Governor Steunenberg," the witness went on. "The lieutenant governor who served under Steunenberg wrote an article which was much stronger than this."

The witness was taken through a long line of questioning as to Jack Simpkins, developing the fact that whereas Simpkins disappeared more than a year ago he is still continued as a member of the executive board of the federation. When in Denver in December, 1906, Simpkins said nothing of having seen Orchard in Caldwell, Idaho.

Senator Borah asked Haywood about the posting of certain notices in the Cripple Creek district in 1901. One of these read: "Henceforth, any one working in the mines, mills and power plants of the Cripple Creek district who is unable to produce a card of membership in the Western Federation of Miners will be regarded as an enemy to himself and to the community at large, and will be treated as such."

Haywood said in explanation of this that there was a movement on foot to reduce wages throughout the district. A second notice called the attention of the miners to the fact that the 15th of September was near at hand; that the time of grace had about expired, and that all who were not for the union must be against it. There could be no middle ground.

"So," said Senator Borah, "the Western Federation of Miners had a permit system of its own, and no one could work when it was in control unless it had a union card?"

"No, sir, a man could go to work anywhere without a card, but we expected him to join the union if he wanted any of the benefits which accrued from membership in it."

Haywood was questioned closely as to his appearance before a committee of the state senate in Denver to argue on the eight-hour law. Haywood said he spoke his mind very freely to the representatives of the capitalistic class, who were present, including Frank J. Hearn of the Colorado Fuel and Iron company, and ex-Governor Grant.

"I compared the palace in which Governor Grant lived to the huts of some of the smeltermen, and I did it so vividly that tears rolled down Governor Grant's cheeks and he said he was going to leave the state. I told the men present that it was such influences as they represented that corrupted legislatures and courts."

"And you referred to the court of which Judges Gabbert and Goddard were members?"

"I referred to the supreme court."
"And you regarded Judges Gabbert and Goddard as representatives of the corrupt corporation influences?"

"I wouldn't like to say that personally."

Senator Borah complained at one point during the examination that the witness was trying to evade a direct answer. Haywood disclaimed this and declared that he was ready to answer any and all questions to the best of his ability.

At 11:30 the luncheon recess until 2 p. m. was ordered.

would hesitate and speak in a marked emphasis. His voice was musical, was seldom raised, except when a hot debate was given. Orchard's manner was courteous throughout, but now and then a tinge of sarcasm or stolidity appeared as he listened to a direct answer and Haywood answered reluctantly. Haywood in turn was as courteous as the cross-examiner, invariably he addressed Borah as "senator" and repeatedly asked permission to explain when he thought there might be some misunderstanding. Notwithstanding this subdued air of consideration, of quiet speech and courteous bearing, there was not a moment throughout the three hours of cross-examination that the at-

tempters did not tangle with possibilities. Thus when Senator Borah pressed Haywood as to his sentiment toward former Governor Steunenberg, Haywood said quietly and with a smile: "I felt no difference toward Steunenberg, senator, than I do toward you, or any of those people." Senator Borah looked up quickly, but he did not smile. He said very quietly: "You have been given to understand something of that sort," and did not pursue the subject.

Much of Testimony Was Repetition

Much of Haywood's testimony today was a repetition in detail of what Moyer said yesterday. Haywood, however, made no effort to deny his knowledge of Orchard and his affairs, or his connections with Simpkins. He was pressed closely by as to the passages of telegrams relating to the employment of counsel to defend Orchard, and in this connection admitted that he knew Simpkins and retained counsel, but that there was no record of any report from Simpkins to the officials of the Western Federation of Miners. Like Moyer, Haywood had never heard Orchard make threats against Steunenberg, though he had heard of Orchard's claim that he had lost his interest in the Hercules mine because of the troubles in the Cripple Creek. Haywood explained the draft sent to Simpkins for \$100 on December 21, 1905, on the ground that Simpkins had left the money with him for safe-keeping. He had no knowledge of the receipt of the money and has not heard from Simpkins since that time. Haywood said he never told Pettibone that he had sent this money to Simpkins. In his opening speech Mr. Darrow said it was doubtful if the defense would attempt to explain the copy of the letter received by Orchard while he was in jail in Caldwell, in which he said: "That was sent on December 21." In his testimony Orchard said that this letter was in reply to one from him to Pettibone asking for \$100.

Haywood in many particulars confirmed Orchard, but where Orchard connected Haywood or the Western Federation of Miners with crimes the witness was very emphatic and prompt in his denials. He showed no hesitation or desire to conceal the fact that Orchard had visited him at his house, or that he on different occasions had intimate conversations with Orchard. He denounced the administration of Colorado at the time of the troubles as corrupt, and he extolled the value of the Western Federation of Miners. Throughout Haywood rang the note of antagonism to what he calls the capitalistic class, and his confirmed view that only by such methods as those followed by the Western Federation of Miners can the workingman hope to control the situation.

Tells of Money Sent Adams and Simpkins

Haywood Offers Explanation for Acts Made Much Of by the Prosecution.

By Associated Press

BOULDER, July 12.—Dominick Flynn, one of the defense's witnesses in the Haywood trial, was recalled by the state when the case opened this morning at 9 o'clock. He was asked as to a conversation he had with Daniel Ganey at Mullen, Idaho, in 1890. The questions were evidently for the purpose of impeachment. After Flynn left the stand Haywood was recalled for the direct examination was continued.

Haywood said that Orchard had been at his house three or four times. Most of the members of the union when they were in Denver called at his home, the witness declared.

"Did you ever call on Orchard?" asked Mr. Darrow.

"No, sir, never."

"Did you ever have anything to do with buying a horse and buggy for Orchard to go out on killing expeditions?"

"No, sir, never."

Haywood said Orchard came one day to headquarters in a buggy with a colored man and said George Pettibone wanted to know if he could trade the rig for a gray mare which the federation owned—one of the nineteen horses which had been used in distributing relief in the Cripple Creek district. Pettibone was anxious to get the mare for one of his delivery wagons.

The witness denied severally and positively that he had talked to Orchard or planned with him the killing of Sherman Bell, Governor Peabody, F. J. Hearne, David Moffat or Judge Goddard or Gabbert.

