

## COUNSEL GLASH IN HAYWOOD CASE

### Richardson Corrects Darrow in Court.

### ANGER HARDLY SUPPRESSED

### Miners' Federation Canvassing Probable Jurors.

### LEARNS OPINION OF CASE

### Debs Determined to Attend Trial Despite Protests — Haywood's Lawyers Move for Bill of Particulars From the State.

BOISE, Idaho, May 6.—(Special.)—There was a very distinct manifestation of friction among counsel for Moyer and Haywood during the proceedings in court today in connection with the application for a bill of particulars. During Clarence Darrow's address, Judge Fremont Wood interrupted with a question, asking if he understood counsel to mean they were not ready for trial. Mr. Richardson replied they were not. Mr. Richardson was on his feet quickly and said they were ready for trial, saving and excepting as to some matters. He added he made the statement because he thought counsel did not fully grasp the import of the question.

Mr. Darrow's face flushed with deep annoyance and, when he left the courtroom shortly afterward, he was manifestly agitated. He did not appear at the afternoon session. The incident would not have attracted so much attention had it not been for other straws pointing to feeling between Mr. Darrow and Mr. Richardson.

### Federation Canvasses County.

Members of the Western Federation of Miners are working openly here to secure the views of citizens on the case. They frankly state who they are and what they desire to learn, after having inquired about the views of the person interviewed. Two of them approached one of the drug-gists today. They asked his views and he said he did not know about the case. They pressed him for an opinion and finally he said:

"If the men are guilty, they should be hanged. If they are innocent, they will be acquitted."

One of the visitors remarked that that was a fair statement and asked his name and address, adding that they were members of the Federation and were canvassing public sentiment. The druggist told them there was no danger of his being on the jury, as the law exempted men of his trade. The book they exhibited when they asked for his name seemed to contain a long list of names.

### Debs Determined to Come.

Eugene V. Debs has not given up his plan of coming to Idaho to attend the trial. Despite the fact that one of the leading attorneys for the defense advised Debs that if he really had the interest of the defendants at heart, he would stay away from Idaho during the trial of these men, Debs announces in a letter to a Socialist friend now in Boise that he will be here about June 1. The letter was received today. In it Debs states that he will not come to Boise until the cases are fairly under way. He says there will be no particular interest to him in the preliminary proceedings, the impaneling of a jury and other necessary work that will have to be completed before the actual trial begins.

### WANT STATE TO SHOW HAND

### Haywood's Lawyers Move for Particulars of Crime Alleged.

BOISE, Idaho, May 6.—Judge Fremont Wood will on Wednesday next decide if, on the eve of his trial for the murder of ex-Governor Frank Steunenberg, William D. Haywood is entitled to receive at the hands of the state a bill of particulars, specifying the overt acts charged against him. The motion of the defense for this disclosure of the case of the state was argued at length today and at the conclusion of the discussion the court announced that it would make decision at the time stated.

The prisoners under guard of Sheriff Hodgins and two deputies, was brought into court for the argument and, of his counsel, both Frank Richardson, of Denver, and Clarence S. Darrow, of Chicago, pleaded in his behalf. Senator Borah alone spoke in behalf of the state, although James H. Hawley, his assistant, was in the courtroom when the proceedings began. The argument, always earnest, was characterized at times by deep feeling and dramatic intensity.

### Defense Left in Dark.

Mr. Richardson, who opened the argument, contended that the indictment was lacking in particularity, that it left the defendants in the dark as to the nature of the case to be presented against them, and the defendants were entitled to a more specific showing of the case. He submitted an extended brief citing a great number of authorities and precedents in favor of his contention. Mr. Borah in reply declared that the defense was seeking a disclosure of the proof in the hands of the state rather than more perfect pleadings and asserted that the reports contained no single

authority that would support such a contention.

