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HIRED ASSASSINS TO KILL ENEMIES

Hawley Tells Charge Against Haywood.

INNER CIRCLE OF FEDERATION

Conspiracy to Rule Mining Regions by Terror.

WAGE SCALE FOR MURDER

Terrible Arraignment Goes Back to Origin of Organization—The First Witnesses to Testify—Orchard Takes the Stand Today.

BOISE, Idaho, June 4.—Through James H. Hawley, senior of the group of prosecutors, the State of Idaho today made the opening statement against William D. Haywood, whom it charges with the murder of Frank Steunenberg, and then began the presentation of the testimony by which it hopes to prove the indictment laid against him. The opening statement was a broad, sweeping arraignment of the leaders of the Western Federation of Miners, who were charged with plotting wholesale murder and hiring assassins, all in a gigantic conspiracy of vengeance upon those who obstructed their sway, to destroy opposition by terrorism, to control the political destinies of the communities covered by their organization and to perpetrate their own power within the organization.

It charged a widespread conspiracy dating in inception from the North Idaho disturbances 15 years gone, reaching down to the murder of Frank Steunenberg, and whose murdered victims by bullet and bomb numbered scores. Hawley declared that wherever in the mining sections of the Coast States the federation had been in control there had been left a trail of blood to mark its operations. Of the hired assassins he cried:

"To them murder became a trade and assassination a means of living."

Conspiracy Led to Murder.

As to the general conspiracy, Mr. Hawley said:

I have said, gentlemen, it has been part of their object and policy to control the politics of various sections where they have lived, where they have existed, where their organization, their subordinate lodges have had control. This conspiracy, this collusion, these crimes, this understanding between the leaders of this organization, together with some that were associated with them in a subordinate role, together at other times with others that upon the outside played into their hands, who were necessarily brought into their confidence, has, as I have stated before, caused the death and been the real cause of the death of Governor Steunenberg. It is well, then, for us to inquire as to the objects of this collusion and this understanding and this conspiracy. It is well to go into the objects of these leaders in accordance with the principles that actuated them in effecting this organization, so far at least as is necessary, in order to enlighten us as to this particular crime that is charged, and on this, gentlemen, I will say that we expect to prove, and I have been exact in this matter and will call it to your attention with the words that I have considered, that this was not the only object of this organization; that, although the persons composing the executive committee, so far as their personality was concerned, have changed at various times, their objects, the ideas of the leaders of the body, have never changed.

Inner Circle Hired Assassins.

By mutual agreement and understanding of these leaders at the very inception of this organization, certain objects were aimed at, and it has always been the object of the "inner circle" of this organization to accomplish them. In fact, we will prove to you, gentlemen of the jury, that at the inception of this organization a conspiracy was formed by the members of the "inner circle," the object of which was to perpetuate their own power, influence and control, both in the federation itself and in the governmental matters of the different sections of the mining country, wherein they had control, by employing gentlemen, desperate criminals to commit murders and other atrocious crimes by unusual and alarming methods against those who in official position refused to be influenced by their wishes and those who in private life ran counter to their interests.

We will go further and prove as part of our case, as showing who is responsible for the murder of Frank Steunenberg, as showing the circumstances surrounding that murder and who caused it to be committed, that the leaders of this federation, the men who compose the "inner circle," have for more than eight years past made a record of deeds of violence and that their chosen methods and course and custom has left a trail of blood in the mining sections of this entire Coast wherein they have had control. We will show that the leaders who comprise this "inner circle" have traded in blood, employed hired assassins to take life and destroy property, as their interests seemingly required, and as part of their general practice of protection have raised by assessment levied upon the members of their order a large amount of money as an emergency fund, and from it not only squandered large sums for their own personal purposes and in certain criminal methods, but have also from it retained the best legal talent to defend those of their number charged with crime.

Scale of Wages for Murder.

After retelling the story of the Caldwell crime, the arrest and confession of Orchard and part of the history of the Coeur d'Alene trouble Mr. Hawley said:

The original proposition and theory that the power of this federation, of the "inner circle" at least of the federation, could best be perpetuated by the murder of those who in official life or in private situation ran counter to their interests, became intensified seemingly after they assumed the entire control. The "inner circle," composed as it was of this defendant and codefendants, to a great extent brought around them a few choice spirits and to them murder became a trade and assassination a means of living. We will show, gentlemen, that a scale of wages was even devised, fixing the amount to be paid for different crimes by this "inner circle" to parties who committed those crimes, and chief amongst those who were doing the actual work that was planned by the "inner circle" and paid for out of the funds of the federation by the members of the "inner circle" was this man to whom I have referred, Harry Orchard, and one Steve Adams.