He declared that Orchard's story on the witness stand was the first he had heard of the matter.

Haywood first met Steve Adams in 1902. He said the \$75 he sent to Adams at Ogden when the latter visited him was in full, there was no other money Adams had been not promised and had started on the way to Denver that he struck anything he would locate Haywood in it.

"During 1904 Steve Adams was at headquarters several times. He said he had been to the 'tall timber.' Adams and his wife were both drawing strike relief at this time.

"Did you ever give or send him any money other than the \$75 you have testified to?"

"No, sir."

"Did you get your \$75 back?"

"No, sir. At Cripple Creek Adams and Minster, who went with him, said they would settle up as soon as the strike was over."

Adams and his wife left Colorado in the spring of 1905. Haywood said that some time later he received a letter from Mrs. Adams saying she and Steve had located a homestead in Oregon. They expected to do well, but needed a little

temporary relief, according to the letter he wrote to her. Thirty dollars was sent to them. The next he heard of Steve Adams was when the latter passed away.

As to the letter he wrote to Harry Orchard's wife November 25, 1905, Haywood said his note was in reply to one from Mrs. Orchard inquiring as to her husband's whereabouts. He told her all he knew about Orchard. He had no way of knowing where Orchard was except as the latter had told him his plans for going to Alaska. Haywood said he did not care to tell Mrs. Orchard what her husband had said as to his determination not to return.

Haywood declared he knew absolutely nothing of the plot against Governor Steunenberg.

"I don't know that I had thought of him after I left the state of Idaho."

"Had Governor Steunenberg been to get back into politics?"

"No, sir."

"Had he shown any disposition to become active in mining matters?"

"No, sir."

The first Haywood heard of the assassination was in the papers which claimed the crime was a culmination of the troubles in the Cripple Creek. The papers also reported that a union card had been found in the effects of Thomas Hogan, who had been arrested on suspicion.

At miners' headquarters there was considerable question as to who Hogan was. The consensus of opinion being that it was Orchard, who had used that name in leaving Cripple Creek to seek employment elsewhere.

The first definite information came in the shape of a telegram from Simpkins, which was translated at first, "Can I get counsel for Hogan?" but which was afterwards corrected to read, "Cannot get counsel for Hogan."

Explains \$100 Draft to Simpkins

Haywood's explanation of sending the \$100 draft to Jack Simpkins on December 21, 1905, was as follows:

"Simpkins came to Denver early in December to attend a meeting of the executive board. He drew \$21.50 for salary and traveling expenses while there."

Cashing a check for this he gave Haywood \$100 and asked him to forward it to Spokane some time before Christmas. Simpkins said he was going on a trip and didn't want to take all the money with him. Haywood said he could not remember whether he bought the draft and mailed it or whether one of the federation stenographers attended to the matter.

Witness said he had not seen Simpkins since the executive board matter.

When the matter of employing counsel for Orchard and to look after the interests of the organization first came up Haywood said he and Moyer consulted with General Counsel Murphy, who advised going very slowly in the matter. After considering the subject for a day or two, Murphy advised the employment of Mr. Nugent.

The defense offered in evidence a letter written by General Counsel Murphy to Attorney Nugent, but it was ruled out by Judge Wood on the ground of immateriality.

An exception was noted.

Haywood went into the details of the final employment of Attorney Fred Miller of Spokane to defend Orchard. At this time Attorney Crump, who had represented the Mine Owners' association of Colorado in fights against the Western Federation of Miners, had been called into the case by the other side.

"What was the first you knew of any

... Orchard had been... taken on that... for the... Caldwell by direction of Jack Simpkins and that following... to Denver to consult with the officers of the federation.

Defense Has Nothing to Conceal

The matter was fully discussed between Moyer and Miller and Moyer gave him \$100 for expenses in connection with the defense.

That these relations between Simpkins and Moyer and between Simpkins and Miller and between Simpkins, Miller, Moyer and Haywood should be made such of against Haywood before the jury is a serious question.

Today Haywood's counsel declare that they have nothing whatever to conceal of the doings of the officials of the federation in connection with Orchard's defense. That with the light they had, they saw exactly right, and that when all the facts are out their openness will be appreciated by the jury and will work beneficially for Haywood's cause.

On the other hand, the attorneys for the state declare that the so-called frankness of Moyer was but making a virtue of necessity, that they had copies of much of the incriminating correspondence given in evidence in their possession, and that Haywood's attorneys knew that fact. Knowing that either Orchard or Haywood would be confronted with it on cross-examination they determined as a tactical measure to bring it all out themselves and obtain the advantage that such apparent frankness would give, and the state's attorneys intimated that before the cross-examination of Moyer is concluded much of the stuff of the alleged frankness will be disseminated.

Moyer, independently of this feature of his testimony, denied in the most positive and sweeping manner all criminal connection of every kind with Orchard. He denied the truth, categorically, of every interview with him as stated by Orchard in which crime of any kind was discussed. He admitted the trip with Orchard as a companion to Silverton and Telluride, but they went together merely because Orchard was going to Silverton anyway, and Moyer was going to Telluride and it was agreed, for mutual protection, that they should travel together.

May Be Dangerous to Haywood

On the surface of it, as I said before, Moyer was a splendid witness. It is only when the subtleties of the case are studied that danger to Haywood from it may be suggested. If the cross-examination confirms the impression that Haywood's counsel believe his examination in chief created, then he has been a valuable witness for the defense. If the things I have suggested should be so handled as that even Moyer may not be able to conceal a criminal knowledge of the Steunenberg killing, then Moyer's testimony will be unfortunate for the defendant.

Since detailing the above the cross-examination of Moyer has closed. Its brevity leads to the belief that the prosecution is saving all its ammunition for Haywood.

One thing the cross-examination made certain is that the reports published about the time the trial commenced that Moyer had been convicted of burglary and sentenced to the Juliet penitentiary were false. Had they been true Moyer would have been asked about it—for it cannot be shown were it true unless Moyer was given an opportunity to admit or deny it.