Mr. Darrow, who closed the argument, began by saying that it was the purpose of the defense to secure a disclosure of the evidence in the hands of the prosecution and asked why the defense was not entitled to such a showing. He made a spirited attack upon the attitude of the prosecution toward its witnesses and evidence, describing it as mysterious, unfair and unjust. He asserted that the only question involved was one of fairness and justice to the accused, laid stress upon the difficulty of securing testimony from distant points and the danger to the defense of "surprise" testimony and passionately asserted that the rights of the prisoners were as much in the hands of the prosecution as in the keeping of the defense.

### Ready as Circumstances Allow.

In answer to Judge Wood, Mr. Darrow said that the defense was not ready to go to trial, but Mr. Richardson in-



W. D. Haywood, Secretary of Western Federation of Miners, West Trial for Murder of Steunenberg Begins Thursday.

terrupted him to make the qualification that the defense was as ready as it ever could be in the circumstances where the case of the state was withheld from it. He said that in all other respects the defense was ready.

Mr. Richardson, responding in brief to the argument of Mr. Borah, said that the counsel for the state made no distinction in his arguments between the overt acts which the state would seek to show against the prisoners and the evidence by which it would seek to show the commission of the alleged overt acts. The defense wished to know what the overt acts were.

Mr. Borah closed the discussion with a spirited speech in which he defended saying: "You know, Mr. Richardson, that the loss of two in Colorado yesterday, dis-avowed a desire for any man's blood unjustly and avowed the purpose of the state to do its duty."

### What Overt Acts Are Charged.

The motion for the bill of particulars recites the absence of the defendant from Idaho at the time the crime was committed, and that the indictment contains no information that would show the overt acts by which the state hopes to prove the guilt of the accused.

When counsel had finished reading the motion, Judge Wood interrupted to say: "You know, Mr. Richardson, that our state has no statute providing for a bill of particulars in such cases."

"I know that such is the case," replied Mr. Richardson, "and I also know that the Supreme Court of Idaho has held its attention directed to the subject. Such a motion, however, as your honor well knows, always directs itself to the sound discretion of the court."

Mr. Richardson again drew attention to the absence of Haywood from the state at the time of the murder, and argued that he was entitled to the information sought by the motion. He quoted and explained a number of authorities in support of his contention that under general rules of law the defendants are entitled to have particulars when indictments do not clearly set them forth. The defendants being out of the state at the time of the crime, the prosecution must have evidence to connect them by conspiracy or otherwise with the actual killing. This evidence the defendants were entitled to have in order that they might prepare to meet it.

Mr. Richardson declared that the indictment did not charge either a specific conspiracy or a general conspiracy, and did not show whether it was alleged that the defendants had conspired to murder only Governor Steunenberg, or to murder a number of persons. The accused, he said, was therefore left in the dark by the indictment.

The list of precedents and authorities quoted scores of cases, including the famous cases of Tilton vs. Beecher, the People of New York vs. Tweed, and the Chicago anarchist cases. Mr. Richardson reviewed the only Idaho precedent, and contended as to the time of making the motion that it was proper at any day before the trial. The court asked if the case had not been ready for trial for about a year. Mr. Richardson replied that nearly a year ago the defense had demanded trial.

Mr. Richardson, after a pause, said that Haywood had drawn his attention to the fact that last year the defense had been peremptorily refused permission to file any pleading because of the appeal to the Supreme Court of the United States pending.

## EVERY SECTION SAYS ROOSEVELT

### Leading Men Declare for Third Term.

### NATION DEMANDS RE-ELECTION

### All Call on President to Withdraw Refusal.

### PACIFIC COAST UNANIMOUS

### North, South, East and West Speak in Most Emphatic Terms. Fairbanks Cannot Hold Even Indiana Vote.

OREGONIAN NEWS BUREAU, Washington, May 6.—It is an old saying that straws show which way the wind is blowing, and the saying is just as good now as the day it was first uttered. A short time ago Senator Bourne, of Oregon, gave an interview in which he expressed the opinion that the next Republican convention would overwhelmingly declare in favor of the nomination of Theodore Roosevelt, and that the President in the face of that endorsement could not do otherwise than accept the nomination. That started the ball rolling. Since then prominent Republicans from all parts of the country have given interviews in which they express a like opinion. This sentiment is not confined to the West, but seems to prevail in all sections.