Mr. Hawley spoke for nearly an hour and a half to a courtroom crowded, but silent, to a jury which, sitting bolt upright, watched for every word, to a prisoner who with his family around him was several times moved to deep emotion as the prosecutor pronounced the charges.

Running Fire of Objections.

Counsel for the defense opened fire before the statement had proceeded ten minutes and the repetition of objections from them led to three or four sharp exchanges. They protested against the charge that the federation was guilty of "scores of murders" and the assertion that the conspiracy extended back to the first trouble in North Idaho, which was years before the accused was a member of the organization, and they accused Mr. Hawley of arguing the case in an opening statement. They dotted the record with exceptions and over-ruled objections and finally got an agreement whereby they could protect their rights as to the entire opening statement.

Judge Wood permitted the wide scope in the opening statement on the assurance of Mr. Hawley that the state could show the existence later of the conspiracy which it charged and make the necessary legal connection.

Tell of Orchard at Caldwell.

Eight witnesses were examined and there would have been time for three or four more if the available supply of the state had not unexpectedly run out, enforcing an adjournment soon after 3 o'clock. The witnesses today were all from Caldwell, and those who did not tell of the crime itself were called to locate Harry Orchard, who went to the town as Thomas Hogan, at various local hotels and around the Steunenberg home, and to show that two months before the crime, J. L. Simpkins, a member of the executive board of the Western Federation of Miners, had joined Orchard and had lived with him for several days in the same room.

C. F. Wayne, who passed outward through the gate 20 minutes before Steunenberg was blown up, told of the explosion and the shocking condition of the victim when he, responding to Mrs. Steunenberg's call, had run to Steunenberg.

J. W. Gue, the surgeon, described the body. He found leg bones broken to fragments by the great force of the explosion, while the skin that covered them was unmarked.

John C. Rice, N. S. Ellis and A. Ballentyne, residents of Caldwell, traced Orchard about the town at various times before and after the crime, and then came Julian Steunenberg, son of the dead statesman, to tell how Orchard had three days before the murder inquired of him about his father's movements.

Steunenberg's Son a Witness.

Julian Steunenberg is a strong, well-set-up youth with light hair. He took the stand very bravely, but, when Senator Borah began questioning him, a cloud of pain passed over his face and he shielded his eyes, evidently to keep back the tears. He told of meeting Orchard, then known as Hogan, at the local railroad depot in Caldwell, three days before the crime and telling him in answer to his inquiry that his father would be home the following Friday. He said that he was on his way home with his uncle and was two blocks behind his father when the explosion occurred.

L. J. Bowman, James Russell and Steve Dempsey, proprietor of the Pacific Hotel at Caldwell, traced the movements of Orchard and Simpkins. The latter was identified by a photograph, which will be the first exhibit offered in evidence by the state, and who was known to all the witnesses as "Simmons." Mr. Dempsey identified the hotel register where Orchard, as Hogan, and Simpkins, as Simmons, had signed their names on November 3, 1905, and it was marked for identification.

The defense briefly cross-examined several witnesses and the line of questions was aimed at making it clear that Orchard had shown himself conspicuously in the streets of Caldwell, and that neither he nor Simpkins had sought to conceal their movements. It may be that this was done to lay the foundation for the counter-conspiracy charge that it is thought the defense will bring forward.

The defense objected to practically all of the day's testimony, except that relating to the death of Steunenberg, on the ground that it was immaterial and in no way connected with the defendant. The several conversations with Orchard were objected to on the ground that they were in no way binding upon the defendant. Judge Wood, however, permitted all of the testimony to stand on the undertaking of the prosecution to show the connection later.

Orchard to Testify Today.

When court sits at 9 o'clock tomorrow morning there will be further testimony as to the events at Caldwell, and then Harry Orchard will take the stand. Orchard is to be brought in from the penitentiary in the forenoon and turned over to Sheriff Hodgin until he has been examined and cross examined to the satisfaction of both sides. He will be a close-cell neighbor in the County Jail to the men whose lives he may swear away, but it is likely that they will not get even a glimpse of him during his stay there.

Lawyers' Furious Clash.

The most violent passage between the lawyers occurred when Mr. Hawley had repeated his statement that the leaders made it a practice to employ desperate criminals to remove those who ran counter to their interests. Mr. Darrow denounced this as "a mere piece of rhetoric" thrown in for the purpose of prejudicing the jury.