IN MEMORY OF IDAHO'S MARTYR



FRANK STEUNENBERG

TRIBUTE TO FORMER GOVERNORS

Memorial Services For Frank Steunenberg and Frank W. Hunt.

Large Attendance at Joint Exercises Held By Both Houses of Ninth Session of Legislature—Eloquent Speeches—Music—Resolutions Adopted.

It was a large and appreciable audience that gathered at the Columbia theatre last night to attend the memorial exercises arranged for by the joint committee of the house and senate of the Idaho legislature to honor the memories of two former governors of Idaho, who, since the last session of the legislature were called from life's duties. The exercises were very fittingly arranged and carried out. The speakers were well chosen and the short addresses were eloquent, earnest, heartfelt and fully in accord with the sentiments of those present. The addresses of Hon. Frank Martin in memory of former Governor Steunenberg and of Joseph Pence in memory of former Governor Hunt were particularly appreciated and at intervals during each address there were many wet eyelashes in the audience. The program commenced at sharply 8 o'clock, when Speaker Hunt of the house of representatives called the meeting to order, and an earnest prayer was rendered by Dean Hinks. Then followed the joint roll call of the two houses by Avery C. Moore, chief clerk of the house. Speaker Hunt then introduced Lieutenant Governor Burrell, president of the senate, as presiding officer for the evening. He called for the reading of the memorial resolutions in honor of former Governors Hunt and Steunenberg as prepared by the joint committee of house and senate. The committee report was read by Representative Whitfin, chairman.

Favorite Song.
"The Holy City" sung by Mrs. Blomquist, was very impressive, more so than otherwise because of the announcement by the chair that this song had been requested for the reason that it was the favorite song of former Governor Hunt.

Governor Gooding.
Governor Gooding, in response to the resolution, made a short address—an eloquent talk, full of feeling. He spoke about the splendid services of former Governor Hunt during the Spanish-American war—his efforts in raising Idaho troops. "Idaho has the proud record of sending more soldiers to the front in the Spanish-American war, in proportion to the population, than any other state in the Union."

He spoke eloquently of the career of former Governor Steunenberg and in glowing language, frequently interrupted by applause, he stated that the atrocious crime of December 30, 1905, was one which the state of Idaho could let go unavenged. He defended the steps taken by the state so far in the matter and was applauded, and said:

"Debs' reasonable call for armed forces to march to Idaho shall have no effect upon the citizens of Idaho. The citizens of Idaho are not to be moved by such threats. We have a duty to perform. Certain men have been arrested, charged with the murder of our beloved ex-governor, Idaho demands that these men shall be tried; let the evidence against them shall be carefully weighed; that a fair trial shall be given them. If these men are guilty Idaho will demand their punishment; if not, guilty Idaho will as quickly demand their release."

"We care not for Debs. This is not a trial of capital against labor, Idaho will see that justice is done; that the trials shall be absolutely fair. Idaho mourns the loss of a beloved citizen and former officer, but Idaho does not demand that innocent men shall suffer for his murder. The whole state stands behind this prosecution and Idaho asks only for simple justice."

Governor Gooding's address was loudly applauded.

Senator Whitwell.
Senator Whitwell, on behalf of the state, spoke a few eloquent words in aid to the life and achievements of former Governor Hunt. He said that he had known Governor Hunt for years as a close personal friend. He spoke of the former Governor's loyalty to his friends, of his love of family, of his devotion to duty, of his military services.

Senator McMillan's Tribute.
On behalf of the senate, favoring the adoption of the resolution, Senator McMillan made a short but very forcible address. He told about the firmness of the former governor, his determined stand for right, his fidelity to duty, and in closing, said:

"No man ever took more interest in the progress and development of the state than Frank Steunenberg, and over there where we are building a magnificent state capitol, I hope to see erected in the center of the rotunda on the first floor, bronze monuments to three of our most distinguished citizens, and among them one to the memory of Frank Steunenberg so that future generations can read that he was simply foully murdered for having performed his duty."

House Tributes.
Representative Fallon and Ballantyne followed with short addresses on behalf of the house, speaking words of eloquent tribute to former Governors Steunenberg and Hunt.

Resolution Adopted.
The chair then put the question of adopting the resolution, the roll call showed a unanimous vote of those present. The services closed with the eloquent addresses of Joseph T. Pence and Frank Martin, which are given in full elsewhere.

FRANK STEUNENBERG.
With all the solemnity appropriate to such an occasion, the state last night, through its legislative and executive departments, paid tributes to the two men who served it in the office of governor and have gone to their reward.

There is nothing that could be added to what was said by those chosen to deliver addresses on the occasion, but The Statesman wishes to call attention to one feature of the character of Frank Steunenberg with which his friends were familiar, but which the general public did not have an opportunity to observe excepting in a negative way. He was unassuming to a degree that is seldom witnessed in public men. There never was an occasion when he did a thing for the purpose of attracting public attention to himself. Indeed, he was so constituted that he shrank from having his name connected with matters the publication of which became necessary.

It was a guiding principle of the former governor to do his duty and refrain from anything that would seem like claiming credit. When it was necessary for responsibility to be shouldered, he never hesitated to take it upon himself. If a storm were blowing and criticism flying, he stepped to the front and assumed the entire responsibility, but when there was no criticism but only praise, he slipped into the background.

During a long and intimate association with him, the writer learned of scores of acts performed by him for the public good of which the state never had knowledge. At other times, when knowledge of the action taken was not gained solely from him and was to be published, the request always was, "Leave me out."

"Leave me out"—that was the keynote of his towering character. He was too great to desire applause, shrinking from it on all occasions, and those only who were intimately associated with him knew how much he did of which the world had no knowledge whatever for which he was entitled to applause.

The average man is willing that every creditable thing shall leak out and be published, but not so with Frank Steunenberg; he desired to keep in the background when important things were being done under his controlling hand; and those who knew him well realized his sincerity so thoroughly that they respected his wish on many occasions when they would have been glad to spread knowledge of the wise thing or the good deed he had done.

In character, as in mental equipment, he was one of the great men of the times, fitted to take a place among the mighty and influential of the land, and there are few indeed who can measure up to him in this exalted character, to the subordination of self.