Senator La Follette, of Wisconsin, who is supposed to represent the dominant Republican faction of his state, has publicly expressed the opinion that Mr. Roosevelt will be renominated by acclamation. Mr. La Follette is credited with being an advanced thinker, even somewhat inclined at times to Populistic ideas, but no one will question that he has a large following in his own state. If he had not he would never have become a United States Senator. Therefore his opinion is worth something.

### New England and Pennsylvania.

Representative Littlefield, of Maine, who knows considerable about sentiment in New England, in a recent interview said: "I think that Theodore Roosevelt will be nominated by the next Republican convention. Of course, I am judging the situation as it now stands, and there may be a change to events. I am convinced that the President is sincere in his desire to withdraw, but he is not a candidate again, but I believe that he will be the first choice of the Republicans, for he is stronger with the people than he has ever been before."

Senator Penrose, of Pennsylvania, is a machine politician. The death of Senator Quay left him at the head of the Republican organization in Pennsylvania. Mr. Penrose is not a Roosevelt type of man; quite the contrary. But he is an observing politician and he has deemed it necessary, for some reason, to declare that he and Pennsylvania have been, are and will be for Roosevelt and his policies. Mr. Penrose did not make this declaration without cause. It probably is true that he was looking to his own future and desired the support that would come to him from the Roosevelt Republicans

in Pennsylvania, yet at the same time he would never have made such a declaration if he was not satisfied that Mr. Roosevelt might not be re-elected to the Senate unless he was identified with and openly friendly to the President.

### Cummins for Middle West.

Out in the Middle West, Governor Cummins, of Iowa, the representative of a distinctive idea in regard to reform tariff and unquestionably the most powerful Republican in his state, has seen fit to express the following sentiment:

I believe that President Roosevelt's plain duty is to withdraw his former statement and to say that, under the demand now made and the evident state of the public mind, he will accept another nomination. If it is tendered to him with practical unanimity, President Roosevelt should withdraw his statement that he would not accept a re-nomination.

Indiana has been advertised as a solid Fairbanks state. The Fairbanks press bureau is endeavoring to make the public believe that no name is being considered for the Republican Presidential nomination except that of Charles W. Fairbanks. And yet the most influential Congressman from Indiana and the Republican whip in the House of Representatives recently stated in a public interview:

I have always believed that the Republican nominee next year would be either Fairbanks or Roosevelt. If the President is willing to accept the nomination, it is my opinion that he will get it.

### What Tennessee Thinks.

Representative Brownlow, of Tennessee, the recognized head of the Republican organization in that state, is out in an interview in which he says:

I am heartily in favor of the re-nomination of President Roosevelt. I have thought ever since he made the statement, that President Roosevelt made a mistake when he declared that he would not be a candidate and would not accept another nomination. No man ought to declare himself against the wish and will of the people as long as he is able in every way to serve them. He ought to take no position while holding office contrary to the wish and will of the people that he continue to serve them. The popular will, based upon the contention that President Roosevelt is better equipped than ever before for the exalted office which he has honored and adorned, attracting the attention and admiration of the whole world, demands that his services be continued for another term.

### Pacific Northwest Unanimous.

Nor is this all. Interstate Commerce Commissioner Prouty, who has been through the West as far as Portland and Spokane, was interviewed on his return to Washington and said: "It is useless to talk about where the people stand as to second choice. They're for Roosevelt, pretty much regardless of party. Nobody else is talked about."

"Is the sentiment growing stronger, or do you think it is waning?" was asked. "Why, it isn't growing any stronger," Mr. Prouty replied, "simply because everybody feels the same way and what is unanimous can't be much strengthened."