"It is nothing of the sort," retorted Hawley. "It is a part of the evidence and the basis of this case."

"The court will not permit an argument," said Judge Wood, "but the attorney may proceed with a statement of the state's case."

"I know what I am about," said Mr. Hawley, glaring at Mr. Darrow across the two counsel tables.

"It doesn't look like it," declared Mr. Darrow.

Quick as a flash Mr. Hawley turned

(Concluded on Page 3.)

FORCE HARRIMAN TO OPEN HIS LIPS

Government Will Soon Begin Suit.

ROOSEVELT HAS DECIDED

Move to Compel Answers Concerning Stock Deals.

CRIMINAL CHARGE ALSO

Interstate Commission and Lawyers Will Decide This Week Whether to Prosecute Under Sherman Law for Forming Merger.

WASHINGTON, June 4.—The question as to whether the Government will enter on criminal prosecution against E. H. Harriman, the railroad magnate, for violation of the Sherman anti-trust law, was considered at a conference between President Roosevelt and F. K. Lane, Interstate Commerce Commissioner, at the White House tonight. Mr. Lane was with the President for more than hour and upon leaving the White House announced that before July 1 legal proceedings would be instituted to compel Mr. Harriman to answer certain questions propounded to him by members of the commission at the recent hearing in New York, when the Alton deal was under investigation.

Decide on Prosecution.

Previous to his conference with the President, Mr. Lane had conferred with Frank B. Kellogg, special counsel for the Government in the Harriman investigation. Mr. Kellogg, it is said, will have a conference with the President some time this week, and will later go to New York to institute suit against Mr. Harriman to compel him to answer the questions regarding the Alton transaction. At this conference all the members of the commission will be present and it will be definitely decided what action the administration is to take in regard to the criminal prosecutions against Mr. Harriman. While no date has been set for this conference, it probably will be held on Thursday or Saturday of this week.

The proceedings to compel Mr. Harriman to answer the questions referred to will be brought in the courts of the Southern district of New York. Whether the prosecution or the defense should win the decision, the case is expected to be appealed to higher courts and ultimately to the Supreme Court of the United States.

Will Not Await Decision.

According to opinions already expressed by members of the Interstate Commerce Commission, it may be a year or even more before final decision can be reached on these efforts to compel answers to the questions to which Mr. Harriman declined to respond. For these reasons it was announced several weeks ago that the commission did not intend to await the result of these proceedings before taking action on the general subject of the investigation of the Harriman lines.

Soon Act on Soft Coal Road Suits.

WASHINGTON, June 4.—Attorney-General Bonaparte said today that he had not yet had a conference with the President on the subject of the proposed suits against the coal-carrying roads, but it was his expectation that he, with other members of the Cabinet, would meet with the President within the next two or three days and determine upon a line of action.

Northwestern Road on 2-Cent Basis.

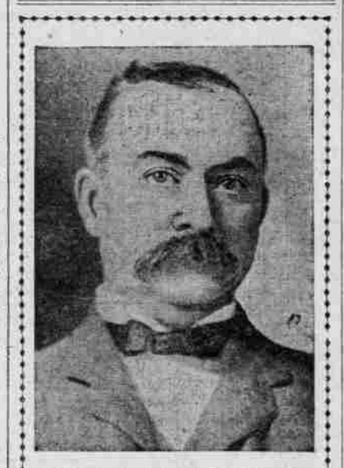
LINCOLN, Neb., June 4.—The Northwestern Railroad Company, through its agent, today gave formal notice to the State Railroad Commission of a revision of its passenger tariffs to comply with the 2-cent fare laws in the different states where new rate laws have gone into effect.

ASKS OFFICER ABOUT PAY

New York Police Lieutenant Charged With Accepting Money.

NEW YORK, June 4.—Deputy Police Commissioner Hanson today questioned Lieutenant William F. Peabody concerning the latter's alleged connection with the Gould separation case, the questioning being directed particularly with reference to Peabody's trip to Baltimore.

Commissioner Hanson sought to draw



James H. Hawley, Who Made Opening Speech in Prosecution of Haywood.

from the officer an admission that he had received money for his expenses in that three days' trip, but Peabody denied this absolutely, declaring that he had paid his own expenses and said he had taken time from his vacation. He declared that neither former Inspector McLaughlin nor anyone else had given him any money for the trip.

Commissioner Bingham said today that, while he had not approved the charges against Peabody, such charges were being drawn up.