THE TRIAL AT BOISE is turning out exactly as we predicted in these columns. * * * Either there must be acquittal or it will become the great American Dreyfus case. * * * The defense asserts that the very evidence of the prosecution vindicates Haywood's innocence and that the explanation of the thing is a capitalistic plot to send men to the gallows whose only crime is faithfulness to the working class. * * * That the crimes were committed—that Steunenberg was blown to bits—cannot be denied, of course. * * * *But the idea is that these crimes were done by the mine owners, and their hired bravos, and the Pinkertons, for the purpose of making the Western Federation leaders appear to be criminals.* * * * Though the theory of the defense, at present, is that Orchard killed Steunenberg out of personal malice, it is possible that, finally, it will be believed by many that he committed the murder deliberately to fasten it on the Federation men. * * * And it does look plausible that Orchard's game was to share the crime with Simpkins—and Simpkins escaped. * * * And it is a fact that, during the Colorado "labor war," both sides employed spies and it was hard for the military to tell which was which. * * * The loudest and most pestiferous persons on each side were likely to be the paid agents of the other. * * * The Federation, as well as the mine owners, had detectives and the methods of the secret service men of the one were very much like the other. * * * They curried favor by being obstreperous and violent. * * * In some cases, it was never quite sure to the military which side certain agitators really served. * * * It is reasonable that Orchard was one of these; and the defense—not so much in the trial as in public discussions—will ignore the evidence, connecting him with Haywood, and make the broad claim that he committed his crimes in the pay of the mine owners, striving thereby to convict the Federation leaders. * * * We have received a card, stamped with the label of the Allied Printing Trades Council of Boston, which reads literally as follows:

"THE AMERICAN DREYFUS CASE.—Convicting men of death on the word of a creature like Orchard! That is what disgraced Idaho is trying to do. No, not Idaho, but its Black Hand mine owners who, masked in law, have for years made civil war on Idaho's toilers.

"Though the evidence against their three victims is ridiculous, and their guilt unbelievable, **EVEN IF THEY DID THE DEED THEY SHOULD BE ACQUITTED.** For law and government have long been slain in Idaho. The rich strangled them. *There is Civil War, a Plutocratic Rebellion, and mine owners are free to assassinate, but miners are murderers if they protect themselves. Acts done where the enemy has wiped out Law and State are unamenable to law, the law dead.* Yet even so, it is fantastic to claim these men blew up Steunenberg—**FOR REVENGE.**

"It is not Justice that seeks their hanging—they can have no honest trial in Idaho. If hanged, it will be a State Lynching. Pause. That may be the little match starting another great Civil War. **FOR IT WILL BE CAPITALIST CLASS HANGING LABOR CLASS.**

"Let Roosevelt, their death-instigator, go down to shame. His act, done with the pomp of State, befits a bully of the alley. *Think of striking men in chains!* Swinging the fist of national office to convict them! *If Labor is not a worm, he will hold no office more in this nation.*

"Boston.

MORRISON I. SWIFT.

"Crush Capitalism with the Catapult of Socialism."

TO BE SURE, this card is the work of a person whose zeal exceeds his wisdom; the man is an ass; nevertheless, what he says embodies frankly what many feel, and it is easy to see how the verdict of guilty at Boise will precipitate exactly what we predicted—a Dreyfus case. * * * Take Debs' speech in Denver yesterday. * * * He made no effort to discuss the evidence, but declared flatly and passionately that there was no evidence, and such will be the widespread belief of the followers of Socialism.

On July 10 Moyer took the witness stand. He denied all of Orchard's allegations so far as they connected him with wrongdoing.

Moyer testified that he was arrested at Ouray on December 14, 1903, on a charge of desecrating the American flag by using it for advertising purposes. He was released on \$7,000 bonds, but was immediately taken into custody by General Wells as a military prisoner and placed in the "bull pen," but was released a couple of months later.

Shortly after Orchard's confession, Steve Adams made a statement to Detective McParland in which he not only corroborated Orchard's confession, but added that he had committed other murders in which Orchard did not participate.

Fred Tyler, who was alleged to have jumped Jack Simkins' lumber claim in the wilds of St. Joe County, Idaho, and whose body was found in the woods on August 11, 1904, was murdered by Adams, according to his statement. In addition to this, he claimed that he killed Arthur Collins and a man named Boule.

Afterward Adams repudiated the entire "confession," and claimed that persons interested in the prosecution promised him immunity if he would make a "confession" implicating the Western Federation.

This "confession" was not admitted as evidence, either in the trials of Haywood or Pettibone, nor was Adams used as a witness.

On February 11, 1907, Adams was brought to trial at Wallace, Idaho, for the murder of Tyler.

On March 6 the case was submitted to the jurors, who were unable to agree on a verdict, after deliberating thirty-one hours.

In December he was again tried on the same charge at Rathdrum, Idaho, and again the jury disagreed.

Adams was then removed to Telluride, Colo., to be tried for the murder of Arthur Collins, but a change of venue was granted and the trial began at Grand Junction, Colo., in June, 1908. The defendant was acquitted and discharged from custody.

From:

LIFE OF HARRY ORCHARD

"About July, 1902, I returned and procured employment at the Vindicator mine in Colorado. I worked in this mine until the general strike in August, 1903.

"I did well in this mine, as I made considerable side money by 'high grading' (a term applied to stealing high grade ore and selling it). I met a widow named Mrs. Ida Toney, who had three children, and shortly afterward I married her, thus adding bigamy to my other crimes.

"Some months after the strike, when the Vindicator mine was being operated by non-union men, I used to sneak down a shaft at night time and continued 'high grading.' While down there in November, 1903, I set some dynamite by a guard rail at the sixth level, and attached a pistol near the guard rail in such a position that moving the rail would cause it to be discharged and the bullet would strike the dynamite, causing it to explode.

"On the 21st inst. this was exploded and Superintendent McCormick and Shift Boss Melvin Beck were killed.

