

STORM IS RAISED BY INTERVIEWS

Judge Wood May Cite Governor Gooding,

FOR LETTING ORCHARD TALK

Haywood Lawyers Charge Plan to Influence Jury.

BORAH STRIKES AT DEFENSE

Accuses Federation's Counsel of Maintaining Newspapers to Prejudice—Attempt to Escape the New Jury Law Falls.

BOISE, Idaho, May 17.—(Special.)—Judge Wood touched off some fireworks this morning just at the opening of court, and it became necessary to ask all prospective jurors to leave the room while the display continued. It was all over reports published in the morning paper of the newspaper men's interview with Harry Orchard the day before. The Statesman published the story sent out by the Associated Press, one from its own representative, and two signed statements from visiting newspaper men.

Judge Wood called attention to the publications immediately upon ascending the bench. All were surprised. When the judge had concluded, Mr. Hawley spoke. Then Mr. Richardson said he would like to say what he thought of it, but was restrained by the presence of talesmen. These were excused and then the whole matter was aired for an hour. The judge finally directed the County Attorney to look the matter up and see what, if anything, could be done. During the progress of the discussion he said there was a plain remedy, if it was the intention to prejudice jurors, but that he would cite all concerned for contempt if he thought that was the purpose.

Associated Press Impartial. Just why the judge called attention to the publications is not known, but the impression prevails that he felt it wise to do so and not wait for the matter to be brought up by the defense.

An interesting side issue was raised between Mr. Richardson and J. R. Kennedy, in charge of Associated Press interests. Mr. Richardson stated that the Governor had taken the Associated Press and those willing to color the news to see Orchard, this language being subject to the inference that he included the Associated Press in that category. Mr. Kennedy called him to account for it afterward and the matter does not seem to be entirely settled yet.

The Associated Press, Mr. Kennedy pointed out, had carried everything the defense had been willing to give for publication, and he did not think the attorney was justified in making a public charge of unfairness.

Equal Number of Challenges. Another interesting feature of the proceedings of the day was the raising of the question of the application of the law of the last session, giving the prosecution the same number of peremptory challenges as the defense in criminal cases, 10 each. Mr. Richardson charged that the act was passed for the purpose of this case and that met with a prompt denial. The bill was drafted for the annual meeting of county attorneys held here in January, while the Legislature was in session. It passed both houses unanimously and without more than formal discussion. Judge Wood held today it was not ex post facto and governed in this case, hence the state will be able to challenge as many jurors peremptorily as the defense.

ARGUMENT ABOUT INTERVIEWS

Prosecuting Attorney Ordered to Investigate Question of Contempt.

BOISE, Idaho, May 17.—Judge Fremont Wood, who is presiding at the Stouenberg murder trial, today directed the prosecuting attorney of Ada County to make an investigation of the circumstances under which Harry Orchard was interviewed for publication yesterday and to take any legal steps that his inquiry showed to be warranted. Judge Wood drew attention to the publication of the interviews when he ascended the bench this morning and his request of counsel for advice as to the manner in which the court should deal with the incident and called forth from the defense the charge that Governor Gooding and certain newspapers, moved by the disclosure that had sought to influence the jury by an attempt to bolster up the evidence that may be given to Orchard's story and the suggestion that the Governor be cited for contempt.

State Makes Counter-Charge. Counsel for the prosecution defended the Governor and the newspapers included within the charges, and showed that the applications for the interview with Orchard had been made weeks before the examination of talesmen disclosed the prejudice against him. They have shown that, while some of the

talesmen were entering the court this morning, men indirectly connected with the defense had made remarks within their hearing that were calculated to influence them, and this affair is also to be made the subject of inquiry by the County Prosecuting Attorney. In calling attention to the Orchard interviews, Judge Wood said that perhaps their publication was not an attempt to influence the jury, but as it was calculated to influence jurors, he felt that something must be done to prevent a recurrence of such a thing in order to secure a jury. James H. Hawley, for the state, expressed his regret at the publication of the interviews with Orchard and disclaimed responsibility for them. The court drew attention to the utterances of the Governor in connection with the statement that Orchard is not to have immunity for his confession and, at a suggestion from Mr. Richardson that the defense could not speak freely in the presence of the jury, requested all talesmen to leave the room for an hour.