As stated at the outset, these are merely straws to show which way the wind is blowing, but it is important to note that prominent Republicans from different parts of the country are so enthusiastically declaring in favor of compelling the President to accept another nomination. Never before have these declarations been so pronounced and never have they covered such a wide field. The so-called "third-term movement," regardless of what it may result in, is certainly of sufficient importance to merit careful consideration.

### Murderer's Body Is Found.

OAKLAND, Cal., May 6.—The decomposed body of Frank Smith, the slayer of John Marcovich, was found this morning in the estuary. The remains were positively identified by Antonio Ciesak, Marcovich's partner. The body showed that it had lain in the water since about the time of the brutal murder. A bullet hole through the skull indicated that the man had committed suicide.

### May Sutton to Play Sands.

NEW YORK, May 6.—Miss May Sutton will meet Charles E. Sands, the court tennis champion of 1905, in a match at the St. Nicholas rink on Wednesday next.

## FEAR OF CONFLICT HANGS OVER CITY

### Violence Sure in San Francisco Strike.

### MILITARY FORCES ARE READY

### United Railways May Huddle Under Eagle's Wing.

### BY ASKING FOR INJUNCTION

### Cars to Be Run by Strikebreakers, All Efforts at Conciliation Failing—Federal Troops May Be Called In.

### STRIKEBREAKERS ON WAY.

JERSEY CITY, N. J., May 6.—A Lehigh Valley train of five coaches and a combination car left here at noon today, carrying 250 mechanics, whose destination was said to be San Francisco. The sign "San Francisco Special" was displayed at the end of the train.

### SAN FRANCISCO, May 6.—(Special.)

An air of nervous expectancy hangs over the city of San Francisco tonight. It is such a quiet, suppressed sentiment as bespeaks approaching conflict. The situation is serious with a gravity born of uncertainty. At daylight the United Railroads propose to resume the operation of its lines with nonunion men. Two thousand union men are on strike, and while neither side will discuss the possibility of violence, the situation has been carefully canvassed by the police, the militia and the officers of the regular army.

Patrick Cathoun, president of the United Railroads, has announced that he has severed for all time his relations with the union. He gave today as a day of grace in the hope that a peaceful settlement would be forthcoming, but tonight both sides stand firm. All efforts to adjust the difficulty came to naught.

There is a settled feeling in the city that the cars cannot be operated without violence of some sort. Wherever the subject was discussed, the opinion was expressed that trouble was inevitable. While still hoping that no outbreak will attend the running of the cars, the authorities have made preparations for any emergency. General Funston arrived tonight and assumed command of the Department of California. The militia armories are being guarded tonight and the police force has been given emergency orders.

The situation is complicated by the telephone strike and the vast industrial army made idle through the ironworkers' strike. Among the unions the feeling prevails that the defeat of the carmen would be the heaviest blow unionism could receive. Reports are current that, if trouble attends the attempt of Mr. Cathoun to run the cars, he will force the issue upon the Government, either through a request for a receiver or through injunction proceedings in the Federal court. Should the carmen disregard a Federal injunction not to interfere with the property of the company, it would devolve upon the United States

Marshal to preserve order and, should he be unable to handle the situation, an immediate appeal would be made to Washington.

At the Presidio and at posts about the city are 2400 men. At Monterey, 100 miles down the coast, are nearly 1000 more. "The forces at hand are ample to cope with any emergency that may arise," said Colonel John A. Lundeen, in command of the forces at the Presidio, "but we do not anticipate trouble, and therefore have made no preparations to meet it."

While this is the strain in which all the officers speak, it is known that the situation has been thoroughly canvassed. "We could send our troops into town at a moment's notice," said Colonel Lundeen, "but we have made no unusual preparations. We are always ready." The local papers will comment tomorrow on the steps to be taken in case of an outbreak. Governor Gillett is in Los Angeles and is keeping informed as to the strike situation by wire.