From:

LIFE OF HARRY ORCHARD

In August, 1903, nearly all the miners in Colorado and Idaho who were affiliated with the Western Federation of Miners went on a strike because the demand that eight hours should constitute a day's work was not complied with in all cases.

On September 2, 1903, Governor James Peabody, of Colorado, sent Brigadier-General Chase and Attorney-General Miller to Cripple Creek to investigate the alleged lawless conditions, and as a result of their report he sent the National Guard, in command of Adjutant-General Bell, to the Cripple Creek district, on September 4, 1903; but martial law was not declared at that time.

President Moyer, of the Western Federation, protested to the Governor against this action, as he stated that conditions did not warrant it.

On the following day many citizens of Victor, Colo., held a mass meeting, at which they denounced the Governor for sending the troops.

About noon on November 21, 1903, an explosion occurred in the Vindicator mine at Cripple Creek, which killed Superintendent Charles McCormick and Melvin Beck, a shift boss.

At first opinion was divided as to whether the explosion was the result of an accident or a deep-laid plot, but shortly afterward a badly mutilated pistol was found near the scene of the explosion, and it was then generally agreed that this weapon was used in some manner to explode the dynamite.

From:

LIFE OF HARRY ORCHARD

On December 4, 1903, Governor Peabody declared martial law in the Cripple Creek district, and Provost Marshal Thos. McClelland took possession of the Mayor's office.

On June 6, 1904, twenty-six of the non-union men who were working in a mine at Independence, Colo., finished their day's work at 2 a. m., and, according to custom, repaired at once to the depot to board a suburban train which was due at 2:30 a. m.

While these men were waiting on the platform a terrific explosion occurred which completely demolished the depot and wrecked several houses in the neighborhood.

Fourteen men were killed and the remainder injured, some being made cripples for life.

A convention of the Western Federation of Miners was being held at the time, and on the following day a resolution was unanimously passed in which the perpetrators of the outrage were bitterly denounced.

From:

LIFE OF HARRY ORCHARD

"On June 5, 1904, Johnnie Neville (who has since died) and I left Independence, Colo., to go on a hunting trip, but I returned to Independence that night and met Steve Adams according to agreement.

"We then took about one hundred pounds of dynamite and placed it under the depot. I then arranged a little windlass on which was fastened a small bottle of sulphuric acid. This was placed over some giant caps which were placed on the dynamite. Spilling the acid on the caps would explode them and the concussion caused by that explosion would explode the dynamite. I then fastened a long wire to the windlass. We took the other end of the wire and remained in a secluded spot until the non-union miners came on to the platform about 2:30 a. m. We then pulled the wire and the whole depot was blown up and of the thirty men on the platform, fourteen were killed and the remainder wounded, some being made cripples for life.

"I immediately left Adams and returned on horseback to Neville. I remained in seclusion for a couple of months.

Bradley - S. Frank

From:

LIFE OF HARRY ORCHARD

Charlie Neville testified that he and his father accompanied Orchard from Independence on a hunting trip on the day preceding the explosion at the depot, and on that night Orchard left their camp in a mysterious manner, returning about 3 a. m. the following day.

"In August, 1904, I went to San Francisco for the purpose of killing Fred Bradley. I located his home, but I learned that he was out of the city and would not return for two months, so I went into the country. When I returned I rented a room from Mrs. Soward on Washington street, near Bradley's home.

"I frequently patronized the corner saloon and grocery store conducted by one Gublink and there met Miss Sadie Bell, one of Bradley's servant girls. I was introduced as Mr. Berry and took her to the theater. When Bradley returned home in the latter part of October I decided to poison him by putting strychnine in the milk bottles left by the milkman in the morning.

"My attempt to poison him proved unsuccessful, as the family detected that the milk was bitter and had it analyzed.

"This failing, I decided to blow him up with a bomb, which I arranged somewhat similarly to the one used at Independence depot, only I used gelatine instead of dynamite, and had the string fastened to the windlass attached to the front door so that the acid would be poured on the caps when the door was opened.

"I did considerable experimenting in my room, and one day I went out and forgot to put the different articles away, and the landlady saw them.

"On the early morning of November 17 I set the bomb which blew out the front of the house and inflicted serious injuries to Mr. Bradley. I returned to Denver in December, 1904, and lived with Steve Adams.

From:

LIFE OF HARRY ORCHARD

Mr. Fred Bradley was manager of the Bunker Hill-Sullivan mine at the time the company's mill was blown up in 1899. He subsequently moved to San Francisco and lived with his family at the northwest corner of Washington and Leavenworth streets, in a building containing several flats which was the property of Attorney Walter Linforth.

At 7:50 a. m., on November 17, 1904, Mr. Bradley was about to leave home to go to his office, and while in the house he lighted a cigar.

When he opened the front door a terrific explosion occurred which could be heard for blocks.

It seemed a miracle that Mr. Bradley was not killed instantly, but he escaped with serious injuries, from which he has since practically recovered.

Experts decided that the explosion was caused by defective gas pipes, and this opinion was approved by members of Mr. Bradley's family, who had frequently detected the odor of illuminating gas in the house.

Mr. Linforth brought suit against the San Francisco Gas Company, and a jury awarded him \$10,800 damages.

Mrs. Sadie Swan, who as Miss Bell worked for Mr. Bradley in San Francisco, identified Orchard as a man she had often met at the corner grocery just previous to the explosion in the Bradley home.

She also recalled the occasion when the "bitter milk" was sent to the chemist to be analyzed.

O. Crook, the milkman, testified that the Bradley family had complained to him about the bitter milk and that he took it to the city chemist to have it analyzed.

P. L. McCleary, assistant city chemist of San Francisco, testified that he analyzed the milk and found between 40 and 60 grains of strychnine in one bottle.

Mrs. Soward, who conducted the rooming-house where Orchard had lodgings while laying his plans to assassinate Bradley, testified that one day when Orchard was out she went to his room and found a screw-eye in his door to which was attached a piece of fish line. She also found several other articles which led her to believe her roomer was an inventor. He was known to her as Berry.

When Orchard's confession regarding the explosion at the Bradley home became known, the San Francisco Gas Company moved for a new trial on the grounds of newly discovered evidence, but this was refused.