Richardson Accuses Gooding. Mr. Richardson first exonerated the prosecution from all connection with the incident and then said: For a period of more than 15 months the Orchard case has been incarcerated in the penitentiary in this state and secluded from all observers as far as possible and guarded in every possible way to prevent any communication with the outside. It occurred in connection with the examination of one of the jurors yesterday that there was some question as to the amount of evidence which should be placed upon the jury. It is not the policy of this state, who has done things which have been questioned throughout the entire United States, to put the civilized world, having the supreme charge of the penitentiary of this state, and his appointees, Warden Whitley, who has at all times been subservient and agreeable adviser and aids in all that he has done, the Associated Press representatives and that particular portion of the newspaper fraternity who are reporting this case agreeably and cordially upon the side of the prosecution to the penitentiary yesterday to interview Harry Orchard. It is patent to the fact that they have done it was done for the express purpose of influencing these jurors, for the purpose of establishing the Orchard case as a precedent or giving him credibility in the eyes of this jury and in the eyes of the world, and it was not entirely patent to the whole civilized world before that the Governor of this state intended that we should have a fair trial for these defendants here. It is certainly patent at this time.

Aim to Influence Case. Mr. Darrow, who followed Mr. Richardson, said in part: Of course there can be but one purpose in the mind of the Governor and his friend, Mr. Orchard, and that was to influence this case at this time. It seems to me that the effort to give the defense more publicity than it is entitled to, and the disclosure made by the examination of various papers as to what they thought of Orchard and his confession and that, in view of this, they have permitted the newspapers to tell about looking on the subjects he has been reading in the face of his whole attitude of mind for his whole life, and to invent what he has said, or something which must appear to every intelligent man as being absolutely untrue, that is making absolutely untrue a defense, and scattering that broadcast at this time, when we have not 12 men in the box and 50 veniremen unexamined.

Why Orchard Was Interviewed. The court interrupted to send for the prosecuting attorney and, when Mr. Darrow resumed, he suggested that the Governor be called before the court. Mr. Hawley said that he had just finished reading the interview and suggested that possibly both the defense and the court were under a misapprehension. He defended the Boise papers and told of the constant circulation throughout the county of papers in the interest of the defense, which had maligned the prosecution, sought to create a false impression as to the motive of the prosecution and to misstate what purported to be the evidence in the case. He said that the condition of Orchard had been absolutely misstated and misunderstood. He continued: If, in taking this matter up, if, in seeing this witness, the representatives of the Associated Press have been permitted to see this man, and, without conversation with him, except in regard to his health, have taken that which is in excess pressed throughout the country to know in regard to his condition, would be unable to see how that in the slightest degree would prejudice the cause of the defense. I am frankly of opinion that I do not believe that the authorized representatives of the Associated Press, in seeing this man and publishing anything in regard to his physical or mental condition, would place themselves in a position where they were influencing public opinion upon the part of the jurors or other persons, can, in any expression of that kind could militate to the slightest extent against the defense.

Mr. Hawley took the same ground as to the other correspondents who saw Orchard yesterday, and declared that he did not believe that the Governor was seeking in any way to create prejudice. He said that the matter operated against the prosecution rather than the defense. Aim to Disprove Falshood. Senator Borah said that he could entirely disprove the minds of counsel for the defense of the impression that the interview with Orchard arose from anything that had occurred in court. He said: When these newspaper men came here and they are among the first newspaper men in the United States—the papers have evidently selected the first men that they have upon their staffs to represent them here in this case—the first earnest solicitation upon their part almost universally was to see Orchard, and that has been the matter which the newspaper men have had a desire to handle from the time they arrived until the opportunity was presented yesterday. And a discussion of this matter with reference to seeing Orchard, in view of the stories which have been sent out from here—not without purpose, either—that he was in certain conditions, been going on constantly and long prior to any discussion of it here in the court.

Gooding's Right to Act. Mr. Borah said that he declined to submit to the proposition that the newspaper had interviewed Orchard for the purpose of influencing the jury. He said they could not control the newspaper situation, he would not ask the defense to publish their articles to suit the prosecution and he was not going to undertake to control the situation. He instanced the fair attitude of the Idaho Statesman, the morning newspaper at Boise, in refusing to publish the Chicago story dealing with the allegation that Charles Moyer had once been in the

actual income and disbursements during said 14 years, and my examination of her books and accounts showing the same, and lists of her securities examined by me from time to time, I can confidently state that no money or securities have been wrongfully misappropriated or diverted from Mrs. Eddy's property by Calvin A. Frye, Alfred Farlow, Irving C. Tomlinson, Ira O. Knapp, William B. Johnson, Stephen A. Chase, Joseph Armstrong, Edward A. Kimball, Hermann S. Herling, Lewis C. Strang or by anybody else. Exonerates Nine Defendants. "I also have reason to believe and do believe that, except Mr. Frye, none of said ten men has ever had anything to do with the management, control or disposition of any of Mrs. Eddy's income or securities or other property, or information about the same, except in the most general way, and that

WEALTH ACQUIRED BY MOTHER EDDY

Nearly \$1,000,000 Besides Real Estate.