### NEITHER PARTY WILL YIELD

### Cars Run With Strikebreakers Today—Warship Contract Awarded

SAN FRANCISCO, May 6.—The day passed quietly and there was practically



Ellen Terry, the Famous Actress, Who Has Just Taken Another Husband.

no change in either the carmen's, ironworkers' or telephone strike. Two or three cars hauling provision and other commissary supplies between the car barns were run over some of the lines of the United Railroads. Beyond hooting and jeering along the routes traveled by the cars, no demonstration was made. It is pretty generally understood that the first attempt to run cars will be made tomorrow. The company, it is said, has about 500 strikebreakers ready to take out cars. Mayor Schmitz has issued a statement that he will not place policemen on the cars and that the police will be used only to preserve and maintain order.

The Civic League has been indefatigable in its effort to settle the streetcar and telephone strikes and was busy until nearly midnight tonight endeavoring to bring President Cornelius, of the carmen, and President Cathoun, of the United Railroads, together. It met with no encouragement.

The telephone service was much improved today. The linemen served notice on President Scott today that until the Telephone Operators' Union is recognized by the company the linemen will go out in sympathy with the girls. A meeting between the linemen and Mr. Scott was arranged for tomorrow afternoon.

### Government to Finish Cruiser.

As a result of the ironworkers' strike, the cruiser California, now on the ways at the Union Ironworks, will be finished by the Government. The Union Ironworks

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### The Weather.

YESTERDAY'S—Maximum temperature, 58 degrees. Minimum, 47. TODAY'S—Fair and warmer; westerly wind.

### Foreign.

France and Japan agree on affairs of Orient, isolating Germany. Page 2. Mexico presses demand on Guatemala, but will not make war. Page 2. Mistake in date of expected arrival of Spanish baby Prince. Page 3.

### National.

Secretary Garfield's methods in handling Idaho irrigation case. Page 4. Demand for Roosevelt's re-election comes from all sections. Page 1. Scheme of Roosevelt's enemies to boom Hughes against him. Page 3.

### Domestic.

Haskell on training of American children. Page 6. Death of John Watson (Jan MacLaren). Page 7. Ellen Terry marries Chicago actor. Page 4. Tornados in Texas and Indian Territory destroy many lives, houses and crops. Page 3. One of Navy boiler-tube swindlers turns state's evidence. Page 2. Tuberculosis convention in Washington. Page 2. Lovelockers in Indian Territory arrested. Page 12.

### Sport.

Pink Star wins Kentucky Derby. Page 1. Scandal will grow out of charges against Harraby. Page 7.

### Pacific Coast.

Strikebreakers will run San Francisco cars today, and violence is expected. Page 1. Dissension over Haywood's lawyers. Application for bill of particulars. Page 1. Help to \$1,000,000 discount claim for \$90,000. Page 4. Shriners have gala time in Los Angeles. Page 2. Portland and Vicinity.

Scattering votes place five Republicans on Democratic ticket. Page 10. Meeting called to plan Fourth of July celebration. Page 11. Judge Clark declines few members of venire from jury service. Page 12. East Side residents protest proposed site of garbage crematory. Page 13. Narrow escape from suffocation in East Side fire. Page 20. Political clubs unite to indorse party nominee. Page 19. Cruel law severs juvenile would-be stoppers. Page 15. Laborers employed in Portland & Seattle out on Peninsula strike for better food. Page 2. Commercial and Marine. Local wheat market very strong. Eastern crop reports conflicting. Page 19. Stock market depressed by crop reports. Page 10.

## HEARTY GREETINGS TO BUSINESS MEN

### Portland Party Enjoys Trip Up River.

### RECEPTION IN THE DALLES

### Tom Richardson Passes Compliment to Pretty Women.

### EAT HOOD RIVER APPLES

### Everywhere a Cordial Welcome Is Extended to the Visitors—People of Oregon Towns Take Pride in Exhibiting Resources.

### WHERE STOPS WERE MADE.

THE DALLES, Or., May 6.—(Special.)—Places visited Monday—Fairview, Troutdale, Bridal Veil, Cascade Locks, Hood River, The Dalles. To be visited Tuesday—Elgin, Imbler, Alsea, La Grande, Hot Lake, Union, North Powder, Haines, Baker City.