The case was then appealed to the Supreme Court, which decided that the granting of a new trial, on the grounds of newly discovered evidence, is largely discretionary with the trial court. It was furthermore decided that the affidavits relative to the new found evidence were not properly presented.

On August 19, 1909, the Gas Company paid Linforth \$13,904.50, being the original amount of damage, plus interest and costs.

From:

LIFE OF HARRY ORCHARD

"In April, 1899, there was some labor trouble at the Bunker Hill-Sullivan mine at Wardner, and on the 29th inst. I accompanied a lot of men to the Bunker Hill mill, which we blew up, I personally lighting the fuse. Two men, named Cheyne and Smith, were killed during the battle which preceded the explosion.

"I then went away from the mining country.

From:

LIFE OF HARRY ORCHARD

At 10:15 a. m., on April 29, 1899, a gang of armed men from Burke, Idaho, seized the Northern Pacific train at Wallace, and after picking up reinforcements at Gem and Mullen, they proceeded to Wardner, Idaho, where the Bunker Hill-Sullivan mine was located.

This party consisted of several hundred men, and they proceeded directly to the Bunker Hill-Sullivan mill, where they engaged in a battle with the men at work there.

This fight resulted in the death of Jack Smith and Jim Chayne. The mill was then blown up and set on fire.

At the request of Governor Steunenburg, President McKinley sent Federal troops to Wardner, where the so-called "bull pen" was established and martial law was again declared. Hundreds were incarcerated in the "bull pen," but the prisoners were afterward released without being charged, with the exception of P. Corcoran, who was convicted of the Bunker Hill outrage, but he was subsequently pardoned.

After many months the troops were withdrawn.

From:

LIFE OF HARRY ORCHARD

The first disturbance of any magnitude occurred at 4 a. m., on July 11, 1892, when a battle between the union and non-union miners occurred at the Frisco mine at Gem, Idaho.

During the battle, J. Bean, a Theil detective, and four miners named James Hennessy, John Starlick, Gus Carlson and Harry Cummings were killed and fifteen others were seriously wounded. The mill was then blown up.

Governor Willey appealed to President Harrison for Federal troops, and on July 13, General Schofield, Acting Secretary of War, sent troops into the Coeur d'Alenes district, where martial law was declared.

On July 16 President Harrison issued a proclamation in which he commanded the rioters to disperse. After a short time conditions became normal and the troops were withdrawn.

From:

LIFE OF HARRY ORCHARD

"About June I returned to Denver and I decided to kill Judge Gabbert, of the Supreme Court. I studied his movements and I buried a bomb, something similar to the one I used at Bradley's, near a short cut through a lot that he usually used to go down town in the morning. I had a wire attached to it which just reached to the top of the ground, and when I saw him coming I intended to fasten a purse to the wire, expecting he would stop to pick up the purse.

"Just as he appeared another man came near from another direction, and as he would see me if I attached the purse, I had to abandon my plans for the time being.

"In a few days, however, I decided to make another bomb and set it near the first one, as I was afraid to touch the first one. I did so, but instead of killing Judge Gabbert a stranger was blown to pieces. I then determined to blow up Judge Goddard. I buried a bomb by his gate and attached the string fastened to an acid bottle to the gate so that the acid would spill when the gate was opened. This bomb failed to work and I left it there.

From:

LIFE OF HARRY ORCHARD

"A few nights after this Adams and I located a private detective named Lyte Gregory in a saloon in Denver. We always considered this man an enemy of the Federation, so when he left the saloon we followed him on to a dark street and I shot him three times with my pump gun. He died shortly afterward.

From:

LIFE OF HARRY ORCHARD

About 1 a. m. on May 12, 1904, several shotgun reports were heard in front of a residence in Denver, Colo., and shortly afterward the body of a man was found which proved to be the remains of a private detective named Lyte Gregory. The upper part of the body was riddled with buckshot, but at the time no trace of the murderer could be found.

FROM:

LIFE OF HARRY ORCHARD

"In the latter part of October, 1905, Jack Simpkins and I went to Caldwell, Idaho, for the purpose of assassinating ex-Governor Steunenburg.

"One day we ascertained that he was down town, and by our own observations we knew that he habitually traveled over a certain path in reaching his home.

"We buried a bomb in this path and attached a wire to it which we figured would come in contact with his feet as he passed along, but it did not work.

"I then returned and removed the bomb.

"I did not make any further attempt to kill him until Christmas night, when I hid near his house with my shotgun, intending to shoot through the window at him, but again I was disappointed.

"I left Caldwell, but returned in a couple of days and stopped at the Saratoga Hotel.

"I saw Steunenburg on the streets of Caldwell on Saturday, so I went to my room and took a bomb I had already prepared and buried it in the snow near his gate post and fastened the wire attached to the acid bottle to the gate. I then hurried away and passed Steunenburg while he was on his way home.

"Before I arrived at the hotel I heard the bomb explode."

Orchard furthermore claimed that he had committed all these crimes because it was believed that the persons he assassinated or attempted to assassinate were antagonistic to the Federation.

He testified that Moyer, Haywood and Pettibone had encouraged him in much of his work and that Haywood had supplied him with money.

Orchard was then turned over to Attorney Richardson for cross-examination.

WEDNESDAY EVENING, DECEMBER 22, 1920.

Tears for Bomb Fiends

OF ALL the crimes on the calendar, that of hurling or planting deadly bombs approaches the most despicable. In the last few years it has grown in favor with a certain lawless element.

Even while the Wall street horror is fresh in our minds a group of maudlin sympathizers in Idaho launched a movement for the pardon of a self-confessed bomb thrower, Harry Orchard. Orchard, it will be remembered, confessed to the assassination of Governor Steunenberg.

A bomb planted in the gate of the governor's home blew him to fragments. Orchard was under the death shadows, having been sentenced to be executed. A commutation to life imprisonment saved him from the death chair.

It is time to call a halt on bomb vengeance. No punishment can be too severe for men of the character who resort to this kind of crime. The sniffling hearted individuals who lavish a maudlin pity on these criminals without a thought for their victim or families must be set right.