NO MONEY WRONGLY TAKEN

Secretary and Accountant Say Frye Innocent.

ALSO OTHERS ACCUSED

Mrs. Eddy Declared to Have Read Trust Deed Before Signing It. Nine of Defendants Ignorant of Her Affairs.

CONCORD, N. H., May 17.—(Special.)—Two affidavits were filed by the defense in the suit of the Rev. Mary Baker G. Eddy by her next friend, vs. Calvin A. Frye and others, which for the first time disclose to the world an idea of the wealth of the founder and leader of Christian Science, which will easily reach \$1,000,000. The first of these affidavits is made by Fred N. Ladd, Mrs. Eddy's private secretary, who avers that on March 8 he turned over to the trustees under the deed of trust executed that day bonds of the par value of \$38,770; a promissory note of \$9,000, with some interest due; and three savings bank books on which was due \$264.64. The value of the real estate holdings is not touched upon.

Mrs. Eddy Read Trust Deed. The second is by Harvey D. Chase, an expert accountant, of Boston, who was engaged to make an examination of the accounts kept by Calvin A. Frye and which also verifies Mr. Ladd's figures. In his affidavit Mr. Ladd, after detailing his duties as auditor of Mr. Frye's accounts and as Mrs. Eddy's financial agent, says: "I was present at the execution of the trust deed by her to Mr. Baker, Mr. McLellan and Mr. Fernald. Mrs. Eddy greeted us most cordially. There was some general talk and then Mrs. Eddy proceeded to read the deed aloud, word for word, from the beginning to the end, and her manner of reading showed that she thoroughly understood all its provisions. During the reading she paused from time to time and made comments on certain of the provisions and expressed her views.

"After she had finished reading she made the remark, in substance, that she understood she was putting all her property out of her hands, and then said, 'I will sign that.' "From my knowledge of Mrs. Eddy's

MAYOR SCHMITZ NERVOUS WRECK

Held Back From Confession by Lawyers

FAMILY ALSO RESTRAINS HIM

Says Ruef's Charge of Bribe-Taking Is False.

ANOTHER DEAL REVEALED

Ruef Tells Grand Jury How Parkside Company Paid for Franchise It Never Got—Ruef May Return Plunder.

SAN FRANCISCO, May 17.—(Special.)—Mayor Schmitz is on the point of a nervous collapse. He recognizes that the end is at hand. Ruef has already exposed his part in the trolley bribery and the Parkside deal and in the next few days will continue the exposure, showing how the Mayor figured in every corrupt deal put through during his administration. The Mayor realizes that two courses are open to him. He can either confess or hold out for a few weeks, when he will be tried, convicted and sent to the penitentiary. At present the Mayor is hesitating between the two courses. Two of his attorneys want him to fight it out, and the third has urged him to confess.

Family Opposes Confession. The members of the Schmitz family have taken a firm stand against a confession, because of the lasting disgrace. They figure that even after conviction he can take the stand that Ruef really was responsible for the corruption and forced the Mayor into it. Schmitz today is almost as much a nervous wreck as Ruef. When he speaks in more conversation his hands wander nervously over his writing desk. He looks pale and drawn.

Although he has denied himself to all newspaper men ever since the graft prosecution was instituted, he consented today to make a statement to your correspondent. "I have read the statements attributed to Ruef," said the Mayor, "in which Ruef says that he paid me \$55,000 for signing the overhead trolley franchise. I can say to you that if Ruef said that, he lied. He never paid me a cent of bribe money. I don't know what Ruef did. I am not his keeper. If he has anything to confess, let him confess it. "It is true that I have agreed to abide by the decision of the committee of seven

E. H. CONGER NEAR DEATH Ex-Minister to China Cannot Survive Night. PASADENA, Cal., May 17.—Late tonight it was reported from the bedside of E. H. Conger that death might occur at any hour during the night and that the former Minister to China will probably die before morning. Shortly before 9 o'clock Mr. Conger had a severe sinking spell, and the watchers were convinced that the end was at hand. To the surprise of the physicians, however, the patient rallied somewhat, although very slightly. Ratifies Stephenson's Election. MADISON, Wis., May 17.—The nomination of Isaac Stephenson by the Republican caucus last night as United States Senator, was today formally ratified in joint assembly. Mr. Stephenson received 57 votes.



