

## HAYWOOD PALES AS JUDGE READS

## Charged With Murder of Steunenberg.

## MOYER APPEARS MUCH BORED

## Pettibone Shows No Surprise, But Stares Fixedly.

## NO TESTIMONY IS GIVEN

## Conspiracy Will Be Alleged Against Officials of the Federation When Their Cases Are Taken Up by the Grand Jury.

BY W. G. MACRAE.  
Caldwell, Idaho, Feb. 21.—(Staff correspondence.)—Attorney E. T. Richardson, counsel for the officials of the Western Federation of Miners, anticipates this morning that he would force the state to show its testimony against Charles H. Moyer, William D. Heywood and George A. Pettibone.



Charles H. Moyer, President of Western Federation of Miners.

and George A. Pettibone, he must have been disappointed. The three prisoners were brought to Caldwell early this morning that they were strongly guarded by deputy wardens and detectives.

### Train Stops at County Jail.

The train which carried the defendants to Caldwell stopped at the County Jail, about half a mile from the center of the town. They were taken to the jail and locked up, while the attorneys went to the city and made arrangements for the hearing. At 2 o'clock they were brought before Probate Judge Church. Only newspaper men and the guards were present.

### Pettibone Is Very Cool.

If Pettibone was surprised at the nature of the charge against him he showed no signs. He stood in an easy position and kept his eyes glued upon the face of the court. When the last word was read he took his seat without saying a word.

### Moyer Regains His Composure.

President Moyer was the last to hear the reading of the information against himself. Moyer is a tall, angular man, with a decided stoop to his shoulders. During the reading of the stilted legal language of the charge to the other two men Moyer appeared ill at ease, but when it came to his turn he stood up without a tremor. He is the stoic of the three men, and before the court finished his face bore a bored expression. No plea was entered by any one of the defendants.

He was not ready to go on with the hearing, and asked for a continuance. The court held that the state had a right to a continuance of two days, and that both sides were entitled to six if they saw fit to use up all of the time granted by the state.

Attorney Richardson demanded, if this was the case, the right to know the nature of the evidence against his clients and also the names of the witnesses and what the state intended to prove by them. He was again overruled, and the date for the first hearing was set for February 23.

### No Preliminary Hearing.

This move on the part of the prosecution shows that the three men accused will not be given a preliminary hearing. The continuance was taken by the state in order to have time in which to get the special grand jury organized. It will meet here Saturday and organize, and will be ready to take up the hearing of evidence against the three men as soon as a few minor cases of long standing are passed upon.

### Charge to Be Changed.

The direct charge of murder against each defendant separately was made for the purpose of extraditing them. This is shown by the affidavit upon which requisition papers were secured. This affidavit charges each man with having been at Caldwell December 30, the evening of the assassination. Had the prisoners been charged with a conspiracy, the Governor of Colorado might have not granted the requisition papers, but with a direct charge of murder against each, it paved the way of issuing the papers without controversy.

### Not Retained by Adams.

Just before leaving Caldwell the counsel for the miners was informed that these Adams would arrive here this evening, and Attorney Richardson was asked if he would represent Adams in similar proceedings, which will take place tomorrow. Mr. Richardson stated that he had not been retained by Adams; that he was unknown to him, and certainly would not appear for him unless ordered to do so by President Moyer, or the officers in charge of the affairs of the federation at Denver.

### Asks More Freedom for Clients.

Before the proceedings were closed Attorney Richardson requested greater freedom for his clients. He said that all three men had been used to an active life, and that they found the close confinement at the penitentiary exceedingly uncomfortable. Heywood, he stated, complained of being ill and was suffering from kidney trouble, and was in need of exercise.

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W. D. Heywood, Secretary of Western Federation of Miners.

subjected to a censor, and also that they be allowed to talk to each other. Counsel for the defendants demanded this right on the ground that his clients were not convicts, and should not be treated as such.

## PURE FOOD BILL PASSES SENATE

## Heyburn Accomplishes Feat Many Have Attempted and Failed.

## PERMIT NO ADULTERATION

## Climax of Fifteen Years' Struggle for Law Against Misbranding and Doctoring—Senate's Definition of Pure Whisky.

WASHINGTON, Feb. 21.—After 15 years of more or less serious consideration of the subject, the Senate today passed the Heyburn pure food bill by the decisive vote of 61 to 4.

### Provisions of the Bill.

The bill makes it a misdemeanor to manufacture or sell adulterated or misbranded foods, drugs, medicines or liquors in the District of Columbia, the territories and the insular possessions of the United States and prohibits the shipment of such goods from one state to another or to a foreign country. It also prohibits the receipt of such goods. Punishment by fine of \$500 or by imprisonment for one year or both is prescribed. In the case of corporations, officials in charge are made responsible.

### Bailey's Vision of Despotism.

Bailey discussed the constitutional features of the bill, contending that the interstate commerce provisions were invalid. He took the position that the regulation of food, drugs, etc., belonged to the states and that Federal statutes should not be resorted to for that purpose.