Even with a life sentence hanging over him, Harry Orchard is in the debt of society. His life was spared when by all the rules of the game he played he should have forfeited the right to live. Society and the state of Idaho have been generous with him.

He should remain in prison to pay, in a measure, the debt owing for one of the most heinous offenses in the history of Idaho. As for the churchmen who weep crocodile tears over his plight, they should turn their attention elsewhere. No doubt, the Gem state has many individuals in sorry plights who need sympathy and help and are less responsible for their condition than Harry Orchard. Kindness to be good does not necessarily have to be showered on criminals.

"In May, 1904, I met Steve Adams, also a Federation man, and we began to lay plans to kill Governor James H. Peabody of Colorado. We located his residence in Denver and ascertained that he frequently came home late at night in a hack.

"One night we hid across the street under some trees with our pump guns, but instead of the Governor, three women got out of the hack.

"A few weeks later Adams and I attempted to assassinate Chief Justice Gilbert, of the Colorado Supreme Court, but as we never had an opportunity to carry out our plans we finally decided to start after Governor Peabody again.

"We carried the gun that we had the night I killed Lyte Gregory the detective, but after trailing Peabody for weeks we decided that we could not safely kill him in that manner, so early one morning we buried a bomb in the snow on the sidewalk near his home and stood off some distance, having hold of one end of a fine wire, the other end being attached to the acid bottle, a peeled over the giant caps.

"Just as the Governor passed by the bomb several people were near us, so we did not dare pull the wire. We then dug the bomb out of the snow and left.

"In January, 1905, I moved to a little place near Denver, called Globeville.

"The union men there were out on a strike, and as they belonged to the Western Federation I wanted to blow up a lodging house in which were domiciled three hundred non-union men. Haywood and Moyer heard of my plans and ordered me not to carry them into execution.

"About April, 1905, I procured a contract to write insurance for the Mutual Life Insurance Company, using the name of Thomas Hogan, the object being to show that I had a legitimate occupation if called to account for my movements.

"I then proceeded to Canon City, Colo., where Governor Peabody then lived. I prepared a bomb with the intention of blowing up his home while he was there, but I did not have an opportunity.

It appears that some years before Orchard and several others purchased the Hercules mine when the value of the property was unknown.

Orchard sold out for comparatively nothing, but subsequently it was discovered that the property was very valuable, and as a consequence the owners, including August Paulson, became very wealthy.

Mr. Richardson brought out the fact that Orchard visited Paulson's home at Wallace, Idaho, where he was cordially received by the entire family, and that while partaking of Paulson's hospitality he was arranging plans to kidnap his host's little boy and hold him for a \$50,000 ransom. Confronted with the proof, Orchard reluctantly confessed that the charge was true and that inclement weather was all that prevented him from consummating the deed.

After being on the witness stand several days, Orchard gave way to a great number of witnesses by whom it was proven by circumstantial evidence that Orchard had committed all the crimes he had confessed to, but there was very little evidence produced to corroborate his claim that the officers of the Federation had aided and encouraged him in his fiendish work.

On July 3 David C. Coates, former Lieutenant-Governor of Colorado, testified that Orchard asked him to act as a go-between in taking a ransom, as he intended to kidnap Paulson's child. When Coates threatened to expose Orchard, the latter tried to pass it off as a joke.

Frank Steunenburg was born in 1861. Early in life he obtained employment in a newspaper office, and in 1887 he moved to Caldwell, Idaho, where he published the Caldwell Tribune.

In 1890 he was a member of the Idaho Constitutional Convention, and in 1897 he was elected Governor of the State. Before his term of office expired he was a candidate for United States Senator, but was defeated. When he retired to private life he returned to his old home in Caldwell.

At 6:40 p. m., on December 30, 1905, Mr. Steunenburg was walking to his home, which was in the suburbs of the town, and as he opened the gate leading into his yard an explosion occurred which could be heard for miles.

Mrs. Steunenburg rushed out and found her husband lying on the snow, his body being terribly mangled. He died a few moments afterward.

The gate was blown away and the ground was considerably torn up in that vicinity. A careful search was made, and a short piece of fish-line was found.

Governor Gooding was immediately notified, and a reward of \$5,000 was at once offered for the apprehension of the perpetrator of this deed. Additional rewards were also offered by others, bringing the total up to \$25,000.

Every avenue of escape from the city was guarded and an inquiry was then instituted regarding the movements of every person in the town who was not known to be above suspicion.

The result was that on January 1, 1906, the authorities learned that a man who was registered at the Saratoga Hotel as M. J. Goglan had acted very mysteriously both before and after the explosion.

He was interrogated at length, but his answers were so evasive and unsatisfactory that it was decided to take him into custody.

His room was searched, and while plaster of paris, chloride of potash and other articles were found, the presence of which he could not explain, the most damaging evidence was a little piece of fish-line similar to that found near the scene of the explosion. On his person were found some business cards which read:

"Thomas Hogan, Colorado Agent Mutual Life Insurance Company."

When questioned as to his reason for using two names he was unable to explain. He was taken to jail, and within a few days he stated that his right name was Harry Orchard and that he was a miner and a member of Burke Union.

On January 10, 1906, James McParland, the celebrated Pinkerton detective, of "Mollie Maguire" fame, arrived on the ground, and after a long interview with Governor Gooding, went to work on the case.

On January 16, 1906, Orchard was held to answer for the murder of Governor Steunenburg.

Judge L. M. Goddard, of the Colorado Supreme Court, testified that on February 13, 1906, Detective McParland informed him of Orchard's confession and that the next day General Wells dug up the bomb which Orchard had planted at his (Goddard's) gate. As this bomb was dug up on St. Valentine's Day, the Judge humorously referred to it as a "Valentine." It contained forty sticks of dynamite, thirty-seven of which were exploded in the presence of witnesses in the suburbs of Denver.