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which I have appointed. This committee will make certain recommendations for the good of the city, and I have pledged myself to abide by the decisions of the committee. I have not abdicated and I do not intend to resign. I have not given the power to this committee because I feared the District Attorney, but only because I believed the city was in a crisis as great as the one occasioned by the fire and earthquake. The industrial troubles and other matters had made the situation exceedingly grave and I desired to get the aid and assistance of the substantial men of the city. That is all there was to it."

Ruef and Schmitz Hate Each Other. Although the Mayor puts on a brave front, his entire manner depicted the dread that fills his mind. The words of Ruef, "I will tell all," ring prominently in his ears. The hatred of Ruef and Schmitz today is greater than ever was their friendship. "Why should I protect Schmitz?" asked Ruef. "What has he ever done for me? He has deserted me in time of need. I shall tell everything and will not shield the Mayor."

When Schmitz was informed that Ruef had told a newspaper man that he was as great a criminal as the worst member of the Board of Supervisors, Schmitz flew into a towering rage. "Who would believe that convict?" he shouted. "He lies."

Seeks Terms for Confession. George Keane, formerly secretary to Mayor Schmitz and Ruef's representative in the State Senate, is the only politician who still enjoys the confidence of both Ruef and Schmitz. Keane was in conference with Schmitz for more than an hour today, and later visited Ruef. It may be positively stated that Keane will endeavor to learn the best terms Schmitz can secure for a confession. It may also be stated that the best that Schmitz can get is a modification of his sentence. Had he confessed before Ruef, he might even have been granted immunity, but now he must go to prison. Schmitz will appear in court on Monday, when the first case against him, that of extortion in connection with the French restaurants, will be called against him. Although his attorneys announced today that he would be ready to face his accusers on Monday, the impression prevails in well-informed circles that Schmitz will confess before the trial comes to an end.

TRY TO PULL DOWN SCHMITZ Schmitz Wants His Abdication, but He Holds Fort. SAN FRANCISCO, May 17.—Interest was divided today between the appearance of Abraham Ruef, late political "boss" of the city, before the grand jury which is investigating charges of political corruption, and the many reports of an imminent change in the municipal administration. An earnest effort is being made to find the solution of an unusual situation, but no plan has yet been evolved that is satisfactory to all political interests. A committee of seven prominent business men called upon Prosecuting Attorney Langdon and others who are conducting the "graft" prosecution with a view to forcing the Board of Supervisors to resign in order that Mayor Schmitz may appoint a new board, which in turn would elect a successor to Schmitz. The plan was not acceptable to the

(Continued on Page 3.)

CONTENTS TODAY'S PAPER

- The Weather. YESTERDAY'S—Maximum temperature, 81 degrees; minimum, 50. TODAY'S—Showers; westerly winds. San Francisco Graft. Schmitz on verge of nervous collapse and may yet confess. Page 1. Ruef testifies about Parkside traction graft. Page 1. Schmitz refuses to resign and denies Ruef's charges. Page 1. Calhoun denies United Railroads bribery and says prosecution is inspired by rival company. Page 2. Foreign. Two plots against Caesar discovered. Page 2. Heat, individually. In the absence from the city of both Mr. Wilcox and Mr. Ganong, it was impossible last night to confirm the report of the sale, the other officers in charge of the company's affairs here having no knowledge of the transaction. Old Company Formed in 1883. The history of the Portland Flouring Mills Company under the ownership and management of the Ladds and Mr. Wilcox dates from 1883, when, following a most discouraging year in the history of the flouring mill industry, many of the mills found themselves practically bankrupt. During the year mentioned the late W. S. Ladd purchased the largest flouring mill then in the state, located at Albina, and he followed this purchase up by making arrangements for buying other big mills located at Oregon City, Salem and at Dayton, Wash., and for erecting the largest flouring mill on Puget Sound at Tacoma. Early in the '80's the Portland Flouring Mills Company was organized and since that time the other mills in the two states have been built. The company has a large export trade, shipping principally to England, China and Japan from its docks both in this city and from Tacoma. MORGAN PIERS ARE BURNED Southern Pacific Suffers Heavy Loss in New York City. NEW YORK, May 17.—Fire tonight destroyed the piers of the Morgan line, owned by the Southern Pacific Railway Company, on the Hudson River at the foot of Canal street, Manhattan. A large quantity of freight stored on the pier and in the sheds was destroyed and several ships which were berthed there narrowly escaped. The loss will reach \$500,000. Henry Whelan, Jr., New York. PHILADELPHIA, May 17.—Henry Whelan, Jr., a well-known society man and banker, died at his home at Devon, a suburb, tonight, from pneumonia. He was the father of Mrs. Robert Goetz, of New York.