THE DALLES, Or., May 6.—(Staff Correspondence.)—Cordially received by residents of all the towns visited today, the 75 members of the Portland business men's party boarded their train tonight at 11 o'clock, after having been entertained royally by the citizens of The Dalles. Tomorrow they will wake up at Elgin, where they are scheduled to arrive at 7 in the morning.

This has been a day full of events, pleasure and information for the Portland men. The weather has been clear all along the route, and though haze has blurred the distant scenery somewhat, and the wind blew strongly, the day has been very close to perfect.

Three hours at Hood River and seven hours at The Dalles gave opportunity to the citizens of those places to bestow hospitality. The greetings were probably the most cordial that have ever been bestowed upon a party of Portlanders.

### Reception at The Dalles.

The climax of the day was the reception by the men and women of The Dalles tonight at the Commercial Club. Good addresses were made extemporaneously by State Senator Wheeland, Mayor J. L. Kelly and Judge A. E. Lake on behalf of The Dalles and Tom Richardson on behalf of Portland and by Senator C. W. Fulton. Between the addresses were vocal numbers by Mrs. A. C. Strange, soloist, and Mrs. Harry Taylor, Mrs. Carlton Williams, Mrs. B. S. Huntington and Mrs. J. Sinnott, quartet.

Tom Richardson paid a compliment to Columbia River scenery and The Dalles women by saying that scenery of the St. Lawrence and the Hudson, compared with that of the Columbia, is like a pale old maid of New England beside the women of The Dalles.

On arriving at this city, shortly before 6 o'clock, the visitors were met by a committee of the Business Men's Association, headed by Mayor Kelly. Buggies then conveyed them through the city and up the ridge south of the city to an elevation of some 500 feet, where they had a very fine view of the Columbia Gorge, the mountains and the farm lands.

### Greeted by Braying Jackass.

After leaving Portland the party called first on the citizens of Fairview. Foremost among them was H. C. Campbell, well known in Portland, accompanied by a ponderous Belgian stallion weighing, he said, 3000 pounds. Approaching in a distance was another stallion, which Mr. Campbell said also belonged to his stock farm near by.

"But," he said, "just wait until you see one of my jackasses." Very soon up came a jackass, which he said was a member of the highest nobility of its race. It began to bray and its voice, its remarks were not fully understood, but Samuel Connell, chairman of the party, called upon F. E. Manchester, to whom the ass appeared to be directing his remarks, and a response. But that gentleman, overcome by the eloquence of the animal, declared he could make no fitting reply and threw up his hands.

### Fairview Wants a Dairy.

The party was welcomed to Fairview by C. E. Crandall, pastor of the Methodist Church of that place. H. H. Moore, president of the Oregon Trust & Savings Bank, responded in behalf of the visitors. Mr. Crandall said that Fairview has about 250 cowboys of potatoes every year, and that within a radius of several miles are 3000 milk cows. "We are looking for somebody to start a creamery," said he, "and we hope, if you see the right man, you will send him this way."

Chairman Connell, of the Portland party, presented Mr. Moore, who said in response that communities like Fairview are the backbone of Portland. Very soon he declared, Fairview would be a suburb of Portland. "What we want to see," he remarked, "is 1000 families within a radius of 15 or 20 miles of Portland. We feel that you residents of Fairview are our close neighbors."

### View Troutdale Packing Plant.

A stop of 20 minutes at Troutdale enabled the visitors to inspect the plant of the Union Meat Company, where a large part of Portland's meat is slaughtered. Half the visitors turned back, however, at seeing the flow of blood, saying "That's enough for me." They refused to slaughter in an important part of the livestock industry, which is one of the chief assets of the Pacific Northwest. But

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