### Definition of Pure Whisky.

At 5 P. M. the Senate began voting on the various amendments. The important amendments adopted include the following:

### Other Amendments Fail.

The amendment was lost, 24 to 46. The other roll-call was on a change suggested by Foraker in the provision for labeling rectified liquors, which was lost by the close vote of 22 to 25.

## MINE BECOMES THEIR TOMB

### Heroic Fire-Fighters in Arizona Are Prey to Flames.

EL PASO, Tex., Feb. 21.—A special to the Herald this afternoon from Globe, Ariz., says that the bodies of Joseph Ikenberry, Joe Arlisssey and John James, who met death last night when fighting the fire in the Old Dominion mine at that place, will probably never be recovered.

### WATER RISING IN LEVELS.

Gas Prevents Attention to Pumps and Some Stop Working.

GLOBE, Ariz., Feb. 21.—The situation at the Old Dominion mine tonight is not favorable. The force of men fighting the fire has contained all day against great odds. Since the burned shaft caved in at 2 o'clock last night, the gas throughout the mine has been bad and no one has ventured into any of the levels.

### BERNHARDT BUYS TENT

### FOR PERFORMANCES IN TEXAS AND CALIFORNIA.

Theater Trust Fails to Drive Out Tragedy Queen—More Time for Pacific Coast.

KANSAS CITY, Feb. 21.—W. E. Gorman, representing the management of Mme. Sarah Bernhardt, today purchased a new, fully equipped circus tent, which will be used in those cities of Texas, and probably of California, in which first-class theaters cannot be obtained for Mme. Bernhardt.

### THE WEATHER.

YESTERDAY—Maximum temperature, 50 deg.; minimum, 40. Precipitation, 0.66 of inch.

### Foreign.

Britain ready to fight Germany alone about Morocco. Page 2.

### Politics.

Congressman Greenwater defeated for re-election. Page 2.

### Domestic.

John Mitchell says miners' strike is inevitable. Page 7.

### Commerce and Marine.

Hopgrowers of Oregon to form a corporation. Page 12.

## CHINA SCATTERS HATRED EQUALLY

## Present Outburst Aimed at Japan as Well as All White Nations.

## YELLOW PERIL IS FICTION

## Miss Miller Explains Real Meaning of Anti-Foreign Sentiment and Declares More Vigorous Policy is Necessary.

### MAIN FACTS ABOUT CHINA.

The yellow peril, that combination of Asiatic races, is no peril at all. China is anti-foreign and Japan is so foreign to China as we are.

YOKOHAMA, Japan, Feb. 2.—(Special Correspondence.)—There have been lessons enough drawn from the recent war to educate army and navy officers and diplomats from the cradle to the grave, and fat volumes have been written, enough to stock a large library, yet the real question at issue—"China-partition or the open door"—is unanswered.

### HONORS ENEMY OF FOREIGNERS.

LONDON, Feb. 21.—According to the correspondent of the Morning Post at Shanghai, the Taoist of Shanghai has been appointed Governor of Pekin, a high honor, and significant in view of the recent conduct over the foreign courts of Shanghai.

### China Hates Foreigners.

First is the anti-foreign feeling. That sentiment is as strong now in China as it was in Japan 30 years ago.

### MADE HOMELESS BY FIRE

### Mackie Family Driven Out by Blaze on Fourteenth Street.

Fire in a residence at 329 Fourteenth street, occupied by Mrs. John Mackie and family, was almost completely destroyed by fire at 2 o'clock this morning.

## WILL FALL BACK ON VETO POWER

## If Senators Draw Teeth of Rate Bill.

## POSITION OF THE PRESIDENT

## Leaves Committee Free to Amend, But Warns It.

## CONFERENCE ON KNOX PLAN

### Supporters of Hepburn Bill Oppose Any New Provision for Court Review, But Conservatives Claim Majority in the Committee.

WASHINGTON, Feb. 21.—When the Senate committee on interstate commerce meets on Friday to vote on a rate bill, the announcement will be made authoritatively that President Roosevelt will not attempt to prevent amendment of the Hepburn bill; that he will leave the committee free to exercise its best judgment, and if possible compromise its differences; and if a bill is reported which does not meet his approval and in that form is passed by Congress, he will contain himself to exercise his veto power.

### Objection to Mixed Courts.

China has lately gone a step beyond the familiar anti-foreign uprising in dealing with that "legal fiction," extra-territoriality. The Shanghai riots grew out of trouble in the mixed courts.

### All Oppose Changing Bill.

As they had previously announced they would do, all those called into the conference made a firm stand for the Hepburn bill in its present form and said that none of the amendments suggested seemed to be an improvement.

### Stand Firm for Hepburn Bill.

After Messrs. Dooliver and Clapp returned to the Capitol they told certain colleagues that they would go into the committee on Friday and make a firm stand to have the bill reported without amendment.

### Conservatives Claim Majority.

Conservative members of the committee assert that they have the necessary vote to amend the Hepburn bill. If they are left free to exercise their individual judgment, so that they will not be put in the position of opposing the President's policy. Under these conditions, it is said that Senators Elkins, Foraker, Crane, Kean, Aldrich, Carmack, Foster and McCleary will vote for an amendment providing for judicial review. Seven votes is a majority of the committee.