BALLOON MAKES FAST TRIP

Goes From Washington to Harrisburg in Four Hours.

HARRISBURG, Pa., June 4.—Captain C. D. F. Chandler of the United States signal corps, and J. C. McCoin and Leo Stevens, of New York, made a balloon trip from Washington, D. C., to this city in four hours 37 minutes today. The distance by rail is about 200 miles.

The balloon left Washington at 1:08 o'clock, landing at Linglestown, ten miles north of this city, at 5:45 o'clock. The trip was without incident.

QUAKE TERRIFIES SAN FRANCISCO

Most Severe Since Disaster of 1906.

PANIC SEIZES POPULATION

Two Sharp Shocks Felt on All Sides of the Bay.

WOMEN RUSH TO STREETS

Weak Walls Tumble, Dishes and Chandeliers Rattle and Break, but No Person Injured—Is Felt Far Down the Coast.

SAN FRANCISCO, June 5.—(Special.)—At 12:26 this morning San Francisco and the cities about the bay were shaken by a severe earthquake. The shock was the severest since the disastrous temblor of April, 1906. The shock was not violent enough to sever electrical connections and, although the entire Fire Department was placed in readiness to fight any fires that might follow, there was no blaze of any consequence.

As far as can be learned at this hour the damage was limited to the breaking of dishes on the shelves and the destruction of a few tottering walls in the burned district.

In the residence district a number of people ran into the streets in their night clothes. Along Golden Gate avenue a genuine panic prevailed. Several hundred women rushed to the street in their night clothes. Three women were treated for nervous shock, but no one suffered injury, as far as reported.

The earthquake was in the form of two sharp shocks, the second following while the earth still trembled from the first. The coming of the shake was announced by the rattling of windows and the swinging of chandeliers. Then came an abrupt jolt and then a lessening tremble, to be followed by another quick jolt and a gradual lessening of motion.

Oakland, Berkeley, Alameda and other bay cities reported a shock exactly like that felt here.

Reports so far received indicate that the shake was felt at least as far south as Santa Cruz, 125 miles down the coast.

MAY SOON DISSOLVE DOUMA

Two More of Stolypin's Proposed Acts Rejected by Body.

ST. PETERSBURG, June 4.—The lower house of Parliament today rejected two more of Premier Stolypin's temporary laws, one providing for increased punishment and trial exclusively before military and naval courts-martial of persons charged with conducting a revolutionary propaganda among the troops or sailors, and the other authorizing the police to fetter political prisoners.

In spite of the surface tranquillity and the devotion of Parliament to work, rumors of its approaching dissolution, possibly this week, were discussed in the lobbies today, and they are considered likely to cause an immediate change of policy on the part of the Constitutional Democrats, a strong faction of which believes in appealing to the country on the basis of the agrarian programme.

The plan is to bring up and reject as soon as possible the temporary agrarian laws enacted during the recess, thus forcing the government's hand and providing the Constitutional Democrats with a popular issue. Professor Milukoff, leader of the Constitutional Democrats, is fighting the plan hard, believing that the situation is not yet critical enough to justify the abandonment of the present tactics.

TERRORISTS THROW BOMB

Police Officials Suffer Loss and Militia Fire on Mob.

LODZ, June 4.—Two detectives were killed and two officers and three other persons wounded in a street here today by a bomb thrown at the police officials by Terrorists. A patrol of infantry, attracted by the explosion, appeared upon the scene soon afterward and opened fire upon the crowd, wounding 13 persons. Thirty arrests were made in connection with the affair.

DEMANDS PROMPT ACTION

JAPANESE DELEGATION PROTESTS TO GOVERNMENT.

Calls on Foreign Minister for Action in Regard to Race Conflict in San Francisco.

TOKIO, June 4.—A deputation from the Progressive party waited on Foreign Minister Hayashi this morning and asked for an explanation of the government's apparent inaction and want of efficiency in the presence of grave diplomatic questions, both with China and the United States. The former is accused of deliberately obstructing the advancement of Japanese interests in Manchuria, which have been secured by treaty.

The deputation also called attention to reported facts strongly indicative of racial feeling in San Francisco against Japanese. The deputation dwelt upon the necessity of peremptorily dealing with the question now. Otherwise frequent repetitions of the acts complained of would endanger the friendly relations of Japan and America.

Minister Hayashi's reply to the deputation was kept secret and it remains to be seen whether it was satisfactory or not.