On June 5, 1907, Orchard was called to the witness stand and in the soft, easy tones that characterized his speech, he testified substantially as follows:

"My right name is Albert E. Horsley, and I was born in Northumberland County, Canada, in 1866. There I spent the most of my life. After working at various occupations, my wife and I conducted a cheese factory. I deserted my wife and seven-months-old baby and ran away to America in 1896, with a married woman named Hattie Simpson, but we soon separated and she returned to her husband.

"Shortly afterward I went to Spokane, Wash. From there I went to Wallace, Idaho, where I drove a milk wagon.

"A year afterward I quit this occupation and went into the wood and coal business.

"In March, 1899, I left this business and went to work in a mine at Burke, Idaho.

"I immediately joined the Burke Union, which was connected with the Western Federation of Miners.

On July 21, 1909, Orchard was baptized by Elder Steward, of the Seventh Day Adventist Church, and the prisoner now takes a leading part in conducting the religious services at the Penitentiary each Sabbath.

THE REIGN OF TERROR IN THE MINING REGIONS
IN IDAHO AND COLORADO AND THE CRIMINAL
CAREER OF HARRY ORCHARD, WHO MURDERED
EX-GOVERNOR STEUNENBURG, OF IDAHO, AND
EIGHTEEN OTHERS.

(From Denver Press, Boise Police and Pinkerton Records.)

From 1892 to 1905 a series of the most cowardly and atrocious crimes were committed in the gold and silver mining regions in Idaho and Colorado.

As these crimes were nearly always committed during the frequent strikes, many of those who were antagonistic to the unions claimed that the union sympathizers were responsible for the outrages; but the friends of the union men claimed that the crimes were committed by agents employed by the enemies of organized labor for the purpose of turning public sympathy from the strikers and as an excuse to keep troops on the grounds during the strikes.

On March 10, 1908, the case of Harry Orchard was called before Judge Wood in the District Court at Caldwell.

He pleaded guilty and March 18 was the date set for sentence. On that date he was sentenced to be hanged on May 15.

In passing sentence Judge Wood recommended that the State Board of Pardons commute the sentence to life imprisonment. Shortly afterward a reprieve was granted until July 5.

On July 1 the Pardon Board, consisting of Governor Gooding, Secretary of State Lansdon and Attorney-General Gukeen, commuted the death sentence to imprisonment for life.

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Pettibone's trial began at Boise on November 27, 1907, and the evidence was very similar to that produced in the Haywood case.

On December 12 Orchard testified substantially the same as at the previous trial. On cross-examination, in reply to Attorney Darrow's question, he stated that the reason he had made a confession to Detective McParland was because he realized the enormity of his crimes and had decided to confess all of his sins and then ask God for forgiveness.

It might be stated that some doubt Orchard's sincerity and are of the opinion that he confessed to all the crimes he committed only when he realized that McParland had a complete case against him for the murder of Governor Steunenburg and that his reasons for so doing was because he expected that consideration would be shown him if he appeared as a witness for the prosecution.

On December 21 Mrs. Ida Toney, the unfortunate widow who married Orchard believing him to be a single man, testified for the prosecution and corroborated Orchard's testimony regarding a visit Pettibone made to Orchard's home on one occasion.

On January 3, 1908, the cause was submitted to the jury, the attorneys for the defense having refused to argue the case. On the following day Pettibone was acquitted.

The charge against Moyer was immediately taken up by Judge Wood, and Attorney Hawley for the prosecution signified the desire of the State to have an order of dismissal entered. Judge Wood complied with the request, at the same time remarking that he considered it the proper course to pursue.

On February 17 a great sensation was sprung when Chas. H. Moyer, President of the Western Federation of Miners; Wm. D. Haywood, Secretary-treasurer of the same order, and George Pettibone, formerly a member of the executive board, but then a merchant, were arrested in Denver and charged with being accomplices in the Steunenburg murder.

A special train was chartered and the prisoners were at once taken to Boise, Idaho. Shortly afterward a member of the Federation named Steve Adams was also arrested.

On February 24 a special Grand Jury was empaneled, and indictments were found against Moyer, Haywood, Pettibone, Orchard, Adams and Jack Simkins, also a member of the Federation and said to be a fugitive from justice.

It was then rumored that the indictments were found on confessions made by Orchard and Adams, but the prosecution refused to divulge the nature of the evidence until the trial.

On March 9, 1906, the defendants were arraigned before District Judge Frank Smith at Caldwell. Attorneys E. F. Richardson of Denver and Clarence Darrow of Chicago appeared as the leading counsel for Moyer, Haywood and Pettibone.

They contended that their clients had been illegally removed from Colorado and that the enemies of the Federation had succeeded in causing Orchard to implicate the head officials of the order for the purpose of striking a blow at organized labor.

An application was made to the Supreme Court of Idaho for a release of the prisoners on writs of habeas corpus. This was denied on March 12, but as Moyer, Haywood and Pettibone were being detained in the penitentiary, the court ordered that they be removed to the Canyon County Jail, which was done against the protest of Governor Gooding.

On March 15 the attorneys for these prisoners applied to Judge Beatty, of the United States District Court, for their release on a writ of habeas corpus, but the writ was denied on March 20. The Supreme Court of the United States was then appealed to, and the trials were continued until a decision was rendered by the court of last resort. This court refused to interfere.

On June 24 the prosecution closed and the defense began.

On July 11 Haywood took the stand in his own defense. He denied all of the charges made by Orchard so far as they referred to him.

The evidence was concluded on July 23, and after several days of argument the case was finally submitted to the jury on Saturday, July 27.

On Sunday morning the jury came into court with the following verdict:

"State of Idaho vs. William D. Haywood:

"We, the jury in the above entitled cause, find the defendant not guilty. THOS. B. GESS, Foreman."

on June 4, 1907, the trial of Haywood began.

He was accompanied into court by his invalid wife and aged mother. Attorney James Hawley made the opening statement for the prosecution.

C. F. Wayne testified that he passed through the gate leading to Governor Steunenburg's residence twenty minutes before the explosion and noticed nothing unusual.

Dr. J. W. Gue described the condition of the body of the murdered man; and Julian Steunenburg testified that he met Harry Orchard three days previous to the death of his (Steunenburg's) father, and that Orchard inquired as to when the ex-Governor was expected home.