OMAHA WINS WATER SUIT

City Not Compelled to Accept Appraiser's Figures for Plant.

OMAHA, June 4.—Judge W. H. Munger of the United States Circuit Court today decided in favor of the City of Omaha the suit brought by the Omaha Water Company to compel the city to purchase its plant at the price fixed by a majority of the board of appraisers, $6,283,295.

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JURY COMPLETE TO TRY SCHMITZ

Biggy Will Guard It Against Influence.

LAWYERS WRANGLE ANGRILY

Vigorous but Vain Objections to Chosen Elisor.

TALK ABOUT DIRTY MONEY

Heney and Barrett Exchange Compliments and Barrett Scores Once. Relative of Tirey Ford Is Removed From the Jury.

JURY TO TRY MAYOR SCHMITZ.

L. Well, department store buyer.
Paul Bancroft, real estate broker.
Charles H. Gish, contractor.
James Feitelberg, furniture dealer.
George de Uriosta, commission merchant.
John O'Mara, blacksmith.
Theo. Dellwig, retired baker.
Charles S. Capp, real estate broker.
James E. P. Benson, pressman.
Thomas Ellorick, haberdasher.
Hugh Burns, retired coal merchant.
Royal W. Cudworth, coal dealer.

SAN FRANCISCO, June 4.—The jury was completed this afternoon for the trial of Mayor Eugene E. Schmitz on the first of the five indictments returned against him by the Oliver grand jury by which he is accused jointly with Abraham Ruef of having extorted from Joseph Malfanti $1175 as the first installment of a $500 annual bribe to secure the French restaurant keepers of San Francisco their license to sell liquor.

Judge Dunne, upon motion of the prosecution and over the determined and spirited objections of the defense, formally disqualified Sheriff Thomas O'Neil and Coroner William Walsh as unfitted by personal bias to perform any functions in connection with the trial, and appointed William J. Biggy an elisor to have charge of the jury until a verdict has been rendered or a disagreement reached. Shortly after adjournment Mr. Biggy, who for some months past has been Abe Ruef's jailer, marched the jury to the St. Francis hotel where the "12 tried men and true" will be kept under lock and key during all the time that they are not sitting in the trial.

Jurors Shut From World.

Judge Dunne has decided that the jurors shall have no newspapers to read until all articles relating to the case have been censored; they may receive no general mail nor may they be communicated with by their families except under the scrutiny of the elisor.

The state hopes to put in all of its evidence this week. Ex-Police Commissioners Hutton, Reagan, Drinkhouse, Howell and Poheim will likely be the first witnesses called.

This, the last of the long days of jury-getting, was a stormy one full of bickerings between opposing counsel. More than once the lie was couched and passed and several times came the order from the bench for one attorney or another to take his seat. Two jurors, one of whom had been sworn the previous day, were challenged for cause by the state and set aside by the court over the vehement objection of the defense. Five other veniremen were disqualified by one cause or another and were dismissed without serious opposition. The eleventh and twelfth jurors were chosen and sworn, Hugh Burns and Royal W. Cudworth, the former a retired coal merchant and the latter, oddly enough, a dealer in coal.

Bitter Fight on Biggy.

The disqualification of the Sheriff and the Coroner and the appointment of ex-State Senator Biggy as an elisor to keep the custody of the jury pending the trial were not accomplished without bitter opposition by the Mayor's counsel. The defense objected in the first place to having the jury locked up at all and in the second place to Mr. Biggy as custodian. Addressing the court upon this point, ex-Judge Campbell, senior counsel for Mr. Schmitz, said:

"We object to Mr. Biggy because he is a part and parcel of the prosecution and has expressed himself so to be. We object to him again because, in the guarding of Mr. Ruef, the defendant with our client, he has taken into his employment persons employed by the prosecution, notably Detective W. J. Burns, than whom no man is more zealous for the conviction of this defendant. We ask that the defendant Schmitz be not put into the hands of a man who is avowedly his enemy. Against the action your honor proposes we protest in the name of justice."

No Confidence in Sheriff.

Judge Dunne replied to this appeal by saying that, as upon other occasions announced, he had no confidence in the Sheriff's office.

"But I have confidence in Mr. Biggy," he said, "and that is the reason I am going to appoint him. I know that, if Mr. Biggy has charge of this jury, it will not be subjected to any outside influence. And that is the one thing that concerns the court."

"That is just what we want to be sure of," retorted Mr. Campbell.

"That," sneered Mr. Johnson of the

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OH, THE FLIRT!